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		Dono at Washington on June 10, 1070
Patent Data		Done at Washington on June 19, 1970, amended on September 28, 1979,
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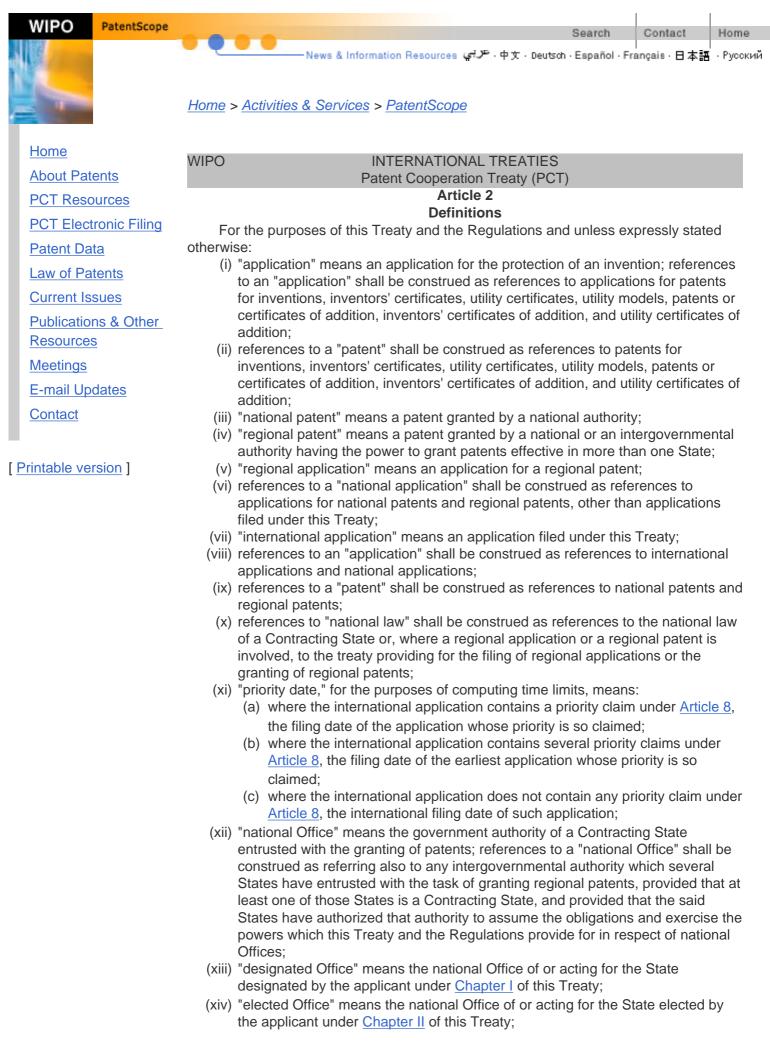
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Patent	-	Establishment of a U (1) The States party to this Treaty (hereinafter called		States") cons	tituto
		a Union for cooperation in the filing, searching, an	•	,	
	Patents	the protection of inventions, and for rendering spe			
Currer	<u>nt Issues</u>	shall be known as the International Patent Cooper		1.6 1 0	
Public	ations & Other	(2) No provision of this Treaty shall be interpreted as Paris Convention for the Protection of Industrial P			
Resou	rces	of any country party to that Convention.	roperty of any had		ion
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- (xv) "receiving Office" means the national Office or the intergovernmental organization with which the international application has been filed;
- (xvi) "Union" means the International Patent Cooperation Union;
- (xvii) "Assembly" means the Assembly of the Union;
- (xviii) "Organization" means the World Intellectual Property Organization;
- (xix) "International Bureau" means the International Bureau of the Organization and, as long as it subsists, the United International Bureaux for the Protection of Intellectual Property (BIRPI);
- (xx) "Director General" means the Director General of the Organization and, as long as BIRPI subsists, the Director of BIRPI.

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Patent Data	The Inte	ernational Application			
	(1) Applications for the protection of i		acting	n States may	/ be
Law of Patents	filed as international applications		aoung	g etatee may	
Current Issues	(2) An international application shall	<b>j</b>	reatv	and the	
	Regulations, a request, a descrip				6
Publications & Other	(where required), and an abstract			5	
Resources	(3) The abstract merely serves the p		n and	d cannot be	
Meetings	taken into account for any other p	•			
	interpreting the scope of the prote				
E-mail Updates	(4) The international application shall	l:			
Contact	(i) be in a prescribed language;				
	(ii) comply with the prescribed p	hysical requirements;			
	(iii) comply with the prescribed re		on;		
[Printable version]	(iv) be subject to the payment of				
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Patent Data	(1) The request shall contain:						
Law of Patents		that the international application	n be proce	essed accord	ling		
Current Issues		Contracting State or States in v	which prote	ection for the	ł		
Publications & Other Resources		n the basis of the international a ignated State a regional patent			ł		
applicant wishes to obtain a regional		•			е		
Meetings	•	ate; if, under a treaty concerning	-	•			
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Contact		those States and the indication treated as designation of all the treated as the treated as the state of the treated as the t			е		
	<b>u</b>	tional law of the designated Sta			hat		
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		prescribed data concerning the	e applicant	and the age	ent		
	(if any); (iv) the title of the inventio	n:					
			e inventor '	where the			
	<ul> <li>(v) the name of and other prescribed data concerning the inventor where the national law of at least one of the designated States requires that these</li> </ul>						
		ed at the time of filing a national					
		ay be furnished either in the rec	•				
		signated Office whose national but allows that they be furnishe			-		
	of the filing of a nation	-	ju at a time		Παι		
	•	subject to the payment of the p	prescribed	fee within th	е		
	prescribed time limit.						
		for any of the other kinds of pro			rticle_		
		that the desired protection con		0	- (11)		
		ated State. For the purposes of	this parag	Iraph, <u>Article</u>	<u>2(ii)</u>		
	shall not apply.	quest the name and other proc	oribod dat	o concorning	utho		
		equest the name and other pres sequence in any designated Sta		-			
		he said indications but allows th					
	time later than that of the f	iling of a national application. Fa	ailure to fu	rnish the sai	d		
	•	otice shall have no consequenc ot require the furnishing of the s	-	-	ate		
	<u> &lt;&lt; &gt;&gt;</u>	<u>Ta</u>	able of Cor	ntents			

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	Patent Da	ta	The description sh	all disclose the invention in a m	anner sufficiently	/ clear and	
	Law of Par	tents	complete for the invent	ion to be carried out by a persor	n skilled in the ar	t.	
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	About Pat	<u>ents</u>			Article 6			
	PCT Reso	ources						
	PCT Elect	ronic Filing			The Claims			
	Patent Da	<u>ta</u>	The claim or	r claims shall define	e the matter for whi	ch protection is s	ought. Clair	ns
	Law of Pa	tents	shall be clear and	d concise. They sha	all be fully supporte	d by the descript	ion.	
	Current Is	sues						
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PCT Electronic Filing	The Drawings
Patent Data	(1) Subject to the provisions of paragraph (2)(ii), drawings shall be required when they
Law of Patents	are necessary for the understanding of the invention.
Current Issues	(2) Where, without being necessary for the understanding of the invention, the nature of
	the invention admits of illustration by drawings:
Publications & Other	(i) the applicant may include such drawings in the international application when
Resources	filed, (ii) any designated Office may require that the applicant file such drawings with it
<u>Meetings</u>	<ul> <li>(ii) any designated Office may require that the applicant file such drawings with it within the prescribed time limit.</li> </ul>
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PCT Resources PCT Electronic Filing	Claiming Priority
Patent Data Law of Patents Current Issues Publications & Other Resources	<ol> <li>The international application may contain a declaration, as prescribed in the Regulations, claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property.</li> <li>(a) Subject to the provisions of <u>subparagraph (b)</u>, the conditions for, and the effect of, any priority claim declared under <u>paragraph (1)</u> shall be as provided in Article 4 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property.</li> </ol>
<u>Meetings</u> <u>E-mail Updates</u> <u>Contact</u> Printable version ]	(b) The international application for which the priority of one or more earlier applications filed in or for a Contracting State is claimed may contain the designation of that State. Where, in the international application, the priority of one or more national applications filed in or for a designated State is claimed, or where the priority of an international application having designated only one State is claimed, the conditions for, and the effect of, the priority claim in that State shall be governed by the national law of that State.

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Patent Data Law of Patents Current Issues Publications & Other Resources Meetings	<ol> <li>Any resident or national of a Contracting State may file an international application.</li> <li>The Assembly may decide to allow the residents and the nationals of any country party to the Paris Convention for the Protection of Industrial Property which is not party to this Treaty to file international applications.</li> <li>The concepts of residence and nationality, and the application of those concepts in cases where there are several applicants or where the applicants are not the same for all the designated States, are defined in the Regulations.</li> </ol>
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н	ome	-	IATIONAL TREATIES	)		
A	bout Patents	Talent OC	Article 10	)		
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P	atent Data	The international application sha	II be filed with the prese	cribed rece	iving Office,	
La	aw of Patents	which will check and process it as pro	ovided in this Treaty and	d the Regu	lations.	
<u>C</u>	urrent Issues					
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PCT Electronic Filing	Filing Date and Effects of the International Application
Patent Data	(1) The receiving Office shall accord as the international filing date the date of receipt of
Law of Patents	the international application, provided that that Office has found that, at the time of receipt:
Current Issues	(i) the applicant does not obviously lack, for reasons of residence or nationality, the
Publications & Other	right to file an international application with the receiving Office,
Resources	(ii) the international application is in the prescribed language,
<u>Meetings</u>	<ul><li>(iii) the international application contains at least the following elements:</li><li>(a) an indication that it is intended as an international application,</li></ul>
E-mail Updates	
Contact	(b) the designation of at least one Contracting State,
	(c) the name of the applicant, as prescribed,
Printable version ]	(d) a part which on the face of it appears to be a description,
	(e) a part which on the face of it appears to be a claim or claims.
	(2) (a) If the receiving Office finds that the international application did not, at the time of receipt, fulfill the requirements listed in <u>paragraph (1)</u> , it shall, as provided in the Regulations, invite the applicant to file the required correction.
	(b) If the applicant complies with the invitation, as provided in the Regulations, the

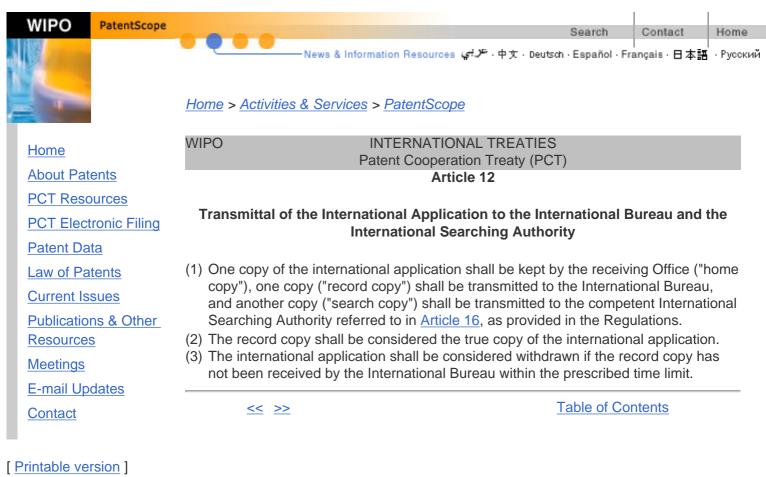
(b) If the applicant complies with the invitation, as provided in the Regulations, the receiving Office shall accord as the international filing date the date of receipt of the required correction.

- (3) Subject to <u>Article 64(4)</u>, any international application fulfilling the requirements listed in <u>items (i)</u> to <u>(iii)</u> of paragraph (1) and accorded an international filing date shall have the effect of a regular national application in each designated State as of the international filing date, which date shall be considered to be the actual filing date in each designated State.
- (4) Any international application fulfilling the requirements listed in <u>items (i)</u> to <u>(iii)</u> of paragraph (1) shall be equivalent to a regular national filing within the meaning of the Paris Convention for the Protection of Industrial Property.

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Article 12 of the Patent Cooperation Treaty

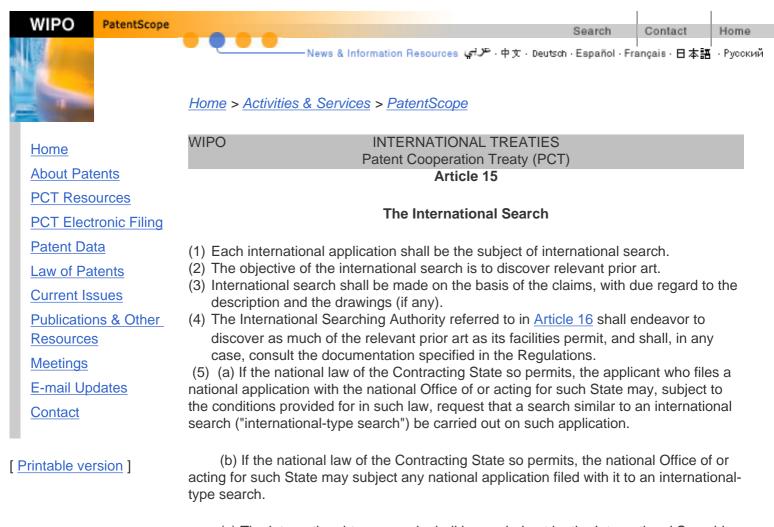


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PCT Res		Article 15
	ctronic Filing	Availability of Copy of the International Application to Designated Offices
Patent D	ata	(1) Any designated Office may ask the International Bureau to transmit to it a copy of
Law of P	atents	the international application prior to the communication provided for in Article 20,
Current I	ssues	and the International Bureau shall transmit such copy to the designated Office as soon as possible after the expiration of one year from the priority date.
Publication	ons & Other es	<ul><li>(2) (a) The applicant may, at any time, transmit a copy of his international application to any designated Office.</li></ul>
Meetings		(b) The explicate many of explained call the laternational Duracy to transmit a conv
<u>E-mail U</u>	odates	(b) The applicant may, at any time, ask the International Bureau to transmit a copy of his international application to any designated Office, and the International Bureau
Contact		shall transmit such copy to the designated Office as soon as possible.
Printable ve	ersion ]	(c) Any national Office may notify the International Bureau that it does not wish to receive copies as provided for in <u>subparagraph (b)</u> , in which case that subparagraph shall not be applicable in respect of that Office.

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Patent Data Law of Patents	(1) (a) The receiving Office shall check whether the international application contains any of the following defects, that is to say:							
Current Issues Publications & Other Resources Meetings E-mail Updates Contact	(ii) it does n (iii) it does n (iv) it does n (v) it does n physica (b) If the re correct the inter	signed as provided in not contain the prescril not contain a title; not contain an abstract not comply to the exter l requirements. eceiving Office finds an national application wi l be considered withdra	bed indications cond ; ht provided in the Re y of the said defects thin the prescribed t	egulations wit s, it shall invit ime limit, faili	h the prescri e the applica ng which tha	ant to It		
[ <u>Printable version</u> ]	<ul> <li>(2) If the internation that applicate may furnish filing date should be consistent.</li> <li>(3) (a) If the represcribed under the second se</li></ul>	ational application refer tion, the receiving Offic them within the prescr nall be the date on whi rwise, any reference to ceiving Office finds that er <u>Article 3(4)(iv)</u> have vaid in respect of any o I be considered withdrate eceiving Office finds that of one or more (but les	rs to drawings which the shall notify the ap ibed time limit and, i the drawings are the said drawings s at, within the prescrib not been paid, or no f the designated Sta awn and the receivin	n, in fact, are plicant accord if he does, th received by t shall be cons bed time limit of ee prescrib- ates, the inter ng Office shal	not included dingly and he e internation the receiving idered non- s, the fees ed under <u>Arti</u> national II so declare.	in e al i <u>cle</u>		
	<ul> <li>time limit, the detection of the prescribed to declare.</li> <li>(4) If, after having the receiving requirement date, the said shall so decomposite of the said said said said said said said said</li></ul>	esignation of those Sta ime limit shall be consi ng accorded an interna g Office finds, within th s listed in <u>items (i)</u> to (i id application shall be lare.	tes in respect of wh dered withdrawn an ational filing date to t e prescribed time lin <u>ii)</u> of Article 11(1) wa	ich it has not id the receivin the internatio nit, that any c as not compli vn and the re	been paid w ng Office sha nal applicatio of the ied with at th ceiving Office	ithin all so on, at		
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(c) The international-type search shall be carried out by the International Searching Authority referred to in <u>Article 16</u> which would be competent for an international search if the national application were an international application and were filed with the Office referred to in <u>subparagraphs (a)</u> and (b). If the national application is in a language which the International Searching Authority considers it is not equipped to handle, the international-type search shall be carried out on a translation prepared by the applicant in a language prescribed for international applications and which the International Searching Authority has undertaken to accept for international applications. The national application and the translation, when required, shall be presented in the form prescribed for international applications.

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Patent Da	<u>ita</u>	(1) International search shall be carried out by an International Searching Authority,							
Law of Pa	<u>itents</u>	which may be either a national Office or an intergovernmental organization, such as							
Current Is	sues	the International Patent Institute, whose tasks include the establishing of documentary search reports on prior art with respect to inventions which are the							
Publicatio	ns & Other	subject of applications.							
Resource	<u>s</u>	(2) If, pending the establishment of a single International Searching Authority, there are							
Meetings		several International Searching Authorities, each receiving Office shall, in accordance with the provisions of the applicable agreement referred to in paragraph							
E-mail Up	dates	(3)(b), specify the International Searching Authority or Authorities competent for the	-						
Contact		searching of international applications filed with such Office.							
		(3) (a) International Searching Authorities shall be appointed by the Assembly. Any national Office and any intergovernmental organization satisfying the requirements							
[ Printable ve	rsion]	referred to in <u>subparagraph (c)</u> may be appointed as International Searching Authority.							
		(b) Appointment shall be conditional on the consent of the national Office or							

(b) Appointment shall be conditional on the consent of the national Office or intergovernmental organization to be appointed and the conclusion of an agreement, subject to approval by the Assembly, between such Office or organization and the International Bureau. The agreement shall specify the rights and obligations of the parties, in particular, the formal undertaking by the said Office or organization to apply and observe all the common rules of international search.

(c) The Regulations prescribe the minimum requirements, particularly as to manpower and documentation, which any Office or organization must satisfy before it can be appointed and must continue to satisfy while it remains appointed.

(d) Appointment shall be for a fixed period of time and may be extended for further periods.

(e) Before the Assembly makes a decision on the appointment of any national Office or intergovernmental organization, or on the extension of its appointment, or before it allows any such appointment to lapse, the Assembly shall hear the interested Office or organization and seek the advice of the Committee for Technical Cooperation referred to in <u>Article 56</u> once that Committee has been established.

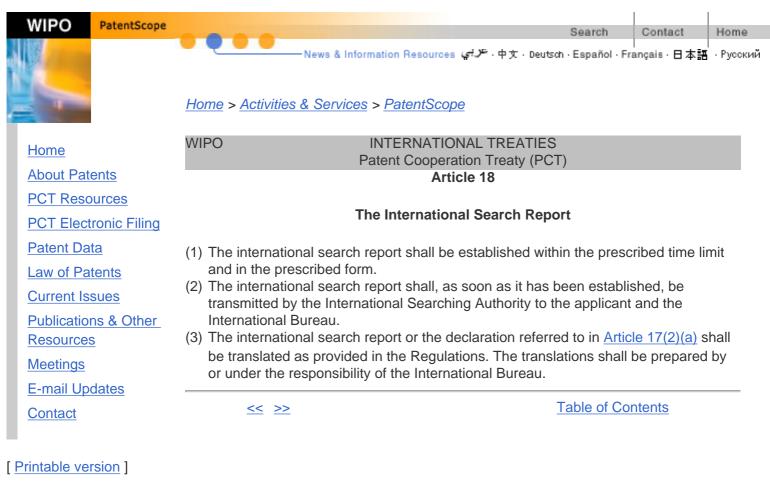
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Patent Data Law of Patents Current Issues	(1) Procedure before the International Searching Authority shall be governed by the provisions of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.								
Publications & Other Resources	(2) (a) If the International Searching A	·							
<u>Meetings</u> <u>E-mail Updates</u> <u>Contact</u>	search, and in the particular ca (ii) that the description, the claims,	ity is not required, under the Reg se decides not to search, or	gulations, to with the	ot					
[ Printable version ]	the said Authority shall so declare and a Bureau that no international search rep (b) If any of the situations referred connection with certain claims only, the respect of such claims, whereas, for the established as provided in <u>Article 18</u> .	ort will be established. to in <u>subparagraph (a)</u> is found international search report shal	to exist in I so indicate						
	(3) (a) If the International Searching A application does not comply with the re Regulations, it shall invite the applicant Searching Authority shall establish the international application which relate to invention") and, provided the required a prescribed time limit, on those parts of a inventions in respect of which the said the said to	quirement of unity of invention a to pay additional fees. The Inter- international search report on the the invention first mentioned in additional fees have been paid w the international application which	is set forth in rnational ose parts of the claims (" /ithin the	the					

(b) The national law of any designated State may provide that, where the national Office of that State finds the invitation, referred to in subparagraph (a), of the International Searching Authority justified and where the applicant has not paid all additional fees, those parts of the international application which consequently have not been searched shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

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PCT Electronic Filing	Amendment of the Claims Before the International Bureau							
Patent Data	(1) The applicant shall, after having received the international search report, be entitled							
Law of Patents	to one opportunity to amend the claims of the international application by filing							
Current Issues	amendments with the International Bureau within the prescribed time limit. He may, at the same time, file a brief statement, as provided in the Regulations, explaining							
Publications & Other	the amendments and indicating any impact that such amendments might have on							
Resources	the description and the drawings.							
Meetings	(2) The amendments shall not go beyond the disclosure in the international application as filed.							
E-mail Updates	(3) If the national law of any designated State permits amendments to go beyond the							
Contact	said disclosure, failure to comply with <u>paragraph (2)</u> shall have no consequence in that State.							
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Patent Da	ta	(1) (a) The international application, together with the international search report							
Law of Pa	tents	(including any indication referred to in Article $17(2)(b)$ ) or the declaration referred to in Article $17(2)(a)$ , shall be communicated to each designated Office, as provided in the Regulations, unless the designated Office waives such requirement in its entirety or in part.							
Current Is	sues								
Publication	ns & Other								
Resources	<u>s</u>								
Meetings		(b) The communication shall include the translation (as prescribed) of the said							
E-mail Up	<u>dates</u>	report or declaration.							
Contact		(2) If the claims have been amended by virtue of Article 19(1), the communication shall							
[ Printable version ]		<ul> <li>either contain the full text of the claims both as filed and as amended or shall contain the full text of the claims as filed and specify the amendments, and shall include the statement, if any, referred to in <u>Article 19(1)</u>.</li> <li>(3) At the request of the designated Office or the applicant, the International Searching</li> </ul>							
		Authority shall send to the said Office or the applicant, respectively, copies of the documents cited in the international search report, as provided in the Regulations.							

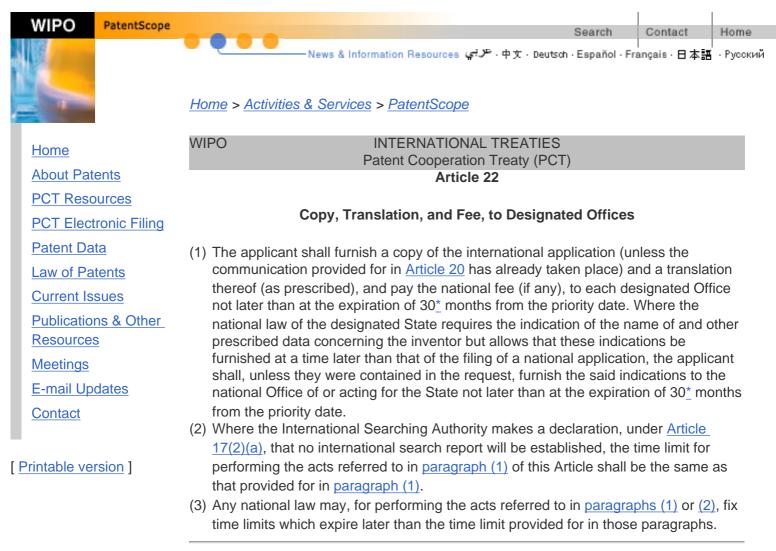
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PCT Reso		International Publication								
PCT Elect	tronic Filing									
Patent Da	<u>ta</u>	(1) The International Bureau shall publish international applicati	ions.							
Law of Pa	tents	(2) (a) Subject to the exceptions provided for in subparagraph	(b) and i	n <u>Article</u>	<u>64(3)</u> ,					
Current Is	sues	the international publication of the international application shall be effected promptly								
Publicatio	ns & Other	after the expiration of 18 months from the priority date of that ap	splication	1.						
Resources	<u>S</u>	(b) The applicant may ask the International Bureau to publish his international								
Meetings		application any time before the expiration of the time limit referred to in subparagraph								
E-mail Up	<u>dates</u>	(a). The International Bureau shall proceed accordingly, as prov	vided in t	he Regul	ations.					
Contact		(3) The international search report or the declaration referred to	o in <u>Articl</u>	e 17(2)(a	) shall					
Printable ve	rsion]	<ul><li>be published as prescribed in the Regulations.</li><li>(4) The language and form of the international publication and c governed by the Regulations.</li></ul>	other det	ails are						
		(5) There shall be no international publication if the internationa withdrawn or is considered withdrawn before the technical p publication have been completed.								
		(6) If the international application contains expressions or drawi of the International Bureau, are contrary to morality or public opinion, the international application contains disparaging st the Regulations, it may omit such expressions, drawings, an publications, indicating the place and number of words or dra furnishing, upon request, individual copies of the passages of	c order, c tatement nd statem rawings c	or if, in its s as defii nents, fro	ned in m its					

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\* Editor's Note: The 30-month time limit, as in force from April 1, 2002, does not apply in respect of any designated Office which has notified the International Bureau of incompatibility with the national law applied by that Office. The 20-month time limit, as in force until March 31, 2002, continues to apply after that date in respect of any such designated Office for as long as Article 22(1), as modified, continues not to be compatible with the applicable national law. Notifications concerning any such incompatibility and any withdrawals of such notifications are published in the Gazette. Article 23 of the Patent Cooperation Treaty

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					Article 23					
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	PCT Elect	ronic Filing								
	Patent Da	<u>ta</u>	(1) No designated	d Office shall proce	ss or examine the inte	ernational app	lication prio	r to		
	Law of Pa	tents	the expiration of the applicable time limit under <u>Article 22</u> .							
	Current Is	sues		÷ ·	f <u>paragraph (1)</u> , any d	-	-			
	Publicatio	ns & Other	express reque any time.	est of the applicant,	process or examine t	he internation	nal application	on at		
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	PCT Resources	Dessible Le	as of Effect in Designated	Chataa				
	PCT Electronic Filing	Possible Lo	ss of Effect in Designated	States				
	Patent Data	(1) Subject, in case (ii) below, to the provisions of Article 25, the effect of the						
	Law of Patents	international application provided for in <u>Article 11(3)</u> shall cease in any designated						
	Current Issues	State with the same conseque that State:	ences as the withdrawal of a	any nationa	al application	ı in		
	Publications & Other	(i) if the applicant withdraws his international application or the designation of that						
	Resources	State;						
	<u>Meetings</u>	(ii) if the international application is considered withdrawn by virtue of <u>Articles 12(3)</u> ,						
	E-mail Updates	<u>14(1)(b)</u> , <u>14(3)(a)</u> , or <u>14(4)</u> , or if the designation of that State is considered withdrawn by virtue of <u>Article 14(3)(b)</u> ;						
	Contact	(iii) if the applicant fails to perform the acts referred to in <u>Article 22</u> within the						
		applicable time limit.						
		(2) Notwithstanding the provision	s of <u>paragraph (1)</u> , any desi	gnated Off	ice may mai	intain		
[ <u>P</u>	rintable version ]	the effect provided for in Artic	le 11(3) even where such ef	fect is not	required to b	be		
		maintained by virtue of Article	<u>25(2)</u> .					
		<u> </u>	<u>T</u>	able of Cor	ntents			

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PCT Elect	ronic Filing	Review by Designated Offices							
Patent Dat	ta	(1) (a) Where the receiving Office has refused to accord an international filing date or has declared that the international application is considered withdrawn, or where the							
Law of Pat	tents								
Current Iss	sues	International Bureau has made a finding under <u>Article 12(3)</u> , the shall promptly send, at the request of the applicant, copies of a							
Publication	ns & Other	any of the designated Offices named by the applicant.	,						
Resources	<u>5</u>								
Meetings		(b) Where the receiving Office has declared that the designation of any given State							
E-mail Upo	dates	is considered withdrawn, the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to the national Office of such State.							
Contact									
		(c) The request under <u>subparagraphs (a)</u> or <u>(b)</u> shall be p	resented	within the					
		prescribed time limit.							
Printable ver	sion ]								
		(2) (a) Subject to the provisions of <u>subparagraph (b)</u> , each de provided that the national fee (if any) has been paid and the approvided that the national fee (if any) has been paid and the approximation of the second	•						

provided that the national fee (if any) has been paid and the appropriate translation (as prescribed) has been furnished within the prescribed time limit, decide whether the refusal, declaration, or finding, referred to in <u>paragraph (1)</u> was justified under the provisions of this Treaty and the Regulations, and, if it finds that the refusal or declaration was the result of an error or omission on the part of the receiving Office or that the finding was the result of an error or omission on the part of the International Bureau, it shall, as far as effects in the State of the designated Office are concerned, treat the international application as if such error or omission had not occurred.

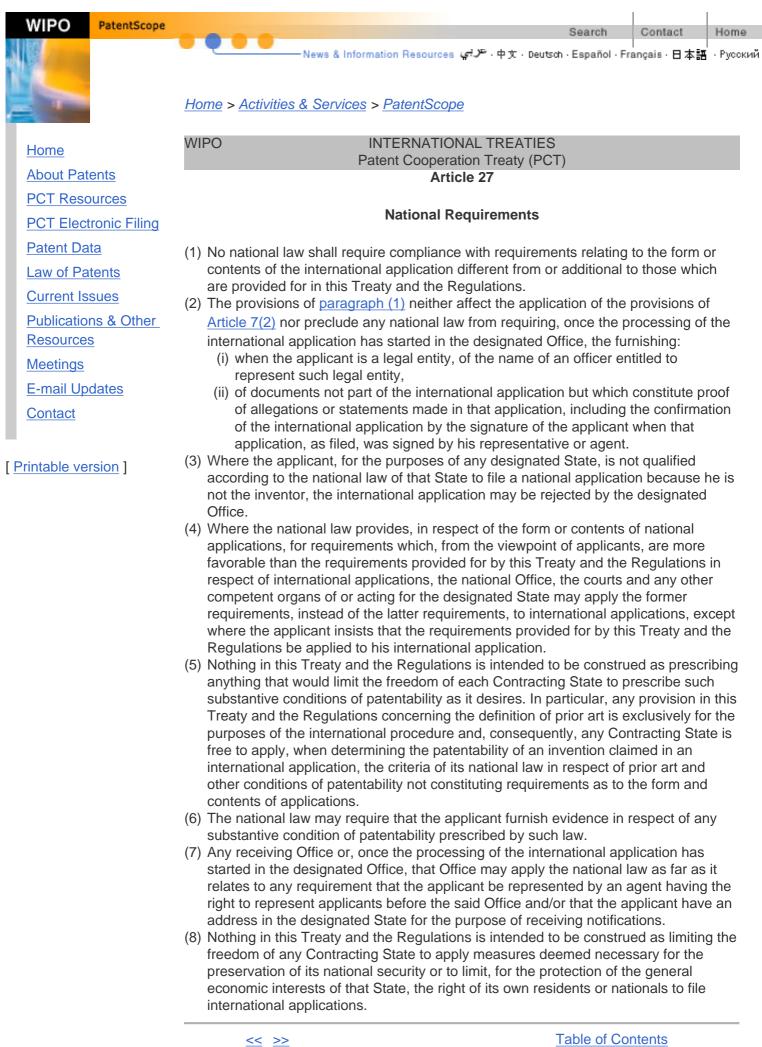
(b) Where the record copy has reached the International Bureau after the expiration of the time limit prescribed under <u>Article 12(3)</u> on account of any error or omission on the part of the applicant, the provisions of <u>subparagraph (a)</u> shall apply only under the circumstances referred to in <u>Article 48(2)</u>.

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Article 26 of the Patent Cooperation Treaty

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Patent Da	<u>ta</u>	No designated Office shall reject an international application on the grounds of non- compliance with the requirements of this Treaty and the Regulations without first giving the applicant the opportunity to correct the said application to the extent and according to the procedure provided by the national law for the same or comparable situations in							
Law of Pa	tents								
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	PCT Elect	ronic Filing	Amendment of the Claims, the Description, and the Drawings, Before Des Offices									
	Patent Da	<u>ta</u>										
	Law of Par	tents	() 11	1) The applicant shall be given the opportunity to amend the claims, the d								
	Current Is		designated Office shall g	and the drawings, before each designated Office within the prescribed time limit. designated Office shall grant a patent, or refuse the grant of a patent, before such								
	Publication	ns & Other		cept with the express consent								
	Resources	<u>8</u>		not go beyond the disclosure in								
	<u>Meetings</u>		the said disclosure.	nal law of the designated State	permits then	n to go beyo	na					
	E-mail Up	<u>dates</u>		be in accordance with the natio		0						
	Contact		•	provided for in this Treaty and	-							
				office requires a translation of the translation of the in the language of the transla		al applicatio	'n,					
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About Pat	<u>ents</u>			Article 29					
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PCT Elect	tronic Filing	Effects of the International Publication							
Patent Da	<u>ta</u>	(1) As far as the protection of any rights of the applicant in a designated State is							
Law of Pa	tents		ne effects, in that State				1		
Current Is	sues	<ul> <li>international application shall, subject to the provisions of <u>paragraphs (2)</u> to (4), be the same as those which the national law of the designated State provides for the compulsory national publication of unexamined national applications as such.</li> <li>(2) If the language in which the international publication has been effected is different from the language in which publications under the national law are effected in the</li> </ul>							
Publicatio	ns & Other								
Resource	<u>S</u>								
Meetings			tage in which publicati tate, the said national l						
E-mail Up	<u>dates</u>	-	) shall be applicable on			provided for			
Contact		(i) a translation into the latter language has been published as provided by the national law, or							
[ Printable version ]		<ul> <li>(ii) a transla laying op</li> <li>(iii) a transla the actua internation</li> <li>(iv) both the</li> </ul>	tion into the latter langu- ben for public inspectior tion into the latter langu- al or prospective unauth onal application, or acts described in <u>(i)</u> an en place.	n as provided by the r uage has been transn norized user of the inv	national law nitted by th vention clai	v, or e applicant med in the	to		
		<ul> <li>(3) The national publication has of 18 months applicable on</li> <li>(4) The national paragraph (1)</li> </ul>	law of any designated as been effected, on the from the priority date, and from the priority date, and from the expiration of law of any designated applicable on applicable on application as publishe	e request of the appli the effects provided for f 18 months from the State may provide that ly from the date on w	icant, before or in <u>parage</u> priority dat at the effect which a copy	e the expira <u>raph (1)</u> sha te. ts provided y of the	tion all be		

national Office of or acting for such State. The said Office shall publish the date of

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receipt in its gazette as soon as possible.

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PC	CT Reso	urces				
PC	CT Elect	ronic Filing	Confidential Nature of the International A	pplication	l	
Pa	atent Dat	ta	(1) (a) Subject to the provisions of subparagraph (b), the Int	ernational	Bureau and	the
La	w of Pat	tents	International Searching Authorities shall not allow access by			
<u>C</u> ι	urrent Is	sues	the international application before the international publication	on of that a	pplication,	
<u>Pu</u>	ublication	ns & Other	unless requested or authorized by the applicant.			
Re	esources	3	(b) The provisions of <u>subparagraph (a)</u> shall not apply to	any transi	mittal to the	
Me	eetings		competent International Searching Authority, to transmittals p	provided for	r under <u>Artic</u>	le
<u>E-</u>	mail Up	<u>dates</u>	<u>13</u> , and to communications provided for under <u>Article 20</u> .			
	ontact table ver	r <u>sion</u> ]	(2) (a) No national Office shall allow access to the internatic parties, unless requested or authorized by the applicant, before following dates:		•	
			(i) date of the international publication of the international publication (i)	ational app	lication,	

- (ii) date of the receipt of the communication of the international application under <u>Article 20</u>,
- (iii) date of the receipt of a copy of the international application under <u>Article</u>  $\underline{22}$ .

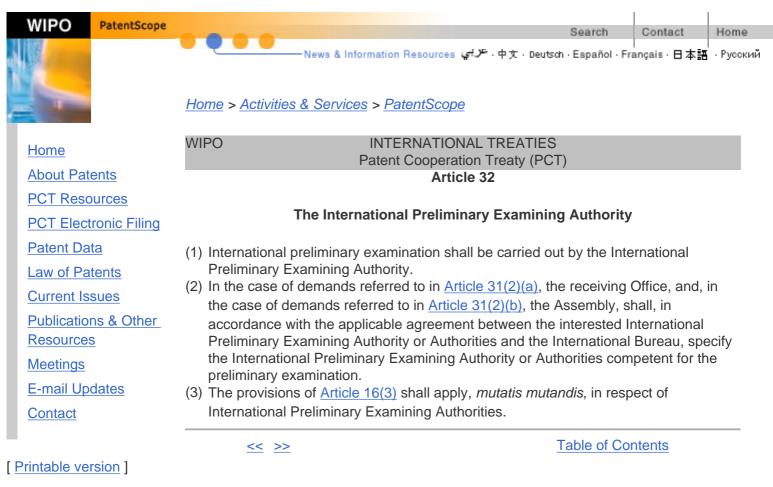
(b) The provisions of <u>subparagraph (a)</u> shall not prevent any national Office from informing third parties that it has been designated, or from publishing that fact. Such information or publication may, however, contain only the following data: identification of the receiving Office, name of the applicant, international filing date, international application number, and title of the invention.

(c) The provisions of <u>subparagraph (a)</u> shall not prevent any designated Office from allowing access to the international application for the purposes of the judicial authorities.

- (3) The provisions of <u>paragraph (2)(a)</u> shall apply to any receiving Office except as far as transmittals provided for under <u>Article 12(1)</u> are concerned.
- (4) For the purposes of this Article, the term "access" covers any means by which third parties may acquire cognizance, including individual communication and general publication, provided, however, that no national Office shall generally publish an international application or its translation before the international publication or, if international publication has not taken place by the expiration of 20 months from the priority date, before the expiration of 20 months from the said priority date.

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CT Electronic Filing	INTERNATIONAL PRELIMINARY EXAMINATION				
atent Data	Article 31				
aw of Patents					
urrent Issues	Demand for International Preliminary Examination				
Publications & Other Resources	(1) On the demand of the applicant, his international application shall be the subject of an international preliminary examination as provided in the following provisions and				
leetings	the Regulations. (2) (a) Any applicant who is a resident or national, as defined in the Regulations, of a				
-mail Updates	Contracting State bound by <u>Chapter II</u> , and whose international application has been				
<u>Contact</u>	filed with the receiving Office of or acting for such State, may make a demand for international preliminary examination.				
ntable version ]	(b) The Assembly may decide to allow persons entitled to file international applications to make a demand for international preliminary examination even if they ar residents or nationals of a State not party to this Treaty or not bound by <u>Chapter II</u> .				
	(3) The demand for international preliminary examination shall be made separately from the international application. The demand shall contain the prescribed particulars and shall be in the prescribed language and form.				
	(4) (a) The demand shall indicate the Contracting State or States in which the applicar intends to use the results of the international preliminary examination ("elected States") Additional Contracting States may be elected later. Election may relate only to Contracting States already designated under <u>Article 4</u> .				
	(b) Applicants referred to in <u>paragraph (2)(a)</u> may elect any Contracting State bound by <u>Chapter II</u> . Applicants referred to in <u>paragraph (2)(b)</u> may elect only such Contracting States bound by <u>Chapter II</u> as have declared that they are prepared to be elected by such applicants.				
	(5) The demand shall be subject to the payment of the prescribed fees within the prescribed time limit.				
	(6) (a) The demand shall be submitted to the competent International Preliminary Examining Authority referred to in <u>Article 32</u> .				
	(b) Any later election shall be submitted to the International Bureau.				
	(7) Each elected Office shall be notified of its election.				
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PCT Elec	tronic Filing	The International Preliminary Examination						
Patent Da	ata	(1) The objective of the international preliminary examination is to formulate a						
Law of Pa	atents	preliminary and non-binding opinion on the questions whether the claimed invention						
Current Is	sues	appears to be novel, to involve an inventive step (to be non-obvious), and to be industrially applicable.						
Publicatio	ons & Other	(2) For the purposes of the international preliminary examination, a claimed invention						
Resource		shall be considered novel if it is not anticipated by the prior art as defined in the						
Meetings		Regulations.						
E-mail Up	odates	(3) For the purposes of the international preliminary examination, a claimed invention shall be considered to involve an inventive step if, having regard to the prior art as						
Contact		defined in the Regulations, it is not, at the prescribed relevant date, obvious to a						
		person skilled in the art.						
		(4) For the purposes of the international preliminary examination, a claimed invention shall be considered industrially applicable if, according to its nature, it can be made						
[ Printable ve	ersion]	or used (in the technological sense) in any kind of industry. "Industry" shall be						
		understood in its broadest sense, as in the Paris Convention for the Protection of						
		Industrial Property.						
		(5) The criteria described above merely serve the purposes of international preliminary						
		examination. Any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not.						
		(6) The international preliminary examination shall take into consideration all the						
		documents cited in the international search report. It may take into consideration any						
		additional documents considered to be relevant in the particular case.						
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	ctronic Filing	Procedure Before the International Prelimina	ary Examining A	Authority					
Patent D	<u>ata</u>	(1) Procedure before the International Preliminary Exam	nining Authority :	shall be					
Law of P	atents	governed by the provisions of this Treaty, the Regulations, and the agreement which							
Current I	ssues	the International Bureau shall conclude, subject to th with the said Authority.	his Treaty and th	e Regulatio	ns,				
Publicati	ons & Other	(2) (a) The applicant shall have a right to communicate	e orally and in wr	itina with th	е				
Resource		International Preliminary Examining Authority.	5	0					
Meetings	5								
E-mail U	-	(b) The applicant shall have a right to amend the cl drawings, in the prescribed manner and within the presc			ne				
Contact		international preliminary examination report is established beyond the disclosure in the international application as	ed. The amendm		ot go				
[ <u>Printable v</u>	ersion ]	(c) The applicant shall receive at least one written of Preliminary Examining Authority unless such Authority of conditions are fulfilled:							
		<ul> <li>(i) the invention satisfies the criteria set forth in <u>Art</u></li> <li>(ii) the international application complies with the return the Regulations in so far as checked by that Aut</li> <li>(iii) no observations are intended to be made under</li> </ul>	equirements of th thority,						

(d) The applicant may respond to the written opinion.

(3) (a) If the International Preliminary Examining Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it may invite the applicant, at his option, to restrict the claims so as to comply with the requirement or to pay additional fees.

(b) The national law of any elected State may provide that, where the applicant chooses to restrict the claims under <u>subparagraph (a)</u>, those parts of the international application which, as a consequence of the restriction, are not to be the subject of international preliminary examination shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

(c) If the applicant does not comply with the invitation referred to in <u>subparagraph</u> (a) within the prescribed time limit, the International Preliminary Examining Authority shall establish an international preliminary examination report on those parts of the international application which relate to what appears to be the main invention and shall indicate the relevant facts in the said report. The national law of any elected State may provide that, where its national Office finds the invitation of the International Preliminary Examining Authority justified, those parts of the international application which do not relate to the main invention shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to that Office.

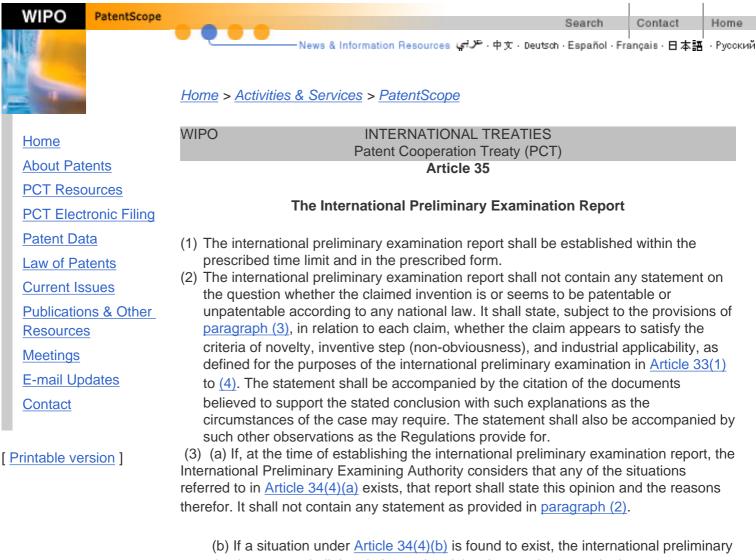
- (4) (a) If the International Preliminary Examining Authority considers
  - (i) that the international application relates to a subject matter on which the International Preliminary Examining Authority is not required, under the Regulations, to carry out an international preliminary examination, and in the particular case decides not to carry out such examination, or
  - (ii) that the description, the claims, or the drawings, are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on the novelty, inventive step (non-obviousness), or industrial applicability, of the claimed invention,

the said Authority shall not go into the questions referred to in <u>Article 33(1)</u> and shall inform the applicant of this opinion and the reasons therefor.

(b) If any of the situations referred to in <u>subparagraph (a)</u> is found to exist in, or in connection with, certain claims only, the provisions of that subparagraph shall apply only to the said claims.

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(b) If a situation under Article 34(4)(b) is found to exist, the international preliminary examination report shall, in relation to the claims in question, contain the statement as provided in <u>subparagraph (a)</u>, whereas, in relation to the other claims, it shall contain the statement as provided in <u>paragraph (2)</u>.

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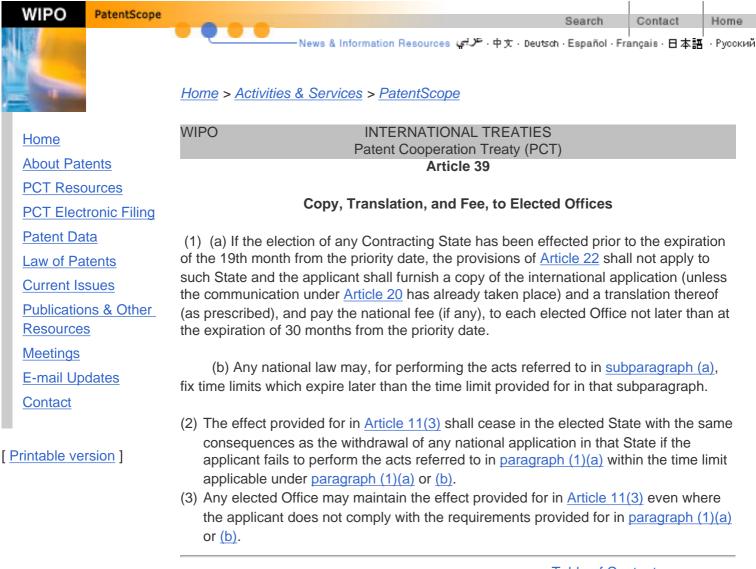
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PCT Electronic Filing	Transmittal, Translation, and	d Communication, of the line Examination Report	nternational	Prelimina	ry		
Patent Data		Examination Report					
Law of Patents	<ol> <li>The international preliminary examination report, together with the prescribed annexes, shall be transmitted to the applicant and to the International Bureau.</li> <li>(2) (a) The international preliminary examination report and its annexes shall be</li> </ol>						
Current Issues							
Publications & Other	translated into the prescribed lan	, ,		Shall De			
Resources	·						
Meetings	(b) Any translation of the sa				~~		
E-mail Updates	responsibility of the International shall be prepared by the applicar				85		
Contact							
	(3) (a) The international prelimin						
Printable version ]	prescribed) and its annexes (in the International Bureau to each electron			aled by the	J		
	(b) The prescribed translation prescribed time limit by the applic		ransmitted wi	ithin the			
	<ul> <li>(4) The provisions of <u>Article 20(3</u> document which is cited in th which was not cited in the interview</li> </ul>	e international preliminary e		•			
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	About Pate	ents	Article 37						
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	PCT Electr	onic Filing	Withdrawal of Demand or Election						
	Patent Dat	<u>a</u>	(1) The applicant may withdraw any or all elections.						
Law of Patents Current Issues			(2) If the election of all elected States is withdrawn, the demand shall be considered						
			withdrawn. (3) (a) Any withdrawal shall be notified to the International Bureau.						
	Publication	is & Other							
	Resources		(b) The elected Offices concerned and the International Preliminary Examining						
	Meetings		Authority concerned shall be notified accordingly by the International Bureau.						
	E-mail Upc	lates	(4) (a) Subject to the provisions of subparagraph (b), withdrawal of the demand or of						
Contact			the election of a Contracting State shall, unless the national law of that State provides otherwise, be considered to be withdrawal of the international application as far as that State is concerned.						
[	Printable ver	sion ]							
			(b) Withdrawal of the demand or of the election shall not be considered to be withdrawal of the international application if such withdrawal is effected prior to the expiration of the applicable time limit under <u>Article 22</u> ; however, any Contracting State may provide in its national law that the aforesaid shall apply only if its national Office has received, within the said time limit, a copy of the international application, together with a translation (as prescribed), and the national fee.						

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					Article 38					
	PCT Reso	urces	0 (1)							
	PCT Elect	ronic Filing	Confidential Nature of the International Preliminary Examination							
	Patent Dat	ta	(1) Neither the International Bureau nor the International Preliminary Examining							
	Law of Pat	tents	( )		or authorized by the ap		0	ithin		
	Current Iss	SUES	•	the meaning, and with the proviso, of Article 30(4) to the file of the international						
			1	, j	rson or authority at ar					
		ns & Other		s once the internatio	nal preliminary exami	nation repor	t has been			
	Resources	<u>5</u>	established.	provisions of parage	aph (1) and Articles 3	6(1) and $(3)$	and $37(3)(h$			
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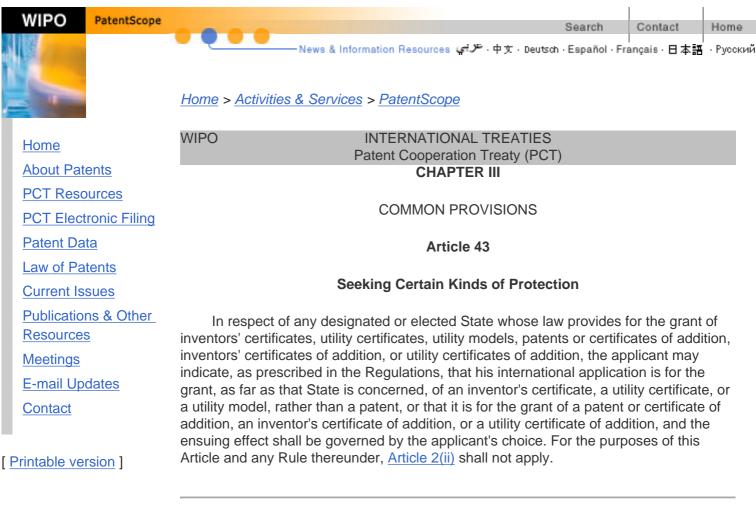
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	PCT Reso	ources									
	PCT Elect	ronic Filing	Delaying of National Examination and Othe	r Process	ing						
	Patent Da	<u>ta</u>	(1) If the election of any Contracting State has been effected	State has been effected prior to the expiration of							
	Law of Pa	tents	the 19th month from the priority date, the provisions of Article 23 shall not apply to								
	Current Is	sues		such State and the national Office of or acting for that State shall not proceed,							
	Publicatio	ns & Other	subject to the provisions of <u>paragraph (2)</u> , to the examination and other processing of the international application prior to the expiration of the applicable time limit								
	Resources	<u>S</u>	under <u>Article 39</u> .								
	Meetings		(2) Notwithstanding the provisions of paragraph (1), any ele	cted Office	may, on the						
E-mail Updates			express request of the applicant, proceed to the examination of the international application at any time.	ation and of	ther process	ing					
	Contact										
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	PCT Reso	urces									
	PCT Electronic Filing		Amendment of the Claims, the Description, and the Drawings, Before Elected Offices								
	Patent Dat	ta		•							
	Law of Pat	tents		1) The applicant shall be given the opportunity to amend the claims, the description							
	Current Iss	sues	and the drawings, before each elected Office within the prescribed time limit. No elected Office shall grant a patent, or refuse the grant of a patent, before such time								
	<b>Publication</b>	ns & Other		d, except with the expres	-						
	Resources	<u>8</u>	(2) The amendments shall not go beyond the disclosure in the international application as filed, unless the national law of the elected State permits them to go beyond the said disclosure.								
	Meetings										
	E-mail Upo	<u>dates</u>		ts shall be in accordance			elected Sta	ite in			
	Contact			provided for in this Trea	, 0						
			(4) Where an elected Office requires a translation of the international application, the amendments shall be in the language of the translation.								
[]	Printable ver	sion ]	<u>&lt;&lt; &gt;&gt;</u>		<u>Ta</u>	able of Cor	ntents				

Article 42 of the Patent Cooperation Treaty

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About Pat	ents	Article 42						
PCT Reso	ources							
PCT Elect	tronic Filing	Results of National Examination in Elected Offices						
Patent Da	<u>ta</u>	No elected Office receiving the international preliminary examination report may require that the applicant furnish copies, or information on the contents, of any papers						
Law of Pa	tents							
Current Is	sues	connected with the examination relating to the same international application in any other elected Office.						
Publicatio	ns & Other							
Resources	<u>S</u>							
Meetings		<u>&lt;&lt;</u> >>	Table of Cor	ntents				
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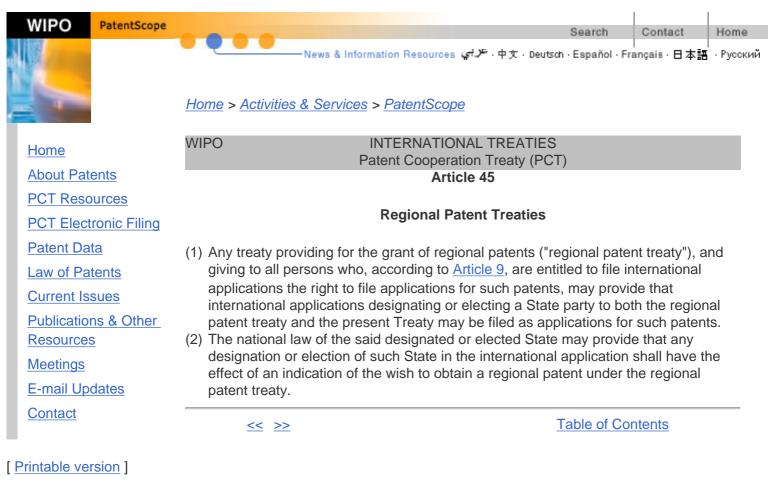


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PCT Elect	tronic Filing	Seeking Two Kinds of Prote	eeking Two Kinds of Protection					
Patent Da	<u>ta</u>	In respect of any designated or elected State whose law permits an application,						
Law of Pa	tents	while being for the grant of a patent or one of the other ki						
Current Is	sues	Article 43, to be also for the grant of another of the said k	•					
Publicatio	ns & Other	may indicate, as prescribed in the Regulations, the two k and the ensuing effect shall be governed by the applicant			0			
Resource	S	of this Article, Article 2(ii) shall not apply.						
Meetings								
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PCT Reso	ources							
PCT Electronic Filing		Incorrect Translation of the International Application						
Patent Da	<u>ta</u>	If, because of an incorrect translation of the international application, the scope of any patent granted on that application exceeds the scope of the international application in its original language, the competent authorities of the Contracting State concerned may accordingly and retroactively limit the scope of the patent, and declare it null and void to the extent that its scope has exceeded the scope of the international application						
Law of Pa	<u>tents</u>							
Current Is	sues							
	ns & Other							
Resource	<u>S</u>	in its original language.						
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	Pat	tent Cooperation Treaty (	PCT)						
About Patents		Article 47							
PCT Resources									
PCT Electronic Filin	g	Time Limits							
Patent Data	(1) The details for computing ti	(1) The details for computing time limits referred to in this Treaty are governed by the Regulations.							
Law of Patents	Regulations.								
Current Issues	(2) (a) All time limits fixed in C			de any revis	ion				
Publications & Othe		under <u>Article 60</u> , be modified by a decision of the Contracting States.							
Resources	(b) Such decisions shall b	e made in the Assembly	or through voting	g by					
Meetings	correspondence and must be u	inanimous.							
E-mail Updates	(c) The details of the proc	edure are governed by th	e Regulations						
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	PCT Reso	urces								
		ronic Filing		Delay in Meeting Certain Time Limits						
	Patent Dat	a	(1) Where any t	ime limit fixed in th	s is not me	et because c	of			
	Law of Pat	ents	interruption in the mail service or unavoidable loss or delay in the mail, the time limit							
	Current Iss	sues		shall be deemed to be met in the cases and subject to the proof and other conditions prescribed in the Regulations.						
	Publication	ns & Other		ntracting State sha		State is co	ncerned, e	ed, excuse, for		
	Resources	<u>5</u>	reasons admitted under its national law, any delay in meeting any time limit.							
	Meetings		(b) Apy Co	ntracting State ma	w as far as that S	Stato is co	ncornod c	veuso for		
	E-mail Upo	dates		an those referred					time	
	Contact		limit.				-			
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PCT Elect	tronic Filing	Right to Practice Before Internati	onal Authorities					
Patent Da	<u>ta</u>	Any attorney, patent agent, or other person, havi	ing the right to pra	ctice before	the			
Law of Pa	tents	national Office with which the international application was filed, shall be entitled to						
Current Is	sues	practice before the International Bureau and the comp Authority and competent International Preliminary Exa		0				
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Article 50 of the Patent Cooperation	ation Treaty					
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Patent Data	Article	50				
Law of Patents						
Current Issues	Patent Information	on Services				
Publications & Other Resources	(1) The International Bureau may furnish servic pertinent information available to it on the b	asis of published docum	ents, primari			
<u>Meetings</u>	patents and published applications (referred services").	to in this Article as "the	information			
E-mail Updates	(2) The International Bureau may provide these information services either directly or					
Contact	through one or more International Searching international specialized institutions, with will agreement.	-		ach		
Printable version ]	<ul> <li>(3) The information services shall be operated acquisition by Contracting States which are knowledge and technology, including availa</li> <li>(4) The information services shall be available and their nationals and residents. The Asse available also to others.</li> </ul>	developing countries of ble published know-how to Governments of Contr	technical racting State			
	(5) (a) Any service to Governments of Contract provided that, when the Government is that of a country, the service shall be furnished below co profit made on services furnished to others than from the sources referred to in <u>Article 51(4)</u> .	a Contracting State whicl ost if the difference can b	h is a develo be covered fro	ping om		
	(b) The cost referred to in <u>subparagraph (a</u> above costs normally incident to the performan the obligations of an International Searching Au	ce of the services of a na				
	<ul> <li>(6) The details concerning the implementation of governed by decisions of the Assembly and Assembly, such working groups as the Assembly of The Assembly shall, when it considers it ne providing financing supplementary to those</li> </ul>	I, within the limits to be fi embly may set up for tha cessary, recommend me	ixed by the at purpose. athods of	)e		
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		ronic Filing						
	Patent Dat			tablish a Committee for Technic	al Assistance	(referred to	in	
	<u>aw of Pat</u>			<ul><li>this Article as "the Committee").</li><li>(2) (a) The members of the Committee shall be elected among the Contracting States,</li></ul>				
<u> </u>	Current Iss	sues	with due regard to the representation of developing countries.					
		ns & Other						
	Resources	<u>8</u>		eral shall, on his own initiative or			h	
1	<u>Meetings</u>		Committee, invite representatives of intergovernmental organizations concerned with technical assistance to developing countries to participate in the work of the Committee.					
Ē	E-mail Upo	<u>dates</u>						
9	<u>Contact</u>			mmittee shall be to organize and			*	
			patent systems individually	States which are developing convolution of a regional basis.		eloping their	I	
[ Pri	intable ver	sion]		0				
				stance shall comprise, among o	-	-		
			and for operational purpos	experts, and the supply of equip es.	ment both for	demonstrat	ION	
				au shall seek to enter into agree			with	
				organizations and intergovernme Nations, the agencies of the Uni				
			Specialized Agencies of	connected with the United Natior	ns concerned	with technic		
				e other hand, with the Governme			g the	
				or the financing of projects pursu the implementation of the provis			be	
			governed by decisions	of the Assembly and, within the	limits to be fix	xed by the		
			Assembly, such workin	g groups as the Assembly may	set up for that	t purpose.		
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	PCT Reso	ources						
	PCT Elect	ronic Filing	Relations with Other Pr	ovisions of the Trea	ity			
Patent Data Nothing in this Chapter shall af				affect the financial provisions contained in any other				
	Law of Pa	tents	Chapter of this Treaty. Such provisions are no	h provisions are not applicable to the present Chapter or to				
	Current Is	sues	its implementation.					
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Law of Patents Current Issues	Assembly
Publications & Other Resources	(1) (a) The Assembly shall, subject to <u>Article 57(8)</u> , consist of the Contracting States.
<u>Meetings</u> <u>E-mail Updates</u>	(b) The Government of each Contracting State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.
Contact	(2) (a) The Assembly shall:
[ <u>Printable version</u> ]	<ul> <li>(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Treaty;</li> <li>(ii) perform such tasks as are specifically assigned to it under other provisions of this Treaty;</li> <li>(iii) give directions to the International Bureau concerning the preparation for revision conferences;</li> <li>(iv) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;</li> <li>(v) review and approve the reports and activities of the Executive Committee established under paragraph (9), and give instructions to such Committee;</li> <li>(vi) determine the program and adopt the triennial<sup>(ii)</sup> budget of the Union, and approve its final accounts;</li> <li>(ii) Editor's Note: Since 1980, the budget of the Union has been biennial.</li> <li>(vii) adopt the financial regulations of the Union;</li> <li>(vii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;</li> <li>(ix) determine which States other than Contracting States and, subject to the provisions of paragraph (8), which intergovernmental and international non- governmental organizations shall be admitted to its meetings as observers;</li> <li>(x) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.</li> </ul>
	<ul> <li>(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.</li> <li>(3) A delegate may represent, and vote in the name of, one State only.</li> <li>(4) Each Contracting State shall have one vote.</li> <li>(5) (a) One-half of the Contracting States shall constitute a quorum.</li> </ul>

(b) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the quorum and the required majority are attained through voting by correspondence as provided in the Regulations.

(6) (a) Subject to the provisions of <u>Articles 47(2)(b)</u>, 58(2)(b), 58(3) and 61(2)(b), the decisions of the Assembly shall require two-thirds of the votes cast.

- (b) Abstentions shall not be considered as votes.
- (7) In connection with matters of exclusive interest to States bound by <u>Chapter II</u>, any reference to Contracting States in <u>paragraphs (4)</u>, (5), and (6), shall be considered as applying only to States bound by <u>Chapter II</u>.
- (8) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to the Assembly.
- (9) When the number of Contracting States exceeds forty, the Assembly shall establish an Executive Committee. Any reference to the Executive Committee in this Treaty and the Regulations shall be construed as references to such Committee once it has been established.
- (10) Until the Executive Committee has been established, the Assembly shall approve, within the limits of the program and triennial budget, the annual programs and budgets prepared by the Director General.<sup>(iii)</sup>

(iii) *Editor's Note:* Since 1980, the program and budget of the Union have been biennial.

(11)(a) The Assembly shall meet in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee, or at the request of one-fourth of the Contracting States.

(12) The Assembly shall adopt its own rules of procedure.

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Patent Data Law of Patents	(1) When the Assembly has established an Executive Committee, that Committee shall be subject to the provisions set forth hereinafter.
Current Issues	(2) (a) The Executive Committee shall, subject to Article 57(8), consist of States
Publications & Other	elected by the Assembly from among States members of the Assembly.
Resources	(b) The Government of each State member of the Executive Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors,
Meetings E-mail Updates	and experts.
	(3) The number of States members of the Executive Committee shall correspond to one-
Contact	<ul> <li>fourth of the number of States members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.</li> <li>(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution.</li> <li>(5) (a) Each member of the Executive Committee shall serve from the close of the</li> </ul>
	session of the Assembly which elected it to the close of the next ordinary session of the Assembly.
	(b) Members of the Executive Committee may be re-elected but only up to a maximum of two-thirds of such members.
	(c) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee.
	(6) (a) The Executive Committee shall:
	<ul> <li>(i) prepare the draft agenda of the Assembly;</li> <li>(ii) submit proposals to the Assembly in respect of the draft program and biennial budget of the Union prepared by the Director General;</li> <li>(iii) [deleted]</li> <li>(iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;</li> <li>(v) take all necessary measures to ensure the execution of the program of the Union by the Director General, in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly;</li> </ul>
	<ul> <li>(vi) perform such other functions as are allocated to it under this Treaty.</li> <li>(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Executive Committee shall make its decisions after having heard the advice of the Coordination Committee of the Organization.</li> </ul>
	(7) (a) The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same

place as the Coordination Committee of the Organization.

http://www.wipo.int/pct/en/texts/articles/a54.htm (1 of 2) [8/29/2005 13:22:54 PM]

(b) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative or at the request of its Chairman or one-fourth of its members.

- (8) (a) Each State member of the Executive Committee shall have one vote.
  - (b) One-half of the members of the Executive Committee shall constitute a quorum.
  - (c) Decisions shall be made by a simple majority of the votes cast.
  - (d) Abstentions shall not be considered as votes.
  - (e) A delegate may represent, and vote in the name of, one State only.
- (9) Contracting States not members of the Executive Committee shall be admitted to its meetings as observers, as well as any intergovernmental organization appointed as International Searching or Preliminary Examining Authority.
- (10) The Executive Committee shall adopt its own rules of procedure.

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PCT Resources						
PCT Electronic Filing	International Bureau					
Patent Data	(1) Administrative tasks concerning the Union shall be performed by the International					
Law of Patents	Bureau.					
Current Issues	(2) The International Bureau shall provide the secretariat of the various organs of the Union.					
Publications & Other	(3) The Director General shall be the chief executive of the Union and shall represent the Union.					
Resources	(4) The International Bureau shall publish a Gazette and other publications provided for					
Meetings	by the Regulations or required by the Assembly.					
E-mail Updates	(5) The Regulations shall specify the services that national Offices shall perform in order					
Contact	to assist the International Bureau and the International Searching and Preliminary Examining Authorities in carrying out their tasks under this Treaty.					
[ Printable version ]	<ul> <li>(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee and any other committee or working group established under this Treaty or the Regulations. The Director General, or a staff member designated by him, shall be <i>ex officio</i> secretary of these bodies.</li> <li>(7) (a) The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the revision conferences.</li> </ul>					
	(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for revision conferences.					

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(8) The International Bureau shall carry out any other tasks assigned to it.

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PCT Resources	Committee for Technical Cooperation	
PCT Electronic Filing		
Patent Data	(1) The Assembly shall establish a Committee for Technical Cooperation (referred to	in
Law of Patents	<ul><li>this Article as "the Committee").</li><li>(2) (a) The Assembly shall determine the composition of the Committee and appoint</li></ul>	t ito
Current Issues	members, with due regard to an equitable representation of developing countries.	1115
Publications & Other		
Resources	(b) The International Searching and Preliminary Examining Authorities shall be e	
Meetings	officio members of the Committee. In the case where such an Authority is the national Office of a Contracting State, that State shall not be additionally represented on the	al
E-mail Updates	Committee.	
Contact		
	(c) If the number of Contracting States so allows, the total number of members of	of
	the Committee shall be more than double the number of ex officio members.	
[Printable version]	(d) The Director General shall, on his own initiative or at the request of the	
	Committee, invite representatives of interested organizations to participate in	
	discussions of interest to them.	
	<ul> <li>(3) The aim of the Committee shall be to contribute, by advice and recommendations <ul> <li>(i) to the constant improvement of the services provided for under this Treaty,</li> <li>(ii) to the securing, so long as there are several International Searching Authoriti and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports, and</li> <li>(iii) on the initiative of the Assembly or the Executive Committee, to the solution of the technical problems specifically involved in the establishment of a single International Searching Authority.</li> </ul> </li> <li>(4) Any Contracting State and any interested international organization may approach the Committee in writing on questions which fall within the competence of the Committee.</li> <li>(5) The Committee may address its advice and recommendations to the Director General or, through him, to the Assembly, the Executive Committee, all or some of the International Searching and Preliminary Examining Authorities, and all or some of the International Searching and Preliminary Examining Authorities, and all or some of the advice and recommendations of the Committee. He may comment on such texts.</li> <li>(b) The Executive Committee may express its views on any advice, recommendation, or other activity of the Committee, and may invite the Committee to study and report on questions falling within its competence. The Executive Committee may submit to the Assembly, with appropriate comments, the advice, recommendation and report of the Committee has been established, references in paragraph (6) the Executive Committee shall be construed as references to the Assembly.</li> </ul>	ies of h of the ons

Article 56 of the Patent Cooperation Treaty

(8) The details of the procedure of the Committee shall be governed by the decisions of the Assembly.

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PCT Electronic Filing	Finances
Patent Data	(1) (a) The Union shall have a budget.
Law of Patents	
Current Issues	(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions
Publications & Other Resources	administered by the Organization.
Meetings	(c) Expenses not attributable exclusively to the Union but also to one or more other
E-mail Updates	Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to
Contact	the interest the Union has in them.
[ Printable version ]	<ul> <li>(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.</li> <li>(3) Subject to the provisions of paragraph (5), the budget of the Union shall be financed from the following sources: <ul> <li>(i) fees and charges due for services rendered by the International Bureau in relation to the Union;</li> <li>(ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;</li> <li>(iii) gifts, bequests, and subventions;</li> <li>(iv) rents, interests, and other miscellaneous income.</li> </ul> </li> <li>(4) The amounts of fees and charges due to the International Bureau and the prices of its publications shall be so fixed that they should, under normal circumstances, be sufficient to cover all the expenses of the International Bureau connected with the administration of this Treaty.</li> <li>(5) (a) Should any financial year close with a deficit, the Contracting States shall, subject to the provisions of <u>subparagraphs (b)</u> and (c), pay contributions to cover such deficit.</li> </ul>
	(b) The amount of the contribution of each Contracting State shall be decided by the Assembly with due regard to the number of international applications which has emanated from each of them in the relevant year.
	(c) If other means of provisionally covering any deficit or any part thereof are secured, the Assembly may decide that such deficit be carried forward and that the Contracting States should not be asked to pay contributions.

(d) If the financial situation of the Union so permits, the Assembly may decide that any contributions paid under <u>subparagraph (a)</u> be reimbursed to the Contracting States which have paid them.

(e) A Contracting State which has not paid, within two years of the due date as established by the Assembly, its contribution under <u>subparagraph (b)</u> may not exercise its right to vote in any of the organs of the Union. However, any organ of the Union may allow such a State to continue to exercise its right to vote in that organ so long as it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(6) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(7) (a) The Union shall have a working capital fund which shall be constituted by a single payment made by each Contracting State. If the fund becomes insufficient, the Assembly shall arrange to increase it. If part of the fund is no longer needed, it shall be reimbursed.

(b) The amount of the initial payment of each Contracting State to the said fund or of its participation in the increase thereof shall be decided by the Assembly on the basis of principles similar to those provided for under <u>paragraph (5)(b)</u>.

(c) The terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(d) Any reimbursement shall be proportionate to the amounts paid by each Contracting State, taking into account the dates at which they were paid.

(8) (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an *ex officio* seat in the Assembly and on the Executive Committee.

(b) The State referred to in <u>subparagraph (a)</u> and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(9) The auditing of the accounts shall be effected by one or more of the Contracting States or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

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E-mail Updates	(b) Subjec	t to the provisions o	f <u>paragraph (3)</u> , am	endments shall r	require three.	-
Contact	fourths of the ve	otes cast.				
	(3) (a) The Re	egulations specify th	e Rules which may	be amended		
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	(ii) only if r Internat such Au membe States (b) Exclusi	unanimous consent tional Searching or I uthority is an intergo or of that organizatio within the competen tion, for the future, of the fulfillment of the co	ing States whose n Preliminary Examin overnmental organiz n authorized for tha t body of such orga f any such Rules fro	ing Authority diss zation, if the Cont at purpose by the anization does no om the applicable	sents, and, w tracting State other memb ot dissent. e requiremen	e oer t
		on, for the future, of <u>Ibparagraph (a)</u> sha			equirements	

- (4) The Regulations provide for the establishment, under the control of the Assembly, of Administrative Instructions by the Director General.
- (5) In the case of conflict between the provisions of the Treaty and those of the Regulations, the provisions of the Treaty shall prevail.

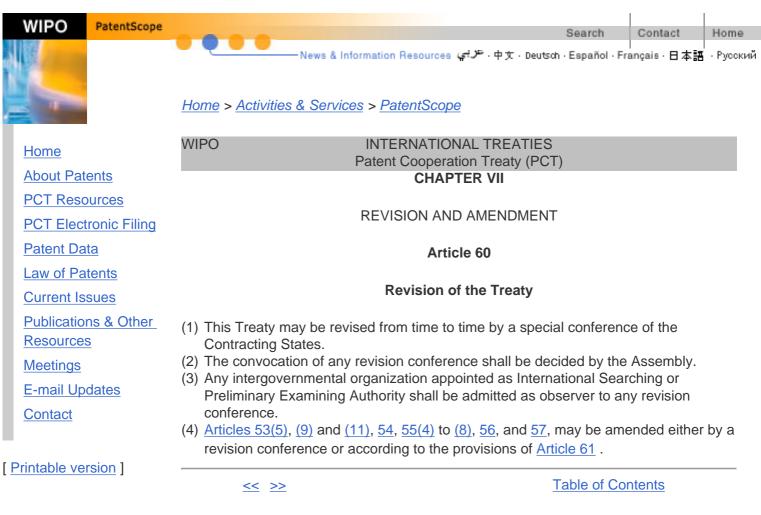
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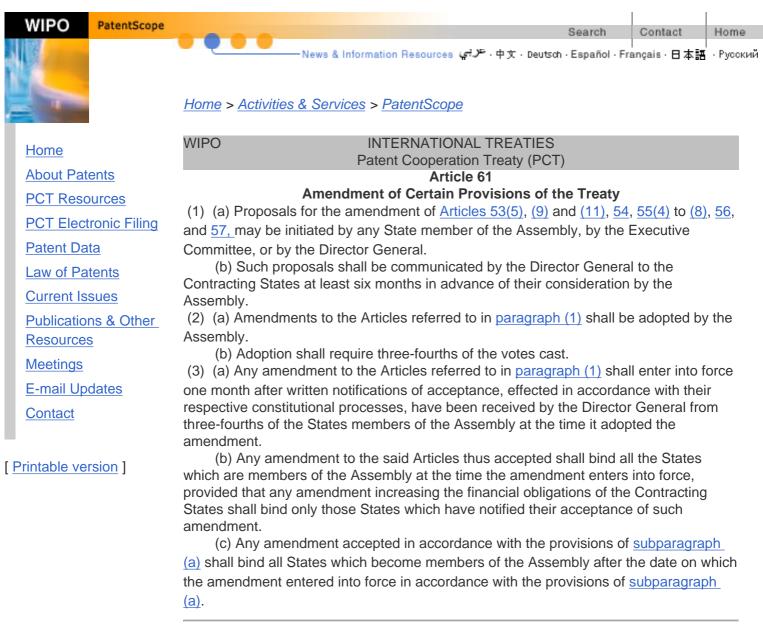
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	Bureau; the Internation Contracting States.	onal Bureau shall bring the n	natter to the attention	of the other	
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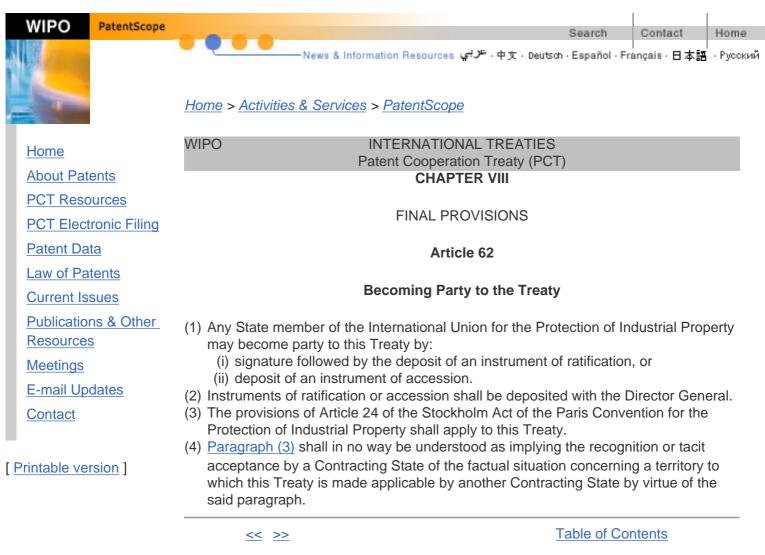




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PCT Resources PCT Electronic Filing		Entry into Force of	-			
Patent Data Law of Patents Current Issues Publications & Other Resources Meetings E-mail Updates Contact	<ul> <li>(1) (a) Subject to the provisions of paragraph (3), this Treaty shall enter into force three months after eight States have deposited their instruments of ratification or accession, provided that at least four of those States each fulfill any of the following conditions:</li> <li>(i) the number of applications filed in the State has exceeded 40,000 according to the most recent annual statistics published by the International Bureau,</li> <li>(ii) the nationals or residents of the State have filed at least 1,000 applications in one foreign country according to the most recent annual statistics published by the International Bureau,</li> <li>(iii) the national Office of the State has received at least 10,000 applications from nationals or residents of foreign countries according to the most recent annual statistics published by the International Bureau.</li> <li>(b) For the purposes of this paragraph, the term "applications" does not include applications for utility models.</li> </ul>					
	to this Treat Treaty three of ratification (3) The provisio annexed to three States <u>paragraph (1)</u> <u>Article 64(1)</u>	ne provisions of <u>paragraph (3)</u> , ar y upon entry into force under <u>par</u> e months after the date on which a n or accession. ons of <u>Chapter II</u> and the correspon- this Treaty shall become applicat a each of which fulfill at least one <u>1</u> ) have become party to this Treat that they do not intend to be bound all not, however, be prior to that	agraph (1) shall become such State has deposite onding provisions of the ble, however, only on the of the three requireme aty without declaring, a pund by the provisions of	ne bound by ted its instrur e Regulation he date on w ents specified as provided in of <u>Chapter II</u>	this ment Is /hich I in n	
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Law of Pa	atents								
Current Is	sues	(b) States making a declaration under subparagraph (a) shall not be b	-	the					
Publications & Other Resources		provisions of Chapter II and the corresponding provisions of the Regulations.							
		(2) (a) Any State not having made a declaration under paragraph (1)(a) may declare							
Meetings		that:		0					
E-mail Up	odates								
Contact		(i) it shall not be bound by the provisions of <u>Article 39(1)</u> with respect		(22					
		furnishing of a copy of the international application and a translatio prescribed),	on thereof	(as					
Printable ve	ersion ]	<ul> <li>(ii) the obligation to delay national processing, as provided for under A shall not prevent publication, by or through its national Office, of th international application or a translation thereof, it being understoo that it is not exempted from the limitations provided for in <u>Articles 3</u></li> </ul>	ne od, howeve	ər,					

(b) States making such a declaration shall be bound accordingly.

(3) (a) Any State may declare that, as far as it is concerned, international publication of international applications is not required.

(b) Where, at the expiration of 18 months from the priority date, the international application contains the designation only of such States as have made declarations under <u>subparagraph (a)</u>, the international application shall not be published by virtue of <u>Article 21(2)</u>.

(c) Where the provisions of <u>subparagraph (b)</u> apply, the international application shall nevertheless be published by the International Bureau:

- (i) at the request of the applicant, as provided in the Regulations,
- (ii) when a national application or a patent based on the international application is published by or on behalf of the national Office of any designated State having made a declaration under <u>subparagraph (a)</u>, promptly after such publication but not before the expiration of 18 months from the priority date.

(4) (a) Any State whose national law provides for prior art effect of its patents as from a date before publication, but does not equate for prior art purposes the priority date claimed under the Paris Convention for the Protection of Industrial Property to the actual filing date in that State, may declare that the filing outside that State of an international application designating that State is not equated to an actual filing in that State for prior art purposes.

(b) Any State making a declaration under <u>subparagraph (a)</u> shall to that extent not be bound by the provisions of <u>Article 11(3)</u>.

(c) Any State making a declaration under <u>subparagraph (a)</u> shall, at the same time, state in writing the date from which, and the conditions under which, the prior art effect of any international application designating that State becomes effective in that State. This statement may be modified at any time by notification addressed to the Director General.

(5) Each State may declare that it does not consider itself bound by <u>Article 59</u>. With regard to any dispute between any Contracting State having made such a declaration and any other Contracting State, the provisions of <u>Article 59</u> shall not apply.

(6) (a) Any declaration made under this Article shall be made in writing. It may be made at the time of signing this Treaty, at the time of depositing the instrument of ratification or accession, or, except in the case referred to in <u>paragraph (5)</u>, at any later time by notification addressed to the Director General. In the case of the said notification, the declaration shall take effect six months after the day on which the Director General has received the notification, and shall not affect international applications filed prior to the expiration of the said six-month period.

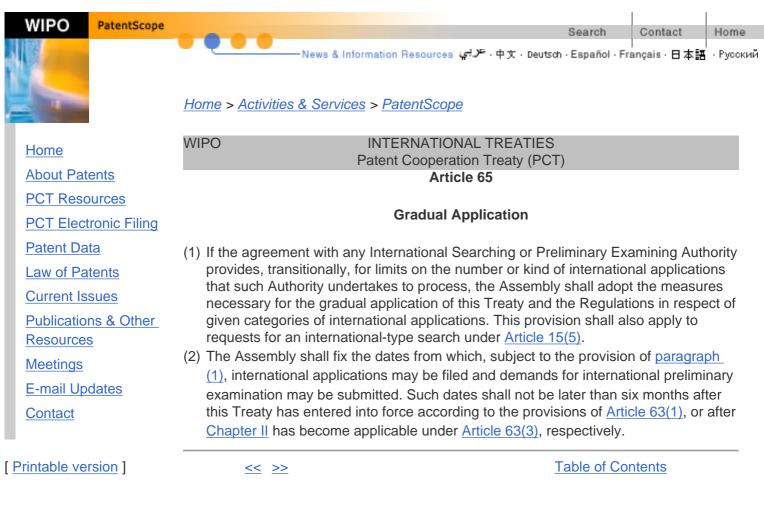
(b) Any declaration made under this Article may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the day on which the Director General has received the notification and, in the case of the withdrawal of a declaration made under <u>paragraph (3)</u>, shall not affect international applications filed prior to the expiration of the said three-month period.

(7) No reservations to this Treaty other than the reservations under <u>paragraphs (1)</u> to (5) are permitted.

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Article 65 of the Patent Cooperation Treaty



Article 66 of the Patent Cooperation Treaty

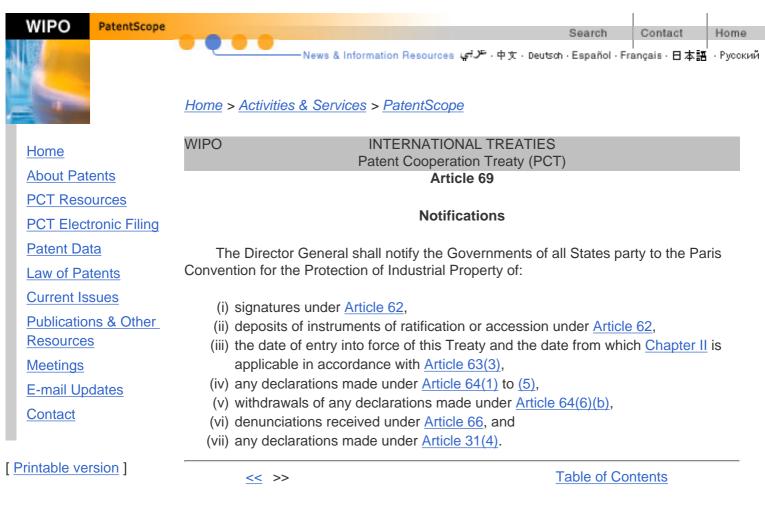
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Patent Data	(1) Any Contracting State may denounce this Treaty by notification addressed to the
Law of Patents	Director General.
	(2) Denunciation shall take effect six months after receipt of the said notification by the
Current Issues	Director General. It shall not affect the effects of the international application in the
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Article 67 of the Patent Cooperation Treaty

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Article 69 of the Patent Cooperation Treaty



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PCT Resources PCT Electronic Filing Patent Data Law of Patents Current Issues Publications & Other Resources Meetings E-mail Updates Contact	The Contracting States, Desiring to make a contribution Desiring to perfect the legal pro Desiring to simplify and render inventions where protection is sough Desiring to facilitate and acceler information contained in documents Desiring to foster and accelera countries through the adoption of m legal systems, whether national or r providing easily accessible informat applicable to their special needs and of modern technology, Convinced that cooperation an these aims, Have concluded the present Treaty.	btection of inventions, more economical the obtain the in several countries, erate access by the public to describing new inventions, te the economic development easures designed to increat egional, instituted for the prision on the availability of tec d by facilitating access to the mong nations will greatly fact	ning of p o the teck ent of dev se the ef rotection hnologica ne ever es	rotection for nnical veloping ficiency of th of inventions al solutions xpanding vo	neir s by lume
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