

after that date, see section 11 of Pub. L. 94-131, set out as a note under section 351 of this title.

§ 372. National stage: Requirements and procedure

(a) All questions of substance and, within the scope of the requirements of the treaty and Regulations, procedure in an international application designating the United States shall be determined as in the case of national applications regularly filed in the Patent and Trademark Office.

(b) In case of international applications designating but not originating in, the United States—

(1) the Director may cause to be reexamined questions relating to form and contents of the application in accordance with the requirements of the treaty and the Regulations;

(2) the Director may cause the question of unity of invention to be reexamined under section 121, within the scope of the requirements of the treaty and the Regulations; and

(3) the Director may require a verification of the translation of the international application or any other document pertaining to the application if the application or other document was filed in a language other than English.

(Added Pub. L. 94-131, §1, Nov. 14, 1975, 89 Stat. 689; amended Pub. L. 98-622, title IV, §§402(e), (f), 403(a), Nov. 8, 1984, 98 Stat. 3392; Pub. L. 106-113, div. B, §1000(a)(9) [title IV, §4732(a)(10)(A)], Nov. 29, 1999, 113 Stat. 1536, 1501A-582; Pub. L. 107-273, div. C, title III, §13206(b)(1)(B), Nov. 2, 2002, 116 Stat. 1906; Pub. L. 112-29, §20(j), Sept. 16, 2011, 125 Stat. 335.)

Editorial Notes

AMENDMENTS

2011—Subsec. (b)(2). Pub. L. 112-29 struck out “of this title” after “121”.

2002—Subsec. (b). Pub. L. 107-273 made technical correction to directory language of Pub. L. 106-113. See 1999 Amendment note below.

1999—Subsec. (b). Pub. L. 106-113, as amended by Pub. L. 107-273, substituted “Director” for “Commissioner” wherever appearing.

1984—Subsec. (a). Pub. L. 98-622, §403(a), substituted “Patent and Trademark Office” for “Patent Office”.

Subsec. (b)(3). Pub. L. 98-622, §402(e), added par. (3).

Subsec. (c). Pub. L. 98-622, §402(f), struck out subsec. (c) which related to cancellation of claims and payment of special fees.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-29 effective upon the expiration of the 1-year period beginning on Sept. 16, 2011, and applicable to proceedings commenced on or after that effective date, see section 20(l) of Pub. L. 112-29, set out as a note under section 2 of this title.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, §4731] of Pub. L. 106-113, set out as a note under section 1 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 402(e), (f) of Pub. L. 98-622 effective six months after Nov. 8, 1984, see section 406(b)

of Pub. L. 98-622, set out as a note under section 3 of this title.

Amendment by section 403(a) of Pub. L. 98-622 effective Nov. 8, 1984, see section 406(a) of Pub. L. 98-622, set out as a note under section 351 of this title.

EFFECTIVE DATE

Section effective Jan. 24, 1978, and applicable to international and national applications filed, on and after that date, see section 11 of Pub. L. 94-131, set out as a note under section 351 of this title.

[§ 373. Repealed. Pub. L. 112-274, §1(i), Jan. 14, 2013, 126 Stat. 2457]

Section, added Pub. L. 94-131, §1, Nov. 14, 1975, 89 Stat. 689; amended Pub. L. 98-622, title IV, §403(a), Nov. 8, 1984, 98 Stat. 3392; Pub. L. 103-465, title V, §532(c)(5), Dec. 8, 1994, 108 Stat. 4987; Pub. L. 112-29, §20(j), Sept. 16, 2011, 125 Stat. 335, related to improper applicant.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 14, 2013, and applicable to proceedings commenced on or after such date, see section 1(n) of Pub. L. 112-274, set out as an Effective Date of 2013 Amendment note under section 5 of this title.

§ 374. Publication of international application

The publication under the treaty defined in section 351(a), of an international application designating the United States shall be deemed a publication under section 122(b), except as provided in section 154(d).

(Added Pub. L. 94-131, §1, Nov. 14, 1975, 89 Stat. 689; amended Pub. L. 106-113, div. B, §1000(a)(9) [title IV, §4507(10)], Nov. 29, 1999, 113 Stat. 1536, 1501A-566; Pub. L. 107-273, div. C, title III, §13205(2)(E), Nov. 2, 2002, 116 Stat. 1903; Pub. L. 112-29, §§3(g)(4), 20(j), Sept. 16, 2011, 125 Stat. 288, 335.)

Editorial Notes

AMENDMENTS

2011—Pub. L. 112-29, §20(j), struck out “of this title” after “351(a)” and after “and 154(d)”.

Pub. L. 112-29, §3(g)(4), substituted “section 154(d)” for “sections 102(e) and 154(d)”.

2002—Pub. L. 107-273 amended Pub. L. 106-113, §1000(a)(9) [title IV, §4507(10)], see 1999 Amendment note below. Prior to being amended by Pub. L. 107-273, Pub. L. 106-113, §1000(a)(9) [title IV, §4507(10)], had amended this section to read as follows: “The publication under the treaty defined in section 351(a) of this title, of an international application designating the United States shall confer the same rights and shall have the same effect under this title as an application for patent published under section 122(b), except as provided in sections 102(e) and 154(d) of this title.”

1999—Pub. L. 106-113, as amended by Pub. L. 107-273, amended section catchline and text generally. Prior to amendment, text read as follows: “The publication under the treaty of an international application shall confer no rights and shall have no effect under this title other than that of a printed publication.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by section 3(g)(4) of Pub. L. 112-29 effective upon the expiration of the 18-month period beginning on Sept. 16, 2011, and applicable to certain applications for patent and any patents issuing thereon, see section 3(n) of Pub. L. 112-29, set out as an Effective