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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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STANDING COMMITTEE ON THE LAW OF PATENTS

Second Session
Geneva, April 12 to 23, 1999

DRAFT ARTICLE 4(5BIS) AND DRAFT RULE 2(2)

Proposal by the Delegation of Australia

1. The following proposal was submitted by the Delegation of Australia:

Article 4

Filing Date

...

(5bis)(a) Where a missing part of the description, or a missing drawing is filed with the Office within the time limit prescribed in the Regulations, the filing date shall be determined under subparagraph (b) and (c).

(b) Subject to subparagraph (c), where a missing part of the description or a missing drawing is filed with the Office within the time limit prescribed in the Regulations, that part of the description or drawing shall be included in the application, and the filing date shall be the date on which the Office has received that part of the description or that drawings, or the date on which all of the requirements referred to in paragraphs (1) and (2) are complied with, whichever is later.

(c) Where the missing part of a description or missing drawing is filed under subparagraph (a) to rectify its omission from an application which, at the time of filing, claims the priority of an earlier application, the filing date shall, upon the request of the applicant and subject to the requirements prescribed in the Regulations, be the date on which all the requirements referred to in paragraph (1) and (2) are complied with.

Rule 2

Details Concerning Filing Date Under Article 4

...

(3bis) [*Requirements under Article 4(5bis)(c)*] Any contracting party may, subject to Rule 4, require that, for the filing date to be determined under Article 4(5bis)(c):

(i) to (iii) [text as in Rule 2(3)(i) to (iii)]

(iv) the missing part of the description or missing drawing is completely contained in that earlier application.

[End of document]