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PCT COMMITTEE FOR ADMINISTRATIVE AND LEGAL MATTERS

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AMENDMENTS TO THE REGULATIONS UNDER THE PCT

Proposals and observations by the Delegation of the Netherlands

[Rule 32.1\(c\)](#)

Would it be advisable to give applicants the possibility to file the notice of withdrawal with the receiving Office, irrespective of whether or not the record copy has been transferred to the International Bureau.

In connection herewith, we would like to remark that the possibility of filing a document with the receiving Office instead of with the International Bureau has already been introduced in Rule 17 and has been proposed with relation to Rule 46.

[Rule 75.1\(a\)](#)

If the time limit under Article 39(1)(a) is changed, there seems little reason not to amend the time limit for withdrawal of the demand accordingly.

[Rule 75.3](#)

It seems to us that the text of this Rule can stop after “Authority” on the last-but-one line.

According to Article 31(6)(a), the demand is to be submitted to the International Preliminary Examining Authority. So it seems unlikely that that Authority is not informed about the existence of the demand.

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[Rule 88.2](#)

This Rule will have no meaning within a few months, since it is only valid during the first 5 years after the entry into force of the Treaty.

So it seems that this Rule can be deleted at the next extraordinary session of the Assembly.

[Rule 90.3\(c\)](#)

In our view, in the first sentence the words “as provided in paragraph (a)” have to be deleted.

The explicit mentioning of the word “signed” has been left out of Rule 90.3(a), when that Rule was amended in 1980. So there is no provision for signing in paragraph (a).

[Rule 94.1](#)

When, with relation to an international application in the national phase, it comes to an opposition procedure, the opposing parties presumably also will be interested in what has happened during the international phase.

At present, an insight in documents from the international phase is only possible to the opposing parties if the applicant allows for it. In the case of international preliminary examination, this indeed seems all that is allowed for, in view of Article 38. However, in connection with Chapter I, Article 30 is not so restrictedly drafted; once the international application is published, free access for third parties is not out of the question.

So we wonder whether only an exception from Rule 94 should be made in connection with the availability of the priority document to third parties (Rule 17.2(b), as proposed). Third parties may also be interested in the text of the international application as originally filed.

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