

WIPO



WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

PATENT COOPERATION TREATY

INTERIM ADVISORY COMMITTEE FOR ADMINISTRATIVE QUESTIONS

First Session: Geneva, February 8 to 11, 1971

REPORT

prepared by the International Bureau

INTRODUCTION

1. The "Interim Advisory Committee for Administrative Questions" set up by the Assembly and the Executive Committee of the International Union for the Protection of Industrial Property (hereinafter referred to as "the Paris Union") in September 1970, pursuant to a resolution of the Washington Diplomatic Conference of May/June 1970 which adopted the Patent Cooperation Treaty (hereinafter referred to as "the PCT"), was convened by the Director General of the World Intellectual Property Organization (WIPO) and held its first session in Geneva from February 8 to 11, 1971. In this document, the said Committee is referred to as "the Interim Committee."

2. The 35 States which have signed the PCT are the members of the Interim Committee. The following 27 were represented: Algeria, Argentina, Austria, Brazil, Canada, Denmark, Finland, France, Germany (Federal Republic), Hungary, Ireland, Israel, Italy, Japan, Monaco, Netherlands, Norway, Romania, Soviet Union, Sweden, Switzerland, Syria, Togo, United Arab Republic, United Kingdom, United States of America, Yugoslavia. The following eight were not

represented: Belgium, Holy See, Iran, Ivory Coast, Luxembourg, Madagascar, Philippines, Senegal.

3. Of the nine intergovernmental organizations invited, the following seven were represented by observers: United Nations (UN), United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), United Nations Industrial Development Organization (UNIDO), Industrial Development Centre for Arab States (IDCAS), International Patent Institute (IIB), African and Malagasy Industrial Property Office (OAMPI). The International Bank for Reconstruction and Development (IBRD) and the Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents (EPC) were not represented.

4. Of the 12 international non-governmental organizations invited, the following 11 were represented by observers: Asian Patent Attorneys Association (APAA), Committee of National Institutes of Patent Agents (CNIPA), Council of European Industrial Federations (CEIF), European Industrial Research Management Association (EIRMA), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Federation of Inventors Associations (IFIA), International Federation of Patent Agents (FICPI), Pacific Industrial Property Association (PIPA), Union of European Patent Agents, Union of Industries of the European Community (UNICE). The Inter-American Association of Industrial Property (ASIPI) was not represented.

5. The number of participants was nearly one hundred. The list of participants is annexed to this Report.

6. The Interim Committee unanimously elected Mr. S. Pretnar (Yugoslavia) as Chairman, and Mr. E. Tuxen (Denmark) and Mr. I. Shamoto (Japan) as Vice-Chairmen.
7. Dr. Arpad Bogsch, First Deputy Director General of WIPO, acted as Secretary of the Interim Committee.

RULES OF PROCEDURE

8. The Interim Committee suggests that its rules of procedure be those applicable to "ad hoc Committees of Experts" which are provided for in the General Rules of Procedure of WIPO, subject to the understanding that the members would be States and would be represented by government-appointed delegations.

DISCUSSION

9. Discussions were based on document PCT/AAQ/I/2 (hereinafter referred to as "document No. 2").
10. It was agreed that the Interim Committee should be competent for all questions not within the province of the Interim Committee for Technical Cooperation and the Interim Committee for Technical Assistance, namely, all PCT questions other than technical assistance and other than questions mainly concerning the prospective International Searching and Preliminary Examining Authorities (see document No. 2, paragraph 19).

11. In connection with the tasks concerning national legislations, the Delegation of the United States said that any proposed modifications in the BIRPI Model Law for Developing Countries on Inventions would serve only as a model and not as a recommendation or commitment as to how national laws might be changed to implement the PCT. This understanding was agreed to by the Interim Committee.

12. The Delegation of the Soviet Union declared its readiness to cooperate in the work of revising the said Model Law and especially advise on any aspects concerning inventors' certificates.

13. The Interim Committee noted with approval the publication program of the International Bureau reported on in paragraphs 31 to 37 of document No. 2. The International Bureau will try to bring together the Governments of Italy and Switzerland for the preparation of an Italian translation of the PCT and the PCT Regulations.

SUGGESTED PROGRAM

14. The Interim Committee arrived at the following conclusions as to its program.

National Legislations

15. The International Bureau should prepare:

- (i) a document enumerating the options that the Patent Cooperation Treaty allows for national legislations,

- (ii) a document containing draft provisions modifying the BIRPI Model Law for Developing Countries on Inventions so that it should contain also models of provisions for implementing the Patent Cooperation Treaty.

16. The Interim Committee should, time permitting, examine the said two documents and suggest amendments or otherwise comment on them.

Procedures in National Offices

17. The Interim Committee should study the questions which would arise in connection with the communications between:

- (i) on the one hand, the receiving Office and, on the other hand, the applicant, the International Bureau, and the International Searching Authority;

- (ii) on the one hand, the designated or elected Offices and, on the other hand, the applicant, the International Bureau, and the International Searching Authority and the International Preliminary Examining Authority.

18. The studies on such procedures should comprise:

- (i) the establishment of model forms,

- (ii) the drafting of the relevant parts of the Administrative Instructions,

- (iii) statistical forecasts,
- (iv) cost estimates,
- (v) suggestions as to the transmittal fees,
- (vi) suggestions as to the collection, transfer and accounting of the fees.

Procedure in the International Bureau

19. The Interim Committee should study the questions which would arise in connection with the communications between:

- (i) the applicant and the International Bureau,
- (ii) the International Bureau and the International Searching and Preliminary Examining Authorities,
- (iii) the International Bureau and the general public (publication of the international application and the Gazette; furnishing of copies of cited documents).

20. The studies should also comprise the points mentioned in paragraph 18, above.

Priorities

21. The Interim Committee agreed that work on "National Legislations" was more urgent than work on "Procedures in National Offices" and "Procedure in the International Bureau."

Future Meetings

22. The Interim Committee agreed that it should meet again at Geneva from December 6 to 8, 1971.

Executive Committee of the Paris Union

23. The Interim Committee noted that its suggested program would be reported to the Executive Committee of the Paris Union when it met in September 1971, that it was the Executive Committee which would establish the final program, and that the extent of the involvement of the International Bureau in the program would depend on the amount of the special PCT contributions of the member States of the Paris Union (cf. paragraph 30 of document No. 2).

24. This Report was unan-
imously adopted by the Interim
Committee in its closing meeting
on February 11, 1971.

[Annex follows]

ANNEXE/ANNEX

LISTE DES PARTICIPANTS
LIST OF PARTICIPANTS

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