

WIPO



PLT/A/2/3

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**PATENT LAW TREATY
(PLT)**

ASSEMBLY

**Second (1st Extraordinary) Session
Geneva, September 25 to October 3, 2006**

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/42/1): 1, 2, 3, 4, 6, 7, 15, 19, 21, 24 and 25.
2. The report on the said items, with the exception of item 19, is contained in the General Report (document A/42/14).
3. The report on item 19 is contained in the present document.
4. The meeting of the Assembly was presided over by Ms. Darina Kyliánová (Slovakia), Chair of the PLT Assembly.

ITEM 19 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PATENT LAW TREATY ASSEMBLY

Applicability of Certain Amendments and Modifications of the Patent Cooperation Treaty (PCT) to the Patent Law Treaty (PLT)

5. Discussions were based on document PLT/A/2/1.
6. The Delegation of the Russian Federation expressed its full support to the proposal in document PLT/A/2/1.
7. The Delegation of Japan requested the establishment of some kind of discussion forum prior to the Assembly, since in its view, it was important to exchange views and deepen common understanding among experts with respect to the contents of the PCT which were to be applied under the PLT. The Delegation added that such a prior discussion would be useful not only for PLT member States, but also for observer States who were potential member States. It noted that the experts in its Office had raised questions as to the reasoning or legal effect of the current proposal and had expressed the desire to deepen their understanding and seek clarification. In view of budget constraints, the Delegation suggested that such discussions could be held on the PLT electronic forum.
8. The Secretariat noted that it would act upon the suggestion of the Delegation of Japan, since this was an ongoing exercise in respect of any changes that would need to be introduced in consequence of future changes to the PCT.
9. The Assembly unanimously decided that the amendments and modifications of the Regulations under the PCT and the Administrative Instructions Under the PCT indicated in document PLT/A/2/1 as applicable, apply for the purposes of the PLT and its Regulations.

Model International Request Form and Other Forms

10. Discussions were based on PLT/A/2/2.
11. The Delegation of the Russian Federation expressed its full support for the proposal contained in document PLT/A/2/2. The Delegation stated that the international nature of such Forms would help applicants to ensure that, in one document, they could provide all the information required by a patent office for the processing of a patent application.
12. The Delegation of Japan observed that there might be differences among the requirements of the PCT and the PLT due to the different purposes and proceedings of those treaties. The Delegation noted that, as some entries found in its national forms did not exist in the model international forms, it wished to deepen investigation, through the electronic forum, on the relationship between its forms and the requirements permitted under the PCT and the PLT. The Delegation sought clarification from the Secretariat with respect to any legal binding effect the model international forms might have on the PLT member States.

13. The Secretariat explained that, if an applicant used the model international forms, they would have to be accepted by any Contracting Party to the PLT, and recalled that the model international forms were subject to amendments by the PLT Assembly in the future.

14. The Delegation of the United States of America stated that, with respect to the Form related to transfer of ownership, the United States of America would advocate for the use of one single form covering all mechanisms for transfer.

15. The Secretariat suggested deletion of the reference to a teleprinter number, presented within square brackets in all forms, since during the consultation process, nobody opposed such deletion. In addition, the Secretariat proposed purely linguistic corrections in the Request for Recordation of Change in Name or Address Form and the Request for Correction of Mistakes Form in the English and Spanish versions, to the effect that in Box No. 1, the words “or his representative” in the last line of the italic text should be moved to the penultimate line, after the words “by the applicant”.

16. The Assembly unanimously:

(i) established the Model International Request Form and the three Model International Forms set out in the Annex to document PLT/A/2/2, as amended in paragraph 15 above; and

(ii) decided that the Forms referred to in item (i) above shall enter into force on April 1, 2007.

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