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PCT/TCO/V/18

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL COOPERATION

Fifth Session

Geneva, October 29 to November 3, 1975

OBSERVATIONS ON THE
DRAFT GUIDELINES FOR SEARCHES
UNDER THE PCT

presented by the Soviet Union

1. The Interim Committee will find attached hereto a cover letter and observations on the Draft EPO Guidelines for Search submitted by the State Committee for Inventions and Discoveries of the Council of Ministers of the Soviet Union.

2. The Interim Committee is invited to consider and give its comments on these observations in conjunction with the discussion of the Guidelines for Searches under the PCT (document PCT/TCO/V/12).

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T R A N S L A T I O N

State Committee for Inventions and Discoveries
of the USSR Council of Ministers
Moscow

No. 14/11-34562/45

October 17, 1975

Dear Mr. Pfanner,

In accordance with a proposal of the International Bureau (document PCT/TCO/V/12), I am sending you observations of the State Committee for Inventions and Discoveries of the USSR Council of Ministers on the draft "Guidelines for Searches under the PCT."

Sincerely yours,

L. KOMAROV
Deputy Chairman
of the State Committee

Mr. K. Pfanner
Deputy Director General
WIPO
Geneva
Switzerland

OBSERVATIONS OF THE STATE COMMITTEE
FOR INVENTIONS AND DISCOVERIES OF THE
USSR COUNCIL OF MINISTERS ON THE DRAFT
GUIDELINES FOR SEARCHES UNDER THE PCT

As a result of a study of EPO Guidelines (annex to document PCT/TCO/B/12), from the point of view of its use for the purpose of drafting PCT Guidelines, the following was found:

1. EPO Guidelines do not contain provisions which are contradictory to the PCT and they undoubtedly will be useful and should be taken into consideration during the preparation of the PCT Guidelines and primarily as to questions which should be reflected in the PCT Guidelines.
2. During drafting of the PCT Guidelines, on the basis of EPO Guidelines, the largest part of the items (70 items) of the EPO Guidelines must be redrafted and/or clarified as to substance in accordance with the PCT. This must be done because of procedural differences between the PCT and the EPO. Table 1 contains a list of corresponding items and the determination of the degree of their use during drafting of the PCT Guidelines.
3. It is desirable that the PCT Guidelines be drafted on the basis of the PCT in the form of clarification and development of pertinent Articles and Rules of the PCT.
4. During discussion of the procedure for preparation of draft Guidelines for Searches under the PCT, it would be useful to determine a procedure for preparation of the PCT Guidelines on International Preliminary Examination under the PCT. Both these Guidelines are closely connected to each other; however, they could be established as independent documents.
5. During the preparation of the PCT Guidelines, it is desirable to take into consideration the experience of the members of the PCT Interim Committee for Technical Cooperation concerned as to the carrying out of searches which are similar or analogous to PCT Searches.

Table 1

Parts of EPO Guidelines	Items of Parts		
	Minor amendments or clarifications are required	Redrafting or clari- fications as to substance are required	Could be excluded without re- placement
I		1,2,3,4,5	6,7,8
II	3,4,5	1,2,6,8,9	7
III	2.5,2.6,3.3, 3.6,3.7,3.8, 3.9,3.11,3.12, 3.14	1.1,1.2,2.1,2.2,2.3 2.7,3.1,3.2,3.5,3.6, 3.10,3.13,4,5	1.3,1.4 2.4,3.4 4.1,4.2 4.3,4.4
IV	1.1,1.3,1.5 2.1,2.3,2.5, 2.6,2.7,3.1	1.2,1.4,2.2,2.4,2.8 3.2,3.3,3.4	
V	3.1,5.6,6.1 6.3,7.1	1.1,1.2,1.3,2.1,2.2,2.3,2.4 4.1,4.2,4.3,4.4,4.5,4.6, 5.1,5.2,5.3,5.4,5.5,6.2	5.7
VI		1,2,3,	
VII	5,7, 9,10,11	1,2,3,4,6,8	12
VIII	4	1,2,3,5	
x-y		1,2,3	
XI		1,2,3,4	
Total	33 items	70 items	14 items

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