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COMMITTEE OF EXPERTS ON THE PATENT LAW TREATY

Second Session
Geneva, June 17 to 21, 1996

REPORT

adopted by the Committee of Experts

I. INTRODUCTION

1. Convened by the Director General following decisions made by the General Assembly of WIPO and the Assembly of the Paris Union in their meetings of September/October 1995, the Committee of Experts on the Patent Law Treaty (hereinafter referred to as “the Committee of Experts”) held its second session in Geneva from June 17 to 21, 1996.

2. The following States members of WIPO and/or the Paris Union were represented at the session: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Cuba, Czech Republic, Democratic People’s Republic of Korea, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Hungary, India, Indonesia, Ireland, Israel, Italy, Japan, Kazakstan, Kenya, Lesotho, Malawi, Malta, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, United Kingdom, United States of America, Uzbekistan, Venezuela (63).

3. The following State member of the UN and/or Specialized Agencies was represented by observers: Afghanistan (1).
4. Representatives of the Eurasian Patent Organization (EAPO), the European Communities (EC), the European Patent Office (EPO) and the Organization of African Unity (OAU) took part in the session in an observer capacity.
5. Representatives of the following non-governmental organizations took part in the session in an observer capacity: American Bar Association (Section of Intellectual Property Law) (ABA), American Intellectual Property Law Association (AIPLA), Asian Patent Attorneys Association (APAA), Chartered Institute of Patent Agents (CIPA), Committee of National Institutes of Patent Agents (CNIPA), Compagnie nationale des conseils en propriété industrielle (CNCPI), European Council of American Chambers of Commerce (ECACC), Federal Chamber of Patent Attorneys (Germany) (FCPA), Federation of German Industry (BDI), Institute of Professional Representatives before the European Patent Office (EPI), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Federation of Industrial Property Attorneys (FICPI), International League of Competition Law (LIDC), Japan Intellectual Property Association (JIPA), Japan Patent Attorneys Association (JPAA), Pacific Intellectual Property Association (PIPA), Trade Marks, Patents and Designs Federation (TMPDF), Union of European Practitioners in Industrial Property (UEPIP), Union of Industrial and Employers' Confederations of Europe (UNICE), World Federation of Engineering Organizations (WFEO) (22).
6. The list of participants is contained in the Annex to this report.
7. The Director General of WIPO opened the session and welcomed the participants.
8. The Committee of Experts unanimously elected Mr. Peter Messerli (Switzerland) as Chairman and Mr. Guido Fernando Silva Soares (Brazil) and Mr. Gao Lulin (China) as Vice-Chairmen. Mr. L. Baeumer (WIPO) acted as Secretary to the Committee of Experts.
9. Discussions were based on the following documents prepared by the International Bureau of WIPO: "Agenda" (document PLT/CE/II/1), "Draft Patent Law Treaty and Draft Regulations" (document PLT/CE/II/2), "Notes" (document PLT/CE/II/3) and "Model International Forms" (document PLT/CE/II/4). In this report, references to "the draft Treaty," as well as to any given "draft Article" or "Article," "draft Rule" or "Rule" or "Note" are references to the Draft Treaty, to the given draft Article or Rule or to the given Note as contained in documents PLT/CE/II/2, PLT/CE/II/3 and PLT/CE/II/4.
10. The Secretariat noted the interventions made and recorded them on tape. This report summarizes the discussions without reflecting all the observations made.

II. GENERAL DECLARATIONS

11. The Delegation of Australia welcomed the revised draft of the Treaty. It drew attention to provisions of the Paris Convention for the Protection of Industrial Property and of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure under which member States were entitled to require certain information from the applicant and the compliance with certain formalities concerning the deposit of microorganisms. The Delegation wondered whether those provisions would be superseded by the new Treaty. It suggested that any problems could be overcome by the inclusion of a general provision that nothing in this Treaty precluded any Contracting Party from applying a requirement that it was entitled to apply by reason of another preexisting treaty. In addition, it pointed out that the draft Treaty assumed that any patent would be granted to the applicant, which was not the case in Australia where the interest was in the identity and the entitlement of the person to whom the patent was to be granted. It also expressed the opinion that it was not certain whether the draft Treaty precluded certain other formality requirements which Australia and other countries imposed before grant, for example, in respect of deferred examination, requirements concerning time limits and pre-grant opposition.

12. The Delegation of the United States of America recalled its opening remarks made in the first session of the Committee of Experts and stated that it was still not in a position to discuss substantive patent law harmonization. The distinction between formal and substantive matters was important. In this regard, the Delegation expressed its concern over inclusion of the new Article on unity of invention as a substantive requirement that was not appropriate for inclusion in this Treaty directed to formalities. However, as previously stated, the Delegation did not object to engaging in discussions regarding possible harmonization of patent formalities as there were many areas which would benefit from such harmonization, especially those directed to greater uniformity, simplification and cost reduction. It noted that, in this regard, the draft Treaty was a somewhat modest effort, and appeared to have been drafted so as to simply accommodate all current systems. Such harmonization would be beneficial to patent applicants since applications could be prepared in one format for acceptance by all national offices around the world. The Delegation also noted that many issues addressed in the draft articles referred to regulatory, rather than statutory, matters and proposed that regulatory matters should be dealt with in the Rules under the Treaty rather than in the Articles.

13. The Delegation of Slovenia, while supporting the draft Treaty, recalled that the issue of translation of patent applications into various national languages had already been mentioned at the first meeting of the Committee as a major problem in connection with the cost of patenting. The Delegation informed the Committee that it had researched this topic and had arrived at a possible solution of how to deal with the said issue in the framework of the Patent Law Treaty. If there were a sufficiently broad agreement then this should be included in the draft Treaty, the Delegation was ready to present its suggestions for consideration at the next session of the Committee.

14. The Delegation of Sweden expressed the opinion that it was not appropriate to include issues of substantive patent law in the draft Treaty, which should be confined to formal and

procedural matters. For that reason, the Delegation was of the opinion that the principle of unity of invention should not be included.

15. The Delegation of Switzerland noted with satisfaction that the provisions on the filing date and on unity of invention had been included in the draft Treaty. Although supporting the draft Treaty in general, it announced that it would return to certain items in detail when the provisions concerned were discussed.

16. The Delegation of Canada expressed its support for the proposals for harmonization contained in the documents and welcomed the inclusion of articles dealing with the filing date and unity of invention. Although it recognized the practical constraints involved, the Delegation hoped that it would be possible to deal with a somewhat broader range of issues, for example, the identification and mention of the inventor as under Article 6 of the basic proposal in document PLT/DC/3, belated priority claims as under Article 7 of the basic proposal, the restoration of priority rights where the 12-month priority period was inadvertently missed in spite of all due care required by the circumstances, and the restoration of rights after a missed time limit. The Delegation stated that it would also like to see the issue of grace period dealt with in some way in the Treaty, although it recognized that, in the past, States had expressed the view that this issue could only be dealt with as part of a balanced package. The Delegation questioned whether it might not be possible to deal with that issue in the Treaty, at least in some limited fashion--perhaps with a shorter limit, for example, a six-month minimum grace period rather than the 12-month period that was set forth in the basic proposal, so that the extension from a six-month to a 12-month period would be something that could be left for negotiations as part of a later, larger package. The Delegation further stated that it was open to the inclusion of other new issues and looked forward to hearing the ideas of other delegations in this respect.

17. The Delegation of the Russian Federation expressed appreciation for the high quality of the draft Treaty which duly reflected the agreements reached at the first session of this Committee of Experts and also took into account the experience gained from the previous sessions held during the period from 1985 to 1991. The Delegation was, in general, in favor of the proposed draft Articles and Rules and would make proposals on concrete issues during the discussions.

18. The Delegation of the Netherlands attached great importance to the continued work of the Committee of Experts. It expressed its satisfaction at the inclusion of provisions concerning the filing date which it considered of the utmost importance to patent applicants. The Delegation further supported the suggestion made by the Chairman to examine whether there were other subjects that could be added to the provisions contained in the present draft.

19. The Delegation of Japan stated that its view of the Patent Law Treaty had not changed since the last session of the Committee of Experts. It recalled that the Trademark Law Treaty, which also aimed at harmonizing formalities, namely, in respect of trademarks, had already been concluded. In Japan, the bills to accede to the Trademark Law Treaty and amend the Trademark Law along with the Treaty had recently passed the Diet, and the Treaty would take effect in Japan in April 1997 along with the amended Trademark Law. It also indicated that some provisions concerning formalities under the Japanese Patent Law had been amended in line with the amendments to the Trademark Law.

20. The Delegation of Portugal supported the Treaty and the Regulations as submitted and stated that it was in favor of adopting as rapidly as possible a Patent Law Treaty within the framework of WIPO. However, it would have a number of comments to make on certain Articles and it regretted that certain other matters were not dealt with in the framework of this international legal instrument. The Delegation said that it would like to have dealt, for example, with matters already accepted within the framework of the TRIPS Agreement, i.e., issues concerning the term of patents and their exploitation and also the grace period and the even more difficult matter of the first to file principle in opposition to the first to invent principle. The Delegation was aware of the difficulties involved in dealing with those questions.

21. The Delegation of the United Kingdom welcomed the revised documents and was pleased that provisions on filing date and unity of invention had been included, and stated that it would consider proposals for additional topics to be dealt with in the Treaty.

22. The Delegation of China welcomed proposals for international coordination and harmonization on patent law initiated by WIPO. It proposed to take concrete measures in full conformity with the PCT with regard to harmonization, since more than 85 countries were Contracting States of the PCT. It mentioned that, even if the Treaty were only to deal with foreign applications, it would be very difficult for the procedures for handling national applications to differ from those of foreign applications. It also proposed the addition of transitional articles, taking into consideration the concrete situation of different countries, and the fact that it might be difficult for some countries to implement some of the articles. Finally, it expressed the hope that a diplomatic conference would be held as soon as possible.

23. The Delegation of Germany said to begin with that, in its view, the prime task of the Committee of Experts was to prepare a treaty that dealt not only with formalities, but was a true harmonization treaty. The Delegation emphasized the fact that the former Patent Law Treaty should not be forgotten during discussions on the present draft Treaty. Secondly, the Delegation expressed its concern at the additional Articles relating to the filing date and to unity of invention. It pointed out that it had already hesitated at the last meeting to include those provisions in the draft Treaty since they were likely to jeopardize the balance between the provisions enjoying a consensus and those that were hotly debated. That could endanger the conclusion of a complete harmonization treaty. Nevertheless, the Delegation pointed out that in general it was willing to discuss those two provisions and was favorable to the present draft Treaty.

24. The Delegation of France agreed with those delegations that had expressed the wish that the Treaty should also cover issues of substance. However, it emphasized that the wish to produce a very complete treaty was likely to mean that the Committee of Experts could not reach an agreement and that the treaty could not see the light of day. Furthermore, although 90% of the Treaty as proposed dealt with formal matters, the Delegation pointed out that it was frequently such matters of form that made life very difficult for applicants, particularly when they wished to file an application abroad and, for that reason, those "details" had not to be disdained. The Delegation said that it would be satisfied if the Committee of Experts could achieve a consensus on the issues of substance and that it would like to see, at the end of the meeting, other substantive items addressed that could be included in the draft Treaty or, at least, a list of such items drawn up. However, it observed that the substantive items that could be added had absolutely to constitute the balanced package that had been referred to for

years and that it would not be possible for the Delegation of France, despite all its goodwill in the present exercise, to accept items that would not take that balance into account.

25. The Delegation of Belgium said that the draft Treaty currently under discussion assumed particular importance for numerous countries, and certainly for its own country, as also for large numbers of users who were concerned by the work at WIPO. As a whole, the Delegation was satisfied at the document submitted and noted with satisfaction that Article 3 of the draft Treaty had taken into account a proposal on the use of languages that it had submitted to the first session. The Delegation pointed out that, in the long term, sight should not be lost of the aim of the exercise which was to harmonize this subject with regard to substance within the framework, as had been mentioned by the Delegation of France, of an overall package.

26. The Delegation of Austria stated that it did not oppose the inclusion of substantive matters into the Treaty but, nevertheless, wished to point out the danger for the conclusion of the Treaty inherent in a much broader approach. The Delegation fully supported the inclusion in the present draft of the matters of unity of invention and filing date.

27. The Delegation of Kenya commented on the usefulness of the Notes and the importance to its Office of the provisions on filing date, unity of invention and request for recordal of a change of ownership or change in inventorship. The Delegation called for prudence while deliberating on the draft Treaty.

28. The Representative of the European Patent Office (EPO) welcomed the revised draft documents, as including most of the recommendations and proposals made during the first session of the Committee of Experts. He expressed the view that the introduction of provisions on the filing date and on unity of invention substantially increased the importance of the Treaty. He also commented that the reference to the Patent Cooperation Treaty (PCT) as regards physical requirements of the application was a most elegant and efficient way of incorporating broadly agreed standards since it avoided the introduction of additional standards and allowed smooth adaptation, and suggested that this sort of reference might be made elsewhere.

29. The Representative of the European Communities stated that the Commission of the European Communities supported the efforts that were being made at international level in order to harmonize patent law. He noted with satisfaction the inclusion of two substantive provisions concerning the filing date and unity of invention and said that, if a consensus could be achieved between delegations, it would even be desirable to go a little further and to include other substantive provisions. The Representative nevertheless pointed out that the boat should not be overloaded if it was to sail more rapidly towards its destination.

30. The Representative of the American Bar Association (ABA) stated that a treaty on formalities was necessary to simplify procedures and reduce costs for applicants. As a user, he would like to see from a personal view other things included in the Treaty, including possibly unity of invention, which he believed needed an international standard. However, in view of the difficulties which the United States of America, as well as perhaps other countries, had with this, there was a need to keep the draft Treaty simple in order to get it adopted.

31. The Representative of the Committee of National Institutes of Patent Agents (CNIPA), the Chartered Institute of Patent Agents (CIPA), the Institute of Professional Representatives before the European Patent Offices (EPI) and the Trade Marks, Patents and Designs Federation (TMPDF), while supporting the draft Treaty, commented that amendment of the Treaty should be made easy, particularly the references to the PCT, which may itself be altered from time to time. He expressed support for the new provision on unity of invention and for Article 8*bis* proposed in the Notes. He favored the proposal by the Delegation of Canada for the inclusion of a provision for a belated priority claim based on Article 7 of the basic proposal and hoped for renewal of the proposal on initial languages made by the Delegation of Belgium at the first session of the Committee of Experts, which he felt was not entirely implemented by the present draft.

32. The Representative of the International Federation of Industrial Property Attorneys (FICPI) stated that his organization was in favor of a careful extension of the Treaty to include further topics.

33. The Representative of the Japan Patent Attorneys Association (JPAA) supported the inclusion of Articles 3 and 6. He proposed that the Treaty cover additional topics, namely, the restoration of rights and extension of specific time limits.

34. The representative of the National Institute of Industrial Property Agents of France (CNCPI) stressed that it was important for the Committee of Experts to achieve initially a consensus on the harmonization of formalities since that was a first step towards harmonization of substance. The Representative considered that formalities were essential with respect to the filing of patents throughout the world. It had to be ensured that an inventor filing applications in a number of countries was not subject to differing rules.

35. The representative of the Japan Intellectual Property Association (JIPA) expressed its support for the draft Treaty, in particular, the inclusion of Articles 3 and 6.

36. The Delegation of Romania expressed its satisfaction with the draft that had been prepared by the International Bureau.

37. The Delegation of Norway stated that in general it was satisfied with the draft Treaty prepared by the International Bureau.

38. The Delegation of Denmark expressed its support for the draft Treaty prepared by the International Bureau.

III. PROVISIONS OF THE DRAFT TREATY AND OF THE DRAFT REGULATIONS UNDER THE DRAFT TREATY

Draft Article 1: Abbreviated Expressions

39. *Items (i) and (ii).* These items were approved as proposed.

40. *Item (iii)*. One delegation asked for clarification of whether the definition of “patent” in this item would, in addition to patents *per se*, comprise other titles for the protection of inventions, for example, utility models or petty patents. It was explained that this was a matter of interpretation by each Contracting Party.

41. *Item (iv)*. The Delegation of Switzerland suggested that the definition of the term “legal entity” be expanded to include entities that, although not being legal entities, were assimilated under the applicable national law to legal entities. The International Bureau, recalling the past discussions, pointed out that it might be difficult to add a definition of such assimilated entities. It was agreed, however, to clarify in the Notes that the Treaty would apply to such entities if they were so assimilated under the applicable national law.

42. *Item (v)*. The question was raised as to whether the definition of “communication” should include a clarification that only communications in patent matters were meant since some uncertainties were caused by the term “or not.” It was also agreed that such a clarification should be included in the Notes and that the International Bureau would study further whether the word “carrier” was broad enough to cover all relevant current and future communication means, for example, on the Internet.

43. *Items (vi) and (vii)*. These items were approved as proposed.

44. *Items (viii) and (ix)*. The Delegation of the United States of America explained that, under its national law, normally the inventor was the applicant. The Delegation indicated that, under the applicable provisions, an inventor/applicant could assign his application so that the assignee was permitted to act on behalf of the inventor/applicant. It suggested that the definition of applicant should cover this situation. The Delegation of Australia supported that suggestion and expressed its reservation against item (ix) as presently drafted. It was agreed that a further study would be undertaken to clarify the definitions of “applicant” and “owner,” taking into account the provisions in which those terms were used, for example, Article 2(2)(iii).

45. *Item (x)*. In reply to a question raised by one delegation as to the difference between this item and Article 4(1), the International Bureau explained that there were two different aspects to be regulated, namely the “firm or partnership” aspect (item (x)) and the “admission to practice” aspect (in Article 4(1)). The representative of an intergovernmental organization, supported by one delegation, suggested to combine those two aspects. Two delegations opposed that suggestion. In conclusion, it was agreed that the International Bureau would review the matter for the next draft.

46. *Items (xi), (xii) and (xiii)*. These items were approved as proposed.

47. *Items (xiv) and (xv)*. The Delegation of the United States of America stated that it would await further clarification on the question as to whether and--if so--under what conditions an intergovernmental organization could become a Contracting Party and therefore expressed its reservation with respect to item (xiv), since it related to participation in the Treaty and the voting rights. The International Bureau agreed that it was premature to agree on either items (xiv) or (xv), as these items were linked to the final provisions that would be discussed in the future.

48. *Items (xvi), (xvii) and (xviii).* These items were approved as proposed.

49. As regards possible additional items to be included in Article 1, the Delegation of the United States of America, supported by a representative of a non-governmental organization, suggested the inclusion of a definition of the term “mistake,” which should take into account such features as “good faith” and “no undue delay.” In response to the suggestion, it was pointed out that draft Article 9(6) left the question of which mistakes would be covered by that Article (the only one containing the term “mistake”) to national laws so that a definition of that term in Article 1 would not seem to be needed.

50. The Delegation of Switzerland suggested that the definition of the term “priority” should be included in Article 1, taking into account internal priority. The International Bureau pointed out that all possibilities for claiming a priority had to be covered, including priority based on Article 2.1 of the TRIPS Agreement or on bilateral agreements and that it would be difficult to provide for a comprehensive definition.

51. A representative of several non-governmental organizations indicated that he had difficulties with the definition of the term “accompanied by” appearing in Articles 8(2) and 9(1)(f). It should be clarified, for example, whether, as the representative wished, replacement sheets under Article 9(1)(f) could be furnished without being physically attached. The International Bureau indicated that this would be clarified in the next draft of the Notes.

52. The Delegation of Denmark proposed the inclusion of a definition of “inventor” in Article 1. The International Bureau explained that such a definition would presuppose a definition of “invention” because an inventor was a person who had made an invention and it would be difficult to agree on a definition of invention.

53. In conclusion, it was agreed that the next draft of Article 1 would not contain additional definitions.

Draft Rule 1: Abbreviated Expressions

54. This Rule was approved as proposed.

Draft Article 2: Application

55. *General.* The International Bureau explained that draft Articles 2 and 3 operated in conjunction with each other, as Article 2 dealt with all the requirements applicable to applications during the phase “until grant,” and Article 3 dealt with the filing date requirements, the latter necessarily being covered by what was allowed under draft Article 2.

56. *Paragraph (1).* The representative of a non-governmental organization and one delegation recommended that the language of the introductory phrase of paragraph (1) be aligned to paragraph (2) in order to read “may require that the application contain some or all of the following:” so that the maximum character of the list in the paragraph would become clear. It was agreed that this suggestion would be taken into account for the next draft.

57. One delegation questioned whether the Office could require that the elements be presented in the order of the draft Treaty. It was pointed out that this was the case but that, as the provision contained the maximum allowed, a Contracting Party could also set forth the five requirements in a different order.

58. Several delegations suggested that the International Bureau study the question of whether to restructure paragraph (1) in order to take into account developments in high-technology, such as DNA sequence listings and references to deposits of biological material, which were not necessarily parts of the description. It was observed that it would not be possible, at this stage, to cover all future technological developments so that any solution to that problem should be flexible enough to cover such developments. It was agreed that the International Bureau should study this further for the next draft.

59. One delegation sought a clarification that the title of the invention may be required not only as a distinct element but also as a part of the description, particularly since PCT Rule 5 required the description to include a title. It was agreed that such a clarification would be made in the Notes to the next draft.

60. *Item (i)*. This item was approved as proposed.

61. *Item (ii)*. One delegation suggested that this item read as follows: “a description of the invention.” Another delegation suggested the inclusion of the requirement of disclosing the best mode to carry out the invention, but it was pointed out that such a requirement was a substantive one and should not be included in the Treaty.

62. *Item (iii)*. This item was approved as proposed.

63. *Item (iv)*. One Delegation wondered whether the Office could require drawings if the drawings were necessary for understanding the invention and were not set forth in the description or claims. The International Bureau explained that in such a situation the drawings were needed not as a formality but to fulfill the substantive requirement of full disclosure of the invention.

64. One delegation inquired why this item contained the words “referred to in the description or the claims.” The International Bureau explained that the language was necessary because not all applications required drawings. Only where drawings were referred to in the description could drawings be required as a formality.

65. The Delegation of Kenya suggested that, because drawings did not necessarily accompany all the applications, item (iv) should read: “drawings, if any, referred to in the description or in the claims.” It was agreed that it would be studied whether such a clarification was needed in the text of the Treaty or should be included in the Notes.

66. *Item (v)*. This item was approved as proposed.

67. The Delegation of Japan noted that, according to Note 2.32, regarding paragraph (9), a Contracting Party could require an indication of which drawing should be published with the abstract, and sought clarification that this provision did not preclude a Contracting Party from

deciding which drawing should, in the absence of such an indication from the applicant, be published. The interpretation was shared by the International Bureau.

68. *Paragraph (2) items (i) and (ii).* These items were approved as proposed.

69. *Item (iii).* This item was approved as proposed, with the incorporation of the suggestion of one delegation that in addition to requiring the name and address of an applicant, an Office be permitted to require that the applicant submit, where applicable, the registration number (or similar indication) under which the applicant was registered in that Office.

70. *Items (iv) and (v).* These items were approved as proposed, notwithstanding a suggestion by one delegation that items (iv) and (v) be combined into one requirement, namely, the requirement, where the applicant was a natural person, to indicate the State of nationality, or, if there was no nationality, the State of domicile, or, where the applicant was a legal entity, to indicate the State of incorporation. The International Bureau responded that the combination of items (iv) and (v) would create difficulties, noting that those provisions had been adopted in the framework of the Trademark Law Treaty, to allow for a Contracting Party to require all the indications necessary to check whether the applicant was entitled to file under the applicable law.

71. A question was raised by one delegation as to whether item (iv) could be interpreted to permit a Contracting Party to always require the three indications referred to, particularly in the case of multinational corporations with establishments in a large number of countries. The International Bureau stated that, for each case, only one State of nationality, one State of domicile and one State of establishment could be required to be indicated. It was agreed that appropriate explanations would be given in the Notes.

72. *Item (vi).* This item was approved as proposed.

73. *Item (vii).* This item was approved as proposed. However, the Delegation of Norway, supported by the Delegations of Denmark, Sweden and Finland, proposed that any Contracting Party could require that, where an applicant was not the inventor, the applicant furnish proof of his right to the invention, for example by filing a deed of transfer. The International Bureau explained that this proposal would go considerably further than the present text which, in draft Article 2(10), only allowed a Contracting Party to demand evidence where it doubted the veracity of an indication, whereas the said proposal would allow Contracting Parties to require, in each case where the applicant was not the inventor, proof of his right to the invention. The Representative of the European Patent Office (EPO) explained that under Article 81 of the European Patent Convention (EPC), the designation of the inventor and the statement on the origin of the applicant's right must be filed in a separate document if the applicant were not the inventor; this separate document may be filed after the filing of the application, where subsequent identification of the inventor was possible, but no deed of the transfer of the right to the application was required. The Representative of the Eurasian Patent Office (EAPO) stated that the situation was the same under the Eurasian Patent Convention.

74. The Delegation of the United States of America indicated that its Office received applications that were submitted by corporations on behalf of inventors who were unavailable. The fact that the corporation made the application for the inventor did not entitle

the corporation to the patent, as the patent would still issue to the inventor. Therefore, that delegation proposed to change the words “entitlement to receive the patent applied for” to “right to file the application.” It was agreed that this would be studied by the International Bureau when preparing the next draft.

75. *Item (viii)*. One delegation suggested that the requirement that a representative supply a registration number be modified to reflect that fact that in some national Offices representatives were identified by a combination of numbers and letters, or other symbols. The item was approved with this suggestion, it being understood that the relationship of this item with draft Article 4 would be reexamined.

76. *Item (ix)*. This item was approved as proposed, with the reservation by the Delegation of the United States of America that the language be broadened to permit requiring a correspondence name and address and an indication whether the applicant wished future correspondence be sent to his representative or to another address.

77. The Delegation of the Philippines suggested that the phrase, “an address for service” be used in lieu of the current text, “where the applicant has an address for service, such address.” The Delegation reasoned that an application, as well as the items covered under Articles 7, 8 and 9, all required the submission of an address for service. It was agreed to consider this suggestion wherever it was relevant.

78. The International Bureau clarified, in response to one delegation’s query, that a requirement that the address for service be in the territory of a Contracting Party was within the scope of the Treaty under Article 4(2)(b), and was exempted from the national treatment principle under Article 2(3) of the Paris Convention for the Protection of Industrial Property.

79. *Item (x)*. The Delegation of the Russian Federation, supported by the Delegations of the United States of America and Mexico, suggested the merger of items (x) and (xii), namely to merge the definition of requirements in respect of divisional applications with those relating to priority, since both provisions referred to claims of priority based on an earlier application. In addition, one delegation asked that the terms “divisional” and “parent” be defined in the Treaty or the Notes.

80. The Representative of the EPO indicated that there was no earlier filing date for divisional applications, but rather that the filing date of the parent application had effect on the term of the patent, which was distinct from the question of priority under item (xii).

81. After a full discussion concerning the feasibility and/or desirability of merging these two provisions, it was agreed that the International Bureau would study this suggestion and also the question, raised by one delegation, whether different types of patents of addition were sufficiently covered.

82. *Item (xi)*. This item was approved as proposed.

83. *Item (xii)*. The Delegation of Portugal suggested that the language, “a declaration claiming the priority” be replaced by “a claim of priority.” The International Bureau pointed out that the term “declaration of priority” was used in Article 4D of the Paris Convention.

84. The Delegation of Mexico noted that in Spanish, the word “declaración” referred to a separate document, not merely a space on a form. It was agreed that the language of both the French and English texts suggested that a declaration was not to be a separate document, but rather could be contained in Model Form N° 1 as proposed, in keeping with the language used in Article 4D of the Paris Convention.

85. In conclusion, this item was approved as proposed, it being understood that the issue of merging this item with item (x) would be studied by the International Bureau (see paragraphs 79 to 81, above).

86. *Item (xiii)*. This item was approved as proposed, it being understood that designation of a State of a regional patent system would be required only where the system provided for such designation, which was not the case of the Eurasian Patent Convention.

87. *Item (xiv)*. The question of whether this item concerned a substantive issue which should be addressed during examination was raised by several delegations, which expressed their concern for the addition of a requirement which they believed would stimulate litigation and would cause difficulties to an applicant who was unaware of a breach of contract which led to a publication, or was the beneficiary of a mistaken early distribution of a publication.

88. Other delegations argued for the retention of this provision, in particular because it covered the case where a disclosure occurred at a recognized international exhibition as referred to in Article 11 of the Paris Convention for the Protection of Industrial Property and because it would be preferable that earlier disclosures be brought to the attention of the examiner.

89. The Delegation of China supported the text of this item as appearing in the draft Treaty.

90. It was agreed that item (xiv) should be maintained in the draft Treaty, with a possible limitation to international exhibitions, for the reason that the applicant’s knowledge of his actions should allow him to claim the benefits of non-prejudicial disclosure only if indicated to the Office, and that it should be studied whether a more far-reaching provision was needed.

91. *Item (xivbis)*. The Delegation of the United States of America, supported by the Representative of the ABA, explained that, since the inventor’s oath was required by its law, and since it did not foresee that the United States Congress would be predisposed to change the law in this respect, it urged including this item.

92. Concerned that other Contracting Parties might seek to add this provision to their laws, the International Bureau wondered whether this provision could not be limited to those Offices which currently required such an oath or declaration. In light of the limited support for this provision, it was agreed to maintain it in brackets.

93. *Item (xv)*. The Delegation of Japan pointed out that this item was considered a substantive matter to be included in the description, by both the Patent Cooperation Treaty, Rule 5.1 and the 1991 basic proposal, Rule 2(1)(ii).

94. The Delegation of the United States of America, supported by the Delegation of Australia, suggested that this item was related to the obligation to submit an information

disclosure statement at either the time of filing or later. This statement, permitting an applicant to comply with the applicant's continuing duty of disclosure, contained more than what the applicant provided in the background section of the description of the application.

95. It was agreed that the International Bureau should review item (xv) in the light of the aforementioned comments and that, in general, it should study all the indications or elements which could be required under paragraph (2), to determine whether there should be separate categories with different time limits and different consequences in case of failure to comply.

96. *Item (xvi)*. In response to a suggestion by one delegation to replace the word "signature," with "verification," because of special requirements of electronic filing, the International Bureau explained that it would deal with questions concerning electronic filing in a future draft, hopefully the next one.

97. Following the completion of the discussion on each item in Article 2(2), the Chairman invited delegations to suggest additional items for inclusion in the next draft of that provision. Many delegations expressed their desire for fewer, not more, elements, in order to reach the goal of simplification. Nevertheless, the following suggestions were made in respect of additional items:

98. The Delegation of Australia suggested that, in the interest of all applicants in Australia, the following item be included:

"Where the inventor is not the person to whom the patent is to be granted, the name of that person and an indication of their entitlement to receive the patent applied for."

Moreover, the Delegation of Australia suggested that Contracting Parties should be free to require information relevant to the application of Article 4C(4) of the Paris Convention for the Protection of Industrial Property.

99. The Delegation of Norway queried whether an Office could require an applicant indicate in the request part that an application was in the national phase under the Patent Cooperation Treaty (PCT) system. The International Bureau indicated that it would include in the Notes to the next draft that Article 2 of the draft Treaty did not intend to regulate the international applications in the national phase.

100. The Delegation of India proposed the addition of an item to follow item (xvi) to make applications easier to process for the Office:

"Information regarding the prosecution of a corresponding or substantially same application in any State other than the Contracting State in which the request is made, should be furnished along with the request, and thereafter during the period of pendency of the application."

The Delegation noted that this text followed a similar provision of the TRIPS Agreement. The International Bureau, recognizing that this corresponded to the advice it offered to developing countries, agreed to study this question further.

101. The Delegation of China recommended that a provision be included to allow the applicant to state that he wanted early publication of the application, namely, publication before 18 months, and to request substantive examination already at the time of filing the application.

102. The Delegation of France expressed its interest in the addition of a provision permitting Offices to require applicants request either an immediate or a deferred search report, noting that, if such a selection was not made, the applicant would be obliged to pay a higher fee for an immediate search report.

103. The Delegation of the United States of America suggested that Article 2(2)(i) be redrafted to accommodate a designation of the type of application that was being filed, including distinctions between provisional and non provisional applications, and among utility, plant and design patent applications. In addition, the Delegation noted that it wished to require applicants whose inventions were made with government funds, with resources under contract or by a government agency to indicate to the Office which rights were available to the public, based on the amount of public money being used to develop the invention.

104. The Delegation of Switzerland wondered whether, as in PCT Rule 3.3, a check list (“bordereau”) could be required.

105. The Delegations of Australia and of Germany as well as the Representative of the EPO suggested the addition of an item requiring the applicant having deposited biological material to refer to such deposit in the request.

106. It was agreed that the International Bureau would study the aforementioned suggestions, that it would clarify the status of requests that the applicant may be required to make although at a later stage than the time of filing the application (such as a request for examination) and that at least Form N° 1 should reserve space for indications that the applicant may wish to give without being obliged to do so.

107. *Paragraph (3) item (i)*. This item was approved as proposed. One delegation suggested that the chapeau to paragraph (3) read “no Contracting Party shall refuse the application, if otherwise not found unlawful” to cover cases where an application would be filed using means not authorized by the Contracting Party (for example, telex). The International Bureau said that the Notes would clarify the fact that this provision would not oblige Contracting Parties to accept means of communication that they were not ready to accept.

108. In respect of both paragraphs (3)(i) and (4)(i), the Delegation of the United States of America sought clarification to be included in the Notes that, while those provisions referred to applications presented in writing on paper, they should not be understood as obliging Contracting Parties to accept handwriting on forms.

109. Regarding the length of the form, one delegation expressed concern that it might be obligated to exchange its two-page form for the Model International Form of 11 pages. The International Bureau explained that an Office was not obliged to include all the elements on the Model Form on its individualized form. However, paragraph (3)(i) did oblige the Office

of a Contracting Party to accept an application which was presented on the International Form.

110. Clarification in respect of the expression “any other form” in the last sentence of Note 2.23 on paragraph (3) was requested by the representative of a non-governmental organization, namely, that such expression did not refer to a Form that would be contrary to the Treaty.

111. A representative of several non-governmental organizations indicated his concern that it would be difficult for users to locate individualized forms, and that use of the Model International Form would be much more convenient. The International Bureau explained that in as much as the forms adopted by the diplomatic conference in certain languages were concerned, they would be widely distributed and made available by WIPO. As regards countries which had an official language which was not one of the languages in which the Forms would have been adopted, the International Bureau would prepare translations with the help of the Contracting Party concerned and, again, hold them available for interested users.

112. *Item (ii)*. The International Bureau made a request for ideas concerning the future provisions on electronic filing. No comments were made concerning this item, awaiting completion of the draft Treaty by the International Bureau.

113. *Paragraph (4) item (i)*. In response to a question of one delegation, the International Bureau explained that a Contracting Party could apply more lenient physical requirements than those prescribed by Rule 11 of the PCT Regulations, for example, in respect of size of sheets and margins.

114. The Delegation of the Netherlands suggested that the provision should state “as regards physical requirements of the application, any Contracting Party may require any application presented in writing on paper to be in conformity with the Regulations under the Patent Cooperation Treaty,” in order to permit requirements needed for publication purposes. It was explained that this change was not needed as any Contracting Party could continue to apply its own physical requirements, provided that these were not more stringent than those under the PCT.

115. In response to a suggestion by a non-governmental organization, which was supported by the representative of an intergovernmental organization, it was agreed that the International Bureau should study whether any of the other formalities requirements in the draft Treaty might similarly refer to the requirements under the PCT.

116. Following these discussions, this item was approved as proposed.

117. *Item (ii)*. No comments were made concerning this item, awaiting completion of the draft Treaty by the International Bureau.

118. *Paragraph (5)*. The Delegation of Finland stated that it reserved its position on this paragraph in view of the current requirements in its law regarding its two official languages under which the claims and abstract of an application in one language had to be translated into the other language.

119. Another delegation proposed that the applicant be permitted to file bilingual applications in the national language and one of the WIPO working languages.
120. The representative of a non-governmental organization reiterated its suggestion made at the first session of the Committee of Experts that all Contracting Parties permit applications filed in English.
121. After some discussion, the Chairman observed that proposals on language requirements which were too liberal could jeopardize the Treaty, and it was agreed that the paragraph should not be changed.
122. *Paragraph (6)(a)*. This paragraph was approved as proposed.
123. *Paragraph (6)(b)*. Two delegations proposed that the word “applicant” should be replaced by “inventor” for consistency with Article 2(2) item (*xivbis*).
124. In response to a suggestion by the Delegation of the United States of America that the square brackets be removed from the paragraph, it was explained that the inclusion of the paragraph was conditional on the adoption of the provisions of Article 2(2) item (*xivbis*).
125. *Paragraph (7)(a)*. This paragraph was approved as proposed, on the understanding that an error in the French and Spanish language texts would be corrected in the next version of this paragraph.
126. One delegation suggested that consideration should be given to requiring copies and translations of earlier applications on which a priority claim was based only in those cases in which they were required, in particular, where intervening prior art was found or substantive examination requested. It was agreed that a provision to this effect should be included in the next draft Treaty, possibly in square brackets.
127. *Paragraph (7)(b)*. It was agreed that this paragraph should be reviewed by the International Bureau, together with Article 2(2) item (*xiv*), in the light of the discussions on that provision.
128. *Paragraph (8)*. The representative of a non-governmental organization, supported by the representative of another non-governmental organization, repeated the suggestion that had been made at the first session that a requirement be added to this paragraph to the effect that all fees be linked to the costs of providing services within an Office, in order to avoid excessive fees. No delegation supported this suggestion. The paragraph was therefore approved as proposed.
129. *Paragraph (9)*. This paragraph was approved as proposed.
130. In answer to two questions, it was explained that this paragraph did not prevent an Office from giving an applicant the opportunity, or from requiring the applicant, to furnish additional indications or information, for example, details of deposits of microorganisms, sequence listings and requests for reduced fees, provided that the application should not be refused for failure to comply with formal requirements if such indications or information were not furnished.

131. In reply to a non-governmental organization, it was explained that it was not necessary to add the words “referred to in this Article” after the term “application” since the latter term was only used in one sense in the draft Treaty. In contrast, these words were necessary after the term “request” in draft Article 7(4) since that term was used in the Treaty in several different senses.

132. *Paragraph (10)*. This paragraph was approved as proposed, subject to a possible change in the Spanish text (see paragraph 135, below).

133. In reply to a question by two delegations, it was explained that the meaning of the term “reasonably” had been discussed in the preparatory meetings on the Trademark Law Treaty and, although it was for each Contracting Party to interpret the term, the intention was that the Office should not ask for evidence on a systematic basis, but only when there were grounds for reasonable doubt. It would therefore not be permissible to require evidence on the basis of random spot-checks. It was agreed that the International Bureau should consider clarifying the Notes in this respect.

134. Another delegation observed that, as the description was part of the application, the paragraph could be interpreted as allowing an Office to require evidence in respect of technical matters, such as evidence of a technical effect, and suggested replacing the term “application” by “request.” It was agreed that this interpretation was not intended and that the International Bureau should reconsider the wording.

135. A further delegation explained that, in Spanish, there were two forms of evidence, namely “pruebas” and “antecedentes,” depending on the circumstances, and that both forms should be mentioned in the Spanish text.

136. The representative of a non-governmental organization, supported by the representative of another non-governmental organization, proposed that certification by a representative should be allowed. The International Bureau observed that such certification was now proposed under Articles 7 and 8 and that Article 5(4) was also relevant in this respect.

137. Another non-governmental organization proposed that the wording “may reasonably doubt veracity” should be clarified. The International Bureau explained that the paragraph was a compromise between, on the one hand, those Offices which required evidence irrespective of doubt and, on the other, users who would prefer not to have to provide such evidence to the Office. The International Bureau stated that it would consider whether the Notes could be clarified in this respect.

Draft Rule 2: Details Concerning Names and Addresses

138. *Paragraph (1)(a) item (i)*. In reply to a question from one delegation, it was explained that this item allowed a Contracting Party to require the family name of a person to precede the given name, but this was not mandatory.

139. Another delegation expressed the view that, for practical reasons and in the interests of harmonization, the item should not include the name or names customarily used by the person

concerned. The International Bureau explained that the use of such names could be of practical benefit, for example in the case of a person with a name which was very common in a particular State. The International Bureau also observed that standardization of names was being considered in the context of the Trilateral Cooperation.

140. It was agreed that the item should be retained in its present form for reconsideration at a later session.

141. *Item (ii)*. This item was approved as proposed.

142. *Paragraph (1)(b)*. One delegation suggested that, in the case of a partnership, it should be possible to require indications of names of all partners. The International Bureau explained that such a requirement was burdensome in the case of partnerships with a large number of partners and that the intention of the paragraph was to remove this burden where the partnership customarily used a particular name. In conclusion, this provision was approved as proposed.

143. *Paragraph (2)(a)*. A suggestion was made by one delegation that the words “a single address as the address for correspondence” should be replaced by “an address for service.”

144. The Delegation of the United Kingdom stated that it reserved its position on Rule 2(2), pending discussions on Article 4.

145. *Paragraph (2)(b)*. This paragraph was approved as proposed.

146. *Paragraph (2)(c)*. In response to a suggestion that the paragraph should permit requiring an e-mail address to be given, the International Bureau indicated that it would consider the matter, but emphasized that--at least for the time being--such an address should be optional.

147. *Paragraph (2)(d)*. This paragraph was approved as proposed.

148. *Paragraph (3)*. This paragraph was approved as proposed.

Draft Article 3: Filing Date

149. *Paragraph (1)(a)*. Two delegations pointed out that this paragraph did not appear consistent with Rule 3 in that it did not clearly provide for the date on which the communication in question was received by the mailing authorities or by another organization on behalf of the Office, to be accorded as the filing date. It was agreed that the International Bureau should consider the matter.

150. The representative of a non-governmental organization noted that the text referred to “a communication” and queried whether this meant that a filing date need not be accorded if the relevant elements were received in more than one communication, for example, following a notification under paragraph (2). The International Bureau explained that this was not the intention and stated that it would be clarified that, where elements were received at different dates, the filing date would be the date on which the last requested element was received.

151. *Item (i)*. In response to a question from one delegation, the International Bureau explained that an implicit indication could be, for example, a statement in the communication that the applicant wanted to protect his invention.

152. *Item (ii)*. The Delegation of the United States of America suggested that the term “applicant” should be changed to “person submitting the application” to cover the case where the applicant was the inventor but the application was not submitted by him. It was noted that the suggested wording would cover the representative as well as the applicant/inventor.

153. *Item (iii)*. In reply to a suggestion by one delegation that the term “description” should be replaced by “disclosure” in order to cover drawings, it was observed that a drawing unaccompanied by a description would not be enough for a filing date to be accorded under most existing laws, including the PCT. It was also noted that whether or not the description was sufficient without drawings was a substantive matter.

154. Concerning the question of drawings, one delegation suggested that a provision along the lines of Article 14(2) of the PCT be included in the Treaty.

155. A proposal that a Contracting Party should be allowed to accept a reference to an earlier application in place of a description was supported by a number of delegations, non-governmental organizations and an intergovernmental organization. It was agreed that the International Bureau should draft a provision to provide for this on an optional basis, to be presented, possibly in brackets, for consideration at the next session of the Committee of Experts.

156. *Item (iv) and paragraph (1)(b)*. The International Bureau explained that although, for a filing date to be accorded, it was necessary for the elements referred to in paragraph (1)(a), items (i) and (ii), to be in the, or an, official language of the Office, the description could be in a different language, provided that it contained the title “description” in the language of the Office. The applicant would, of course, be required to provide a translation of the description in the language of the Office within a period specified by the applicable national law or by the Office. Such a provision would be of great advantage to applicants.

157. Several delegations and representatives of several non-governmental organizations and of one intergovernmental organization strongly supported item (iv) and paragraph (1)(b) as proposed.

158. Nevertheless, a number of delegations objected to the proposed draft on one or more of the following grounds. The first was that it was not appropriate for the rights arising from the according of a filing date to be accorded on the basis of an application containing the description in a foreign language. It was, however, pointed out by the representative of an intergovernmental organization that this was already the case under the PCT.

159. The second ground was that the receipt of an application containing the description in a foreign language could cause practical difficulties for the Office staff. However, the Delegations of Denmark and the United States of America reported that the laws of their States already permitted applications to be filed in foreign languages, subject to the filing of a translation within a specified period and that no difficulties had been experienced.

160. The Delegation of Peru also expressed concern that the translation might not be correct and that this could result in the grant of an invalid patent. It was explained that interested parties could be informed in the Office gazette that the description had been filed in a foreign language and that any patent granted on the basis of a fraudulent translation would be open to invalidation.

161. In conclusion, it was agreed that item (iv) and paragraph (1)(b) would be maintained as proposed but would be discussed again at the next session of the Committee of Experts.

162. *Paragraph (1)(a), additional items.* Several delegations, supported by the representative of an intergovernmental organization, proposed that the payment of the filing fee should be a requirement for a filing date to be accorded. One delegation expressed the view that the fee was necessary to avoid the Office undertaking work for which it had received no fee. However, it was pointed out that, irrespective of whether or not a filing date was accorded, the Office would still need to inform the applicant that no fee had been paid. Another delegation commented that applicants who did not subsequently pay the filing fee would be subsidized by those who did. It also suggested that late payment of the fee be accepted only where the applicant had taken reasonable care to pay it on time. It was pointed out that an element of subsidy was already inherent in many existing procedures, and it was suggested that a surcharge be levied to recover the additional costs and to discourage late payment. Another delegation observed that procedures involving a determination of reasonable care placed a burden on Offices.

163. A majority of delegations, and the representatives of an intergovernmental organization and of three non-governmental organizations were not in favor of including the payment of the filing fee as a requirement for according a filing date.

164. Several delegations also suggested that the inclusion of claims should be a requirement for a filing date to be accorded. This suggestion was opposed by a majority of delegations and by the representatives of an intergovernmental organization and of three non-intergovernmental organizations, which were of the view that, although claims were necessary before a patent could be granted, it was not necessary to furnish them at the date of filing.

165. In the light of the discussions, it was agreed that paragraph (1) should not be broadened in the next draft to contain further filing date requirements but should be discussed again at the next session of the Committee of Experts.

166. *Paragraph (2).* In response to questions raised by several delegations, the International Bureau explained that the paragraph did not specify a period within which the Office should notify the applicant of any non-compliance with the requirements of paragraph (1)(a), or within which the applicant should respond. The International Bureau also explained that, if the application were filed by hand, the applicant could be informed immediately that the application did not comply with those requirements if the Office were able to do so.

167. Following a remark made by a delegation, it was agreed that the term “promptly” would be explained in the Notes.

168. After some discussion, it was agreed that the International Bureau should consider whether the paragraph should refer to paragraph (1) instead of subparagraph (a).

169. One delegation noted that the paragraph placed an obligation on the Office to notify the applicant and asked what would be the position if the Office failed to meet this obligation. The International Bureau noted that Rule 5(1) of the Trademark Law Treaty Regulations contained the provision “Even if the Office fails to send the invitation, the said requirements remain unaffected.” One delegation suggested that a similar provision be added to the draft Treaty.

170. In reply to a question from a delegation, the International Bureau explained that, if indications given under paragraph (1)(a), item (ii) did not adequately identify the applicant for him to be notified, then clearly no notification could be sent. It was agreed that this should be made clear in the Notes.

Draft Rule 3: Receipt of Communications

171. One delegation suggested that the Rule should include the receipt of communications by an approved technical information center acting on behalf of the Office.

172. Another delegation suggested that the Rule should also cover receipt by private courier services approved by the Office.

173. It was agreed that the International Bureau would consider those suggestions when preparing the next draft.

174. In response to a question by the representative of a non-governmental organization regarding the receipt of facsimile communications, the International Bureau explained that the Rule was concerned with the date of receipt of a communication, and that it was not proposed to introduce an obligation on Offices to accept communications by facsimile.

Draft Article 4: Representation; Address for Service

175. The Delegation of Romania asked to whom the Office would communicate if there were two or more applicants who did not have any representative or who were represented by two or more different representatives and no single address for correspondence had been indicated. It was agreed that the International Bureau would study this question for the next meeting.

176. *Paragraph (1)*. This paragraph was approved as proposed.

177. *Paragraph (2)(a)*. The Delegation of Portugal suggested that the term “other than the filing of an application or the payment of any fee” be omitted. Two other delegations and a representative of a non-governmental organization expressed their concerns because of possible problems in respect of certainty of service, language barriers, professional knowledge of the practice and a difficulty with regard to determining the date of the receipt of the communication, where the filing of an application or the payment of any fee was made

directly from abroad without a local representative. It was agreed, however, to maintain this paragraph, since a number of delegations expressed their support for the text which appeared in the draft Treaty.

178. The Delegation of Switzerland proposed that the mere filing of the translation of a regional patent also be excluded from the procedures in respect of which a representative could be required. This proposal was supported by the several delegations, and it was agreed to include this point in the next draft.

179. The Delegation of China suggested that a transitional provision be added with respect to this paragraph, since delays in the postal service might prejudice the interests of foreign applicants. The International Bureau stated that the question of which provisions of the Treaty should be subject to transitional provisions would be considered at a later stage.

180. *Paragraph (2)(b)*. Concerning the exclusion of the filing of the application and the payment of any fee from the requirement for an address for service, the Delegation of the United Kingdom stated that the implications of this exclusion had not yet been fully examined and expressed its reservation with respect to this part of the paragraph. The International Bureau stated that there might be some ambiguousness in the term “any procedure before the Office.” For example, it was not clear whether the acknowledgment of the receipt of the application would be covered by the term “procedure.” It was agreed that the International Bureau would study and clarify what should be understood by “procedure before the Office” under this provision.

181. One delegation and the representative of a non-governmental organization stressed the importance of an express provision that, where a representative had been appointed or an address for service had been indicated, the Office should send communications to the representative or to the address for service and not to the applicant. Another delegation said that it should be allowed for an applicant to request the Office to send communications to him even if he had appointed a representative. It was agreed that the International Bureau would study whether those points should be included in the Treaty.

182. *Item (i)*. One delegation sought clarification of whether a Contracting Party would be obliged under this provision to correspond with foreign countries. The International Bureau explained that this question would be clarified in the next draft, through a clarification of the term “procedure.”

183. Another delegation raised a question concerning the relationship between Article 2(2)(ix) and Article 4(2). The International Bureau explained that the distinction between the two provisions would be clarified in the Notes to show that there was no contradiction between these two provisions.

184. *Item (ii)*. This item was approved as proposed.

185. *Paragraph (3)(a)*. This paragraph was approved as proposed.

186. *Paragraph (3)(b)*. The Delegation of the United States of America suggested that a Contracting Party be allowed to require a copy of a power of attorney for each of the applications to which the power applied. Moreover, it stated that, instead of attaching a paper

copy, it might be possible to refer to the power of attorney which had already been submitted to the Office and stored in electronic recording. It was agreed that the International Bureau would study the possibility of providing a reference to a general power of attorney, at least in the Rules, although the idea was already reflected in Form N° 1, items 5.2.2. and 5.2.2.1, and that otherwise the paragraph would be maintained.

187. *Paragraph (3)(c)*. The Delegation of the United States of America, supported by one other delegation, suggested the deletion of this paragraph, noting that the limitation to the powers of the representative to certain acts would be a burden to the Office and it would raise the administrative costs.

188. In response to a question of the International Bureau asking what would be a usual limitation of the powers of a representative, the representative of a non-governmental organization pointed out that this would be the limitation of the right to withdraw an application or to surrender a patent. The representative of another non-governmental organization noted that other examples of possible limitations related to the right to receive reimbursement from the Office and the right to handle a PCT application or a divisional application.

189. One delegation stated that, for the filing of a conversion application or an internal priority application, an express authorization might be required to be contained in a power of attorney, as well as, where applicable, an authorization for a withdrawal of an application or a surrender of a patent. It noted that, since these actions would lead to the withdrawal of the former application on which the conversion or the claiming of the internal priority was based, they had the same effect as withdrawal or surrender.

190. In conclusion, it was agreed that the International Bureau would study the necessity of the first sentence of this paragraph, and would review the exceptions which were required to be indicated expressly in a power of attorney, taking the proposal made by the Delegation of the United States of America into account.

191. *Paragraph (3)(d)*. This paragraph was approved as proposed, subject to the following comments. One delegation sought a clarification of a consistency between this paragraph and Article 10 of the draft Treaty. It noted that, under this provision, where a power of attorney had not been submitted within the time limit, the communication would have no effect regardless of any opportunity to make observation, whereas, under Article 10, no power of attorney may be refused without giving an applicant at least one opportunity to make observation on the intended refusal. It was agreed that the International Bureau would further study this question.

192. In reply to a question of one delegation, the International Bureau explained that a Contracting Party was free to allow the extension of the time limit provided in this paragraph. It also explained that the extent of the effect of the non-submission of the power of attorney within a certain time limit would be subject to the nature of the “communication” submitted to the Office.

193. *Paragraph (3)(e) item (i)*. The Delegation of the United States of America suggested that a Contracting Party be allowed to require a registration number of the representative and, in case of assignment from an inventor to a corporation, proof that the corporation was

entitled to appoint a representative other than the representative appointed by the inventor. The International Bureau noted that Article 2(2)(viii), which allowed the registration number of the representative to be contained in the request part of the application, could be generalized to all the communications. Concerning the proof of ownership, the International Bureau pointed out that it could be covered by a simultaneous change of the ownership and the representative.

194. *Item (ii)*. This paragraph was approved as proposed.

195. *Paragraph (4)*. One delegation suggested that this paragraph should also include, as was provided in draft Article 8(2), a provision that allowed any Contracting Party to require a translation of the power of attorney where the latter was not filed in the language or in one of the languages of or admitted by the Office. It was agreed that the International Bureau would study this suggestion.

196. *Paragraphs (5), (6) and (7)*. These paragraphs were approved as proposed.

197. One delegation suggested that the provision of Article 2(4)(i) concerning physical requirements be also included in Article 4, as well as in Articles 7, 8 and 9.

198. The Delegation of the United Kingdom suggested that the provision of Rule 2(2)(a) be transferred to Article 4.

Draft Rule 4: Details Concerning Representation

199. This Rule was approved as proposed.

200. One delegation pointed out that the starting point of the calculation of the time limit was not the same in each country, noting that, in its country, it was calculated from the date following the date of receipt of a communication. The International Bureau explained that the objective of this Rule was only to set the minimum time limit. It was agreed that the International Bureau would examine whether a clarification to that effect was required.

Draft Article 5: Signature

201. *Title*. One delegation drew attention to the provisions of paragraphs (1) and (2) and suggested that the title should refer additionally to “communications.”

202. *Paragraph (1) item (i)*: This item was approved as proposed.

203. *Item (ii)*. In response to a question from one delegation, the International Bureau confirmed that the use of bar-coded labels instead of a handwritten signature was permitted under this item.

204. *Item (iii)*. In response to a proposal by the Delegation of China that this item be deleted, the International Bureau explained that the draft Treaty applied to both nationals and

non-nationals of a Contracting Party and that the item could be deleted if the provision was not required by that Delegation.

205. *Item (iv)*. One delegation observed that this item was restricted to seals of natural persons and suggested that company seals also be included.

206. *Paragraph (2)*. One delegation suggested that subparagraph (b) be made the subject of a separate paragraph. Subject to this suggestion, the paragraph was approved as proposed.

207. *Paragraph (3)*. One delegation suggested that, as in the case of paragraph 2(b), a Contracting Party should be permitted to require a paper copy. It was agreed that the International Bureau would study that suggestion.

208. *Paragraph (4)*. This paragraph was approved as proposed.

209. Following the suggestion of one delegation, supported by several other delegations, it was agreed that Article 5 should contain a provision allowing the Office to require evidence where there was reasonable doubt as to the authenticity of the signature, in accordance with what was stated in Note 5.06.

Draft Rule 5. Details Concerning the Signature

210. This Rule was approved as proposed.

Draft Article 6: Unity of Invention

211. The International Bureau explained that this draft Article had been introduced following the recommendation made at the first session of the Committee. The proposed text was modeled on the provision submitted to the 1991 Diplomatic Conference at the Hague and approved at that Conference.

212. The introduction of a provision on unity of invention was strongly supported by a majority of delegations, by the representatives of two intergovernmental organizations and by the representatives of five non-governmental organizations. Most of the delegations also expressed the view that unity of invention was a formal matter.

213. The Delegation of the United States of America, supported by three other delegations, stated that provisions on unity of invention should not be included since they related to a matter of substance, not of form, requiring a determination of the scope and content of the application's claim. The International Bureau noted that the draft Article followed Rule 13 of the PCT, which was a rule concerning Chapter I of that Treaty. Reference was also made to an agreement in the Trilateral Cooperation, under which provisions on unity of invention as now proposed had to be introduced, following the amendment of Rule 13 of the PCT which PCT Contracting States now applied in the case of international applications.

214. The representative of an intergovernmental organization suggested that the substance of the draft Article be replaced by a reference to the PCT.

215. *Paragraph (1)*. One delegation suggested that the wording be revised to refer only to a group of inventions. Revision of this wording was also supported by two other delegations and by the representative of an intergovernmental organization and a non-governmental organization.

216. *Paragraph (2)*. The Delegation of the Netherlands noted that, under some laws providing for the grant of patents without any substantive examination of the application, the requirement of unity of invention was not a condition of grant but any claims in the granted patent which did not comply with that requirement could be declared invalid. One delegation suggested that the paragraph should provide an exception in such cases. The Chairman also suggested that, in order to protect the patent owner, a more appropriate remedy might be to require the patent owner to divide the patent, subject to the payment of a fee. The Delegation of the Netherlands disagreed on that suggestion.

217. Following some discussion, it was also agreed that, as proposed in Note 6.06, the International Bureau should draft, for discussion at the next session of the Committee, a provision applying the principle expressed in Article 6(2) to the formalities referred to in Article 2(1)(v), (2)(i), (ii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiv), [(xivbis)], (xv) and (xvi), (3)(i) and (ii), (4)(i) and (ii), (6)[(a) and (b)], 7(a) and (b) and (8). One delegation which supported the proposal in principle, expressed the view that the formalities referred to in Article 2(2), items (xiv) and (xv) should not be included.

Draft Rule 6: Details Concerning the Requirement of Unity of Invention

218. The Chairman noted that the reservations which had been expressed in respect of Article 6 would also apply to this Rule.

219. *Paragraph (1)*. The representative of an intergovernmental organization suggested that the words “in one and the same application” be added after the word “claimed,” in line with the PCT and the European Patent Convention. Otherwise, this paragraph was approved as proposed.

220. *Paragraph (2)*. This paragraph was approved as proposed.

Draft Rule 7: Divisional Applications

221. *Paragraph (1)(a)*. Two delegations noted that this paragraph did not refer to the situation in which the application was abandoned or refused or the proceedings otherwise terminated. It was agreed that the draft should be clarified in this respect.

222. In response to a question from one delegation, the International Bureau confirmed that the date on which the application was considered “in order for grant” was a matter for national law. Two non-governmental organizations suggested that this should be stated in the Notes.

223. One delegation noted that under its national law, it was possible to file a divisional application up until the date on which the applicant was notified of the acceptance of the application. Another delegation suggested that it should be possible to file a divisional application up until one month after the date of such notification, while another delegation opposed any requirement which made such notification obligatory.

224. A non-governmental organization suggested that the term “initial application” should be replaced by the words “application from which a divisional application is derived,” as used in the corresponding provision in the basic proposal before the 1991 Diplomatic Conference in The Hague, in order to cover the situation in which a divisional application was based on another divisional application, as was possible in some States in accordance with Article 4G(2) of the Paris Convention for the Protection of Industrial Property.

225. *Paragraph (1)(b)*. Several delegations and one non-governmental organization stated that they did not support this paragraph on the grounds that it should be permissible to file a divisional application at any time while the application was still pending. It was agreed that the International Bureau should review this matter.

226. *Paragraph (2)*. This paragraph was approved as proposed.

Article 7: Request for Recordal of Change in Name or Address

227. *Paragraph (1)(a)*. Following clarification from the International Bureau that the draft Treaty was intended to apply to both national and foreign applicants, the Delegation of China entered a reservation on this paragraph in view of the more stringent provisions applicable to its own nationals under its existing national law. Subject to this reservation, the paragraph was approved as proposed.

228. *Paragraph (1)(b), (c), (d) and (e)*. These provisions were approved as proposed.

229. The Delegation of the United States of America suggested that a Contracting Party should be permitted to require the requesting party to furnish a copy of the request in respect of each application and patent to which it related.

230. *Paragraphs (2) and (3)*. These paragraphs were approved as proposed.

231. *Paragraph (4)*. The Delegation of the United Kingdom, supported by the Delegation of Ireland, suggested that a Contracting Party should be permitted to require evidence of the change of name or address even though it did not doubt the veracity of the change. It explained that it did not wish to request evidence only in cases of doubt as this could be regarded by the requesting party as pejorative. The Delegation of the United Kingdom also suggested that a Contracting Party should be entitled to request the indication of the date of the change. Subject to these reservations, this paragraph was approved as proposed.

232. *Paragraph (5)*. This paragraph was approved as proposed.

Draft Rule 8: Manner of Identification of an Application Without its Application Number

233. *Paragraph (1)*. One delegation suggested adding, at the end of item (i), the words “along with the date on which the application was sent to the Office” to bring that item into conformity with item (ii). The paragraph was approved with this amendment.

234. *Paragraph (2)*. Subject to a reservation by the Delegation of China, this paragraph was approved as proposed.

Draft Article 8: Request for Recordal of Change in Ownership or Change in Inventorship

235. *Paragraph (1)(a)*. The Delegation of the United States of America explained that there was a difficulty in applying the terms “applicant” and “owner,” as used in this paragraph, to its national law under which only the inventor could be the applicant. It was agreed that the International Bureau should consider whether this difficulty could be resolved by defining the terms in question.

236. Another delegation noted that the title of the paragraph, as well as that of the draft Article and Form N° 4, did not cover the case of a change of applicant, as provided for in the paragraph.

237. *Paragraph (1)(b), introductory part*. The text as proposed was supported by a number of delegations. However, other delegations suggested that the paragraph should also apply where the request for recordal was made by the applicant or owner. One delegation pointed out that this provision was necessary to ensure protection of the new owner against possible fraud and to allow the public access to the actual contract. The International Bureau suggested that this was not necessary since there was no substantial risk of fraud where the request was made by the applicant or owner and noted that no problems had been experienced in this respect under the PCT. The representative of the European Patent Office also indicated that no problems had been experienced under a similar provision in Rule 20 of the Implementing Regulations of the European Patent Convention. The International Bureau also observed that, if it were to become a central depository for the registration of assignments, this might provide an alternative solution. It was agreed that the introductory part to the item should be retained without modification in the next draft of the document.

238. The Delegation of Indonesia reserved its position on the whole paragraph (1)(b).

239. *Item (i)*. This item was supported by a number of delegations and representatives of non-governmental organizations, including the Delegation of Germany, which explained that no problems had been experienced under a similar provision in its national law. However, two delegations suggested that the certifying authority should be chosen by the Office, instead of at the option of the requesting party, in line with Article 11 of the Trademark Law Treaty. In this connection, the International Bureau explained that the item clarified what, in its view, was meant in Article 11 of that Treaty.

240. One delegation suggested that the term “contract” be replaced by the term “assignment.”

241. Three other delegations also expressed the view that a Contracting Party should not be required to accept certification by a representative admitted to practice before the Office.
242. After some discussion, it was agreed that the text should not be changed in the next draft.
243. *Item (ii)*. The Chairman noted that the reservations expressed with respect to item (i) also applied with respect to this item as well as other paragraphs in Article 8.
244. In response to a question from one delegation, the International Bureau expressed the view that, since item (ii) set out a maximum requirement, a Contracting Party could, for example, accept a transcription of an extract of the contract, instead of the extract itself, if this was permitted under its national law.
245. *Item (iii)*. In answer to one delegation, the International Bureau explained that the term “Regulations” referred to in this item related to Form N° 4 by virtue of Article 11(1)(b).
246. Following a suggestion by two delegations, it was agreed that a Contracting Party should be permitted, if it so wished, to accept the signature of a representative.
247. *Paragraph (1)(c)*. One delegation noted that the term “applicant” in line 6 should read “requesting party.” Subject to that correction and to the reservations expressed in respect of paragraph (1)(b)(i), this provision was approved as proposed. The Delegation of Indonesia reserved its position on paragraph (1)(c).
248. *Paragraph (1)(d)*. This paragraph was approved as proposed.
249. *Paragraph (1)(e)*. The Delegation of Indonesia reserved its position on this paragraph. Subject to this reservation and other reservations expressed in respect of paragraph (1)(b)(i) and the correction of the same error as in paragraph (1)(c), this provision was approved as proposed.
250. *Paragraph (1)(f)*. The Delegation of the United Kingdom suggested that a Contracting Party should be permitted to request the indication of the date of the transfer of the patent or application. Subject to this reservation, this provision was approved as proposed.
251. *Paragraph (1)(g) and (h)*. These provisions were approved as proposed.
252. *Paragraph (2)*. Following some discussions, it was agreed that the passage in square brackets, which was supported by only two delegations, be deleted.
253. The representative of several non-governmental organizations observed that the term “accompanied by” did not clearly cover the case in which the translation was not furnished at the same time as the original document.
254. *Paragraphs (3) to (5)*. These paragraphs were approved as proposed.
255. *Paragraph (6)*. The Delegation of the United States of America suggested that this paragraph, which it had requested to be included during the first session of the Committee of

Experts, be amended to read as follows: “ Whenever, through error, a person is named in an application or patent as an inventor, or through error an inventor is not named in an application or patent, and such error arose without any deceptive intention on their part, each Contracting Party shall accept a request for recordal of the change provided the change is submitted as prescribed in the Regulations.”

256. It was noted that most, although not all, States represented required the consent of the inventor whose name was to be deleted and that at least one other State required the consent of the existing inventor or inventors to the addition of a new inventor. It was therefore agreed that Contracting Parties should be either permitted or required to obtain such consent. In reply to an observation by the International Bureau that, unless the requirement of such consent were mandatory, it would not be a harmonization measure and could therefore apparently be left out of the draft Treaty, the Delegation of the United States of America explained that it was in favor of such a provision for the reasons explained in connection with paragraph (1)(a) but agreed that its difficulties might be resolved by a definition of the terms “applicant” and “owner,” as discussed under that paragraph.

257. After some discussion, during which it was noted that changes of inventor which were not due to an error were infrequent occurrences, it was agreed that any provision on change of inventorship should also cover changes resulting from an error, thus permitting the use of the same Model International Form in all cases. It was also noted that the next draft might not contain any provision on change of inventorship if the difficulties which prompted the Delegation of the United States of America to propose its inclusion could be resolved in another way.

Draft Article 9: Request for Correction of a Mistake

258. *Paragraph (1)(a)*. In response to a question from one delegation, the International Bureau explained that the matter of which mistakes were correctable was a matter for national law in accordance with paragraph (6). Another delegation suggested that consideration be given to clarifying the Notes in this respect. A further delegation suggested that the substance of paragraph (6) be included in paragraph (1), for example, by adding the words: “Where the Contracting Party permits the correction of a particular mistake.”

259. In response to a suggestion by another delegation, it was agreed that the paragraph should additionally cover correction of mistakes in patents. The International Bureau observed that such a mistake could occur during the amendment of a patent.

260. In response to another question from a delegation, the International Bureau explained that the draft Article did not specify a time limit for the correction of a mistake since this could depend on the nature of the mistake and was better left to national law. It was suggested that this be clarified in the Notes. However, the Delegation of the United States of America suggested that this matter and a requirement for good faith should be expressly dealt with in a new paragraph (1)(g) and suggested the following text: “Any Contracting Party may require as a condition of acceptance of a request for the correction of a mistake a statement from the applicant, owner or his representative that the mistake was made in good faith and that the request for correction was made without undue delay following discovery of the mistake.” It was agreed that the International Bureau would study that suggestion.

261. *Paragraph (1)(b) to (d)*. These provisions were approved as proposed.

262. *Paragraph (1)(e)*. One delegation, supported by another delegation, suggested that a Contracting Party should be permitted to require that a copy of the request be furnished for each application and patent concerned. It was agreed that this suggestion should be studied by the International Bureau. Otherwise the paragraph was approved as proposed.

263. *Paragraph (1)(f)*. The representative of several non-governmental organizations noted that the observation made on the term “accompanied by” in Article 8(2) also applied to this paragraph. Otherwise this paragraph was approved as proposed.

264. *Paragraphs (2) to (6)*. These paragraphs were approved as proposed.

Draft Article 10: Opportunity to Make Observations, Amendments and Corrections in Case of Intended Refusal

265. Following some discussion, it was agreed that the International Bureau would review the text of the Article and corresponding Notes to clarify in which situations the applicant or other party concerned did not need to be given an opportunity to make observations, taking account of suggestions by delegations that, in addition to the situations mentioned in Note 10.04, a Contracting Party should not be required to apply the provisions of the Article where a required translation was not filed or where a request was not accompanied by the required documents.

266. One delegation suggested that the wording “to make amendments and corrections” should be changed to “remedy any deficiency.”

267. The representative of an intergovernmental organization suggested the deletion of the word “might” in the third line of the Article.

268. The representative of a non-governmental organization suggested that a further provision should be added to the Article as follows: “Any further refusal by an Office should be reviewable by the judiciary of the Contracting Party where the Office is located.” The Chairman observed that this suggestion raised a difficult matter which could overburden the negotiation of the draft Treaty. He was supported by one delegation which noted that Article 62.5 of the TRIPS Agreement already set an international standard on the matter.

Draft Article 11: Regulations

269. This article was approved as proposed.

Model International Forms

270. It was agreed that delegates and representatives of organizations should submit any comments they had on the Model International Forms to the International Bureau in writing by June 30, 1996.

IV. ADDITIONAL TOPICS TO BE INCLUDED
IN THE DRAFT TREATY AND REGULATIONS

271. Reference was made to the declaration of the Director General of WIPO at the first session of the Committee of Experts (December 1995), according to which the Committee of Experts would have an opportunity, during its second (the current) session, to discuss which additional topics, if any, should be included in the preparatory papers for its following session and that any such suggestions would be referred to the Governing Bodies of WIPO for decision (see document PLT/CE/I/5, paragraph 202). Reference was also made to the suggestions made in the general declarations (see paragraphs 11 to 38, above).

272. The Representative of the American Intellectual Property Law Association (AIPLA) suggested the establishment, under the auspices of WIPO, of an international centralized system for the recording of assignments of applications and of patents. The Director General pointed out that such a scheme should be studied separately (perhaps by a working group) since it did not seem to be an item for the Patent Law Treaty, and that he would make separate suggestions to the Governing Bodies.

273. The Committee of Experts agreed to recommend that draft Article 8*bis* (entitled "Request for Recordal of a Licensing Agreement"), as contained in the Notes on the draft Treaty and Regulations (document PLT/CE/II/3, paragraph 8.22), should be included in the draft Treaty, subject to a review of that draft in order to bring it into line with similar provisions in the next draft of the Treaty and of the Regulations (namely, Articles 7 and 8). In this connection, it was noted that the recording of a licensing agreement was useful even before the grant of the patent.

274. The Delegation of the United States of America suggested that draft Article 8*bis* be broadened in order to include other matters whose recordal was appropriate, in particular security interests.

275. The Delegation of China reserved its position concerning paragraph (3) of draft Article 8*bis*, stating that no recording should be effected before an application number was known.

276. After a full discussion, the Committee of Experts agreed to recommend that the following two additional topics should be included in the next draft of the Treaty and Regulations in addition to the recordal of licensing agreements (see the preceding three paragraphs):

- belated claiming of priority (delayed submission of priority claim and delayed filing of the subsequent application), and
- restoration of rights where a time limit had been missed (including “further processing”) and extension of time limits which had not yet expired but whose extension was requested by the party concerned.

V. FUTURE WORK

277. The International Bureau confirmed that the Committee of Experts would be convened for its next (the third) session from November 18 to 22, 1996.

278. This report was unanimously adopted by the Committee of Experts on June 21, 1996.

[Annex follows]

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

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Jonathon Inigo STOODLEY, First Secretary, Permanent Delegation, Geneva

OFFICE EUROPÉEN DES BREVETS (OEB)/EUROPEAN PATENT OFFICE (EPO)

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Robert CRAMER, Lawyer, Directorate Patent Law, Munich

ORGANISATION EURASIENNE DES BREVETS (OEAB)/ EURASIAN PATENT ORGANIZATION (EAPO)

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Mustapha CHATTI, attaché, Délégation permanente, Genève

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American Intellectual Property Law Association (AIPLA): Don W. MARTENS (President, Arlington)

Association asiatique d'experts juridiques en brevets (APAA)/Asian Patent Attorneys Association (APAA): Hideo TANAKA (Member of Patents Committee, Tokyo)

Association internationale pour la promotion de l'enseignement et de la recherche en propriété intellectuelle (ATRIP)/International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Michel DE BEAUMONT (conseil en propriété industrielle, Grenoble)

Association internationale pour la protection de la propriété industrielle (AIPPI)/International Association for the Protection of Industrial Property (AIPPI): Michel DE BEAUMONT (conseil en propriété industrielle, Grenoble)

Chambre de commerce internationale (CCI)/International Chamber of Commerce (ICC):
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Organizations, Geneva)

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Attorneys (Germany) (FCPA): Gerhard SCHMITT-NILSON (Member of Patent Law
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Chartered Institute of Patent Agents (CIPA): Richard Courtenay PETERSEN (Past-President,
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Committee of National Institutes of Patent Agents (CNIPA): Richard Courtenay PETERSEN
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Fédération de l'industrie allemande (BDI)/Federation of German Industry (BDI):
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Hoechst AG, Frankfurt)

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Federation of Industrial Property Attorneys (FICPI): Gerhard SCHMITT-NILSON
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Fédération mondiale des organisations d'ingénieurs (FMOI)/World Federation of Engineering
Organizations (WFEO): Hans R. HUGI (Member of Executive Council, London)

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PETERSEN (Council Member, London)

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Japan Patent Attorneys Association (JPAA): Kazuaki TAKAMI (Chairman, Working Group on PLT, Member of the International Activities Committee, Tokyo); Takaki NISHIJIMA (Chairman of the Patent Committee, Tokyo); Takaaki KIMURA (Member, International Activities Committee, Tokyo)

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Pacific Intellectual Property Association (PIPA): Makoto INABAYASHI (Assistant to General Manager, Toshiba Corporation, Tokyo)

Trade Marks, Patents and Designs Federation (TMPDF): Richard Courtenay PETERSEN (European Patent Attorney, London)

Union des confédérations de l'industrie et des employeurs d'Europe (UNICE)/Union of Industrial and Employers' Confederations of Europe (UNICE): Hans-Jürgen SCHULZE-STEINEN (Deputy General Patent and Licensing Counsel, Hoechst AG, Frankfurt)

Union des praticiens européens en propriété industrielle (UPEPI)/Union of European Practitioners in Industrial Property (UEPIP): Alain GALLOCHAT (Secretary General, Paris); Sietse U. OTTEVANGERS (Past President, The Hague)

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VI. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE
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INTERNATIONAL BUREAU OF THE
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Albert TRAMPOSCH (conseiller juridique principal/Senior Legal Counsellor)

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