

WIPO



PCT/A/VI/5

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

ASSEMBLY Sixth Session (4th Extraordinary) Geneva, September 22 to 26, 1980

REPORT

Adopted by the Assembly

Opening of the Session

1. See the General Report, Chapter I (document AB/XI/9).

Agenda

2. See the General Report, Chapter II (document AB/XI/9).

PCT Regulations

3. Discussions were based on documents PCT/A/VI/2 and 2.Corr.
4. The Assembly, having noted its decision taken at its fifth session (third extraordinary) held in Geneva, from June 9 to 16, 1980, to adopt at its present session the amendments to Rule 22.3 considered at the said fifth session, adopted the amendment to paragraph (a) of the said Rule contained in the Annex to document PCT/A/VI/2, as modified by document PCT/A/VI/2.Corr., and deleted paragraph (b) of the said Rule. The amendments and deletion appear in the Annex to this Report.
5. The Assembly, taking into account the conclusion reached at the said fifth session as to the need to amend Rule 22.2(e) as a consequence of the amendment of Rule 22.3(a), adopted

the amendment to Rule 22.2(e) contained in the Annex to document PCT/A/VI/2. The amendment appears in the Annex to this Report.

6. The Assembly, noting the views expressed at its said fifth session as to the desirability of ensuring that Rule 82 would apply to mailings by a national Office or intergovernmental organization and, in particular, to the transmittal of the record copy by the receiving Office and taking into account the interpretation which should be given to Rules 82.1(a) and 82.2(a) (following upon the deletion of Rule 22.3(b) and the references thereto in Rules 82.1(a) and 82.2(a) as set out in paragraphs 7 and 8 of document PCT/A/VI/2, adopted the amendments to the said Rules contained in the Annex to the said document. The amendments appear in the Annex to this Report.

7. The Assembly decided that the amendments and the deletion, referred to in paragraphs 4 to 6, above, shall enter into effect on January 1, 1981.

8. Furthermore, the Assembly, having endorsed the interpretation given by the International Bureau to Rule 80.6(b) adopted by the Assembly at its said fifth session, as set out in paragraph 11 of document PCT/A/VI/2, amended the first sentence thereof, with a view to avoiding doubts as to its effect, by adding the words "the second sentence of" before the reference therein to "paragraph (a)." The Assembly decided that the said amendment should enter into effect on the same day as the said Rule 80.6(b), namely, October 1, 1980. The amendment appears in the Annex to this Report.

9. Finally, the Assembly, having regard to its decision referred to in paragraph 19(v) of document AB/XI/9 to fix new amounts for *inter alia* the fees contained in the Schedule of Fees annexed to the Regulations, replaced, with effect on and from January 1, 1981, the said Schedule by the Schedule of Fees contained in the Annex to this Report.

Financial Matters

10. See the General Report, Chapter VI (document AB/XI/9).

"PCT International Meeting"

11. Discussions were based on document PCT/A/VI/3 and an oral declaration by the Delegation of Japan according to which Japan would, in the event of a decision being made deciding to hold the proposed meeting in Tokyo, bear the local costs associated with its organization and the costs of simultaneous interpretation in the English and French languages.

12. Several Delegations expressed their gratitude to the Government of Japan for its initiative in proposing the meeting and for offering to act as its host.

13. The Director General thanked the Government of Japan for this welcome initiative and said that it was highly desirable to have this meeting in Tokyo and that, thanks to the generous offer of the host Government, the meeting would not cause significant expenses for WIPO.

14. The Assembly having noted that the proposed meeting, which would be concerned mainly with questions affecting the activities of the International Searching and International Preliminary Examining Authorities, would derive benefit from being hosted by an Office appointed to act in that capacity by the Assembly, accepted with thanks the offer of the

Government of Japan for the hosting of the meeting by the Japanese Patent Office and decided to hold the meeting in Tokyo in the second half of 1981.

Proposal to Amend Rule 72.1(a)

15. The Assembly took note of a request made by the Delegation of Brazil, supported by the Delegation of Portugal, that Rule 72.1(a) be amended to include a reference to the Portuguese language. The Delegation of Brazil informed the meeting of an opinion on the requirements of the Brazilian Legal Code with regard to documents intended to have a legal effect in Brazil which had been given by the Legal Advisor to the national Office of Brazil. The Assembly decided that the question be included on the agenda of its next extraordinary session in 1981.

Adoption of the Report of the Session

16. This report was unanimously adopted on September 26, 1980.

[The Annex follows]

Rule 22
Transmittal of the Record Copy

22.1 [No change]

22.2 Alternative Procedure

(a) [No change]

(b) [No change]

(c) [No change]

(d) [No change]

(e) Where the receiving Office does not hold the record copy at the disposal of the applicant by the date fixed in paragraph (d), or where, after having asked for the record copy to be mailed to him, the applicant has not received that copy at least 10 days before the expiration of 13 months from the priority date, the applicant may transmit a copy of his international application to the International Bureau. This copy (“provisional record copy”) shall be replaced by the record copy or, if the record copy has been lost, by a substitute record copy certified by the receiving Office on the basis of the home copy, as soon as practicable and, in any case, before the expiration of 15 months from the priority date.

22.3 Time Limit under Article 12(3)

(a) The time limit referred to in Article 12(3) shall be:

(i) where the procedure under Rule 22.1 or Rule 22.2(c) applies, 15 months from the priority date;

(ii) where the procedure under Rule 22.2(d) applies, 14 months from the priority date, except that, where a provisional record copy is filed under Rule 22.2(e), it shall be 14 months from the priority date for the filing of the provisional record copy, and 15 months from the priority date for the filing of the record copy.

(b) [Deleted]

22.4 [No change]

22.5 [No change]

Rule 80
Computation of Time Limits

80.1 [No change]

80.2 [No change]

80.3 [No change]

80.4 [No change]

80.5 [No change]

80.6 Date of Documents

(a) [No change]

(b) Any receiving Office may exclude the application of the second sentence of paragraph (a) by a written notification to that effect given to the International Bureau by September 1, 1980. Such notification may be withdrawn at any time. The International Bureau shall publish all such notifications and withdrawals in the Gazette.

80.7 [No change]

Rule 82
Irregularities in the Mail Service

82.1 Delay or Loss in Mail

(a) Any interested party may offer evidence that he has mailed the document or letter 5 days prior to the expiration of the time limit. Except in cases where surface mail normally arrives at its destination within 2 days of mailing or where no airmail service is available, such evidence may be offered only if the mailing was by airmail. In any case, evidence may be offered only if the mailing was by mail registered by the postal authorities.

(b) [No change]

(c) [No change]

82.2 Interruption in the Mail Service

(a) Any interested party may offer evidence that on any of the 10 days preceding the day of expiration of the time limit the postal service was interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, in the locality where the interested party resides or has his place of business or is staying.

(b) [No change]

Schedule of Fees

<u>Fees</u>	<u>Amounts</u>
1. Basic Fee: (Rule 15.2(a)) if the international application contains not more than 30 sheets	432 Swiss francs
if the international application contains more than 30 sheets	432 Swiss francs plus 8 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2(a))	104 Swiss francs
3. Handling Fee: (Rule 57.2(a))	133 Swiss francs
4. Supplement to the Handling Fee: (Rule 57.2(b))	133 Swiss francs
<u>Surcharges</u>	
5. Surcharge for late payment: (Rule 16 <i>bis</i> .2(a))	Minimum: 200 Swiss francs Maximum: 500 Swiss francs

[End of Annex
and of document]