

WIPO



PCT/R/WG/8/3

ORIGINAL: English

DATE: March 31, 2006

WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

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

Eighth Session
Geneva, May 8 to 12, 2006

PUBLICATION OF INTERNATIONAL APPLICATIONS
IN MULTIPLE LANGUAGES

Document prepared by the International Bureau

SUMMARY

1. This document contains further revised proposals for amendment of the Regulations under the PCT¹ to provide for the publication of international applications in multiple languages. Applicants would have the option of submitting translations into languages other than the usual language of publication for publication by the International Bureau. This possibility would be useful for applicants wishing to ensure the prior art effect of their applications and/or to establish a basis for provisional protection in designated States whose national laws provide that such effect or protection is dependent on publication in a particular language.

¹ References in this document to “Articles” and “Rules” are to those of the Patent Cooperation Treaty (PCT) and the Regulations under the PCT (where applicable, as amended by the Assembly in October 2005 with effect from April 1, 2006 or April 1, 2007, respectively) (“the Regulations”), or to such provisions as proposed to be amended or added, as the case may be. References to “national laws”, “national applications”, “the national phase”, etc., include reference to regional laws, regional applications, the regional phase, etc.

2. Earlier proposals, discussed at the seventh session of the Working Group, have been revised taking into account the discussions, and the agreement reached, at that session. The main differences in comparison with the proposals considered at the seventh session concern the following:

(i) the proposals have been further revised to take account of the amendments of the Regulations adopted by the Assembly in October 2005 with effect from April 1, 2006 and April 1, 2007, respectively, in particular, those relating to missing elements and parts of the international application, and to the rectification of obvious mistakes (see document PCT/A/34/6);

(ii) provisions have been added which would allow Contracting States to opt out, for a limited period, of the system of publication in multiple languages, as further explained in paragraphs 15 and 16, below;

(iii) further proposed language-related amendments of the Regulations are proposed which are not directly related to the proposed amendments concerning international publication in multiple languages but which appear to be necessary even if the latter do not proceed, as further explained in paragraph 17, below.

BACKGROUND

3. During its third session, the Working Group discussed a proposal for deletion of Article 64(4) (allowing for a reservation to be made by certain Contracting States concerning the prior art effect of international applications), based on document PCT/R/WG/3/1, Annex II, item 28. The Working Group agreed that further consideration of this matter should be deferred until progress had been made in discussions of prior art issues by the Standing Committee for the Law of Patents (SCP). As a related matter, the Working Group agreed, however, that the International Bureau should look into the possibility of amending Rule 48 (“International Publication”) so as to provide for the electronic publication by the International Bureau of translations, furnished by the applicant, of the international application (see the summary of the Chair of the third session of the Working Group, document PCT/R/WG/3/5, paragraphs 78 to 82).

4. For the fourth session of the Working Group, the International Bureau prepared a proposal to amend Rule 48 so as to require the International Bureau, on request by the applicant, to publish, together with the international application, any translation of the international application furnished by the applicant or, where the international application was filed in a language which was not a language of publication, the international application in the language in which it was filed (see Annex III of document PCT/R/WG/4/4). However, having regard to the time available for discussion during the fourth and fifth sessions, discussions on this proposal were deferred until the sixth session of the Working Group.

5. Proposals for amendment of the Regulations concerning the publication of international applications in multiple languages were discussed at the sixth and seventh session of the Working Group. The discussions at the seventh session are outlined in document PCT/R/WG/7/13, paragraphs 108 to 117, reproduced in the following paragraphs:

“PUBLICATION OF INTERNATIONAL APPLICATIONS IN MULTIPLE LANGUAGES

“108. Discussions were based on document PCT/R/WG/7/4.

“General Comments

“109. One delegation noted that the proposed amendments were not compatible with its applicable national law under which, as was permitted by Article 29(2), provisional protection in respect of an international application published in a language different from the language in which publications under its national law were effected was only effective from the date of the publication by its Office of a translation of the international application into its national language of publication. The delegation suggested that international publication of an international application in an additional language, other than the “normal” language of publication, should not have to give rise to the same provisional protection as publication of the application in the “normal” language of publication, and that the proposed draft Regulations be further amended by adding a provision which would expressly allow a designated State to provide in its applicable national law that an international application published in an additional language would enjoy provisional protection in the designated State concerned only after performance of certain acts before the designated Office concerned, such as the furnishing of a (further) translation to the Office, similarly to the provisions of Article 29(2). See also paragraph 114, below, in the particular context of proposed amended Rule 49.2.

“110. One delegation noted that Article 21(4) referred to “the language” (in the singular) of international publication.

“111. The Secretariat explained that, in its view, under the proposed amendments, the publication of the international application in an additional language would constitute an integral part of the international publication of the international application under Article 21 and that, therefore, the effects of that publication would, under the proposals in document PCT/R/WG/7/4, be the same as the effects of international publication in the “normal” language of publication, namely, so far as Article 29(1) was concerned, the same as those which the national law of the designated State provided for the compulsory national publication of unexamined national applications. The Secretariat suggested that revised proposals could include a provision concerning the effects of international publication of an international application in an additional language as outlined in paragraph 109.

“Rule 12.5

“112. A representative of users suggested that the 17-month time limit for requesting publication in an additional language under proposed Rule 12.5(f) should be extended to allow sufficient time for applicants to consider the international search report before deciding whether or not to request international publication of the international application in an additional language.

“Rule 48

“113. In response to a suggestion by one delegation, the Secretariat noted that a revised draft would include a provision to the effect that the front page of the published international application would indicate all languages (the “normal” publication language as well as any other additional language of publication) in which the international application was published under Rule 48.3.

“Rule 49.2

“114. Several delegations opposed the proposed amendment of Rule 49.2(a) under which a designated Office would not be permitted, for the purposes of entry into the national phase under Article 22, to require a translation into an official language of that Office where the international application was published in an additional language under Rule 48.3(b-bis) which was the same as that official language. However, the proposed amendment was supported by several other delegations and representatives of users who considered that furnishing a further translation of the international application in the official language, in addition to the international application having been published in that language under Rule 48.3(b-bis), served no useful purpose and therefore imposed an unnecessary burden on applicants.

“115. A suggestion by a representative of users that designated Offices should not be permitted to require a translation of the request (as provided for in Rules 49.5(a)(i) and 49.2(b) as proposed to be amended) was opposed by one delegation and did not find the support of the Working Group.

“Further Consideration by the Working Group

“116. The Working Group concluded that, in view of the comments and suggestions made, the proposals set out in the Annex to document PCT/R/WG/7/4 should not be submitted to the PCT Assembly in September-October 2005, and invited the Secretariat to prepare revised proposals, for consideration at its next session, taking into account the comments and suggestions set out above.

“117. Several representatives of users expressed their disappointment about the ensuing delay in entry into force of provisions relating to publication of international applications in multiple languages, noting the importance of such provisions for the user community.”

6. The Annex to the present document contains further revised proposals, taking account of the suggestions made by delegations and representatives of users at the seventh session (see document PCT/R/WG/7/13, paragraphs 108 to 117, reproduced in paragraph 5, above). The main features of the proposals as revised are outlined in the following paragraphs.

INTERNATIONAL PUBLICATION IN MULTIPLE LANGUAGES

7. International publication and communication to designated Offices of the international application in more than one language would be beneficial for the establishment or protection of certain rights of the applicant under the national law of designated States. This will be the case, first, in designated States where the prior art effect of an international application is, in accordance with Article 64(4), dependent on the international publication of the international

application in a language accepted by the Office of the designated State concerned. Second, there are designated States where provisional protection of an international application is, in accordance with Article 29, dependent on the publication or availability of the international application in a language in which publications under the national law of the designated State concerned are effected.

8. It is thus proposed to amend the PCT Regulations so as to allow for the international publication of translations of the international application in one or more languages beyond that in which the international publication presently takes place under Rule 48.3(a) or (b).

9. Under the Regulations as proposed to be amended, the applicant may request, within a time limit of 17 months from the priority date, that the international application be published, in addition to the “usual” language in which the international application is published under Rule 48.3(a) or (b), in one or more additional languages, the translations being supplied by the applicant.

10. Where the international application was filed in a language different from the language in which it will be published under Rule 48.3(b) and the applicant requests publication in that language of filing, the international application would be published in both the language of publication referred to in Rule 48.3(b) and in the language in which it was filed. The applicant may also request publication in an additional language which was not the language of filing, in which case the applicant would have to furnish a translation of the international application into the additional language and the international application would then be published in both the language of publication referred to in Rule 48.3(a) or (b) and the additional language.

11. For the purposes of international publication in an additional language, the applicant would have to pay a special fee. The translation into an additional language would have to contain the following elements (unless such element had already been furnished in that language):

(i) the international application itself (that is, the description, including the title of the invention, where applicable, as established by the International Searching Authority under Rule 37; the claim or claims; any text matter in the drawings; and the abstract, where applicable, as established by the International Searching Authority under Rule 38);

(ii) any amendment under Article 19 and any statement filed under Article 19(1);

(iii) any rectification of an obvious mistake referred to in Rule 91.1(b)(ii) or (iii) (that is, any rectification of a mistake in any part of the international application other than the request); and

(iv) any indications in relation to deposited biological material referred to in Rule 13*bis*.4 furnished separately from the description.

12. International publication in the additional language would not take place where the applicant did not, within the applicable time limit, pay the special fee for publication and furnish the required translation(s).

13. As indicated above, in general, the time limit for requesting publication in the additional language, for the payment of the special fee for publication, and for the furnishing of the required translations, would be 17 months from the priority date. It is to be noted, however, that the time limit for making amendments under Article 19 (and for filing the statement under Article 19(1)) may, in certain circumstances, under Rule 46.1, expire after the expiration of that 17-month time limit, and even after international publication of the international application concerned. Furthermore, where the International Searching Authority has established the title and/or the abstract under Rules 37 and 38, respectively, the applicant may need further time to translate those elements into the additional language. It is thus proposed that any translation into the additional language of an amendment under Article 19 or statement under Article 19(1), or of the title and the abstract as established by the International Searching Authority, may be filed within two months from the date of transmittal of the international search report to the International Bureau and to the applicant by the International Searching Authority, or 17 months from the priority date, whichever time limit expires later. If such a translation is furnished after completion of technical preparations for international publication of the international application in the additional language but within that time limit, the international application would be republished in the additional language.

14. As mentioned above, the applicant would be allowed to request publication of the international application in any additional language. The International Bureau would not, however, be able to establish, for the purposes of international publication, a standardized front page of the published international application in a language not being one of the languages of publication referred to in Rule 48.3(a). It is thus proposed that, where the additional language is not one of the languages of publication referred to in Rule 48.3(a), the front page relating to such international application would always be published in both English and French. The data contained on the front page is always available at the International Bureau in both those languages, since the Gazette in electronic form, which contains the same data elements as the front page, is published in both English and French. Where the additional language is one of the languages of publication referred to in Rule 48.3(a), the front page relating to such international application would, of course, be published in that language of publication.

15. At present, where the international application is (filed or published) in an official language of the designated Office, that Office is not entitled to require the applicant to furnish to it, upon national phase entry, with a (further) translation, noting that that Office will, upon request, receive a copy of the international application in that official language from the International Bureau under Article 20, Rule 47.3(a) or (b) and Rule 93*bis*. In the context of introducing publication in multiple languages, it is proposed to amend Rule 49.2(a) to provide that the same should apply where the international application is published in an additional language under proposed new Rule 48.3(b-*bis*).

16. However, in order to permit Contracting States which, for a transitional period, wish to maintain existing practices with regard to the furnishing of translations upon national phase entry, it is proposed to provide such States with the possibility to opt out, for a limited period of time (at the most, 5 years from the date of entry into force of amended Rule 49.2), of the system of publication in multiple languages, in which case: (i) such a State could continue to require, upon national phase entry, the furnishing of a translation of the international application even where that application has been published in an additional language which is the same as the, or one of the, official languages of that State; and (ii) an applicant from that

State would not be entitled to request publication of an international application in any additional language and thus would not benefit from the additional features ensuing from such publication, that is, prior art effect of applications and/or provisional protection in designated States whose national laws provide that such effect or protection is dependent on publication of a translation (see proposed new Rules 12.5(a) and (h), and 49.2(c)).

OTHER PROPOSED AMENDMENTS

17. This document also contains certain proposed amendments which are not directly related to the proposed amendments concerning international publication in multiple languages but which would appear necessary even if the latter were not agreed upon. In particular, it is proposed:

(i) to add a new Rule 12.1*ter* to fill a gap in the present Regulations which do not provide for the language in which indications related to deposited biological material furnished under Rule 13*bis*.4 separately from the description are to be filed;

(ii) to amend Rule 12.2(c) to fill a gap by adding a reference to a translation furnished under Rule 12.4;

(iii) to amend Rules 12.2(c) and 55.2 to clarify that the check for, and the correction of, defects under Rule 11 in translations furnished under Rule 55.2(a) for the purposes of international preliminary examination is carried out by the International Preliminary Examining Authority;

(iv) to amend Rule 43.4 so as fill an apparent gap in the present Regulations under which the International Searching Authority may, in certain circumstances, be required to establish the international search report in a language not accepted by that Authority; and

(v) to amend Rule 48.3(c) to clarify that, where the international application is published in a language other than English, the translation required for such international publication shall be prepared under the responsibility of the International Bureau only if it is not furnished by the applicant under Rule 12.3 or proposed new Rule 12.5.

18. The Working Group is invited to consider the proposals contained in the Annex.

[Annex follows]

ANNEX

PROPOSED AMENDMENTS OF THE PCT REGULATIONS:²

PUBLICATION OF INTERNATIONAL APPLICATIONS IN MULTIPLE LANGUAGES

TABLE OF CONTENTS

Rule 12	Language of the International Application and <u>Translations</u> Translation for the Purposes of International Search and International Publication.....	3
12.1	<i>Languages Accepted for the Filing of International Applications</i>	3
	<u>12.1ter</u> <i>Language of Indications Furnished Under Rule 13bis.4</i>	4
12.2	<i>Language of Changes in the International Application</i>	4
12.3	<i>Translation for the Purposes of International Search</i>	7
12.4	<i>Translation for the Purposes of International Publication</i>	8
	<u>12.5</u> <i>Translation for the Purposes of International Publication in Additional Language</i>	8
Rule 26	Checking by, and Correcting Before, the Receiving Office of Certain Elements of the International Application.....	15
	26.1 to 26.2bis [No change].....	15
	26.3 <i>Checking of Physical Requirements Under Article 14(1)(a)(v)</i>	15
	26.3bis [No change].....	15
	26.3ter <i>Invitation to Correct Defects Under Article 3(4)(i)</i>	16
	26.4 and 26.5 [No change].....	16
Rule 37	Missing or Defective Title	17
	37.1 [No change]	17
	37.2 <i>Establishment of Title</i>	17
Rule 38	Missing or Defective Abstract.....	18
	38.1 [No change]	18
	38.2 <i>Establishment of Abstract</i>	18
	38.3 [No change]	18
Rule 43	The International Search Report.....	19
	43.1 to 43.3 [No change]	19
	43.4 <i>Language</i>	19
	43.5 to 43.10 [No change]	20
Rule 46	Amendment of Claims Before the International Bureau	21
	46.1 and 46.2 [No change].....	21
	46.3 <i>Language of Amendments</i>	21
	46.4 <i>Statement</i>	21
	46.5 [No change]	21
Rule 47	Communication to Designated Offices.....	22
	47.1 and 47.2 [No change].....	22
	47.3 <i>Languages</i>	22

² Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned. Certain provisions that are not proposed to be amended may be included for ease of reference.

47.4 [No change]	23
Rule 48 International Publication.....	24
48.1 [No change]	24
48.2 <i>Contents</i>	24
48.3 <i>Languages of Publication</i>	27
48.4 to 48.6 [No change]	28
Rule 49 Copy, Translation and Fee Under Article 22.....	29
49.1 [No change]	29
49.2 <i>Languages</i>	29
49.3 to 49.6 [No change]	31
Rule 55 Languages (International Preliminary Examination).....	32
55.1 <i>Language of Demand</i>	32
55.2 <i>Translation of International Application</i>	32
55.3 [No change]	35
Rule 66 Procedure Before the International Preliminary Examining Authority.....	36
66.1 to 66.8 [No change]	36
66.9 <i>Language of Amendments</i>	36
Rule 70 International Preliminary Report on Patentability by the International Preliminary Examining Authority (International Preliminary Examination Report)	37
70.1 to 70.16 [No change]	37
70.17 <i>Languages of the Report and the Annexes</i>	37
Rule 74 Translations of Annexes of the International Preliminary Examination Report and Transmittal Thereof	38
74.1 <i>Contents of Translation and Time Limit for Transmittal Thereof</i>	38
Rule 76 Translation of Priority Document; Application of Certain Rules to Procedures before Elected Offices.....	39
76.1, 76.2 and 76.3 [<i>Remain deleted</i>].....	39
76.4 [No change]	39
76.5 <i>Application of Certain Rules to Procedures before Elected Offices</i>	39

Rule 12³

**Language of the International Application
and Translations ~~Translation~~ for the Purposes of International Search
and International Publication**

12.1 *Languages Accepted for the Filing of International Applications*

(a) [No change]

(b) Each receiving Office shall, for the filing of international applications, accept at least one language which is both:

(i) [No change] a language accepted by the International Searching Authority, or, if applicable, by at least one of the International Searching Authorities, competent for the international searching of international applications filed with that receiving Office, and

(ii) a language of publication [referred to in Rule 48.3\(a\)](#).

(c) Notwithstanding paragraph (a), the request shall be filed in any language of publication [referred to in Rule 48.3\(a\)](#) which the receiving Office accepts for the purposes of this paragraph.

(d) [No change]

³ The proposed amendments are shown relative to the text of Rule 12 as adopted by the Assembly on October 5, 2005, with effect from April 1, 2007.

[Rule 12.1(d), continued]

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see below).]

12.1*bis* [No change]

12.1*ter* Language of Indications Furnished Under Rule 13*bis*.4

Any indication in relation to deposited biological material furnished under Rule 13*bis*.4 shall be in the language in which the international application is filed, provided that, where a translation of the international application is required under Rule 12.3(a) or 12.4(a), any such indication shall be furnished in both the language in which the application is filed and the language of that translation.

[COMMENT: It is proposed to add new Rule 12.1*ter* so as to fill an apparent gap in the present Regulations which do not provide for the language in which indications related to deposited biological material furnished under Rule 13*bis*.4 separately from the description are to be furnished. Note that this proposed amendment is not directly related to the proposed amendments concerning international publication in multiple languages and, if agreed upon, should be presented to the Assembly for adoption even if the proposed amendments concerning international publication in multiple languages are not agreed upon.]

12.2 *Language of Changes in the International Application*

(a) [No change] Any amendment of the international application shall, subject to Rules 46.3, 55.3 and 66.9, be in the language in which the application is filed.

[Rule 12.2, continued]

(b) Any rectification under Rule 91.1 of an obvious mistake in the international application shall be in the language in which the application is filed, provided that:

(i) where a translation of the international application is required under Rule 12.3(a), 12.4(a) or 55.2(a), a rectification ~~rectifications~~ referred to in Rule 91.1(b)(ii) or ~~and~~ (iii) shall be furnished ~~filed~~ in both the language of the application and the language of that translation;

(ii) where a request under Rule 12.5(a) has been made that the international application be published, or where the international application has been published, in an additional language under Rule 48.3(b-bis), a rectification referred to in Rule 91.1(b)(ii) or (iii) shall also be furnished in that additional language, unless already furnished in that additional language under item (i) of this paragraph;

[COMMENT: The proposed addition of item (ii) is consequential on the proposed addition of new Rule 48.3(b-bis) (see below).]

(iii) where a translation of the request is required under Rule 26.3ter(c), a rectification ~~rectifications~~ referred to in Rule 91.1(b)(i) need only be furnished ~~filed~~ in the language of that translation.

[Rule 12.2, continued]

(c) Any correction under Rule 26 of a defect in the international application shall be in the language in which the international application is filed. Any correction under Rule 26 of a defect in a translation of the international application furnished under Rule 12.3 or [12.4](#), [any correction under Rule 12.5\(f\) of a defect in a translation furnished under Rule 12.5\(b\)](#), [any correction under Rule 55.2\(c\) of a defect in a translation furnished under Rule 55.2\(a\)](#), or [any correction of a defect](#) in a translation of the request furnished under Rule 26.3^{ter}(c), shall be in the language of the translation.

[COMMENT: Rule 12.2(c) as worded at present would appear to incorrectly imply that the check for, and correction of, defects under Rule 11 in a translation furnished under Rule 55.2(a) is made “under Rule 26” and thus by the receiving Office rather than by the competent International Preliminary Examining Authority to which such a translation is to be furnished. It is therefore proposed to amend paragraph (c) so as to clarify that a correction of a translation furnished under Rule 55.2(a) is done “under Rule 55.2(c)” and thus by the International Preliminary Examining Authority (see also Rule 55.2 as proposed to be amended, below). Furthermore, it is proposed to amend Rule 12.2(c) by adding a reference to a translation furnished under Rule 12.4, noting that it would appear that the addition of such reference was overlooked when Rule 12.4 was added to the Regulations. Note that these proposed amendments are not directly related to the proposed amendments concerning international publication in multiple languages and, if agreed upon, should be presented to the Assembly for adoption even if the proposed amendments concerning international publication in multiple languages are not agreed upon. It is further proposed to amend paragraph (c) to add a reference to a translation furnished under proposed new Rule 12.5, consequential on the proposed addition of that new Rule.]

12.3 *Translation for the Purposes of International Search*

(a) Where the language in which the international application is filed is not accepted by the International Searching Authority that is to carry out the international search, the applicant shall, within one month from the date of receipt of the international application by the receiving Office, furnish to that Office a translation of the international application into a language which is all of the following:

(i) [No change]

(ii) a language of publication [referred to in Rule 48.3\(a\)](#), and

(iii) a language accepted by the receiving Office under Rule 12.1(a), unless the international application is filed in a language of publication [referred to in Rule 48.3\(a\)](#).

(b) to (e) [No change]

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) and the proposed addition of new Rule 48.3(b-*bis*) (see below).]

12.4 *Translation for the Purposes of International Publication*

(a) Where the language in which the international application is filed is not a language of publication [referred to in Rule 48.3\(a\)](#) and no translation is required under Rule 12.3(a), the applicant shall, within 14 months from the priority date, furnish to the receiving Office a translation of the international application into any language of publication [referred to in Rule 48.3\(a\)](#) which the receiving Office accepts for the purposes of this paragraph.

(b) to (e) [No change]

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) and the proposed addition of new Rule 48.3(b-*bis*) (see below).]

12.5 *Translation for the Purposes of International Publication in Additional Language*

(a) Subject to paragraph (h), the applicant may, within the applicable time limit under paragraph (g), make a request to the International Bureau that the international application be published, in addition to the language in which it is to be published under Rule 48.3(a) or (b), in an additional language under Rule 48.3(b-*bis*). Such requests may be made irrespective of more than one additional language in relation to the same international application.

[COMMENT: See paragraphs 7 to 10 in the main body of this document.]

[Rule 12.5, continued]

(b) A request under paragraph (a) shall be accompanied by a special publication fee, the amount of which shall be fixed in the Administrative Instructions, and by a translation into the additional language of publication of:

(i) the international application, unless it was filed in the additional language or a translation into the additional language has already been furnished under Rule 12.3;

[COMMENT: With regard to the contents of the translation of the international application under paragraph (b)(i), see paragraph (c), below.]

(ii) any amendment under Article 19 and any statement under Article 19(1);

(iii) any rectification of an obvious mistake referred to in Rule 91.1(b)(ii) or (iii), unless such rectification has already been furnished in the additional language under Rule 12.2(b)(i) or (ii);

(iv) any indication in relation to deposited biological material referred to in Rule 13bis.4, unless such indication has already been furnished in the additional language under Rule 12.1bis.

[COMMENT: With regard to the consequences of non-compliance with the requirements of Rule 12.5(a) and (b) (for example, non-payment of fees, missing translations, etc., see Rule 48.3(b-*bis*) and (b-*ter*), below).]

[Rule 12.5(b), continued]

(c) For the purposes of paragraph (b)(i), the translation of the international application shall contain:

(i) the description (other than any sequence listing part of the description), including, where applicable, the title established by the International Searching Authority under Rule 37.2;

[COMMENT: Note that the title prepared by the applicant is part of the description (see Rule 5.1(a)) and would thus be included in the translation of the description into the additional language.]

(ii) the claim or claims;

(iii) any text matter in the drawings;

(iv) any part of the description, claims or drawings which is considered to have been contained in the international application under Rule 20.6(b); and

(v) the abstract as filed by the applicant or, where applicable, as established by the International Searching Authority under Rule 38.2.

[Rule 12.5, continued]

(d) The translation of any text matter in the drawings referred to in paragraph (c)(iii) shall be furnished either in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew.

[COMMENT: Proposed new paragraph (d) is modeled on present Rule 49.5(d).]

(e) Where a request under paragraph (a) is not accompanied by the special publication fee or a translation required under paragraph (b), the International Bureau shall invite the applicant to pay that fee or to furnish that translation, as the case may be, within the applicable time limit under paragraph (g).

[COMMENT: With regard to the consequences where the applicant does not comply with the invitation within the applicable time limit, see Rule 48.3(b-*bis*), below).

(f) The International Bureau shall check any translation furnished in accordance with paragraph (b) for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication, and shall invite the applicant to correct any defect within the time limit under paragraph (g).

[COMMENT: With regard to the consequences where the applicant does not comply with the invitation within the applicable time limit, see Rule 48.3(b-*bis*), below).]

[Rule 12.5, continued]

(g) The time limit referred to in paragraphs (a), (e) and (f) shall be 17 months from the priority date, provided that:

[COMMENT: In general, it is proposed that any request for the publication of the international application in an additional language (see proposed new Rule 12.5, above) and any translation into such a language would have to be furnished within 17 months from the priority date, noting that sufficient time is needed by the International Bureau in order to prepare international publication in the additional language. It is not proposed, as had been suggested by a representative of users at the seventh session (see the summary of the seventh session by the Chair, document PCT/R/WG/7/13, paragraph 112), to provide for an even longer time limit than 17 months from the priority date for the furnishing of the translation, noting that, in order to have the intended effects concerning prior art and provisional protection, publication of the international application in the additional language has to be part of the “international publication” under Article 21 and thus has to take place promptly after the expiration of 18 months from the priority date.]

(i) the time limit referred to in paragraph (e) for the furnishing of a translation of the title or the abstract established by the International Searching Authority under Rule 37.2 and 38.2, respectively, as required under paragraphs (b)(i) and (c), or of an amendment under Article 19 and a statement under Article 19(1) as required under paragraph (b)(ii), and the time limit referred to in paragraph (f) for the furnishing of any correction of such translation, shall be two months from the date of transmittal of the international search report to the International Bureau and the applicant by the International Searching Authority or 17 months from the priority date, whichever time limit expires later;

[COMMENT: See paragraph 13 in the main body of this document.]

[Rule 12.5(g), continued]

(ii) any translation of a rectification of an obvious mistake required under paragraph (b)(iii), and any correction of such translation referred to in paragraph (f), furnished after the expiration of 17 months from the priority date shall be considered to have been received on the last day of that time limit if it reaches the International Bureau before the technical preparations for international publication have been completed;

[COMMENT: As regards the translation of any rectification of an obvious mistake, it is proposed to, in effect, extend the 17-month time limit up to the point of completion of technical preparations for international publication, noting that, under Rule 91 as adopted by the Assembly on October 5, 2005, with effect from April 1, 2007, the applicant may request rectification of an obvious mistake until the expiration of 26 months from the priority date, that is, beyond the 17-month time limit for requesting publication in an additional language. Where the application is to be or has been published in an additional language under Rule 48.3(b-*bis*) and a request for rectification of an obvious mistake is received only after completion of technical preparations for international publication, the statement reflecting all rectifications, together with the sheets containing the rectifications, or the replacement sheets and the letter furnished under Rule 91.2, as the case may be, to be published under Rule 48.2(i) would be published in both the language of the application and the additional language (see Rule 48.2(i) as proposed to be amended, below).]

(iii) where the applicant makes a request for early publication under Article 21(2)(b), any request under paragraph (a), any translation under paragraph (b) or any correction under paragraph (f) submitted, or any fee under paragraph (b) paid, after the technical preparations for international publication have been completed shall be considered as not having been submitted or paid in time.

[Rule 12.5(g)(iii), continued]

[COMMENT: Where the applicant has requested early publication of the international application, all acts required for the international publication of the international application in the additional language must have been performed by the applicant before the completion of technical preparations for international publication; otherwise, the international application will not be published in the additional language.]

(h) Where a designated Office has sent a notification to the International Bureau under Rule 49.2(c), an applicant who is a resident or national of the Contracting State for which that Office acts shall not be entitled, for as long as that notification is still in force, if the international application was filed in an official language of that designated Office either with the receiving Office of or acting for that Contracting State or with the International Bureau as receiving Office, to make a request under paragraph (a) that the international application be published in an additional language under Rule 48.3(b-bis). If there are two or more applicants, the first sentence of this paragraph shall apply if any of them is a resident or national of that Contracting State.

[COMMENT: See paragraphs 15 and 16 in the main body of this document.]

Rule 26⁴

**Checking by, and Correcting Before, the Receiving Office
of Certain Elements of the International Application**

26.1 to 26.2*bis* [No change]

26.3 *Checking of Physical Requirements Under Article 14(1)(a)(v)*

(a) Where the international application is filed in a language of publication [referred to in Rule 48.3\(a\)](#), the receiving Office shall check:

(i) and (ii) [No change]

(b) Where the international application is filed in a language which is not a language of publication [referred to in Rule 48.3\(a\)](#), the receiving Office shall check:

(i) and (ii) [No change]

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see below).]

26.3*bis* [No change]

⁴ The proposed amendments are shown relative to the text of Rule 26 as adopted by the Assembly on October 5, 2005, with effect from April 1, 2007.

26.3ter *Invitation to Correct Defects Under Article 3(4)(i)*

(a) Where the abstract or any text matter of the drawings is filed in a language which is different from the language of the description and the claims, the receiving Office shall, unless

(i) [No change]

(ii) the abstract or the text matter of the drawings is in the language in which the international application is to be published [under Rule 48.3\(a\) or \(b\)](#),

invite the applicant to furnish a translation of the abstract or the text matter of the drawings into the language in which the international application is to be published [under Rule 48.3\(a\) or \(b\)](#). Rules 26.1, 26.2, 26.3, 26.3bis, 26.5 and 29.1 shall apply *mutatis mutandis*.

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see below).]

(b) and (c) [No change]

26.4 and 26.5 [No change]

Rule 37

Missing or Defective Title

37.1 [No change]

37.2 *Establishment of Title*

If the international application does not contain a title and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish a title, or if the said Authority finds that the title does not comply with Rule 4.3, it shall itself establish a title. Such title shall be established in the language in which the international application is to be published [under Rule 48.3\(a\) or \(b\)](#), or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see below).]

Rule 38⁵

Missing or Defective Abstract

38.1 [No change]

38.2 *Establishment of Abstract*

If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract. Such abstract shall be established in the language in which the international application is to be published [under Rule 48.3\(a\) or \(b\)](#) or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see below).]

38.3 [No change]

⁵ The proposed amendments are shown relative to the text of Rule 38 as adopted by the Assembly on October 5, 2005, with effect from April 1, 2007.

Rule 43⁶

The International Search Report

43.1 to 43.3 [No change]

43.4 *Language*

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is to be published under Rule 48.3(a) or (b), provided that: ~~or~~

(i) if a translation of the international application into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, the international search report and any declaration made under Article 17(2)(a) may be in the language of that translation;

(ii) if the international application is to be published in the language of a translation furnished under Rule 12.4 which is not accepted by the International Searching Authority and that Authority so wishes, the international search report and any declaration made under Article 17(2)(a) may be in a language which is both a language accepted by that Authority and a language of publication referred to in Rule 48.3(a).

⁶ The proposed amendments are shown relative to the text of Rule 43 as adopted by the Assembly on October 5, 2005, with effect from April 1, 2007.

[Rule 43.4, continued]

[COMMENT: It is proposed to amend Rule 43.4 so as fill an apparent gap in the present Regulations under which the International Searching Authority may, in certain circumstances, be required to establish the international search report in a language not accepted by that Authority: under present Rule 43.4, where the Authority conducts the search on the basis of the international application in the language as filed which is not a language of publication and the applicant furnishes, for the purposes of international publication, a translation of the application into a language of publication which is not, however, accepted by that Authority, the Authority is nevertheless required to establish the international search report in that language. It is thus proposed to amend Rule 43.4 to permit the International Searching Authority to establish the international search report in a language which is both accepted by that Authority and a language of publication referred to in Rule 48.3(a). Other proposed amendments are consequential on the proposed amendments of Rule 48.3(a) and (b) (see below).]

43.5 to 43.10 [No change]

Rule 46

Amendment of Claims Before the International Bureau

46.1 and 46.2 [No change]

46.3 *Language of Amendments*

~~Any~~ ~~If the international application has been filed in a language other than the language in which it is published, any~~ amendment made under Article 19 shall be in the language in which the international application is published under Rule 48.3(a) or (b) of publication.

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see below).]

46.4 *Statement*

(a) The statement referred to in Article 19(1) shall be in the language in which the international application is published under Rule 48.3(a) or (b). ~~The statement and~~ shall not exceed 500 words if in the English language or if translated into that language and. ~~The statement~~ shall be identified as such by a heading, preferably by using the words “Statement under Article 19(1)” or their equivalent in the language of the statement.

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see below).]

(b) [No change]

46.5 [No change]

Rule 47⁷

Communication to Designated Offices

47.1 and 47.2 [No change]

47.3 *Languages*

(a) The international application communicated under Article 20 shall be in the language in which it is published under Rule 48.3(a) or (b) and, where applicable, in each additional language in which it is published under Rule 48.3(b-bis).

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) and the proposed addition of new Rule 48.3(b-bis) (see below). Note that, in accordance with Rule 93bis.1 (“communication on request”), the communication of any document by the International Bureau to a designated Office will only be effected on request by that Office, so that any designated Office would be free to waive the receipt of the published international application under Article 20 altogether, or to request to receive the published international application in all publication languages, or to specify the publication languages in which it wishes to receive the published international application.]

(b) Where the ~~language in which the~~ international application is not published under Rule 48.3(a) or (b-bis) in ~~is different from~~ the language in which it was filed, the International Bureau shall furnish to any designated Office, ~~upon the request of that Office,~~ a copy of that application in the language in which it was filed.

[COMMENT: Rule 48.3(b) is not referred to since, under that Rule, an international application is always published in a language of a translation furnished under Rule 12.3 or 12.4 which is different from the language in which the application was filed.]

⁷ The proposed amendments are shown relative to the text of Rule 47 as adopted by the Assembly on October 5, 2005, with effect from April 1, 2006.

[Rule 47.3(b), continued]

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) and the proposed addition of new Rule 48.3(b-*bis*) (see below) and, as far as the proposed deletion of the text “upon request of that Office” is concerned, on the entry into force, with effect from January 1, 2004, of Rule 93*bis*.1 (“communication on request”), pursuant to which the communication of any document by the International Bureau to a designated Office will only be effected on request by that Office.]

47.4 [No change]

Rule 48⁸

International Publication

48.1 [No change]

48.2 *Contents*

(a) [No change]

(b) Subject to paragraph (c), the front page shall include:

(i) [No change] data taken from the request sheet and such other data as are prescribed by the Administrative Instructions;

[COMMENT: The Administrative Instructions would have to be modified to provide that the front page shall include information as to the language or languages in which the international application is published under Rule 48.3(a) or (b) and, where applicable, Rule 48.3(b-*bis*).]

(ii) to (viii) [No change]

(c) to (h) [No change]

⁸ The proposed amendments are shown relative to the text of Rule 48 as adopted by the Assembly on October 5, 2005, with effect from April 1, 2007.

[Rule 48.2, continued]

(i) If the authorization of a rectification of an obvious mistake in the international application referred to in Rule 91.1 is received by or, where applicable, given by the International Bureau after completion of the technical preparations for international publication, a statement reflecting all the rectifications shall be published, together with the sheets containing the rectifications, or the replacement sheets and the letter furnished under Rule 91.2, as the case may be, and the front page shall be republished. Where the international application is to be or has been published in an additional language under Rule 48.3(b-bis), the said statement and sheets, or the said replacement sheets and letter, shall also be published in that additional language.

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-bis).]

(j) and (k) [No change]

(l) Where the international application is published in an additional language under Rule 48.3(b-bis), the published international application shall include:

(i) if the additional language is one of the languages referred to in Rule 48.3(a), the front page referred to in paragraph (a)(i) in that additional language;

[COMMENT: Where the additional language is one of the languages referred to in Rule 48.3(a), the front page would include the abstract.]

[Rule 48.2(l), continued]

(ii) if the additional language is not one of the languages referred to in Rule 48.3(a), the front page referred to in paragraph (a)(i) in English and in French, and the abstract, as referred to in Rule 12.5(c)(v), in the additional language;

[COMMENT: Where the additional language is not one of the languages referred to in Rule 48.3(a), the front page, including the abstract, would be published in English and French. Furthermore, the publication of the international application would contain the abstract in the additional language.]

(iii) the description (other than any sequence listing part of the description), the claims, the drawings (if any), the request referred to in paragraph (a)(vi) of this Rule and the data referred to in paragraph (a)(viii) of this Rule, in the additional language;

(iv) if available at the time of the completion of the technical preparations for international publication, the claims and the statement referred to in paragraph (f) of this Rule, in the additional language.

[Rule 48.2, continued]

(m) Where the international application is published in an additional language under Rule 48.3(b-bis) and, at the time of the completion of the technical preparations for international publication, the time limit under Rule 12.5(g) for the furnishing of a translation of the title or the abstract established by the International Searching Authority, of a translation of an amendment under Article 19 and of a statement under Article 19(1), or of any correction of such translation under Rule 12.5(f), has not expired, the front page shall refer to that fact and indicate that, promptly after receipt by the International Bureau of any such translation within the time limit under Rule 12.5(g), any such translation will be published together with a revised front page.

[COMMENT: See paragraph 13 in the main body of this document.]

48.3 *Languages of Publication*

(a) If the international application is filed in Arabic, Chinese, English, French, German, Japanese, Russian or Spanish (“languages of publication”), that application shall be published in the language in which it was filed.

(b) If the international application is not filed in a language of publication referred to in paragraph (a) and a translation into a language of publication has been furnished under Rule 12.3 or 12.4, that application shall be published in the language of that translation.

[COMMENT: The proposed amendments are consequential on the proposed addition of new Rule 48.3(b-bis) (see below).]

[Rule 48.3, continued]

(b-bis) Where the applicant makes a request in accordance with Rule 12.5 for publication of the international application in an additional language, the international application shall be published in that language (“additional language of publication”) in addition to the language in which the international application is published under paragraph (a) or (b).

[COMMENT: Where the applicant has made a request for the publication of the application in an additional language but has not met all the requirements of Rule 12.5 (for example, the special fee has not been paid in full, or required elements are missing from the translation, or the translation does not comply with the physical requirements referred to in Rule 11 to the extent necessary for the purpose of reasonably uniform publication), the international application would not be published in the additional language.]

(c) If the international application is published under paragraph (a) or (b) in a language other than English, the international search report to the extent that it is published under Rule 48.2(a)(v), or the declaration referred to in Article 17(2)(a), the title of the invention, the abstract and any text matter pertaining to the figure or figures accompanying the abstract shall be published both in that language and in English. The translations, if not furnished by the applicant under Rule 12.3 or 12.5, shall be prepared under the responsibility of the International Bureau.

[COMMENT: The proposed amendments of the first sentence of paragraph (c) are consequential on the proposed amendment of Rule 48.3(a) and (b) (see above). The proposed addition of a reference to Rule 12.3 in the last sentence of paragraph (c) would fill an apparent gap in the present text of paragraph (c); note that this addition is not directly related to the proposed amendments concerning international publication in multiple languages and, if agreed upon, should be presented to the Assembly for adoption even if the proposed amendments concerning international publication in multiple languages are not agreed upon. Otherwise, the proposed amendment of the last sentence is consequential on the proposed addition of Rule 12.5.]

48.4 to 48.6 [No change]

Rule 49

Copy, Translation and Fee Under Article 22

49.1 [No change]

49.2 *Languages*

(a) The language into which translation may be required must be an official language of the designated Office, provided that no translation may be required:

(i) if the international application was filed in such a language or, if ~~if~~ there are several ~~of~~ such languages, ~~no translation may be required if the international application is~~ in one of them; or

(ii) if the international application was published under Rule 48.3(a) or (b) in such a language or, if there are several such languages, in one of them;

(iii) if the international application was published under Rule 48.3(b-bis) in such a language or, if there are several such languages, in one of them.

If there are several official languages and a translation must be furnished, the applicant may choose any of those languages.

[Rule 49.2(a), continued]

[COMMENT: See paragraph 15 in the main body of this document.]

(b) Notwithstanding ~~the foregoing provisions of this~~ paragraph (a);

(i) if there are several official languages but the national law prescribes the use of one such language for foreigners, a translation into that language may be required;

(ii) if no translation of the international application may be required under paragraph (a), the designated Office may nevertheless require a translation of the request as referred to in Rule 49.5(a)(i), in which case Rule 49.5(b) shall apply *mutatis mutandis*.

[COMMENT: The proposed addition of new item (ii) is consequential on the proposed amendment of paragraph (a) (see above): where no translation of the international application may be required by a designated Office under paragraph (a), that Office should still be entitled to request the furnishing of a translation of the request (see Rule 49.5(a)(i)), noting that a copy of the request would not be included in the copy of the international application communicated to the designated Office (in the official language of the designated Office) under Article 20, Rule 47.3(a) or (b), and Rule 93*bis*. Rule 49.5(b), which is referred to in proposed new item (ii) of paragraph (b), deals with details concerning the furnishing of a translation of the request.]

[Rule 49.2, continued]

(c) Paragraph (a)(iii) shall not apply in respect of the processing by a designated Office of international applications whose international filing date falls in the relevant period where that Office has, in a notification sent to the International Bureau by *[three months from the date of adoption of these modifications by the PCT Assembly]*, declared that that paragraph shall not be applicable. The relevant period shall start on *[date of entry into force of paragraph (c)]* and end on *[five years after that date]* or on such earlier date as may be specified by the designated Office in that notification or in a subsequent notification sent to the International Bureau. The International Bureau shall promptly publish in the Gazette information on any notification sent to it under this paragraph.

[COMMENT: See paragraph 16 in the main body of this document and Rule 12.5(a) and (h), above.]

49.3 to 49.6 [No change]

Rule 55⁹

Languages (International Preliminary Examination)

55.1 *Language of Demand*

The demand shall be in the language in which the international application is published under Rule 48.3(a) or (b) ~~of the international application or, if the international application has been filed in a language other than the language in which it is published, in the language of publication~~. However, if a translation of the international application is required under Rule 55.2, the demand shall be in the language of that translation.

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see above).]

55.2 *Translation of International Application*

(a) Where ~~neither the language in which~~ the international application is neither filed nor ~~the language in which the international application is~~ published under Rule 48.3(a), (b) or (b-bis) in a language ~~is~~ accepted by the International Preliminary Examining Authority that is to carry out the international preliminary examination, the applicant shall, subject to paragraph (b), furnish with the demand a translation of the international application into a language which is both:

⁹ The proposed amendments are shown relative to the text of Rule 55 as adopted by the Assembly on October 5, 2005, with effect from April 1, 2007.

[Rule 55.2(a), continued]

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) and the proposed addition of new Rule 48.3(b-*bis*) (see above).]

- (i) [No change] a language accepted by that Authority, and
- (ii) a language of publication [referred to in Rule 48.3\(a\)](#).

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see above).]

(a-*bis*) A translation of the international application into a language referred to in paragraph (a) shall include any element referred to in Article 11(1)(iii)(d) or (e) furnished by the applicant under Rule 20.3(b) or 20.6(a) and any part of the description, claims or drawings furnished by the applicant under Rule 20.5(b) or 20.6(a) [which is considered to have been contained in the international application under Rule 20.6\(b\)](#).

[COMMENT: The proposed amendment of Rule 55.2(a-*bis*) as adopted by the Assembly in October 2005 with effect from April 1, 2007, is as proposed in document PCT/R/WG/8/XX (clarifications and consequential amendments).]

[\(a-*ter*\) The International Preliminary Examining Authority shall check any translation furnished under paragraph \(a\) for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purposes of the international preliminary examination.](#)

[Rule 55.2(a-ter), continued]

[COMMENT: See Rule 12.2(c) as proposed to be amended, above. It is proposed to add a new paragraph (a-ter) to Rule 55.2 so as to expressly provide for the International Preliminary Examining Authority to carry out the Rule 11 check but only to the extent that compliance with Rule 11 is necessary for the purposes of international preliminary examination. Furthermore, it is proposed to amend paragraph (c) (see below) so as to expressly provide for that Authority to invite the applicant to correct any defect. Note that the proposed addition of new paragraph (a-bis) and the proposed amendments to paragraph (c) are not directly related to the proposed amendments concerning international publication in multiple languages and, if agreed upon, should be presented to the Assembly for adoption even if the proposed amendments concerning international publication in multiple languages are not agreed upon.]

(b) [No change]

(c) If a requirement ~~the requirements~~ referred to in ~~of~~ paragraphs (a), ~~and~~ (a-bis) and (a-ter) is ~~are~~ not complied with and paragraph (b) does not apply, the International Preliminary Examining Authority shall invite the applicant to furnish the required translation or the required correction, as the case may be, within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

[COMMENT: See comment on proposed new paragraph (a-ter), above.]

(d) If the applicant complies with the invitation within the time limit under paragraph (c), the said requirement ~~requirements~~ shall be considered to have been complied with. If the applicant fails to do so, the demand shall be considered not to have been submitted and the International Preliminary Examining Authority shall so declare.

[Rule 55.2(d), continued]

[COMMENT: The proposed amendment of paragraph (d) is consequential on the proposed amendment of paragraph (c).]

55.3 [No change]

Rule 66¹⁰

**Procedure Before the
International Preliminary Examining Authority**

66.1 to 66.8 [No change]

66.9 *Language of Amendments*

(a) Subject to paragraphs (b) and (c), ~~if the international application has been filed in a language other than the language in which it is published,~~ any amendment, as well as any letter referred to in Rule 66.8, shall be submitted in the language in which the international application is published under Rule 48.3(a) or (b) of publication.

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see above).]

(b) to (d) [No change]

¹⁰ The proposed amendments are shown relative to the text of Rule 66 as adopted by the Assembly on October 5, 2005, with effect from April 1, 2007.

Rule 70¹¹

**International Preliminary Report on Patentability by
the International Preliminary Examining Authority
(International Preliminary Examination Report)**

70.1 to 70.16 [No change]

70.17 *Languages of the Report and the Annexes*

The report and any annex shall be in the language in which the international application to which they relate is published [under Rule 48.3\(a\) or \(b\)](#), or, if the international preliminary examination is carried out, pursuant to Rule 55.2, on the basis of a translation of the international application, in the language of that translation.

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see above).]

¹¹ The proposed amendments are shown relative to the text of Rule 70 as adopted by the Assembly on October 5, 2005, with effect from April 1, 2007.

Rule 74

**Translations of Annexes of the International
Preliminary Examination Report and Transmittal Thereof**

74.1 *Contents of Translation and Time Limit for Transmittal Thereof*

(a) [No change]

(b) Where the furnishing under Article 39(1) of a translation of the international application is not required by the elected Office, that Office may require the applicant to furnish, within the time limit applicable under that Article, a translation into the language in which the international application was published [under Rule 48.3\(a\) or \(b\)](#) of any replacement sheet referred to in Rule 70.16 which is annexed to the international preliminary examination report and is not in that language.

[COMMENT: The proposed amendments are consequential on the proposed amendment of Rule 48.3(a) and (b) (see above).]

Rule 76

Translation of Priority Document;

Application of Certain Rules to Procedures before Elected Offices

76.1, 76.2 and 76.3 *[Remain deleted]*

76.4 [No change]

76.5 *Application of Certain Rules to Procedures before Elected Offices*

Rules [12.5\(h\)](#), 13^{ter}.3, 22.1(g), 47.1, 49, 49^{bis} and 51^{bis} shall apply, provided that:

[COMMENT: By virtue of Rule 76.5 as proposed to be amended, proposed new Rule 12.5(h) (see above) would also apply to elected Offices.]

(i) [No change] any reference in the said Rules to the designated Office or to the designated State shall be construed as a reference to the elected Office or to the elected State, respectively;

(ii) to (v) [No change]

[End of Annex and of document]