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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 FRANCE**

Document prepared by the International Bureau

1. The proposals appearing on the following page were made by France in a submission to the International Bureau received on March 30, 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

PRELIMINARY PROPOSALS BY FRANCE
ON THE REFORM OF THE PCT

Objectives of PCT reform

France is in favor of a reform of the PCT system whose main objectives would be the following:

Objective 1: procedural simplification with a view to the streamlining of the work done by national or regional offices and by International Searching and Preliminary Examining Authorities, including a reduction in the workload of the EPO within the future PCT system. This reform, which also aims to achieve greater ease of use for applicants and a reduction in costs, should not however be carried out at the expense of the quality of the international search.

Objective 2: an improvement of the system in order to maintain a proper balance between the rights of applicants and third-party rights.

Method

The first stage of the reform should be conducted without any need for revision of the Treaty, in the interest of relatively rapid implementation. If this logic is adhered to, the Committee on Reform of the PCT, when it meets for the first time in May 200, should therefore

- (1) set the main objectives of the forthcoming reform, and
- (2) make a clear distinction between
 - (a) proposals that can be implemented in the short term through amendment of part of the Regulations, which can be achieved in a shorter time (*first stage*), and
 - (b) proposals that could only be implemented in the longer term, owing to the need to revise the Treaty itself (*second stage*).

Proposals (objective 2)

Discussions are going on in France and at the European level with a view to formulating more complete proposals for the reform of the PCT. For the time being, therefore, France does not wish to express concluded views on the substance of the planned reform, and particularly not on matters relating to the implementation of *Objective 1* (procedural simplification and streamlining).

As for *Objective 2* (maintenance of a balance between the rights of applicants and those of third parties), on the other hand, and with a view to the revision of the PCT Regulations which could be implemented rapidly (phase 1), the Committee on the Reform of the PCT could spend some time on the following discussion topics, formulated by French users of the PCT system:

- (a) *eliminating the principle of designation fees;*
- (b) before the end of the international phase:
 - (i) *publishing the fact that a preliminary examination report has been established, and permitting access to the files by third parties;*
 - (ii) *introducing a “confirmation” procedure whereby third parties would be able to ascertain the list of countries in which the national or regional phase has started; this “confirmation,” which would be centralized at the International Bureau of WIPO, would have to be effected, possibly against payment of a fee, by the 29th month at the latest;*
- (c) *allowing the applicant to request a six-month extension of the 29-month period as a means of delaying entry into the national or regional phase, possibly with provision for payment of a fee in order to make such an extension a relatively exceptional event for the sake of third parties. In the event of extension being requested, the “confirmation” of the States in which the applicant is entering the national or regional phase, as provided for in paragraph (b)(ii) of these proposals, would be delayed to the 35th month.*

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