

WIPO



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INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

PCT COMMITTEE
FOR ADMINISTRATIVE AND LEGAL MATTERS

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COMMENTS ON THE PROPOSED AMENDMENTS
TO THE PCT REGULATIONS AND MODIFICATIONS
TO THE PCT ADMINISTRATIVE INSTRUCTIONS
(ANNEX I TO DOCUMENT PCT/CAL/7/2)

Submitted by the Delegation of Madagascar

This document has essentially to do with the applicant's and the Office's rights in relation to the filing of an international application under the PCT.

In principle the amendment proposals are compatible with our national legislation. Some points do however require review.

Rule 4. 4.5(e) [page 3] : This should be amended as follows: "Where..., the request may indicate... any other indication..."; this would enable third parties to determine the agent's status with certainty.

4.17(b)(ii) [page 7]: It is advisable to interpret the word "agreement" to mean "license agreement," so that the salaried inventor has the option – if the parties so desire – of retaining ownership of the invention.

The same applies to Rule 4.17(c)(ii).

4.19 [page 11]: Malagasy legislation does not provide for an obligation to swear on oath to the status of inventor.

One could however contemplate a comparable practice such as a solemn declaration by the inventor.

Rule 26*ter*. 26*ter*.1 [page 15]: No objection, provided that the addition of a declaration does not bear on the substance, for the protection of subsequent inventors.

Rule 51*bis*.1(d) [page 24]: As Malagasy legislation stands at present, while the Office does not demand certified translations, it is nevertheless entitled to ask for any application to be translated into its language for the better assessment of the invention's relevance.

The same applies to (e) [page 25].

(f) [page 26]: A period of 16 months from the official notification of the new Regulations by WIPO is proposed.

[End of document]