

Administrative Instructions under the Patent Cooperation Treaty

PART 8

INSTRUCTIONS RELATING TO OBSERVATIONS BY THIRD PARTIES

Section 801

Third Party Observation System

(a) The International Bureau shall provide an electronic system for third parties to make observations referring to prior art which they believe to be relevant to the question of whether the invention claimed in the international application is new and/or involves an inventive step ("third party observation system").

(b) The third party observation system:

(i) shall provide a third party with the option to remain anonymous;

(ii) shall allow observations to include a brief explanation of the relevance of each prior art document referred to in the observation and to include a copy of the prior art document;

(iii) may limit the number of prior art documents which may be referred to in one observation; and

(iv) may limit the number of observations permitted to be made in relation to one international application, per third party and in total.

(c) The International Bureau shall take technical steps to prevent abuse of the third party observation system.

(d) The International Bureau may temporarily or indefinitely suspend the use of the third party observation system if it considers it necessary to do so.


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