

WIPO



PCT/AAQ/III/ 4
ORIGINAL: English
DATE: July 13, 1972

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

PATENT COOPERATION TREATY

INTERIM ADVISORY COMMITTEE FOR ADMINISTRATIVE QUESTIONS

Third Session: Geneva, October 4 to 9, 1972

DEVELOPMENTS DURING THE PERIOD
DECEMBER 1971-OCTOBER 1972

Report prepared by the International Bureau

SUMMARY

This document contains a summary of the developments in matters of interest to the Interim Committee since its last session (December 1971) to October 1972, inclusive. It invites the Interim Committee to advise the International Bureau on the said matters.

Background

1. It is recalled that in its first session held in February 1971, the Interim Advisory Committee for Administrative Questions (hereinafter referred to as the "Interim Committee") arrived at the following conclusions as to its program and that the program was endorsed by the Executive Committee of the Paris Union when it met in September and October 1971 (see documents PCT/AAQ/I/4, paragraph 23, P/EC/VII/5, Annex A, Part II, and P/EC/VII/21, paragraph 17).

A. "National Legislations"

(a) 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,

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

B. "Procedures in National Offices"

(a) 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.

(b) 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.

C. "Procedure in the International Bureau"

(a) 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).

(b) The studies should also comprise the points mentioned in paragraph B, above.

D. "Priorities"

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."

2. It is recalled that in its second session, held in December 1971, the Interim Committee arrived at the following conclusion as to its program (see document PCT/AAQ/II/6, paragraph 59).

"59. The Interim Committee invited the Director General to place on the agenda of the next session of that Committee the examination of a revised edition of the document on "Options for National Legislations under the Patent Cooperation Treaty" and the study of questions concerning procedures in national Offices (see document PCT/AAQ/I/4, paragraphs 17 and 18). The latter subject may involve, to a certain extent, also the study of the questions concerning procedure in the International Bureau (see document PCT/AAQ/I/4, paragraphs 19 and 20)."

3. The following paragraphs summarize the developments in matters of interest to the Interim Committee since its second session in December 1971.

Options for National Legislation Under the Patent Cooperation Treaty

4. The International Bureau has prepared a revised edition of the document on Options for National Legislation Under the Patent Cooperation Treaty (document PCT/AAQ/II/2) taking into consideration the comments and suggestions contained in the Report of the second session (see document PCT/AAQ/II/6) and has submitted it to the Interim Committee in document PCT/AAQ/III/3.

Administrative Instructions

5. A first attempt by the International Bureau to draft the part of the Administrative Instructions covering the procedures under Chapter I of the PCT as far as the international application and the tasks of the receiving Offices and the International Searching Authorities are concerned has been submitted to the Interim Committee in document PCT/AAQ/III/2.

Draft Forms and Explanatory Memorandum on the Utilization of the Forms

6. The International Bureau has prepared draft Forms to be employed by the International Authorities under Chapter I of the Patent Cooperation Treaty contained in document PCT/TCO/SS/III/2 and an Explanatory Memorandum on the Utilization of the Forms contained in document PCT/TCO/SS/III/3. Both documents have been first submitted to the third session of the Standing Subcommittee of the Interim Committee for Technical Cooperation as they are of particular interest to the members of the Standing Subcommittee in several capacities: as prospective receiving Offices as well as prospective International Searching and/or Preliminary Examining Authorities. Both documents will, however, also form the subject of the deliberations of the third session of the Interim Committee in connection with the consideration of the first part of the Draft Administrative Instructions, taking into account any advice given by the said third session of the Standing Subcommittee.

7. The Interim Committee is invited to consider this report and to advise the International Bureau on the matters treated in it or on any other matters within the Interim Committee's competence.

/End of document/