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WORLD INTELLECTUAL PROPERTY ORGANIZATION
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DIPLOMATIC CONFERENCE FOR THE ADOPTION OF THE PATENT LAW TREATY

Geneva, May 11 to June 2, 2000

ARTICLES 5, 8 AND 12 AND RULES 4, 13 AND 17

Proposal by the Delegation of Israel

The following modifications are suggested by the Delegation of Israel:

Article 5(7)(a). We propose that Article 5(7)(a) be modified as follows:

“(a) [*Replacing Description and Drawings by Reference to a Previously Filed Application*] (a) Subject to the requirements prescribed in the Regulations, a reference, made upon the filing of the application, in a language accepted by the Office, to a previously filed application filed by the same applicant or his predecessor in right shall, [...]”

Article 8(4)(b). Contracting Parties should be permitted to require certification or notarization of affidavits submitted to their offices in accordance with national law.

Article 12(1). This Article relates to applications and patents. We feel that the provision of reinstatement of rights should relate only to applications. When a final time limit concerning a patent is not complied with, the patent becomes open to the public who may start using the invention. The public should therefore have an opportunity to challenge any request for reinstating a patent.

Rule 4(4). In Rule 4(4), delete “... and the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable, ...”

Rule 13(3), item (ii). We support the view that rights lost due to failure to pay renewal fees within the six month grace period, should not be reinstatable under Article 12. The correct procedure should be open to opposition by the public and subject to safeguarding of rights of anyone who has started to exploit the invention after the lapse of rights.

Rule 17(1)(b). We propose that new item (iv) be inserted in Rule 17(1)(b) as follows:

“(iv) the date of the licensing agreement and its duration, if limited.”

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