

C. PCT 1635

February 1, 2022

Madam,
Sir,

Further discussion on proposed modifications of the Administrative Instructions under the PCT (“the Administrative Instructions”) on the PCT Working Group Wiki.

This Circular is addressed to your Office in its capacity as a receiving Office, an International Searching Authority, an International Preliminary Examining Authority and/or a designated or elected Office under the Patent Cooperation Treaty (PCT) for the purposes of consultation under PCT Rule 89.2(b). It is also addressed to certain non-governmental organizations (“NGOs”) representing users of the PCT System.

Comments on proposed modifications of the Administrative Instructions in response to Circular C. PCT1625

In Circular C. PCT 1625, dated June 15, 2021, it was proposed to introduce a more detailed definition in the Administrative Instructions of what constitutes a “signature” in relation to paper documents. In order to provide more flexible solutions for the signing of paper documents, the Circular proposed new Section 102*bis* Signature on Paper Documents “A signature provided on a paper document shall be handwritten, printed, typed or stamped.” It is considered that this broader definition would be particularly helpful in cases where paper documents are required to be signed by multiple parties.

While most responses to Circular C. PCT 1625 supported the introduction of a new definition in the Administrative Instructions, several Offices raised concerns and/or made counter-proposals.

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The main feedback and counterproposals can be summarized as follows. Firstly, a few responses questioned the practical necessity of introducing a new definition. Secondly, some Offices requested further discussions on the proposed types of signatures, notably the “printed signature” and the “typed signature”, and emphasized the importance of more detailed descriptions of these signatures. Thirdly, two Offices made counterproposals. One of these Offices proposed that any valid form of signature before an IP Office be recognized during the international phase, provided that the Office had notified the International Bureau of the types of signature that it accepted. The other counterproposal concerned the language of the provision, allowing for an Office to accept signatures in different forms.

Given these various views, the International Bureau therefore wishes to discuss this issue further in order to determine whether a consensus can be reached on the introduction of the modified definition.

Further discussions on PCT Working Group Wiki

In order to facilitate further discussions on this proposal, the International Bureau has created a page dedicated to this issue on the PCT Working Group Wiki:

<https://www3.wipo.int/confluence/display/pctwg/Signature+on+Paper+Documents>.

The PCT Working Group Wiki was established in 2013 as the PCT Working Group Electronic Forum and provides a platform for all PCT stakeholders to undertake informal dialogue on PCT-related matters, notably to propose informally and/or discuss ideas for improving the functioning of the PCT System. Circular C. PCT 1378, dated April 15, 2013, provides further details of this Wiki.

Access to the PCT Working Group Wiki is open to any stakeholder of the PCT System who has a WIPO user account. To be able to post related material and to make comments on the above Wiki page, it will be necessary to obtain access rights from the International Bureau (IB).

To obtain Wiki access, Offices and NGOs that are invited to attend sessions of the PCT Working Group are invited to contact the IB, preferably by email to the following address: pctbdd@wipo.int, if they wish to post any comments, to share or discuss their practices and views on the proposed modifications of the Administrative Instructions.

To conclude a first round of discussions on this topic, the IB would be grateful for the posting of comments by February 28, 2022.

Yours sincerely,



Lisa Jorgenson
Deputy Director General
Patents and Technology Sector