

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

PATENT LAW TREATY (PLT)

ASSEMBLY

**First (1st Ordinary) Session
Geneva, September 26 to October 5, 2005**

FUTURE WORK

Document prepared by the International Bureau

1. This document contains information and proposals on the future work relative to the Patent Law Treaty Assembly (hereinafter the “PLT Assembly”).

Request Form and Model International Forms

2. In accordance with PLT Article 17(2)(ii) and (iv), the PLT Assembly shall establish Model International Forms, and the request Form, referred to in Article 14(1)(c), with the assistance of the International Bureau, and determine the conditions for the date of application of such Forms.

3. In order to develop those Forms for adoption by a future session of the PLT Assembly, it is suggested that a consultation process be established by the PLT Assembly. Since the requirements regarding those Forms are prescribed in PLT provisions, i.e., Article 6(2) and Rules 3, 15, 16, 17 and 18, considerable agreement in principle already exists in relation to the substantive contents of those Forms. Therefore, in order to provide a simple and streamlined process, the following interactive process utilizing electronic communications is suggested:

(i) The International Bureau would prepare draft Model International Forms and a draft request Form in accordance with the relevant provisions of the PLT and its Regulations, and post them on the PLT website to be established by the International Bureau.

(ii) PLT Contracting Parties as well as intergovernmental and non-governmental organizations which have observer status in the PLT Assembly and/or the Standing Committee on the Law of Patents (SCP) would be invited to submit observations and comments within a determined time limit. Those comments would, in principle, be in electronic form. However, a Contracting Party or a said organization may request receiving and submitting communications on paper, either on a routine or a case-by case basis, if it so wishes.

(iii) The process above would be conducted in English, French and Spanish.

(iv) Following the above consultation, the International Bureau would submit the draft Forms to the PLT Assembly for adoption.

4. The utility and the benefits of the Model International Forms as well as a common request Form may be proportional to the number of Contracting Parties to the PLT. At present, the number of Contracting Parties to the PLT is ten, which is the minimum number required for the entry into force of the PLT. Therefore, it is suggested that the work described above be initiated only after further instruments of ratification or accession to the PLT have been deposited with the Director General of WIPO. It is proposed, in this regard, that the status of the number of Contracting Parties be reported to each ordinary session of the PLT Assembly to enable it to decide when a number of Contracting Parties has been reached that is considered sufficient for this work to proceed. In the interim, with a view to promoting further ratifications and accessions to the Treaty, the Secretariat will render, as appropriate, legal advice, especially in preparing national legislation, participate in relevant seminars and meetings, and produce studies and other information publications in this area.

Application of revisions, amendments or modifications of the Patent Cooperation Treaty (PCT)

5. In connection with a number of provisions under the Patent Law Treaty (PLT) that incorporate by reference certain requirements under the Patent Cooperation Treaty (PCT), the PLT Assembly will have to decide, in accordance with Article 17(2)(v) of the PLT, whether any revision, amendment or modification of the PCT (including the Regulations and the Administrative Instructions under the PCT), which is consistent with the PLT Articles, shall apply for the purposes of the PLT and its Regulations. It is proposed that the first session of the PLT Assembly decides on the applicability of the amendments and modifications of the PCT, which have been made since June 2, 2000, to the PLT, as set out in document PLT/A/1/2.

6. At its future sessions, whenever any revision, amendment or modification of the PCT relative to the PLT is made, the PLT Assembly shall decide on the applicability of such revision, amendment or modifications of the PCT to the PLT and, where appropriate, provide for transitional provisions under the PLT pursuant to item 2(4) of the Agreed Statements by the Diplomatic Conference for the Adoption of the PLT (PLT Agreed Statements).

7. It is proposed that, with respect to future revisions, amendments or modifications of the PCT, a consultation process using electronic communications, as proposed in paragraph 3, be carried out prior to each PLT Assembly so that the PLT Contracting Parties have the opportunity to examine the applicability of such revisions, amendments and modifications to the PLT.

8. *The PLT Assembly is invited:*

(i) to decide to review the possibility of initiating a consultation process for the establishment of Model International Forms and the request Form as set out in paragraphs 3 and 4 above at its next ordinary session; and

(ii) to approve the establishment of a consultation process as set out in paragraph 7 above.

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