



RESOLUTION 2

STRENGTHENING THE PCT INTERNATIONAL PHASE

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession of more than 70 countries, assembled at its World Congress held in Berlin, Germany from June 2 to June 6, 2003, passed the following Resolution :

Having closely followed the work on PCT reform in recent years, in particular the modification of the search and examination system becoming effective January 2004;

Noting that the time available for conducting international preliminary examination will be shorter than under the present system;

Also **noting** that the reformed search and examination system is likely to result in a large part of the work load being moved from the international phase to the national phase comprising parallel procedures involving similar considerations and duplicate efforts;

Further **noting** that national patent authorities that have to decide on the grant of patents on the basis of international patent applications need a firm foundation with a reliable report on patentability from the PCT authority;

Reiterating the importance to patent applicants and third parties of having a comprehensive, high quality search made during the international phase as a basis for deciding whether and where to enter the national phase and to enhance the presumption of validity of any patent based on an international patent application;

Considering that only a relatively small number of applicants are likely to demand international preliminary examination since such a demand will no longer be necessary for extending the International phase; and

Also **considering** that some applicants have to rely on examination during the international phase in order to have claims of reasonable scope deemed allowable by the PCT authority before entering the national stage in any designated countries,

FICPI resolves that the relevant international and national authorities should continue to develop the PCT system so as

- to consolidate the international phase procedure, while leaving the ultimate right to grant patents to the national and regional patent offices,
- to provide a flexible system permitting PCT applicants to request supplementary and top-up novelty searches in addition to the basic search under the present system, and/or to request a full examination procedure involving an effective dialogue with the examiner and possible claims amendments, and
- to take measures to maintain and further improve the quality of search and examination in accordance with the common framework on quality and efficiency which is to be incorporated into the PCT Guidelines for search and examination, whilst maintaining the present time limits under the PCT.