



# FICPI INFORMATION DOCUMENT

## 11 OCTOBER 2013

### CET INFORMATION DOCUMENT EXECUTIVE SUMMARY

TITLE:	<b><i>Report on the 6<sup>th</sup> Meeting of the PCT working group, Geneva, May 21-24, 2013</i></b>
DRAWN UP BY:	<i>Commission d'Etude et de Travail (CET) Work &amp; Study Commission Patrick Erk, CET 8</i>
PURPOSE:	For information and publication in the library section of FICPI's website



### SUMMARY

The Working Group agreed to forward two sets of proposed amendments to the PCT Regulations to the PCT Assembly for approval at its session in September–October 2013:

- PCT Rules 66 and 70 would be amended to require International Preliminary Examining Authorities to conduct “**top up searches**” as part of international preliminary examination. The top up search would seek to identify relevant documents (especially, but not limited to, earlier patent publications) which had become available to search databases since the international search report was established.
- PCT Rule 44<sup>TER</sup> would be deleted and PCT Rule 94 amended to make **written opinions** of the International Searching Authority (ISA) **available** to the public via PATENTSCOPE **from the international publication date**.

The following proposals to amend the PCT Regulations or to modify the Receiving Office Guidelines or International Search and Preliminary Examination Guidelines were considered by the Working Group, but will require further discussions at future meetings:

- to require a response in the national phase to negative comments in an international preliminary report on patentability;
- to integrate the Patent Prosecution Highway into the PCT;
- to require ISAs to make available search strategies, documenting the process of the international search;
- to clarify procedures concerning incorporation by reference of missing parts in certain cases; and
- to change the time limits for establishing international search reports.

The Working Group discussed various general papers concerning matters which may be the subject of future proposals:

- PCT KAIZEN from Japan, advocating a holistic approach to PCT,
- EXPANDED PCT 20/20 PROPOSALS, covering a variety of subjects identified by the United Kingdom and the United States of America and



- a proposal by Brazil to investigate whether national Offices could require applicants to use Chapter II international preliminary examination in certain circumstances.

The Working Group also discussed papers on PCT Fee Reductions, Coordination of Technical Assistance under the PCT and Appointment of International Authorities and invited the International Bureau to make further investigations and possible proposals in these areas for future discussion.

In addition, reports concerning the following matters were noted:

- PCT Statistics (see the [PCT Yearly Review 2013](#));
- [ePCT](#);
- the Meeting of International Authorities under the PCT;
- national practices relating to restoration of the right of priority;
- supplementary international search;
- the pilot project on collaborative search and examination;
- third party observations;
- the development of a new PCT sequence listing standard; and
- updating the patents part of the PCT minimum.

The Summary by the Chair is available from the same page as the working documents on the WIPO website at: [www.wipo.int/meetings/en/details.jsp?meeting\\_code=pct/wg/6](http://www.wipo.int/meetings/en/details.jsp?meeting_code=pct/wg/6)

*[End of executive summary]*