

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

**WORKING GROUP ON REFORM OF THE PATENT
COOPERATION TREATY (PCT)**

Fifth Session

Geneva, November 17 to 21, 2003

PCT REFORM: FAST TRACK

Proposals submitted by the European Patent Office (EPO)

1. At the initial meeting of the Committee on Reform of the PCT in May 2001, emphasis was placed on processing reform proposals in as efficient a manner as possible and to that end a Working Group (WG) was established to consider proposals, report to the Committee and from there to the Assembly (see document PCT/R/1/26, paragraph 67 *et seq.*). While this method of working has enabled considerable progress to be reached in the reform exercise to date, it has become apparent in recent meetings of the WG that progress can become stalled whenever it is necessary to devote more time than anticipated to points of drafting and/or finer points of detail.
2. While these aspects of the reform exercise are of course essential, it is suggested that the very limited time available for oral discussion in the WG sessions should not be given over to these matters, or at least a balance must be struck between facilitating substantive discussion of proposals which appear on the WG agenda and points related more to drafting. The fact that agenda points have had to be postponed in previous meetings is testament to the need to prioritize the time available during the WG sessions.
3. The EPO therefore advocates greater use of the electronic forum, in advance of the WG sessions especially in relation to drafting matters. If proposals are posted well in advance of the meetings this would allow the International Bureau to incorporate drafting suggestions or at least to compile a list of such suggestions for consideration by the WG. It may also be

useful to consider the establishment of a subcommittee devoted to drafting matters. A concern here may be that all delegations will insist on participation, however, it is suggested that the WG may well feel that a smaller subcommittee would be a more appropriate and more efficient forum for discussion of such matters, subject of course to the deliberations and conclusions of the subcommittee being transparent and open to review by the WG itself.

4. An offshoot of this suggestion would be that proposals which are purely on a working level and unlikely to arouse any political sensibilities or to be controversial from a substantive point of view might be posted on the electronic forum and if no objections are voiced put directly to the PCT Assembly for adoption. This would avoid the problem of useful proposals not being implemented promptly simply because time to consider them had run out in the WG. Once again, concerns about proposals being put to the Assembly in haste would be met because any delegation would remain free to object to the submission of a particular proposal without oral discussion in the WG. There is no suggestion to depart from the existing convention that proposals are forwarded on the basis of consensus in the WG and Committee.

5. The Working Group is invited to consider the proposals contained in this document.

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