

WIPO



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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

DRAFT AGREED STATEMENTS BY THE DIPLOMATIC CONFERENCE REGARDING
THE PATENT LAW TREATY AND THE REGULATIONS
UNDER THE PATENT LAW TREATY

*submitted to Main Committee I
by the Drafting Committee*

1. When adopting Article 1(xiv), the Diplomatic Conference understood that the words “procedure before the Office” would not cover judicial procedures under the applicable law.
2. When adopting Articles 1(xvii), 16 and 17(2)(v), the Diplomatic Conference understood that:
 - (1) The PLT Assembly would, when appropriate, be convened in conjunction with meetings of the PCT Assembly.
 - (2) Contracting Parties of the PLT would be consulted, when appropriate, in addition to States party to the PCT, in relation to proposed modifications of the PCT Administrative Instructions.
 - (3) The Director General shall propose, for the determination of the PCT Assembly, that Contracting Parties of the PLT which are not party to the PCT be invited as observers to PCT Assembly meetings and to meetings of other PCT bodies, when appropriate.

(4) When the PLT Assembly decides, under Article 16, that a revision, amendment or modification of the PCT shall apply for the purposes of the PLT, the Assembly may provide for transitional provisions under the PLT in the particular case.

3. When adopting Articles 6(5) and 13(3), and Rules 4 and 14, the Diplomatic Conference urged the World Intellectual Property Organization to expedite the creation of a digital library system for priority documents. Such a system would be of benefit to patent owners and others wanting access to priority documents.

4. With a view to facilitating the implementation of Rule 8(1)(a) of this Treaty, the Diplomatic Conference requests the General Assembly of the World Intellectual Property Organization (WIPO) and the Contracting Parties to provide the developing and least developed countries and countries in transition with additional technical assistance to meet their obligations under this Treaty, even before the entry into force of the Treaty.

The Diplomatic Conference further urges industrialized market economy countries to provide, on request and on mutually agreed terms and conditions, technical and financial cooperation in favour of developing and least developed countries and countries in transition.

The Diplomatic Conference requests the WIPO General Assembly, once the Treaty has entered into force, to monitor and evaluate the progress of that cooperation every ordinary session.

5. When adopting Rules 12(5)(vi) and 13(3)(iv), the Diplomatic Conference understood that, while it was appropriate to exclude actions in relation to *inter partes* proceedings from the relief provided by Articles 11 and 12, it was desirable that the applicable law of Contracting Parties provide appropriate relief in those circumstances which takes into account the competing interests of third parties, as well as those interests of others who are not parties to the proceedings.

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