

WIPO



PCT/R/WG/1/8
ORIGINAL: English
DATE: November 12, 2001

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

WORKING GROUP ON REFORM OF THE PATENT
COOPERATION TREATY (PCT)

First Session
Geneva, November 12 to 16, 2001

LANGUAGE OF THE INTERNATIONAL APPLICATION AND TRANSLATIONS

Proposals submitted by the Republic of Korea

LANGUAGE OF THE INTERNATIONAL APPLICATION AND TRANSLATIONS

1. KIPO proposes to modify the current draft of Rule 12.3 (see document PCT/R/WG/1/5, Annex II) as follows:

- where a PCT application is prepared not in a publication language, but in a search language, the time limit to submit a translation for international publication is 16 months from the priority date;
- one-time 1-month extension of the time limit shall be afforded to the applicant to submit the translation.

2. Rationale for the modification:

- the submission of translation purposes to comply with international publication, which is carried out immediately after 18 months from the priority date;
- under this scheme, most concerned applicants shall submit the translation within 16 months from the priority date, thereby, complying with the IB's time schedule to carry out international publication;
- a few applicants may submit the translation at most by 17 months from the priority date; even in this case, IB shall be possible to carry out the international publication within applicable time schedule;
- this modification would help concerned PCT applicants to enjoy the prolonged preparation period of the translation without intervening the established procedure of international publication.

3. Where IB has difficulty in carrying out international publication under the time schedule of KIPO's proposal, the following may be considered:

- an applicant shall submit the translation within 14 months from the priority date and, if not unable to submit within this period, shall be given one-time opportunity to extend the time limit for 2 months;
- under this time schedule, IB shall receive the translation at most by 17 months from the priority date, thereof, implementing international publication without any time delay.

[End of document]