

K oznámeniu č. 167/2012 Z. z.

Amendments to the Regulations under the Patent Cooperation Treaty (PCT)

Adopted on October 5, 2011, by the Assembly of the International Patent Cooperation Union (PCT Union) at its forty-second (18th ordinary) session held from September 26 to October 5, 2011 with effect from July 1, 2012

Rule 17

The Priority Document

17.1 Obligation to Submit Copy of Earlier National or International Application

(a) and (b) [No change]

(b-bis) Where the priority document is, in accordance with the Administrative Instructions, made available to the International Bureau from a digital library prior to the date of international publication of the international application, the applicant may, instead of submitting the priority document, request the International Bureau, prior to the date of international publication, to obtain the priority document from such digital library.

(c) and (d) [No change]

17.2 [No change]

Rule 20

International Filing Date

20.1 to 20.6 [No change]

20.7 Time Limit

(a) [No change]

(b) Where neither a correction under Article 11(2) nor a notice under Rule 20.6(a) confirming the incorporation by reference of an element referred to in Article 11(1)(iii)(d) or (e) is received by the receiving Office prior to the expiration of the applicable time limit under paragraph (a), any such correction or notice received by that Office after the expiration of that time limit but before it sends a notification to the applicant under Rule 20.4(i) shall be considered to have been received within that time limit.

20.8 [No change]

Rule 34

Minimum Documentation

34.1 Definition

(a) and (b) [No change]

(c) Subject to paragraphs (d) and (e), the “national patent documents” shall be the following:

(i) [no change]

(ii) the patents issued by the Federal Republic of Germany, the People’s Republic of China, the Republic of Korea and the Russian Federation,

(iii) to (vi) [no change]

(d) [No change]

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Chinese, Japanese, Korean, Russian or Spanish is entitled not to include in its documentation those patent documents of the People’s Republic of China, Japan, the Republic of Korea, the Russian Federation and the former Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than six months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) [No change]

Rule 82

Irregularities in the Mail Service

82.1 [No change]

82.2 [Deleted]

Rule 82quater

Excuse of Delay in Meeting Time Limits

82quater.1 Excuse of Delay in Meeting Time Limits

(a) Any interested party may offer evidence that a time limit fixed in the Regulations for performing an action before the receiving Office, the International Searching Authority, the Authority specified for supplementary search, the International Preliminary Examining Authority or the International Bureau was not met due to war, revolution, civil disorder, strike, natural calamity or other like reason in the locality where the interested party resides, has his place of business or is staying,

and that the relevant action was taken as soon as reasonably possible.

- (b) Any such evidence shall be addressed to the Office, Authority or the International Bureau, as the case may be, not later than six months after the expiration of the time limit applicable in the given case. If such circumstances are proven to the satisfaction of the addressee, delay in meeting the time limit shall be excused.
- (c) The excuse of a delay need not be taken into account by any designated or elected Office before which the

applicant, at the time the decision to excuse the delay is taken, has already performed the acts referred to in Article 22 or Article 39.

I hereby certify that the foregoing is a true copy of the original text in English of the amendments to the Regulations under the Patent Cooperation Treaty (PCT) adopted on October 5, 2011, by the Assembly of the International Patent Cooperation Union (PCT Union) at its forty-second (18th ordinary) session held from September 26 to October 5, 2011, with effect from July 1, 2012.

Francis Gurry
Director General
World Intellectual Property Organization
In Geneva, December 8, 2011