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PCT/MIA/I/7

ORIGINAL: English

DATE: November 20, 1989

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

**MEETING OF INTERNATIONAL AUTHORITIES
UNDER THE PCT**

**First Session
Geneva, January 15 to 19, 1990**

**REVIEW OF THE FORM AND CONTENT OF THE DEMAND FORM
(FORM PCT/IPEA/401)**

Memorandum prepared by the International Bureau

1. On November 22, 1988, the International Bureau submitted with Circular C.353 to the International Preliminary Examining Authorities (IPEAs) modification proposals relating to the Demand Form (Form PCT/ IPEA/ 401) for the purposes of consultation, pursuant to PCT Rule 89.2(b).
2. The International Bureau received substantive comments from the Patent Offices of Australia, Japan and the United Kingdom, as well as from the European Patent Office.
3. As a result of the comments received, the International Bureau refrained from making any modifications to the Demand Form other than the necessary up-dates due to the withdrawal of the reservations concerning PCT Chapter II by Denmark and Norway. The IPEAs were informed, with Circular C. 354, that any other modification was postponed until further consultations had taken place at a meeting of the International Searching and Preliminary Examining Authorities.
4. The modifications to the Demand Form concerned mainly the text of Box No. IV and the start of preliminary examination. The majority of the comments received expressed a preference for a change to the PCT Regulations rather than modifying only the Demand Form.

5. The International Bureau has, therefore, refrained from proposing further modifications to the Demand Form. It is proposed to modify the Demand Form only once a decision has been taken on the suggested amendments to the Regulations relating to Chapter II of the PCT. The PCT Assembly decided, in September 1989, that the PCT Committee on Administrative and Legal Matters (PCT/CAL) should be convened during 1990. The Committee should consider amendments to the PCT Regulations.

6. Postponing further modifications appears to be justified because applicants are now used to the form and most IPEAs have no or very few problems with the practical handling of the Form in general and with information contained in Box No. IV in particular. The present practice facilitates the start of the preliminary examination at the IPEAs and clarifies the basis on which the examiner shall carry out the preliminary examination.

7. Once a decision has been taken on the proposals contained in document PCT/MIA/I/6, pages 3 to 7, to completely revise the present system governing the start of international preliminary examination and the procedure for amending the international application, the International Bureau will submit new proposals for modification of the Demand Form.

8. The IPEAs are invited to express their views on the proposal contained in paragraph 5, above.

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