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WORLD INTELLECTUAL PROPERTY ORGANIZATION GENEVA

PATENT COOPERATION TREATY

WORKING GROUP ON GUIDELINES FOR INTERNATIONAL SEARCH AND FOR INTERNATIONAL PRELIMINARY EXAMINATION

First Session

Geneva, February 14 to 18, 1977

REFERENCE LIST OF COMMENTS IN RELATION TO THE COMPILATION OF RESPONSES CONTAINED IN DOCUMENT PCT/TCO/VI/9

prepared by the International Bureau

1. The PCT Working Group on Guidelines for International Search and for International Preliminary Examination (hereinafter referred to as "this Working Group") has been entrusted by the PCT Interim Committee for Technical Cooperation with the task of assisting in the establishment of the PCT Guidelines for International Searches and for International Preliminary Examination. As far as the preparation of the PCT Guidelines for International Preliminary Examination is concerned, this Working Group has at its disposal the following documents:
 - (i) document PCT/TCO/VI/9, prepared for the sixth session of the PCT Interim Committee for Technical Cooperation; that document contains a compilation of responses by three Authorities in respect of the "Draft Guidelines for Substantive Examination in the EPO to be carried out under the European Patent Convention" (the "EPO Guidelines") arranged according to the chapters and paragraphs of the EPO Guidelines (Annex A), as well as a comparative analysis of the said responses (Annex B);
 - (ii) document PCT/WG/GSE/I/3, prepared for the first session of this Working Group and containing written comments on document PCT/TCO/VI/9.
2. The purpose of the present document is to provide a reference list of the comments reproduced in document PCT/WG/GSE/I/3, arranged in the same way as the compilation of responses in respect of the EPO Guidelines (contained in Annex A to document PCT/TCO/VI/9) to which they relate, that is, according to the chapters and paragraphs of the EPO Guidelines.
3. The reference list reproduced in the Annex to the present document is divided into two columns. In column (1) are indicated the relevant parts of the compilation of responses in respect of the EPO Guidelines to which the above-mentioned comments relate. The said relevant parts are identified by the chapters and paragraphs of the EPO Guidelines to which they refer and by the numbers of the corresponding pages of the said compilation. Column (2) indicates, opposite the relevant part of the said compilation identified in column (1), the comments reproduced in document PCT/WG/GSE/I/3. In column (2), each comment is accompanied by a reference to the

country which formulated it (the country being identified by its ICIREPAT two letter code) and by a reference to the annex and page where this comment is reproduced.

4. Where comments relate also to the comparative analysis contained in Annex B of document PCT/TCO/VI/9, a reference is given to the relevant item of the comparative analysis.

[Annex follows]

Reference List of Comments made in relation to the Draft Guidelines for International Preliminary Examination (Annex A to Document PCT/TCO/VI/9)

Chapters and paragraphs of the EPO Guidelines for International Preliminary Examination, to which the comments relate	Comments (PCT/WG/GSE/I/3)
(1)	(2)
<u>General Comments</u>	HU (Annex A) NL (Annex B, page 2) GB (Annex C, page 2)
<u>Explanatory Note (page 7)</u>	GB (Annex C, page 2) (See also Item 1)*
<u>Introduction (pages 8-11)</u>	
para. 2 (pages 8-9)	GB (Annex C, page 2)
para. 3 (pages 8-9)	NL (Annex B, page 2)
para. 7 (pages 10-11)	GB (Annex C, page 2)
<u>Chapter I (pages 12-20)</u>	
para. 1.1 (page 12)	NL (Annex B, page 2)
para. 1.2 (page 13)	NL (Annex B, page 2)
para. 1.3 (page 14)	NL (Annex B, page 2) (See also Item 2)*
para. 1.4 (page 15)	NL (Annex B, page 2)
para. 2 - 2.1 (page 15)	NL (Annex B, page 2)
para. 3 - 3.6 (pages 16-17)	NL (Annex B, page 2) GB (Annex C, page 2) (See also Item 3)*
para. 4.1 (page 17)	NL (Annex B, page 2) GB (Annex C, page 2) (See also Item 4)*
para. 4.2 (page 18)	NL (Annex B, page 3) GB (Annex C, page 2) (See also Item 5)*
para. 5 - 5.1 (page 18)	NL (Annex B, page 3)
para. 6.1 (page 19)	NL (Annex B, page 3) (See also Item 6)*
para. 6.2 (page 19)	NL (Annex B, page 3) GB (Annex C, page 2) (See also Item 7)*
para. 7.1 (page 20)	NL (Annex B, page 3)
<u>Chapter II (pages 22-35)</u>	
para. 1 - 1.1 (page 21)	NL (Annex B, page 3) GB (Annex C, page 2)
para. 2 - 2.1 (page 22)	GB (Annex C, page 2)
para. 3.2 - 3.3 (page 23)	NL (Annex B, page 3)
para. 4.2 (page 24)	NL (Annex B, page 3)
para. 4.4 (pages 25-26)	NL (Annex B, page 3)
para. 4.9 - 4.11 (pages 27-29)	GB (Annex C, page 2)
para. 4.10 (pages 27-28)	NL (Annex B, page 3)
para. 4.12 - 4.13 (pages 29-30)	GB (Annex C, page 2)
para. 4.18 (page 32)	NL (Annex B, page 3) (see also Item 10)* GB (Annex C, page 2) (see also Item 10)*
para. 6 - 6.3 (pages 33-34)	NL (Annex B, page 3) GB (Annex C, page 2) (see also Item 11)*
para. 7.1 - 7.4 (pages 34-35)	NL (Annex B, page 4) GB (Annex C, page 2)

* of the comparative analysis (Annex B to document PCT/TCO/VI/9)

Chapters and paragraphs of the EPO Guidelines for International Preliminary Examination, to which the comments relate	Comments (PCT/WG/GSE/I/3)
<u>Chapter III (pages 36-55)</u>	
para. 1.3 (page 36)	NL (Annex B, page 4) GB (Annex C, page 2) (See also Item 12)*
para. 2.1 - 2.2 (page 37)	GB (Annex C, page 2)
para. 2.3 (page 38)	NL (Annex B, page 4) GB (Annex C, page 2) (See also Item 13)*
para. 3.1 (pages 38-39)	NL (Annex B, page 4)
para. 3.2 (pages 39-40)	NL (Annex B, page 4)
para. 3.3 (pages 40-41)	GB (Annex C, page 3)
para. 3.4 (page 41)	GB (Annex C, page 3)
para. 3.5 (page 42)	NL (Annex B, page 4)
para. 3.6 (page 42)	GB (Annex C, page 3)
para. 4.2 (page 43)	GB (Annex C, page 3)
para. 4.3 (pages 43-44)	NL (Annex B, page 4) GB (Annex C, page 3) (See also Item 14)*
para. 4.7 (pages 45-46)	NL (Annex B, page 3)
para. 4.11 (page 47)	GB (Annex C, page 3)
para. 5.1 (page 47)	GB (Annex C, page 3)
para. 6.1 (page 48)	GB (Annex C, page 3)
para. 6.2 (page 48)	GB (Annex C, page 3)
para. 6.3 (pages 48-49)	GB (Annex C, page 3)
para. 6.4 (pages 49-50)	GB (Annex C, page 3) (See also Item 15)*
para. 7.2 (page 51)	NL (Annex B, page 4)
para. 7.4 (page 52)	NL (Annex B, page 4)
para. 7.5 (page 52)	NL (Annex B, page 4)
para. 7.6 (pages 52-53)	NL (Annex B, pages 4-5) GB (Annex C, page 3) (See also Item 17)*
paras. 7.8 - 7.11 (pages 54-55)	NL (Annex B, page 5)
<u>Chapter IV (pages 56-58)</u>	
Title	NL (Annex B, page 5)
para. 1.1 (pages 56-57)	NL (Annex B, page 5)
para. 2.1 (pages 56-61) (all parts of the paragraph)	NL (Annex B, page 5)
para. 2.1 (pages 57-58) (Discoveries)	GB (Annex C, page 3) (See also Item 20)*
para. 2.1 (page 59) (Aesthetic creation)	GB (Annex C, page 3) (See also Item 21)*
para. 2.1 (pages 59-60) (Schemes, etc.)	GB (Annex C, page 3)
para. 2.1 (page 60) (Programs for computers)	GB (Annex C, page 3) (See also Item 22)*
para. 2.2 (pages 61-62)	GB (Annex C, page 3) (See also Item 23)*
para. 3 (pages 62-63)	NL (Annex B, page 5)
para. 3.1 - 3.3 (pages 62-63)	NL (Annex B, page 5) GB (Annex C, page 3) (See also Item 24)*
para. 4.2 (page. 65)	NL (Annex B, page 5)
para. 4.3 (page 66)	GB (Annex C, page 3)
para. 5.1 (page 67)	GB (Annex C, page 3)
para. 5.2 (pages 68-69)	NL (Annex B, page 5)
	NL (Annex B, page 5)
	GB (Annex C, page 3)

* of the comparative analysis (Annex B to document PCT/TCO/VI/9)

Chapters and paragraphs of the EPO Guidelines for International Preliminary Examination, to which the comments relate	Comments (PCT/WG/GSE/I/3)
<u>Chapter IV</u> (continued)	
para. 5.3 (pages 69-70)	GB (Annex C, page 3)
paras. 6.1 - 6.3 (pages 70-71)	NL (Annex B, page 5)
para. 6.4 (page 71)	NL (Annex B, page 5)
para. 8 (pages 73-74)	NL (Annex B, page 5)
para. 9.1 (page 74)	GB (Annex C, page 3)
para. 9.7 (pages 77-78)	NL (Annex B, page 5)
para. 9.8 (pages 79-85)	GB (Annex C, pages 3-4)
<u>Chapter V</u> (pages 87-92)	
para. 1.1 (pages 87-88)	NL (Annex B, page 6)
para. 1.3 (pages 87-88)	NL (Annex B, page 6)
para. 1.4 - 1.5 (pages 88-90)	NL (Annex B, page 6)
	GB (Annex C, page 4)
para. 2.1 (page 90)	NL (Annex B, page 6)
para. 3 - 3.3 (pages 91-92)	NL (Annex B, page 6)
para. 3.4 (new paragraph suggested)	NL (Annex B, page 6)
<u>Chapter VI</u> (pages 93-134)	
para. 1.1 (page 93)	GB (Annex C, page 4)
para. 1.2 (page 94)	NL (Annex B, page 6)
para. 1.4 (page 94)	NL (Annex B, page 6)
para. 2.3 (page 97)	NL (Annex B, page 6)
para. 2.5 (page 98)	NL (Annex B, page 6)
paras. 2.6-2.8 (page 99)	NL (Annex B, page 6)
para. 3.2 (pages 100-101)	NL (Annex B, page 6)
para. 3.5 (page 102)	NL (Annex B, page 7)
para. 3.6 (page 102)	NL (Annex B, page 7)
para. 3.11 (page 104)	NL (Annex B, page 7)
paras. 4.3 - 4,5 (pages 105-106)	NL (Annex B, page 7)
para. 4.7 (pages 106-107)	NL (Annex B, page 7)
paras. 5.1 - 5.2 (pages 107-108)	NL (Annex B, page 7)
para. 5.3 (page 108-109)	NL (Annex B, page 7)
para. 5.10 (page 111)	NL (Annex B, page 7)
paras. 5.11 - 5.15 (page 112)	NL (Annex B, page 7)
para. 6.1 (pages 112-113)	NL (Annex B, page 7)
paras. 6.3 - 6.6 (pages 113-114)	NL (Annex B, page 7)
paras. 7.1 - 7.5 (pages 115-116)	NL (Annex B, page 7)
para. 7.6 (pages 116-118)	NL (Annex B, page 8)
paras. 7.7 - 7.9 (page 118)	NL (Annex B, page 8)
paras. 8.1 - 8.2 (page 119)	NL (Annex B, page 8)
para. 8.3 (page 119)	NL (Annex B, page 8)
para. 8.4 (page 120)	NL (Annex B, page 8)
paras. 8.5 - 8.9 (pages 120-121)	NL (Annex B, page 8)
para. 8.10 (page 121)	NL (Annex B, page 8)
para. 9.9 - 9.12 (pages 122-124)	NL (Annex B, page 8)
para. 10 - 10.9 (pages 124-125)	NL (Annex B, page 8)
paras. 11 - 11.7 (pages 126-128)	NL (Annex B, page 8)
	(See also Item 41)*
paras. 11.8 - 11.10 (pages 128-129)	NL (Annex B, page 8)
paras. 12 - 15.8 (pages 130-134)	NL (Annex B, page 8)
<u>Code for identifying the States:</u>	
	HU Hungary
	NL Netherlands
	GB United Kingdom

* of the comparative analysis (Annex B to document PCT/TCO/VI/9)