

WIPO



PCT/AAQ/VIII/10

ORIGINAL: English

DATE: August 12, 1977

WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

PATENT COOPERATION TREATY

INTERIM ADVISORY COMMITTEE FOR ADMINISTRATIVE QUESTIONS

Eighth Session

Geneva, October 10 to 18, 1977

AMENDMENTS OF THE REGULATIONS UNDER THE PCT

Study prepared by the International Bureau

BACKGROUND

1. At its seventh session held in Geneva from November 1 to 8, 1976, the PCT Interim Advisory Committee for Administrative Questions (hereinafter referred to as "the Interim Committee") put on its program for the year 1977 preparatory work prior to the first meeting of the Assembly of the PCT Union (hereinafter referred to as "the Assembly") including, in particular, any necessary revision of the Regulations under the PCT (see the report of the said session, document PCT/AAQ/VII/19, paragraph 170).

THE PRESENT DOCUMENT

2. The present document is concerned with amendments (other than amendments relating to fees) of the Rules of the Regulations under the PCT considered necessary, for the initial operational period of the PCT, having regard, in particular, to the work of the Interim Committee and of Working Groups established by the Interim Committee. Reference is made in the present document, to the extent possible, to other relevant documents.

3. The following paragraphs 5 to 7 of the present document include those proposals for the amendment of the Regulations identified by the International Bureau which appear appropriate for consideration by the Interim Committee during its 1977 session.

4. The Annex to this document sets out the Rules dealt with herein in the form in which they would appear in the Regulations if adopted by the Assembly, i.e., without the indications (square brackets and underlining) included in the texts in the following paragraphs of this document for the purpose of showing more clearly the nature of the amendments.

AMENDMENTS PROPOSED TO THE REGULATIONS

Rule 11.6(a) and (b): Margins

5. The Working Group on Guidelines for Publication and for Drawings, at its session held from February 21 to 25, 1977, agreed that the extra-wide margins, which are a requirement of Rule 11.6(a) and (b) as now worded, are uneconomical and should be reduced. The Working Group therefore proposed that the Interim Committee

should recommend to the Assembly that paragraphs (a) and (b) of Rule 11.6 be amended by deleting the third line of each of those paragraphs and by deleting the words "of other sheets" from the fourth line of each of those paragraphs (see the report of the said session, document PCT/WG/GPD/I/7, paragraph 48, see also paragraph 73 of document PCT/AAQ/VIII/2--"Draft Guidelines on Publication under the Patent Cooperation Treaty (PCT)"). The texts of the said paragraphs are set out below with the parts proposed to be deleted shown enclosed within square brackets:

"(a) The minimum margins of the sheets containing the request, the description, the claims, and the abstract shall be as follows:

- [- top of first sheet, except that of the request: 8 cm]
- top: [of other sheets] 2 cm
- left side: 2.5 cm
- right side: 2 cm
- bottom: 2 cm

(b) The recommended maximum, for the margins provided for in paragraph (a), is as follows:

- [- top of first sheet, except that of the request: 9 cm]
- top: [of other sheets] 4 cm
- left side: 4 cm
- right side: 3 cm
- bottom: 3 cm."

Rule 11.13(a): (Special Requirements for Drawings)

6. The Working Group on Guidelines for Publication and for Drawings, at its said session, also agreed that blue lines, the use of which is permitted by this Rule, might not always be susceptible of satisfactory reproduction by the processes listed in Rule 11.2(a). The Working Group proposed that the Interim Committee should recommend to the Assembly the amendment of the Rule to remove the possibility of drawings with blue lines (see the report of the said session, document PCT/WG/GPD/I/7, paragraph 27). The proposal of the said Working Group could be effected by omitting from the present text of the Rule (set out below) the words appearing therein which are shown enclosed within square brackets:

"(a) Drawings shall be executed in durable, black [or blue], sufficiently dense and dark, uniformly thick and well-defined, lines and strokes without colorings."

Rules 48.2(a)(v) (Contents) and 48.3(c) (Language)

7. As far as the question of the form of publication of the international search report (Form PCT/ISA/210) is concerned, reference is made to the study prepared by the International Bureau and contained in document PCT/AAQ/VIII/5. In the event that the Interim Committee adopts the alternative International Search Report Form set out in document PCT/AAQ/VIII/5, Annex A, an amendment of Rule 48.2(a)(v) and 48.3(c) as proposed in the said document will need to be considered. The text of Rule 48.2(a)(v) and 48.3(c) as it would read as amended is set out below with the one deletion from the present text shown enclosed within square brackets and the additions to the present text underlined.

Rule 48.2(a)(v):

"(v) Subject to paragraph (g), the international search report or the declaration under Article 17(2)(a) [,]; the publication of the international search report in the pamphlet shall, however, not be required to include the part of the international search report which contains only matter referred to in Rule 43 already appearing on the front page of the pamphlet,"

Rule 48.3(c):

"(c) If the international application is published in a language other than English, the international search report to the extent it is published under Rule 48.2(a)(v), or the declaration referred in Article 17(2)(a), and the abstract shall be published both in that language and in English. The translations shall be prepared under the responsibility of the International Bureau."

8. The Interim Committee is invited to study the amendments set out in this document and to make its recommendations to the Assembly concerning the adoption of such amendments as it considers appropriate.

[Annex follows]

ANNEX

TEXTS OF RULES, IF AMENDED

Rule 11.6: Margins

(a) The minimum margins of the sheets containing the request, the description, the claims, and the abstract shall be as follows:

- top: 2 cm
- left side: 2.5 cm
- right side: 2 cm
- bottom: 2 cm

(b) The recommended maximum, for the margins provided for in paragraph (a), is as follows:

- top: 4 cm
- left side: 4 cm
- right side: 3 cm
- bottom: 3 cm

...

Rule 11.13: Special Requirements for Drawings

(a) Drawings shall be executed in durable, black, sufficiently dense and dark, uniformly thick and well-defined, lines and strokes without colorings.

...

Rule 48.2: Contents

(a) ...

(v) Subject to paragraph (g), the international search report or the declaration under Article 17(2)(a); the publication of the international search report in the pamphlet shall, however, not be required to include the part of the international search report which contains only matter referred to in Rule 43 already appearing on the front page of the pamphlet,

...

Rule 48.3: Language

...

(c) If the international application is published in a language other than English, the international search report to the extent it is published under Rule 48.2(a)(v), or the declaration referred to in Article 17(2)(a), and the abstract shall be published both in that language and in English. The translations shall be prepared under the responsibility of the International Bureau.