

# WIPO



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GENEVA

INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)

PCT COMMITTEE FOR ADMINISTRATIVE AND LEGAL MATTERS

Second session\*  
Geneva, April 25 to 29, 1983

SUPPLEMENT TO DOCUMENTS PCT/CAL/II/2, 3 AND 4

[prepared by the International Bureau](#)

I  
TRANSFER OF A RULE INTO THE ADMINISTRATIVE INSTRUCTIONS

It is proposed to delete Rule 62.1 of the Regulations under the PCT and to transfer its contents to the Administrative Instructions as new Sections 420 and 605, the texts of which could read as follows:

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\* *Editor's Note:* This electronic document has been created from the paper original and may contain errors. Please bring any such errors to the attention of the PCT Legal Division by e-mail at [pct.legal@wipo.int](mailto:pct.legal@wipo.int)

Section 420

Copy for the International Preliminary Examining Authority

Where the competent International Searching Authority is not part of the same national Office or intergovernmental organization as the competent International Preliminary Examining Authority, the International Bureau shall, promptly upon receipt of the international search report or, if the demand was received after the international search report, promptly upon receipt of the demand, send a copy of the international application and the international search report to the said Preliminary Examining Authority. In cases where, instead of the international search report, a declaration under Article 17(2)(a) has issued, references in the preceding sentence to the international search report shall be considered references to the said declaration.

Section 605

File To Be Used for International Preliminary Examination

Where the competent International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the competent International Searching Authority, the same file shall serve the purposes of international search and international preliminary examination.

II

REVISED PROPOSALS FOR THE AMENDMENT OF CERTAIN RULES

Pages 11, 39, 48, 62 and 65 of document PCT/CAL/II/2, pages 13 and 53 of document PCT/CAL/II/3 and pages 25 and 31 of document PCT/CAL/II/4 are replaced by -the revised pages which follow.

Rule 6

The Claims

6.1 to 6.3 [No change]

6.4 Dependent Claims

(a) Any claim which includes all the features of one or more other claims (claim in dependent form, hereinafter referred to as “dependent claim”) shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim (“multiple dependent claim”) shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim. Where the national law of the national Office acting as International Searching Authority does not allow multiple dependent claims to be drafted in a manner different from the manner of claiming provided for in the preceding two sentences, failure to use that manner of claiming may result in an indication under Article 17(2)(b) in the international search report. Failure to use the said manner of claiming shall have no effect in a designated State if the manner of claiming actually used satisfies the national law of that State.

(b) and (c) [No change]

6.5 [No change]

Rule 22

Transmittal of the Record Copy

22.1 Procedure

(a) [No change]

(b) If the International Bureau has received a copy of the notification under Rule 20.5(c) but is not, by the expiration of 13 months from the priority date, in possession of the record copy, it shall remind the receiving Office that it should transmit the record copy to the International Bureau promptly.

(c) If the International Bureau has received a copy of the notification under Rule 20.5(c) but is not, by the expiration of 14 months from the priority date, in possession of the record copy, it shall notify the applicant and the receiving Office accordingly.

(d) After the expiration of 14 months from the priority date, the applicant may request the receiving Office to certify a copy of his international application as being identical with the international application as filed and may transmit such certified copy to the International Bureau.

Section 320

Corrections under Rule 26.4(a)  
and Rectifications under Rule 91.1

(a) The receiving Office shall indelibly mark, so as to admit of direct reproduction in any of the manners set forth in Rule 11.2(a), in the upper right-hand corner of each replacement sheet submitted under Rule 26.4(a), the international application number and the date on which it was received. It shall mark on the letter containing the correction or accompanying any replacement sheet the date on which that letter was received. It shall keep in its files a copy of the letter containing the correction or, when the correction is contained in a replacement sheet, the replaced sheet, the letter accompanying the replacement sheet, and a copy of the replacement sheet.

(b) The receiving Office shall promptly transmit the letter and the replacement sheet to the International Bureau, and a copy thereof to the International Searching Authority.

(c) [See document PCT/CAL/II/3]

Section 401

Marking of sheets of the Record Copy

(a) The International Bureau shall, upon receipt of the record copy, mark the date of receipt of the record copy in the appropriate space on the request form.

(b) [No change]

Section 112

Ceasing of Effect under Articles 24(1)(iii) and 39(2)  
and Review by Designated Office under Article 25(2)

(a) Each national Office shall, once a year, notify the International Bureau of the number of international applications designating or electing it, in respect of which, during the preceding calendar year,

(i) the requirements provided for in Article 22 or in Article 39(1) have been complied with within the applicable time limit;

(ii) the requirements provided for in Article 22 or in Article 39(1) have not been complied with within the applicable time limit.

(b) Where, under Article 25(2), the competent designated Office decides that the refusal, declaration or finding referred to in Article 25(1) was not justified, it shall promptly notify the International Bureau that it will treat the international application as if the error or omission referred to in Article 25(2) had not occurred. The notification shall preferably contain the reasons for the decision of the designated Office.

Rule 32

Withdrawal of the International Application  
or of Designations

32.1 Withdrawals

(a) and (b) [No change]

(c) Withdrawal shall be effected by a signed notice from the applicant to the International Bureau or\* to the receiving Office. In the case of Rule 4.8(b), the notice shall require the signature of all the applicants.

(d) [Deleted]

(e) There shall be no international publication of the international application or of the designation, as the case may be, if the notice effecting withdrawal reaches the International Bureau before the technical preparations for publication have been completed.

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\* The amendment consists of deleting, after the word “or,” the following words: “, if the record copy has not yet been sent to the International Bureau.”

Rule 55

Languages (International Preliminary Examination)

55.1 The Demand

The demand shall be in the language of the international application<sup>\*</sup>, provided that the International Preliminary Examining Authority may permit the demand to be in any language specified in the agreement concluded between the International Bureau and that Authority.

55.2 The International Application

[Deleted]

Rule 66

Procedure Before the International Preliminary

Examining Authority

66.1 [No change]

66.2 First Written Opinion of the International Preliminary Examining Authority

(a) and (b) [No change]

(c) The notification shall invite the applicant to submit a written reply together, where appropriate, with amendments<sup>\*\*</sup>.

(d) [No change]

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\* The amendment consists of deleting, after the word “application,” the words “or, when a translation is required under Rule 55.2, in the language of that translation.”

\*\* The amendment consists of deleting, after the word “amendments,” the words “or corrections.”



Rule 90  
Representation

90.1 and 90.2 [No change]

90.3 Appointment

(a) and (b) [No change]

(c) If the separate power of attorney is not signed<sup>\*</sup>, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected.

(d) [No change]

90.4 [No change]

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\* The amendment consists of deleting, after the word “signed,” the words “as provided in paragraph a).”

Rule 51bis (New)

Certain National Requirements Allowed  
under Article 27(1), (2), (6) and (7)

51bis.1 Certain National Requirements Allowed

(a) The documents referred to in Article 27(2)(ii), or the evidence referred to in Article 27(6), which the applicant may be required to furnish under the national law applicable by the designated Office are, in particular:

(i) any document relating to the identity of the inventor,

(ii) any document relating to any transfer or assignment of the right to the application,

(iii) any document containing an oath or declaration by the inventor alleging his inventorship,

(iv) any document containing a declaration by the applicant designating the inventor or alleging the right to the application,

(v) any document containing any proof of the right of the applicant to claim priority where he is different from the applicant having filed the earlier application the priority of which is claimed,

(vi) any evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as abusive disclosures, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time.

Rule 74

Transmittal of Translations of Annexes of  
the International Preliminary Examination Report

74.1 Time Limit

(a) Where the furnishing of a translation of the international application is required by the elected Office under Article 39(1), the applicant shall, within the time limit applicable under Article 39(1), transmit a translation of any annex, referred to in Rule 70.16, of the international preliminary examination report. However, where such report was transmitted to the applicant less than 1 month before, or any time after, the expiration of the said time limit, the applicant shall transmit the translation of any annex within 1 month from the transmittal of the said report.

(b) The time limits fixed in paragraph (a) shall apply also where the furnishing of a translation of the international application to an elected Office must, because of a declaration made under Article 64(2)(a)(i), be effected within the time limit applicable under Article 22.

(c) Where no translation of the annexes referred to in Rule 70.16 was furnished to the elected Office within the applicable time limit fixed in paragraphs (a) and (b), that Office, if it deems such translation to be necessary, may invite the applicant to furnish the required translation within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation. If no translation has been furnished within the applicant time limit fixed in paragraphs (a) and (b) or, where an invitation has been issued under the preceding sentence, within the time limit fixed in the invitation, the elected Office shall take into account only the translation of the international application furnished under Article 39(1), unless later amendments are made under Article 41.

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