

BR/GT IV/46 e/72

Travaux Préparatoires CBE 1973

INTER-GOVERNMENTAL CONFERENCE
FOR THE SETTING UP OF A EUROPEAN
SYSTEM FOR THE GRANT OF PATENTS

Brussels, 5th January 1972
BR/GT IV/46/72

- Secretariat -

PROVISIONAL AGENDA

for the 4th Meeting of Working Party IV
to be held in Luxembourg
from 22nd (10 a.m.) to 25th February 1972

1. Opening of the meeting and adoption of the provisional agenda.
 2. Revision of the financial Articles - Annex I.
 3. Discussion of the lines upon which the Chairman's report and annexes are to be revised - Annex II.
 4. Other business.
 5. Date of the next meeting.
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ANNEX I

REVISION OF THE FINANCIAL ARTICLES

1. Mandate of the 4th meeting of the Conference. This is set out in paragraph 164 of BR/125/71 in the second subparagraph, points (b), (d), (e). It is hoped that the 1970 WIPO statistics of national filings will be available in time for the contribution keys for the 20 States to be prepared, before the meeting, under point (b).

On point (d), the Chairman proposes that Article 52b be amended to read:-

- "1. The income and expenditure account and a balance sheet of the European Patent Office shall be examined by independent auditors appointed by the Administrative Council for a period of five years, which shall be renewable. Their remuneration shall be determined by the Administrative Council.
2. is sound. The auditors shall period.
3. the report of the auditors.
4. No change."

On point (e), the German, Luxembourg and Norwegian delegations have made comments and suggestions in BR/GT IV/43/71, BR/GT IV/44/71 and BR/GT IV/45/72 respectively.

2. In BR/126/71, the EEC States have proposed certain amendments to the financial Articles to deal with the financing of work done under the Second Convention. These proposals should, in the Chairman's view, be considered by Working Party IV.
 3. In a working document denoted "22nd November, 1971, No. 1" submitted to Working Party I, the Netherlands have proposed certain amendments to the financial Articles consequential on their proposal to form a European Patent Union. This proposal will be considered at the 5th meeting of the Conference and whether Working Party IV will need to consider the proposal will depend on the decision of the Conference.
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ANNEX II

REVISION OF THE CHAIRMAN'S REPORT

1. Although much of the revision, particularly of the Annexes, will have to be done by the Chairman and the Secretariat this cannot be done until certain questions of principle have been decided by the Working Party and up-dated basic data is available.
2. Some questions of principle are:-
 - (a) What rate of interest, if any, on the loans by States is to be assumed (paragraph 164(c) of BR/125/71) and is it to be the same for all States?
 - (b) What scale of renewal fees for the Community patent is to be assumed?
 - (c) Is the Community to be assumed to consist of 6 States or 10 States?
 - (d) Does the redraft of the provisions of the Convention relating to the procedure up to early publication necessitate a reduction of the application fee and an increase in the examination fee? If not, must provision be made for refund of part of the application fee if, with progressive build-up of the Office, applications are converted to national applications?
 - (e) Is the report to be restricted to a 2-year deferred examination period with immediate full opening?

- (f) Is the Working Party's aim to provide for the repayment of the States' loans within a reasonable period and to suggest fee levels which will attain this goal? An alternative approach is to base the fees on current national fees and tolerate any inability to repay the loans.
- (g) Should the report include a note to the effect that the report is based on the provisional views of Working Party II on fiscal privileges?
- (h) How many of the present Annexes need be retained?

Directives on points (c) and (e) may be given by the Conference in January.

- 3. It will be necessary to consider whether any other changes in the draft Convention should be taken into account.
 - 4. It will also be necessary to decide what alterations to the basic data must be taken into account (e.g. EEC salaries, national levels of fees, currency conversion rates, national rates of filings).
 - 5. Until the re-calculations have been completed after the meeting, it will not be possible to reach a final view of the fee levels to be communicated to the 6th meeting of the Conference in June, 1972.
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