



C.PCT 819  
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January 8, 2002

Madam,  
Sir,

This circular is addressed to your Office in its capacity as a designated Office under the Patent Cooperation Treaty (PCT). It concerns the modification from 20 to 30 months from the priority date of the time limit fixed in Article 22(1) of the PCT, as adopted by the PCT Assembly at its thirtieth (13<sup>th</sup> ordinary) session held from September 24 to October 3, 2001.

It is recalled that the Assembly made the following decisions relating to entry into force and transitional arrangements in connection with the modification of Article 22(1) (excerpt from the report of the Assembly's session, document PCT/A/30/7):

“(1) The modifications of the time limits fixed in Article 22(1) [...] shall, subject to paragraphs (2) and (3), enter into force on April 1, 2002. The modifications shall apply, so far as any designated Office is concerned, to any international application in respect of which the period of 20 months from the priority date expires on or after the date on which the modifications enter into force in respect of that Office and in respect of which the acts referred to in Article 22(1) have not yet been performed by the applicant.

(2) If, on October 3, 2001, any such modification is not compatible with the national law applied by a designated Office, it shall not apply in respect of that Office for as long as it continues not to be compatible with that law, provided that the said Office notifies the International Bureau accordingly by January 31, 2002. The notification shall be promptly published by the International Bureau in the Gazette.

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(3) Any notification sent to the International Bureau under paragraph (2) may be withdrawn at any time. Such withdrawal shall be promptly published by the International Bureau in the Gazette and the modifications shall enter into force two months after the date of such publication or on such earlier or later date as may be indicated in the notice of withdrawal.

(4) It is recommended that any Contracting State whose national law is not compatible with the modifications take urgent action to amend its law to make it compatible so that a notification does not have to be given under paragraph (2) or, if such a notification must be given, so that it can be withdrawn under paragraph (3) as soon as possible thereafter.

(5) The amendments of Rule 90*bis* [...] shall enter into force on April 1, 2002.”

In the light of these decisions, the International Bureau would like to remind designated Offices that any notification referred to in paragraph (2), reproduced above, must be submitted to the International Bureau at the latest by January 31, 2002 (preferably by fax to (+41-22) 910 00 30); should that not be the case, the modification of PCT Article 22(1) will apply as of April 1, 2002, in respect of the designated Office in question.

Sincerely yours,



Francis Gurry  
Assistant Director General