



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Goodwood Park, England 2 to 7 September 2001

“General Principles of PCT Reform”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Goodwood Park, England from 2 to 7 September 2001, passed the following Resolution:

Appreciating the benefit to applicants for patents of being able to obtain high quality international search and optional international preliminary examination reports at an early stage of prosecution of a patent application made under the Patent Cooperation Treaty 1970 (as amended) ("the PCT"), before being required to file translations of the application in any of the PCT Contracting States, whilst preserving the possibility of obtaining patents in all of the Contracting States

Also appreciating the convenience to applicants of having substantially harmonised time limits under Articles 22(1) and 39(1)(a) fixed by the national laws of the Contracting States

Having regard to the serious workload problem faced by certain International Preliminary Examining Authorities ("IPEAs")¹, including the European Patent Office, resulting from the success of the PCT system in attracting applicants to file an ever-increasing number of international patent applications

Noting the unilateral decision of 28 June 2001 of the Administrative Council of the European Patent Organisation ("EPO") to extend the time limit² in the European Patent Convention ("EPC") under Article 22(1) PCT to 31 months

And noting that some other, but not all, Contracting States propose to introduce similar amendments to their national laws

Noting the possibility under Article 3(4) of the EPO Agreement of the European Patent Office entrusting the national office of any state party to the EPC with work in respect of international search or international preliminary examination

¹ PCT/A/30/4, 20 July 2001, para. 3

² Rule 107(1) EPC



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Observing a degree of duplication of effort in searching and examining international patent applications as between the International Searching Authorities ("ISAs") and IPEAs and the national offices of the Contracting States

Recognising that the intrinsic balance in the existing PCT system between the interests of applicants for patents, third parties and the public interest must be maintained

Resolves :

- A| That the existing high standards of international searching and preliminary examination by all International Searching Authorities and International Preliminary Examining Authorities must be at least maintained,
- B| That international search reports must continue to be established within the existing time frame, and
- C| That any amendments to the time limits under Articles 22(1) and 39(1)(a) PCT should be harmonised as between all Contracting States, and

Encourages :

- D| Greater cooperation between ISAs to develop a universal searching standard and define a common, shared library of search documentation to allow an international search report established by any ISA to be utilised without undue duplication of effort by the national offices of all Contracting States, and
- E| The appointment of additional ISAs and IPEAs to handle the ever-increasing workload, and further work-sharing by ISAs and IPEAs by sub-contracting work in respect of international search and preliminary examination to the national offices of other Contracting States where such national offices have the capacity and competence to handle such work.