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INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

COMMITTEE ON REFORM
OF THE PATENT COOPERATION TREATY (PCT)

First Session
Geneva, May 21 to 25, 2001

REFORM OF THE PCT:
PROPOSALS BY SLOVAKIA

Document prepared by the International Bureau

1. The proposals appearing on the following pages were made by Slovakia in a submission to the International Bureau received on May 21, 2001. Background information appears in document PCT/R/1/2.¹

2. *The Committee is invited to consider the proposals contained in this document.*

¹ The working documents for the Committee's session are available on WIPO's web site at the following address: http://www.wipo.int/pct/en/reform/index_1.htm

STATEMENT PREPARED BY THE SLOVAK REPUBLIC
ON THE REFORM OF THE PCT

The Industrial Property Office of the Slovak Republic fully supports the decision taken by Assembly of the International Patent Co-operation Union (PCT) at its twenty-ninth session, held from September 25 to October 3, 2000, on the reform of the PCT.

The Slovak delegation has the following comments to the some items of the document PCT/A/29/3 concerning “The first Stage of the Reform”:

The Slovak delegation accepts *the concept of elimination of designations* expressed in item (1) of the document mentioned above. We support proposal of elimination of all residency and nationality requirements but it is only in case if the provisions of the Paris Convention for the Protection of Industrial Property and TRIP-s Agreement will be observed – principle of reciprocity.

The Slovak delegation also accepts the idea of *conforming filing date requirements to the those in the PLT*, suggested in item 3 of the document PCT/A/29/3, because the provisions of the Article 5 PLT has been adopted by the Office into the draft of the new patent law as well as the provisions of the PLT concerning the “missing part”.

Regarding to the item (4), *Availability of multiple searches and examinations*, the Slovak delegation leaves the decision concerning to process of the searches to the International Searching Authorities with co-operation of the PCT Union Assembly. The delegation supports the idea of the “super-search” proposed by the International Bureau.

The Slovak delegation has no reservation to the proposal in item (6), *elimination of 20-month deadline for entry into national stage*, because more than 90% of the PCT applications enter to the national phase under the Chapter II. This fact is based on statistical data of the Industrial Property Office of the Slovak Republic. We also support the possibility to enter to the national phase earlier on the basis of applicant’s decision under Article 23(2) PCT.

We have no reservation to the proposal of *Elimination of the concept of demands* mentioned in item (6) of document but without increasing payments and under the condition that international search and international preliminary examination will be performed together or consequently in a short period of time.

The delegation supports the idea of a single six-month deferral from the 30th month. The payment of deferral fee should be distributed not among Contracting States but among designated/elected states in which the application enters to the national phase.

By the opinion of the delegation, the problem concerning *combination of search and examination*, present in item (8), should be solved by the PCT Union Assembly.

As regards to the *fee reassessment* the Slovak delegation supports reduction of the PCT payments because PCT fees are too high for the Slovak applicants in spite of the 75% reduction for natural persons.

The Industrial Property Office fully supports the concept of *elimination of formalities*, electronic filing and electronic processing of the applications. We would like to note that it is necessary to observe applicant's possibilities and therefore it is not possible full elimination filing of the applications in paper form at present.

In future the offices should be granted the *technical assistance* because technical level of the offices will be always different depending on resources of the offices. The goal of technical assistance should be to prepare the offices for the electronic filing, processing applications and establishment of WIPO-NET. The Articles 51 and 56 concerning to technical assistance should be revised under the amendments of Articles and Rules mentioned above.

As regards to item (13) *electronic international publication and translation of search/examination results* (item 14) the Slovak delegation believes that with successful implementation of the WIPO-NET project and electronic filing and processing system we could foresee more efficient PCT procedures and we have no objection to this proposal.

The delegation agrees with proposals of the item (15) and we think that the changes of this type are generally desirable. We also would like to recommend that the International Bureau should elaborate the free on-line system for databases of digital libraries (IPDLs) for the offices of the Contracting States.

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