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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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DIPLOMATIC CONFERENCE FOR THE ADOPTION OF THE PATENT LAW TREATY

Geneva, May 11 to June 2, 2000

ARTICLE 18

Proposal by the Delegation of the United States of America

The Delegation of the United States of America made the following proposal concerning Article 18(3):

“(3) [*Amendment by the Assembly of Certain Provisions of the Treaty*]
(a) Proposals for the amendment by the Assembly of Article 16(2)(i), (ii), (iv) and (v), and (6) may be initiated by any Contracting Party or by the Director General. Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly.”

Comments: This proposal seeks to exclude certain tasks of the Assembly under Article 16(2) from being amended by the Assembly. In particular, the proposal excludes Article 16(2)(iii), which provides the Assembly with the authority to amend the Regulations, and Article 16(2)(vi), which authorizes the Assembly to perform such other functions as are appropriate under the Treaty. The reason for these proposed exclusions from Article 18(3) is that the Assembly, by virtue of Article 16, already has the ability to modify the Regulations and perform other appropriate functions. That is Article 16, itself, provides the Assembly with broad authority and flexibility to respond accordingly to future issues and concerns.

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