

WIPO



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MATTERS CONCERNING THE DRAFT PATENT LAW TREATY

Memorandum prepared by the International Bureau

1. The Committee of Experts on the Patent Law Treaty held its third session from November 18 to 22, 1996, and its fourth session from June 23 to 27, 1997. Moreover, a meeting of consultants from Japan, the United States of America and the European Patent Office was held in Geneva from February 4 to 6, 1997, in order to advise the International Bureau on certain key provisions of the draft Treaty, in preparation of the fourth session of the Committee of Experts.
2. Whereas the Committee of Experts only dealt with a part of the substantive provisions of the draft Treaty in its third session, the discussions in the fourth session covered all those provisions. They deal with the following matters:
 - Special Features of Certain Types of Applications and Certain Types of Patents
 - National Security
 - Filing Date
 - Application
 - Validity of Patent; Revocation
 - Representation; Address for Service
 - Signature
 - Request for Recordal of Change in Name or Address
 - Request for Recordal of Change in Ownership or Change in Inventor

- Request for Recordal of a Licensing Agreement or Security Interest
- Request for Correction of a Mistake
- Extension of Time Limits
- Belated Claiming of Priority

3. The Committee of Experts will have to review these provisions in a fifth session, which is tentatively scheduled to take place from December 15 to 19, 1997. Moreover, the administrative provisions and the final clauses of the Treaty will still have to be prepared and discussed by the Committee of Experts. Depending on the progress in the discussions of the fifth session of the Committee of Experts, decisions could be taken by the WIPO General Assembly with respect to the convening of a preparatory meeting (which will deal with procedural aspects of the Diplomatic Conference) and the Diplomatic Conference for the adoption of the Patent Law Treaty.

4. A further progress report, possibly accompanied by proposals concerning the preparatory meeting and Diplomatic Conference, will be presented to the next session of the WIPO General Assembly (probably in early 1998).

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