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PROPOSED AMENDMENT TO PCT RULES 13ter.2, 47.1 AND 66.4bis

Proposal by the United States of America

This document contains a proposal received from the United States Patent and Trademark Office.

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Proposed amendments to
PCT Rules 13ter.2, 47.1 and 66.4bis

The text proposed by the International Bureau is suggested to be changed as follows, with additions being underlined () and with deletions being bracketed ([]):

Rule 13ter.2 Requirement of Designated Office

13ter.2 Once the processing of the international application has started before a designated Office, that Office may require the applicant to furnish to it a copy of any sequence listing [furnished to the International Searching Authority, or transcribed by that Authority, under Rule 13ter.1(a)]:

- (i) complying with the prescribed standard, and/or
- (ii) in machine readable form acceptable to that Office or, if that Office is prepared to transcribe the sequence listing into such a form, to pay for the cost of such transcription.

Explanation: The change is to permit the national office to require the sequence in machine readable form (CRF) even where a CRF was not furnished to, or transcribed by, the International Searching Authority. Without this change it may be argued that Article 27(1) prohibits the national office from requiring a CRF in those instances where a CRF was not furnished to, or transcribed by, the International Searching Authority since, as provided by Article 27(1) “No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.”

Rule 47.1 Procedure

47.1(a-bis) The International Bureau shall notify each designated Office, at the time of the communication provided for in Article 20 of the fact and date of receipt of the record copy and of the fact and date of receipt of any priority document. Such notice shall also be sent to any designated Office which has waived the communication provided for in Article 20. The International Bureau shall notify the date and fact of withdrawal to each national office which has informed the Bureau that it wishes such notification in those instances where it is a designated or elected state in the international application.

Explanation: The change will enable concerned national offices to be provided with information regarding the date and fact of withdrawal.

Rule 66.4bis *Consideration of amendments & arguments*

66.4bis Amendments or arguments [shall] need not be taken into account by the International Preliminary Examining Authority for the purposes of a written opinion or the international preliminary examination report if they are received [by] after that Authority has begun [before it has begun] to draw up that opinion or report [; in any event, they shall be taken into account for the purposes of the international preliminary examination report if they are received earlier than one month before the date of the completion of that report].

Explanation: The changes provide a more definitive indication of when an amendment is to be considered.

[End of document]