



C. PCT 1159  
04

January 21, 2009

Madam,  
Sir,

*Convening of a Session of the PCT Working Group in 2009*

This Circular is addressed to your Office in its capacity as a national Office of a State party to the Patent Cooperation Treaty (PCT). It is also addressed to interested intergovernmental organizations, as well as certain non-governmental organizations representing users of the PCT system.

It is recalled that the Assembly of the International Patent Cooperation Union (PCT Union), at its thirty-eighth (22<sup>nd</sup> extraordinary) session, held in Geneva from September 22 to 30, 2008, decided that, if—following consultations with all members and observers of the Working Group—it was determined that there was a need to consider matters which required submission to the Assembly, a session of the PCT Working Group should be convened in 2009 to do preparatory work rather than submitting such matters straight to the Assembly (see the report of the session, document PCT/A/38/6, paragraph 6(ii), and paragraph 31 of document PCT/A/38/1). It was also agreed that, should a meeting be convened, the same financial assistance should be offered as at the first session, so as to enable attendance of certain delegations.

It appears to the International Bureau that a number of issues require consultation prior to being placed before the PCT Assembly, some of which are new while others being left over from the first session of the Working Group and the most recent session of the PCT Assembly. These matters include, in particular, the following items:

– international form for national phase entry (see document PCT/WG/1/16, paragraph 25);

/...

- use of the PCT as *the* work sharing platform of the international patent system, including matters arising from document PCT/WG/1/3 “Enhancing the Value of International Search and Preliminary Examination under the PCT” (see document PCT/WG/1/16, paragraphs 26 to 61, in particular, paragraph 53: “The Working Group invited the International Bureau to further study the issue [the general approach taken in Chapter II processing] with a view to submitting more specific recommendations to the Working Group at its next session.”);
- physical requirements of international applications (see document PCT/WG/1/16, paragraph 71);
- eligibility criteria for reductions in certain PCT fees (see document PCT/A/38/6, paragraph 30);
- modifications of the directives for establishing equivalent amounts of certain PCT fees;
- requirements of designated Offices for identifying and incorporating changes to the international application compared to what was originally filed;
- various practical issues encountered relating to incorporation by reference of missing elements and parts.

In addition, certain other matters, for example, relating to the newly established system of supplementary international search, might also require consideration, depending on the outcome of discussions by the Meeting of International Authorities, scheduled to take place in the Republic of Korea from March 16 to 18, 2009.

In order to determine whether to convene a session of the Working Group prior to the September 2009 session of the Assembly, the International Bureau would appreciate receiving any further proposals for matters to be discussed by the Working Group, in addition to those indicated above, preferably by e-mail sent to [pct.wg@wipo.int](mailto:pct.wg@wipo.int), by February 16, 2009.

Please note that, should it be decided to convene a session of the PCT Working Group, it is likely to be convened during the week from May 4 to 8, 2009.

Yours sincerely,



Francis Gurry  
Director General