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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

ASSEMBLY

Seventh Session (5th Extraordinary)*
Geneva, June 29 to July 3, 1981

AMENDMENT OF RULE 34 OF THE PCT REGULATIONS

Proposal submitted by the USSR State Committee for Inventions and Discoveries

1. The International Bureau has received from the USSR State Committee for Inventions and Discoveries (“State Committee”) a proposal to amend Rule 34.1(c) (vi) according to which that Rule would read as follows:

“(vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French or German language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority and also provided that these documents are classified according to the International Patent Classification”.

* *Editor’s Note:* This electronic document has been created from the paper original and may contain errors. Please bring any such errors to the attention of the PCT Legal Division by e-mail at pct.legal@wipo.int

2. According to the communication from the State Committee (set out in the Annex to this document), the International Searching and Preliminary Examining Authorities have been notified previously of the proposal by the State Committee since the State Committee will only proceed with the proposal if none of the International Searching and Preliminary Examining Authorities signifies that it objects to the proposal. In this regard, it is to be noted that Rule 34 is one of the provisions of the PCT Regulations which, according to Rule 88.3, may be amended only if no State, referred to in Article 58(3) (a) (ii)* and having the right to vote in the Assembly, votes against the amendment.

3. The Assembly is invited to consider the proposal referred to in paragraph 1 and, if it sees fit, to amend Rule 34.1(c) (vi) in accordance with the proposal.

[Annex follows]

* Article 58 (3) (a) (ii) reads as follows :

“(3) (a) The Regulations specify the Rules which may be amended

“(i) ...

“(ii) only if none of the Contracting States whose national Office acts as an International Searching or Preliminary Examining Authority dissents, and, where such Authority is an intergovernmental organization, if the Contracting State member of that organization authorized for that purpose by the other member States within the competent body of such organization does not dissent”.

Dr. A. Bogsch
Director General
WIPO
Geneva, Switzerland

Sub: Supplement to PCT Rule 34.1(c)(vi)

Dear Dr. Bogsch,

Attached you will find a copy of the letter of the State Committee concerning a supplement to PCT Rule 34.1(c)(vi) which has been communicated to International Searching Authorities and International Preliminary Examining Authorities.

Provided there are no objections on the part of the said Authorities the State Committee would be grateful for having this item included into agenda of the forthcoming extraordinary session of the Assembly of the PCT Union to be held in 1981.

For the purposes of uniformity in search files compilation effected by the International Searching Authorities, in the opinion of the State Committee, it would be highly expedient that the patent documents already included into the PCT Minimum Documentation in accordance with the above PCT Rule be also given IPC symbols.

In view of the above the State Committee has requested the other International Searching Authorities to furnish information, if available, pertaining to classification of the said patent documents, having in mind a possibility of subsequent mutual data exchange between the International Searching Authorities.

I believe that all the International Searching Authorities desiring to establish search files consisting of patent documents uniformly arranged in accordance with IPC, the State Committee included, would highly appreciate it in case the International Bureau could somehow facilitate the exchange of data pertaining to sorted collections of patent documents.

Yours faithfully,

B. Matkin
Deputy Chairman
USSR State Committee
for Inventions and Discoveries

Re: Supplement to PCT Rule 34.1(c)(vi)

Dear Sir,

The PCT Rule 34.1(c)(vi) provides a possibility for widening of the PCT minimum documentation by inclusion of nonpriority patents and patent applications in the English, French, or German language, sorted out by the interested patent Offices of the Contracting States and placed at the disposal of International Searching Authorities.

However, such a widening of the PCT minimum documentation will favour more complete covering of patent information sources at search performed by International Searching Authorities as well as national patent Offices, on condition that common search files based on the IPC could be established, as it is provided, particularly, by the tasks of Permanent Committee on Patent Information. (Document PCPI/I/8, par.9).

In the opinion of the State Committee it would favour to solve this problem to supplement the PCT Rule 34.1(c)(vi) with the wording of the Rule as follows:

"(vi) such patents issued by, and such patent applications, published in any other country after 1920 as are in the English, French, or German language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority and also provided that these documents are classified according to the IPC."

In view of the fact that in accordance with the PCT Rule 88.3(i) the above proposed amendment shall require that no International Searching Authority and International Preliminary Examining Authority vote against, the State Committee would like to have your opinion on the mentioned question.

As regards patent documents already included in the PCT minimum documentation according to the discussed Rule, I should be grateful for information whether your Office has reclassification data concerning that documents and whether you feel it useful to provide exchange of these data among mentioned International Authorities on the basis of the project PCPI/P 41 if such data are available.

Sincerely yours,

B. Matkin
Deputy Chairman

[End of Annex and
of document]