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PROPOSALS TO AMEND PCT RULES 53 AND 66.1

Submitted by the Institute of Inventions and Rationalizations of Bulgaria

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Proposals for amending PCT Rules 53 and 66.1
submitted by the Institute of Inventions and Rationalizations
of Bulgaria

1. The version of the text of Rule 53.9, Declaration Concerning the Basis of the International Preliminary Examination, as proposed in PCT/CAL/IV/7, requires said Declaration to be made without regarding the time of filing the demand. In some cases, the applicant would not be in a position to make such a declaration, particularly when he files the demand before obtaining the international search report; As far as the Declaration is considered to be an essential part of the demand, and when it is not made the demand shall be considered withdrawn, we propose to clarify the situation as follows:

“53.9 Declaration Concerning the Basis of the International Preliminary Examination

“The declaration referred to in Rule 53.2(a)(v) shall be made where the demand is filed after the international search report has been established, and shall specify whether or not amendments have been filed under Article 19 and whether the applicant wishes the international preliminary examination to be based on the description, claims and drawings as originally filed or as amended under Article 19(1) and/or Article 34(1). A copy of any amendment referred to in the declaration shall be submitted with the demand”.

2. Referring to what was said above, we propose also to delete in the amended Rule 66.1(b), first sentence, the words “where an amendment is referred to in the demand under Rule 53.9”.

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