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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

ASSEMBLY

Eleventh Session (7th Extraordinary)*
Geneva, January 30 to February 3, 1984

AMENDMENT OF THE RULES OF PROCEDURE OF THE ASSEMBLY,
OF THE PCT COMMITTEE FOR TECHNICAL COOPERATION,
OF THE PCT COMMITTEE FOR ADMINISTRATIVE AND
LEGAL MATTERS AND OF THE PCT COMMITTEE
FOR TECHNICAL ASSISTANCE

Memorandum of the International Bureau

1. Rule 2 of the Rules of Procedure of the Assembly deals with the “special observers” which are to be invited to all sessions of the Assembly (see Annex I to this document). Under paragraph (1) of that Rule, there are two categories of “special observers”:

- (i) States not members of the PCT Union which contribute to the budget of the PCT Union,
- (ii) intergovernmental authorities having the power to grant patents effective in one or more States members of the PCT Union.

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2. Whereas, during a certain period after the entry into force of the PCT, a number of States belonged to the first category of “special observers,” this is no longer the case. Since January 1981, there are no longer any States contributing to the budget of the PCT Union without being members of it.

3. It is therefore proposed to delete the reference, in Rule 2 of the Rules of Procedure of the Assembly, to the States not members of the PCT Union which contribute to the budget of the PCT Union and to redraft Rule 2 so that it reads as follows:

“Rule 2: Special Observers

“Intergovernmental authorities having the power to grant patents in one or more States members of the PCT Union shall be invited as “special observers” to all sessions of the Assembly. They shall have the same rights in the sessions of the Assembly as States members of the Assembly, except the right to vote.”

4. Since provisions corresponding to Rule 2 of the Rules of Procedure of the Assembly are contained in the Rules of Procedure of the PCT Committee for Technical Cooperation (Rule 2), of the PCT Committee for Administrative and Legal Matters (Rule 4) and of the PCT Committee for Technical Assistance (Rule 2) (see Annexes II, III and IV to this document), it is proposed also to amend those Rules so that they read as follows:

Rule 2 of the Rules of Procedure of the PCT Committee for Technical Cooperation and Rule 4 of the Rules of Procedure of the PCT Committee for Administrative and Legal Matters:

“Intergovernmental authorities not members of the Committee which have the status of special observer in the PCT Assembly shall be invited as “special observers” to all sessions of the Committee. They shall have the same rights in the sessions of the Committee as States members of the Committee, except the right to vote.”

Rule 2 of the Rules of Procedure of the PCT Committee for Technical Assistance:

“Intergovernmental authorities which have the status of special observer in the PCT Assembly shall be invited as “special observers” to all sessions of the Committee. They shall have the same rights in the sessions of the Committee as States members of the Committee, except the right to vote.”

5. *The Assembly is invited to adopt the proposals set forth in paragraphs 3 and 4, above.*

[Annexes follow]

RULES OF PROCEDURE OF THE PCT ASSEMBLY
adopted on April 10, 1978

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Assembly of the International Patent Cooperation (PCT) Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Special Observers

(1) The following shall be invited as “special observers” to all sessions of the Assembly:

(i) States not members of the PCT Union which contribute to the budget of the PCT Union,

(ii) intergovernmental authorities having the power to grant patents effective in one or more States members of the PCT Union.

(2) Special observers shall have the same rights in the sessions of the Assembly as States members of the Assembly, except the right to vote.

Rule 3: Draft Agenda

The draft agenda of each session shall be drawn up, by the Director General. In the case of ordinary sessions, such draft shall follow the instructions of the Executive Committee once the Executive Committee is established (see PCT Articles 53 (9) and 54 (6) (a)). In the case of extraordinary sessions, the said draft shall include the item or items mentioned in the request referred to in Article 53(11) (c) of the Patent Cooperation Treaty.

Rule 4: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the Gazette of the PCT Union and in the reviews of the World Intellectual Property Organization La Propriete industrielle and Industrial Property.

[Annex II follows]

RULES OF PROCEDURE OF THE PCT COMMITTEE
FOR TECHNICAL COOPERATION (PCT/CTC)

Rule 1: Application of the General Rules of Procedure

The PCT Committee for Technical Cooperation (PCT/CTC, hereinafter referred to as “the Committee”), being, within the meaning of Rule 12 of the General Rules of Procedure of WIPO, a subsidiary body of the PCT Assembly, the provisions of the said General Rules of Procedure shall be the Rules of Procedure of the Committee, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Special Observers

(1) States and intergovernmental authorities not members of the Committee which have the status of special observer in the PCT Assembly shall be invited as “special observers” to all sessions of the Committee.

(2) Special observers shall have the same rights in the sessions of the Committee as States members of the Committee, except the right to vote.

Rule 3: Joint Meetings with the WIPO Permanent Committee on Patent Information

The meetings of the Committee shall be joint with those of the WIPO Permanent Committee on Patent Information, it being understood that the activities of the two Committees shall be coordinated and that, where decisions are made by the Committee, only the members of the Committee shall vote.

[Annex III follows]

RULES OF PROCEDURE OF THE PCT COMMITTEE FOR
ADMINISTRATIVE AND LEGAL MATTERS (PCT/CAL)

Rule 1: Composition

The PCT Committee for Administrative and Legal Matters (PCT/CAL, hereinafter referred to as “the Committee”) shall have as members the States members of the PCT Union and the International Searching and Preliminary Examining Authorities, it being understood that, where any such Authority is the national Office of a State member of the PCT Union, that State shall not be additionally represented on the Committee.

Rule 2: Terms of Reference

The Committee shall deal with matter concerning

- (i) the relationship between the International Bureau on the one hand and the applicants, the receiving Offices, the designated Offices, the elected Offices, the International Searching Authorities and the International Preliminary Examining Authorities on the other hand,
- (ii) the relationship between the applicants on the one hand and the receiving Offices, the designated Offices, the elected Offices, the International Searching Authorities and the International Preliminary Examining Authorities on the other hand,
- (iii) the relationship between the receiving Offices, the designated Offices and the elected Offices on the one hand and the International Searching Authorities and the International Preliminary Examining Authorities on the other hand,
- (iv) fees, forms, procedures and publications, under the PCT,
- (v) other administrative and legal questions concerning the application of the PCT.

Rule 3: Application of the General Rules of Procedure

The Committee, being, within the meaning of Rule 12 of the General Rules of Procedure of WIPO, a subsidiary body of the PCT Assembly, the provisions of the said General Rules of Procedure shall be the Rules of Procedure of the Committee, supplemented and amended by the provisions set forth hereinafter.

Rule 4: Special Observers

(1) States not members of the Committee which have the status of special observer in the PCT Assembly, as well as intergovernmental authorities which have such a status and which are not members of the Committee, shall be invited as “special observers” to all sessions of the Committee.

(2) Special observers shall have the same rights in the sessions of the Committee as members of the Committee, except the right to vote.

Rule 5: Observers

The Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested organizations to attend the sessions of the Committee in an observer capacity.

Rule 6: Working Groups

The Committee may, with the approval of the Assembly, set up working groups for the purposes of dealing with specific questions. It shall decide their composition, terms of reference, duration and rules of procedure.

[Annex IV follows]

RULES OF PROCEDURE OF THE PCT COMMITTEE
FOR TECHNICAL ASSISTANCE (PCT/CTA)

Rule 1: Application of the General Rules of Procedure

The PCT Committee for Technical Assistance (PCT/CTA, hereinafter referred to as “the Committee”), being, within the meaning of Rule 12 of the General Rules of Procedure of WIPO, a subsidiary body of the PCT Assembly, the provisions of the said General Rules of Procedure shall be the Rules of Procedure of the Committee, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Special Observers

(1) States not members of the Committee which have the status of special observer in the PCT Assembly, as well as intergovernmental authorities which have such a status, shall be invited as “special observers” to all sessions of the Committee.

(2) Special observers shall have the same rights in the sessions of the Committee as States members of the Committee, except the right to vote.

Rule 3: Observers

The Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested international non-governmental organizations to attend the sessions of the Committee in an observer capacity.

Rule 4: Joint Meetings with the WIPO Permanent Committee for Development Cooperation Related to Industrial Property

The meetings of the Committee shall be joint with those of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property, it being understood that the activities of the two Committees shall be coordinated and that, where decisions are made by the Committee, only the members of the Committee shall vote.

[End of Annex IV and of document]