

WIPO



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

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

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FURTHER CLARIFICATIONS AND CONSEQUENTIAL AMENDMENTS:
AMENDMENT OF RULE 54*bis*.1

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1. On October 5, 2004, with effect from April 1, 2005, the Assembly adopted amendments of Rules 43*bis*.1, 44.1 and 69.1 so as to clarify that a written opinion under Rule 43*bis*.1 is to be established by the International Searching Authority even in the case that no international search report is established in accordance with Article 17(2)(a) (that is, where the International Searching Authority declares that no international search report will be established) (see documents PCT/A/33/2 and 7).
2. It is proposed to make a consequential amendment of Rule 54*bis*.1(a)(i) accordingly.
3. *The Working Group is invited to consider the proposals contained in the Annex.*

[Annex follows]

ANNEX

PROPOSED AMENDMENTS OF THE PCT REGULATIONS:¹

FURTHER CLARIFICATIONS AND CONSEQUENTIAL AMENDMENTS:
AMENDMENT OF RULE 54*bis*.1

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¹ Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned.

Rule 54bis

Time Limit for Making a Demand

54bis.1 *Time Limit for Making a Demand*

(a) A demand may be made at any time prior to the expiration of whichever of the following periods expires later:

(i) three months from the date of transmittal to the applicant of the international search report [or the declaration referred to in Article 17\(2\)\(a\)](#), and [of](#) the written opinion established under Rule 43bis.1, ~~or of the declaration referred to in Article 17(2)(a)~~; or

(ii) 22 months from the priority date.

[COMMENT: See paragraphs 1 and 2 in the main body of this document.]

(b) [No change]

[End of Annex and of document]