

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
Patent Cooperation Treaty
OMB Control Number 0651-0021

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update information collection 0651-0021 (Patent Cooperation Treaty). The update to 0651-0021 will bring WIPO PCT Request (PCT/RO/101), which is a part of 0651-0021, up to date with amendments to the Regulations under the Patent Cooperation Treaty (PCT) that take effect on July 1, 2017 and with the revisions being made as a result of a rulemaking action (RIN 0651-AD14). This form relates to provisions found in 37 CFR 1.453(a), 1.453(b) and 1.453(c). The changes to the form made pursuant to the amendments to the PCT Regulations, implemented by 37 CFR 1.453(b) and 1.453(c), would result in a very minimal net decrease in the burden on business entities.

In 0651-0021, PCT/RO/101 is associated with IC line 1, Request and Fee Calculation Sheet (Annex and Notes). This IC line allows the public to supply the USPTO with the information required for an international patent application. The revisions to the form result in nominal changes in the collection's overall burden.

Currently, PCT/RO/101 includes a box for applicants to request the Receiving Office (RO) to prepare and transmit the results of an earlier search to an ISA. As implemented in 37 CFR 1.453(b), the changes to the PCT Regulations result in the addition of a new mechanism for preparing and transmitting search and classification results to an ISA. Under this new mechanism, if the PCT/RO/101 includes a priority claim to an earlier US application in which the USPTO carried out a search or has classified the earlier application, the United States RO (RO/US) will prepare and transmit the results of the search or classification without the applicant having to make any specific requests to do so (i.e., by checking the boxes in the relevant section of the form), provided the earlier application is not preserved in confidence at the USPTO or, if preserved in confidence, applicant has provided authorization, in accordance with 37 CFR 1.453(c), granting the ISA access to such results. The revised PCT/RO/101 will include a mechanism for applicants to provide authorization in such instances, pursuant to 37 CFR 1.453(c).

Summary of Changes

The USPTO is proposing to revise one form in this collection, WIPO PCT Request (PCT/RO/101). This form is associated with an existing information collection (0651-0021). This revision results in the addition of a mechanism to allow an applicant to provide written authorization granting the ISA access to the results of the earlier search or earlier classification in an application preserved in confidence at the USPTO. This is offset by the reduction in burden on applicants from having to make any specific requests for the United States RO (RO/US) to prepare and transmit the results of the search or classification if the application includes a priority claim to an earlier US application in which the USPTO carried out a search or has classified the earlier application.

Changes in Burden

The proposed revision of WIPO PCT Request (PCT/RO/101) will not result in a substantive change in burden for collection 0651-0021. The burden reduction is so minimal that it does not warrant any adjustment to the existing burden estimates.