

**EQE 2023 reference (4):**

**PCT**

**Legal Texts  
Changes 2016-2022  
Overviews  
PCT Applicant's Guide  
AG-IP & AG-NP Annexes (selection)  
Selected Forms**

**(status 31.10.2022 for EQE 2023)**

**DELTA**PATENTS

## Contents

- PCT Homepage (<https://www.wipo.int/pct/en/>): source for the content of this document
- PCT Articles
- PCT Rules
- PCT Fee Tables (1 Oct 2022)
- Changes 2016, 2017, 2018, 2019, 2020, 2022 (no changes to the PCT Rules in 2021)
  
- PCT - The PCT now has 156 Contracting States
- PCT - States Party to the PCT and the Paris Convention and Members of the WTO
- PCT - States bound by the Paris Convention but not the PCT
- PCT - Time Limits for Entering National/Regional Phase under PCT Chapters I and II
- PCT - Types of Protection
- PCT - Waivers: Power of Attorney
- PCT - Reservations, Declarations, Notifications and Incompatibilities
- PCT - Restoration of priority
- PCT - PCT States and Organisations which have requested the IB under Rule 94.1(c) to furnish to third parties copies of the IPER on their behalf
- PCT - Direct filing of PCT applications with the IB as PCT receiving Office
- PCT – FAQ Implementation of WIPO ST.26
  
- PCT Applicants' Guide – Introduction to the International Phase (AG-IP)
  - Incl. keyword index
  - *Note: the PCT Applicant's Guide is **not** valid legal basis in DI – use PCT/EPC/OJ EPO!*
- PCT Applicants' Guide – Introduction to the National Phase (AG-NP)
  
- PCT AG Annexes – Overview
- PCT AG-IP Annexes (selection):
  - IB : B (General information), C (rO)
  - EP : B (General information), C (rO), D (ISA), SISA (SISA), E (IPEA)  
*Note: AG-IP Annexes for EPO are **not** valid legal basis in DI!*
  - AT, DE, DK, ES, FR, GB, IT, MC, ME, NL, PL, SE, SM, TR, XN, XV :  
B (General information), C (rO), if applicable: D (ISA), E (IPEA)
  - JP, US : B (General information), C (rO), D (ISA), E (IPEA)
- PCT AG-NP Annexes (selection):
  - PCT-RO-101 Request & Filled-in Sample of the Request Form
  - PCT-RO-102/104/ 105 – Invitations to correct deficiencies
  - PCT-EP 107 Invitation Relating to Missing Parts or Erroneously Filed Elements or Parts
  - PCT-IB-375 Supplementary Search Request
  - PCT-IPEA-401 Demand & Filled-in Sample of the Demand Form
  - PCT-IB-372 Notice of withdrawal

**Status: 31 October 2022 (for EQE 2023)**

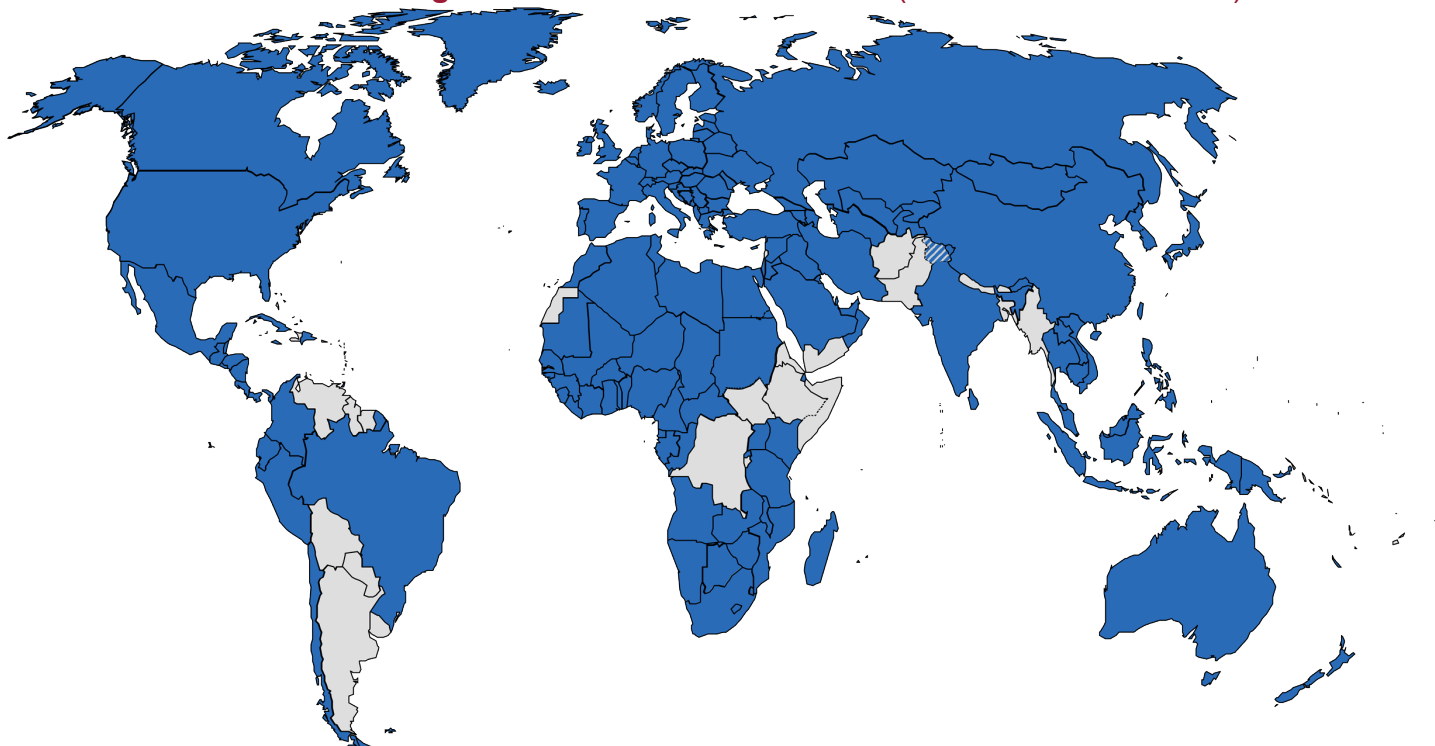
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### PCT Contracting States and Two-letter Codes (156 on 1 October 2022)



AE	United Arab Emirates	CV	Cabo Verde	IQ	Iraq	MK	North Macedonia (EP)	SI	Slovenia (EP) <sup>2</sup>
AG	Antigua and Barbuda	CY	Cyprus (EP) <sup>2</sup>	IR	Iran (Islamic Republic of)	ML	Mali (OA) <sup>2</sup>	SK	Slovakia (EP)
AL	Albania (EP)	CZ	Czechia (EP)	IS	Iceland (EP)	MN	Mongolia	SL	Sierra Leone (AP)
AM	Armenia (EA)	DE	Germany (EP)	IT	Italy (EP) <sup>3</sup>	MR	Mauritania (OA) <sup>2</sup>	SM	San Marino (EP) <sup>2</sup>
AO	Angola	DJ	Djibouti	JP	Japan	MT	Malta (EP) <sup>2</sup>	SN	Senegal (OA) <sup>2</sup>
AT	Austria (EP)	DK	Denmark (EP)	JM	Jamaica	MW	Malawi (AP)	ST	Sao Tome and Principe (AP)
AU	Australia	DM	Dominica	JO	Jordan	MX	Mexico	SV	El Salvador
AZ	Azerbaijan (EA)	DO	Dominican Republic	JP	Japan	MY	Malaysia	SY	Syrian Arab Republic
BA	Bosnia and Herzegovina <sup>1</sup>	DZ	Algeria	KE	Kenya (AP)	MZ	Mozambique (AP)	SZ	Eswatini (AP) <sup>2</sup>
BB	Barbados	EC	Ecuador	KG	Kyrgyzstan (EA)	NA	Namibia (AP)	TD	Chad (OA) <sup>2</sup>
BE	Belgium (EP) <sup>2</sup>	EE	Estonia (EP)	KH	Cambodia <sup>4</sup>	NE	Niger (OA) <sup>2</sup>	TG	Togo (OA) <sup>2</sup>
BF	Burkina Faso (OA) <sup>2</sup>	EG	Egypt	KM	Comoros (OA) <sup>2</sup>	NG	Nigeria	TH	Thailand
BG	Bulgaria (EP)	ES	Spain (EP)	KN	Saint Kitts and Nevis	NI	Nicaragua	TJ	Tajikistan (EA)
BH	Bahrain	FI	Finland (EP)	KP	Democratic People's Republic of Korea	NL	Netherlands (EP) <sup>2</sup>	TM	Turkmenistan (EA)
BJ	Benin (OA) <sup>2</sup>	FR	France (EP) <sup>2</sup>	KR	Republic of Korea	NO	Norway (EP)	TN	Tunisia <sup>4</sup>
BN	Brunei Darussalam	GA	Gabon (OA) <sup>2</sup>	KW	Kuwait	NZ	New Zealand	TR	Turkey (EP)
BR	Brazil	GB	United Kingdom (EP)	LA	Kazakhstan (EA)	OM	Oman	TT	Trinidad and Tobago
BW	Botswana (AP)	GD	Grenada	KZ	Kazakhstan (EA)	PA	Panama	TZ	United Republic of Tanzania (AP)
BY	Belarus (EA)	GE	Georgia	LC	Saint Lucia	PE	Peru	UA	Ukraine
BZ	Belize	GH	Ghana (AP)	LI	Liechtenstein (EP)	PG	Papua New Guinea	UG	Uganda (AP)
CA	Canada	GM	Gambia (AP)	LK	Sri Lanka	PH	Philippines	US	United States of America
CF	Central African Republic (OA) <sup>2</sup>	GN	Guinea (OA) <sup>2</sup>	LR	Liberia (AP)	PL	Poland (EP)	UZ	Uzbekistan
CG	Congo (OA) <sup>2</sup>	GQ	Equatorial Guinea (OA) <sup>2</sup>	LS	Lesotho (AP)	PT	Portugal (EP)	VC	Saint Vincent and the Grenadines
CH	Switzerland (EP)	GR	Greece (EP) <sup>2</sup>	LT	Lithuania (EP) <sup>2</sup>	QA	Qatar	VN	Viet Nam
CI	Côte d'Ivoire (OA) <sup>2</sup>	GT	Guatemala	LU	Luxembourg (EP)	RO	Romania (EP)	WS	Samoa
CL	Chile	GW	Guinea-Bissau (OA) <sup>2</sup>	LV	Latvia (EP) <sup>2</sup>	RS	Serbia (EP)	ZA	South Africa
CM	Cameroon (OA) <sup>2</sup>	HN	Honduras	LY	Libya	RU	Russian Federation (EA)	ZM	Zambia (AP)
CN	China	HR	Croatia (EP)	MA	Morocco <sup>4</sup>	RW	Rwanda (AP)	ZW	Zimbabwe (AP)
CO	Colombia	HU	Hungary (EP)	MC	Monaco (EP) <sup>2</sup>	SA	Saudi Arabia		
CR	Costa Rica	ID	Indonesia	MD	Republic of Moldova <sup>4</sup>	SC	Seychelles		
CU	Cuba	IE	Ireland (EP) <sup>2</sup>	ME	Montenegro (EP) <sup>5</sup>	SD	Sudan (AP)		
		IL	Israel	MG	Madagascar	SE	Sweden (EP)		
		IN	India			SG	Singapore		

- 1 Extension of European patent possible.  
2 May only be designated for a regional patent (the “national route” via the PCT has been closed).  
3 Italy may be designated for a national patent only in international applications filed on or after 1 July 2020.  
4 Validation of European patent possible.  
5 For international applications filed before 1 October 2022, only an extension of a European patent is possible (there is no national phase before the Intellectual Property Office of Montenegro). International applications filed on or after 1 October 2022 will include the designation of Montenegro for a European Patent.

Where a State can be designated for a regional patent, the two-letter code for the regional patent concerned is indicated in parentheses (AP = ARIPO patent, EA = Eurasian patent, EP = European patent, OA = OAPI patent).

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Note that even though the filing of a request constitutes under PCT Rule 4.9(a) the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents, applicants should always use the latest version of the e-filing software used to generate the request form, or the latest versions of the request form (PCT/RO/101) and demand form (PCT/IPEA/401) (the latest versions are dated 1 July 2022). The request and demand forms can be printed from the website, in editable PDF format, at: <https://www.wipo.int/pct/en/forms/>, or obtained from receiving Offices or the International Bureau, or, in the case of the demand form, also from International Preliminary Examining Authorities. Where possible, applicants are encouraged to use ePCT-Filing in order to benefit from the most up-to-date PCT data.

**WIPO**

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The Patent Cooperation Treaty (PCT) assists applicants in seeking patent protection internationally for their inventions, helps patent offices with their patent granting decisions, and facilitates public access to a wealth of technical information relating to those inventions.

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### States

[PCT Contracting States](#)[States bound by the Paris Convention but not the PCT](#)[States Party to PCT/Paris/WTO](#)[Time Limits for Entering National/Regional Phase](#)[Types of Protection](#)[Regional Patents via the PCT](#)[Restoration of the Right of Priority](#)[Waivers: Powers of Attorney](#)[Access to IPER under Rule 94.1\(c\)](#)

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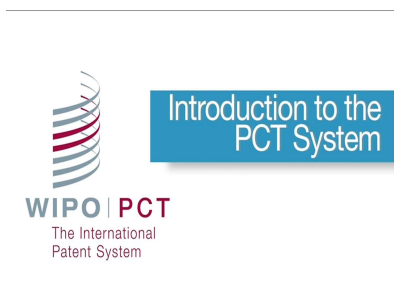
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# **Patent Cooperation Treaty (PCT)**

Done at Washington on June 19, 1970,  
amended on September 28, 1979,  
modified on February 3, 1984, and on October 3, 2001



*Editor's Note:* For details concerning amendments and modifications to the Patent Cooperation Treaty (PCT), and for access to decisions of the Assembly of the International Patent Cooperation Union (PCT Assembly) concerning their entry into force and transitional arrangements, reference should be made to the relevant reports of the PCT Assembly available from the International Bureau or via the WIPO website at: [www.wipo.int/pct/en/meetings/assemblies/reports.htm](http://www.wipo.int/pct/en/meetings/assemblies/reports.htm).

## Patent Cooperation Treaty

Done at Washington on June 19, 1970,  
amended on September 28, 1979,  
modified on February 3, 1984, and on October 3, 2001

### TABLE OF CONTENTS\*

#### *Preamble*

#### *Introductory Provisions*

- Article 1 Establishment of a Union
- Article 2 Definitions

#### *Chapter I: International Application and International Search*

- Article 3 The International Application
- Article 4 The Request
- Article 5 The Description
- Article 6 The Claims
- Article 7 The Drawings
- Article 8 Claiming Priority
- Article 9 The Applicant
- Article 10 The Receiving Office
- Article 11 Filing Date and Effects of the International Application
- Article 12 Transmittal of the International Application to the  
International Bureau and the International Searching  
Authority
- Article 13 Availability of Copy of the International Application to  
Designated Offices
- Article 14 Certain Defects in the International Application
- Article 15 The International Search
- Article 16 The International Searching Authority
- Article 17 Procedure before the International Searching Authority
- Article 18 The International Search Report
- Article 19 Amendment of the Claims before the International Bureau
- Article 20 Communication to Designated Offices
- Article 21 International Publication
- Article 22 Copy, Translation, and Fee, to Designated Offices
- Article 23 Delaying of National Procedure

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\* Table of Contents and Editor's Notes are added for the convenience of the reader; they do not form part of the Treaty.

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Article 24	Possible Loss of Effect in Designated States
Article 25	Review by Designated Offices
Article 26	Opportunity to Correct before Designated Offices
Article 27	National Requirements
Article 28	Amendment of the Claims, the Description, and the Drawings, before Designated Offices
Article 29	Effects of the International Publication
Article 30	Confidential Nature of the International Application

*Chapter II: International Preliminary Examination*

Article 31	Demand for International Preliminary Examination
Article 32	The International Preliminary Examining Authority
Article 33	The International Preliminary Examination
Article 34	Procedure before the International Preliminary Examining Authority
Article 35	The International Preliminary Examination Report
Article 36	Transmittal, Translation, and Communication, of the International Preliminary Examination Report
Article 37	Withdrawal of Demand or Election
Article 38	Confidential Nature of the International Preliminary Examination
Article 39	Copy, Translation, and Fee, to Elected Offices
Article 40	Delaying of National Examination and Other Processing
Article 41	Amendment of the Claims, the Description, and the Drawings, before Elected Offices
Article 42	Results of National Examination in Elected Offices

*Chapter III: Common Provisions*

Article 43	Seeking Certain Kinds of Protection
Article 44	Seeking Two Kinds of Protection
Article 45	Regional Patent Treaties
Article 46	Incorrect Translation of the International Application
Article 47	Time Limits
Article 48	Delay in Meeting Certain Time Limits
Article 49	Right to Practice before International Authorities

*Chapter IV: Technical Services*

- Article 50 Patent Information Services
- Article 51 Technical Assistance
- Article 52 Relations with Other Provisions of the Treaty

*Chapter V: Administrative Provisions*

- Article 53 Assembly
- Article 54 Executive Committee
- Article 55 International Bureau
- Article 56 Committee for Technical Cooperation
- Article 57 Finances
- Article 58 Regulations

*Chapter VI: Disputes*

- Article 59 Disputes

*Chapter VII: Revision and Amendment*

- Article 60 Revision of the Treaty
- Article 61 Amendment of Certain Provisions of the Treaty

*Chapter VIII: Final Provisions*

- Article 62 Becoming Party to the Treaty
- Article 63 Entry into Force of the Treaty
- Article 64 Reservations
- Article 65 Gradual Application
- Article 66 Denunciation
- Article 67 Signature and Languages
- Article 68 Depositary Functions
- Article 69 Notifications

The Contracting States,

Desiring to make a contribution to the progress of science and technology,

Desiring to perfect the legal protection of inventions,

Desiring to simplify and render more economical the obtaining of protection for inventions where protection is sought in several countries,

Desiring to facilitate and accelerate access by the public to the technical information contained in documents describing new inventions,

Desiring to foster and accelerate the economic development of developing countries through the adoption of measures designed to increase the efficiency of their legal systems, whether national or regional, instituted for the protection of inventions by providing easily accessible information on the availability of technological solutions applicable to their special needs and by facilitating access to the ever expanding volume of modern technology,

Convinced that cooperation among nations will greatly facilitate the attainment of these aims,

Have concluded the present Treaty.

## INTRODUCTORY PROVISIONS

### **Article 1**

#### **Establishment of a Union**

(1) The States party to this Treaty (hereinafter called “the Contracting States”) constitute a Union for cooperation in the filing, searching, and examination, of applications for the protection of inventions, and for rendering special technical services. The Union shall be known as the International Patent Cooperation Union.

(2) No provision of this Treaty shall be interpreted as diminishing the rights under the Paris Convention for the Protection of Industrial Property of any national or resident of any country party to that Convention.

### **Article 2**

#### **Definitions**

For the purposes of this Treaty and the Regulations and unless expressly stated otherwise:

(i) “application” means an application for the protection of an invention; references to an “application” shall be construed as references to applications for patents for inventions, inventors’ certificates, utility certificates, utility models, patents or certificates of addition, inventors’ certificates of addition, and utility certificates of addition;

(ii) references to a “patent” shall be construed as references to patents for inventions, inventors’ certificates, utility certificates, utility models, patents or certificates of addition, inventors’ certificates of addition, and utility certificates of addition;

(iii) “national patent” means a patent granted by a national authority;

(iv) “regional patent” means a patent granted by a national or an intergovernmental authority having the power to grant patents effective in more than one State;

(v) “regional application” means an application for a regional patent;

(vi) references to a “national application” shall be construed as references to applications for national patents and regional patents, other than applications filed under this Treaty;

(vii) “international application” means an application filed under this Treaty;

(viii) references to an “application” shall be construed as references to international applications and national applications;

(ix) references to a “patent” shall be construed as references to national patents and regional patents;

(x) references to “national law” shall be construed as references to the national law of a Contracting State or, where a regional application or a regional patent is involved, to the treaty providing for the filing of regional applications or the granting of regional patents;

(xi) “priority date,” for the purposes of computing time limits, means:

(a) where the international application contains a priority claim under Article 8, the filing date of the application whose priority is so claimed;

(b) where the international application contains several priority claims under Article 8, the filing date of the earliest application whose priority is so claimed;

(c) where the international application does not contain any priority claim under Article 8, the international filing date of such application;

(xii) “national Office” means the government authority of a Contracting State entrusted with the granting of patents; references to a “national Office” shall be construed as referring also to any intergovernmental authority which several States have entrusted with the task of granting regional patents, provided that at least one of those States is a Contracting State, and provided that the said States have authorized that authority to assume the obligations and exercise the powers which this Treaty and the Regulations provide for in respect of national Offices;

(xiii) “designated Office” means the national Office of or acting for the State designated by the applicant under Chapter I of this Treaty;

(xiv) “elected Office” means the national Office of or acting for the State elected by the applicant under Chapter II of this Treaty;

(xv) “receiving Office” means the national Office or the intergovernmental organization with which the international application has been filed;

(xvi) “Union” means the International Patent Cooperation Union;

(xvii) “Assembly” means the Assembly of the Union;

(xviii) “Organization” means the World Intellectual Property Organization;

(xix) “International Bureau” means the International Bureau of the Organization and, as long as it subsists, the United International Bureaux for the Protection of Intellectual Property (BIRPI);

(xx) “Director General” means the Director General of the Organization and, as long as BIRPI subsists, the Director of BIRPI.

## CHAPTER I INTERNATIONAL APPLICATION AND INTERNATIONAL SEARCH

### **Article 3 The International Application**

(1) Applications for the protection of inventions in any of the Contracting States may be filed as international applications under this Treaty.

(2) An international application shall contain, as specified in this Treaty and the Regulations, a request, a description, one or more claims, one or more drawings (where required), and an abstract.

(3) The abstract merely serves the purpose of technical information and cannot be taken into account for any other purpose, particularly not for the purpose of interpreting the scope of the protection sought.

(4) The international application shall:

- (i) be in a prescribed language;
- (ii) comply with the prescribed physical requirements;
- (iii) comply with the prescribed requirement of unity of invention;
- (iv) be subject to the payment of the prescribed fees.

### **Article 4 The Request**

(1) The request shall contain:

(i) a petition to the effect that the international application be processed according to this Treaty;

(ii) the designation of the Contracting State or States in which protection for the invention is desired on the basis of the international application (“designated States”); if for any designated State a regional patent is available and the applicant wishes to obtain a regional patent rather than a national patent, the request shall so indicate; if, under a treaty concerning a regional patent, the applicant cannot limit his application to certain of the States party to that treaty, designation of one of those States and the indication of the wish to obtain the regional patent shall be treated as designation of all the States party to that treaty; if, under the national law of the designated State, the designation of that State has the effect of an application for a regional patent, the

designation of the said State shall be treated as an indication of the wish to obtain the regional patent;

(iii) the name of and other prescribed data concerning the applicant and the agent (if any);

(iv) the title of the invention;

(v) the name of and other prescribed data concerning the inventor where the national law of at least one of the designated States requires that these indications be furnished at the time of filing a national application. Otherwise, the said indications may be furnished either in the request or in separate notices addressed to each designated Office whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filing of a national application.

(2) Every designation shall be subject to the payment of the prescribed fee within the prescribed time limit.

(3) Unless the applicant asks for any of the other kinds of protection referred to in Article 43, designation shall mean that the desired protection consists of the grant of a patent by or for the designated State. For the purposes of this paragraph, Article 2(ii) shall not apply.

(4) Failure to indicate in the request the name and other prescribed data concerning the inventor shall have no consequence in any designated State whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filing of a national application. Failure to furnish the said indications in a separate notice shall have no consequence in any designated State whose national law does not require the furnishing of the said indications.

## **Article 5**

### **The Description**

The description shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.

## **Article 6**

### **The Claims**

The claim or claims shall define the matter for which protection is sought. Claims shall be clear and concise. They shall be fully supported by the description.

## **Article 7**

### **The Drawings**

(1) Subject to the provisions of paragraph (2)(ii), drawings shall be required when they are necessary for the understanding of the invention.

(2) Where, without being necessary for the understanding of the invention, the nature of the invention admits of illustration by drawings:

(i) the applicant may include such drawings in the international application when filed,

(ii) any designated Office may require that the applicant file such drawings with it within the prescribed time limit.

## **Article 8**

### **Claiming Priority**

(1) The international application may contain a declaration, as prescribed in the Regulations, claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property.

(2)(a) Subject to the provisions of subparagraph (b), the conditions for, and the effect of, any priority claim declared under paragraph (1) shall be as provided in Article 4 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property.

(b) The international application for which the priority of one or more earlier applications filed in or for a Contracting State is claimed may contain the designation of that State. Where, in the international application, the priority of one or more national applications filed in or for a designated State is claimed, or where the priority of an international application having designated only one State is claimed, the conditions for, and the effect of, the priority claim in that State shall be governed by the national law of that State.

## **Article 9**

### **The Applicant**

(1) Any resident or national of a Contracting State may file an international application.

(2) The Assembly may decide to allow the residents and the nationals of any country party to the Paris Convention for the Protection of Industrial Property which is not party to this Treaty to file international applications.

(3) The concepts of residence and nationality, and the application of those concepts in cases where there are several applicants or where the applicants are not the same for all the designated States, are defined in the Regulations.

### **Article 10**

#### **The Receiving Office**

The international application shall be filed with the prescribed receiving Office, which will check and process it as provided in this Treaty and the Regulations.

### **Article 11**

#### **Filing Date and Effects of the International Application**

(1) The receiving Office shall accord as the international filing date the date of receipt of the international application, provided that that Office has found that, at the time of receipt:

(i) the applicant does not obviously lack, for reasons of residence or nationality, the right to file an international application with the receiving Office,

(ii) the international application is in the prescribed language,

(iii) the international application contains at least the following elements:

(a) an indication that it is intended as an international application,

(b) the designation of at least one Contracting State,

(c) the name of the applicant, as prescribed,

(d) a part which on the face of it appears to be a description,

(e) a part which on the face of it appears to be a claim or claims.

(2)(a) If the receiving Office finds that the international application did not, at the time of receipt, fulfill the requirements listed in paragraph (1), it shall, as provided in the Regulations, invite the applicant to file the required correction.

(b) If the applicant complies with the invitation, as provided in the Regulations, the receiving Office shall accord as the international filing date the date of receipt of the required correction.

(3) Subject to Article 64(4), any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) and accorded an international filing date shall have the effect of a regular national application in each designated State as of the international filing date, which date shall be considered to be the actual filing date in each designated State.

(4) Any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) shall be equivalent to a regular national filing within the meaning of the Paris Convention for the Protection of Industrial Property.

## **Article 12**

### **Transmittal of the International Application to the International Bureau and the International Searching Authority**

(1) One copy of the international application shall be kept by the receiving Office (“home copy”), one copy (“record copy”) shall be transmitted to the International Bureau, and another copy (“search copy”) shall be transmitted to the competent International Searching Authority referred to in Article 16, as provided in the Regulations.

(2) The record copy shall be considered the true copy of the international application.

(3) The international application shall be considered withdrawn if the record copy has not been received by the International Bureau within the prescribed time limit.

## **Article 13**

### **Availability of Copy of the International Application to Designated Offices**

(1) Any designated Office may ask the International Bureau to transmit to it a copy of the international application prior to the communication provided for in Article 20, and the International Bureau shall transmit such copy to the designated Office as soon as possible after the expiration of one year from the priority date.

(2)(a) The applicant may, at any time, transmit a copy of his international application to any designated Office.

(b) The applicant may, at any time, ask the International Bureau to transmit a copy of his international application to any designated Office, and the International Bureau shall transmit such copy to the designated Office as soon as possible.

(c) Any national Office may notify the International Bureau that it does not wish to receive copies as provided for in subparagraph (b), in which case that subparagraph shall not be applicable in respect of that Office.

**Article 14**  
**Certain Defects in the International Application**

(1)(a) The receiving Office shall check whether the international application contains any of the following defects, that is to say:

- (i) it is not signed as provided in the Regulations;
- (ii) it does not contain the prescribed indications concerning the applicant;
- (iii) it does not contain a title;
- (iv) it does not contain an abstract;
- (v) it does not comply to the extent provided in the Regulations with the prescribed physical requirements.

(b) If the receiving Office finds any of the said defects, it shall invite the applicant to correct the international application within the prescribed time limit, failing which that application shall be considered withdrawn and the receiving Office shall so declare.

(2) If the international application refers to drawings which, in fact, are not included in that application, the receiving Office shall notify the applicant accordingly and he may furnish them within the prescribed time limit and, if he does, the international filing date shall be the date on which the drawings are received by the receiving Office. Otherwise, any reference to the said drawings shall be considered non-existent.

(3)(a) If the receiving Office finds that, within the prescribed time limits, the fees prescribed under Article 3(4)(iv) have not been paid, or no fee prescribed under Article 4(2) has been paid in respect of any of the designated States, the international application shall be considered withdrawn and the receiving Office shall so declare.

(b) If the receiving Office finds that the fee prescribed under Article 4(2) has been paid in respect of one or more (but less than all) designated States within the prescribed time limit, the designation of those States in respect of which it has not been paid within the prescribed time limit shall be considered withdrawn and the receiving Office shall so declare.

(4) If, after having accorded an international filing date to the international application, the receiving Office finds, within the prescribed time limit, that any of the requirements listed in items (i) to (iii) of Article 11(1) was not complied with at that date, the said application shall be considered withdrawn and the receiving Office shall so declare.

## **Article 15**

### **The International Search**

(1) Each international application shall be the subject of international search.

(2) The objective of the international search is to discover relevant prior art.

(3) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any).

(4) The International Searching Authority referred to in Article 16 shall endeavor to discover as much of the relevant prior art as its facilities permit, and shall, in any case, consult the documentation specified in the Regulations.

(5)(a) If the national law of the Contracting State so permits, the applicant who files a national application with the national Office of or acting for such State may, subject to the conditions provided for in such law, request that a search similar to an international search (“international-type search”) be carried out on such application.

(b) If the national law of the Contracting State so permits, the national Office of or acting for such State may subject any national application filed with it to an international-type search.

(c) The international-type search shall be carried out by the International Searching Authority referred to in Article 16 which would be competent for an international search if the national application were an international application and were filed with the Office referred to in subparagraphs (a) and (b). If the national application is in a language which the International Searching Authority considers it is not equipped to handle, the international-type search shall be carried out on a translation prepared by the applicant in a language prescribed for international applications and which the International Searching Authority has undertaken to accept for international applications. The national application and the translation, when required, shall be presented in the form prescribed for international applications.

## **Article 16**

### **The International Searching Authority**

(1) International search shall be carried out by an International Searching Authority, which may be either a national Office or an intergovernmental organization, such as the International Patent Institute, whose tasks include the establishing of documentary search reports on prior art with respect to inventions which are the subject of applications.

(2) If, pending the establishment of a single International Searching Authority, there are several International Searching Authorities, each receiving Office shall, in accordance with the provisions of the applicable agreement referred to in paragraph (3)(b), specify the International Searching Authority or Authorities competent for the searching of international applications filed with such Office.

(3)(a) International Searching Authorities shall be appointed by the Assembly. Any national Office and any intergovernmental organization satisfying the requirements referred to in subparagraph (c) may be appointed as International Searching Authority.

(b) Appointment shall be conditional on the consent of the national Office or intergovernmental organization to be appointed and the conclusion of an agreement, subject to approval by the Assembly, between such Office or organization and the International Bureau. The agreement shall specify the rights and obligations of the parties, in particular, the formal undertaking by the said Office or organization to apply and observe all the common rules of international search.

(c) The Regulations prescribe the minimum requirements, particularly as to manpower and documentation, which any Office or organization must satisfy before it can be appointed and must continue to satisfy while it remains appointed.

(d) Appointment shall be for a fixed period of time and may be extended for further periods.

(e) Before the Assembly makes a decision on the appointment of any national Office or intergovernmental organization, or on the extension of its appointment, or before it allows any such appointment to lapse, the Assembly shall hear the interested Office or organization and seek the advice of the Committee for Technical Cooperation referred to in Article 56 once that Committee has been established.

## **Article 17**

### **Procedure before the International Searching Authority**

(1) Procedure before the International Searching Authority shall be governed by the provisions of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.

(2)(a) If the International Searching Authority considers

- (i) that the international application relates to a subject matter which the International Searching Authority is not required, under the Regulations, to search, and in the particular case decides not to search, or
- (ii) that the description, the claims, or the drawings, fail to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out,

the said Authority shall so declare and shall notify the applicant and the International Bureau that no international search report will be established.

(b) If any of the situations referred to in subparagraph (a) is found to exist in connection with certain claims only, the international search report shall so indicate in respect of such claims, whereas, for the other claims, the said report shall be established as provided in Article 18.

(3)(a) If the International Searching Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it shall invite the applicant to pay additional fees. The International Searching Authority shall establish the international search report on those parts of the international application which relate to the invention first mentioned in the claims (“main invention”) and, provided the required additional fees have been paid within the prescribed time limit, on those parts of the international application which relate to inventions in respect of which the said fees were paid.

(b) The national law of any designated State may provide that, where the national Office of that State finds the invitation, referred to in subparagraph (a), of the International Searching Authority justified and where the applicant has not paid all additional fees, those parts of the international application which consequently have not been searched shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

## **Article 18**

### **The International Search Report**

(1) The international search report shall be established within the prescribed time limit and in the prescribed form.

(2) The international search report shall, as soon as it has been established, be transmitted by the International Searching Authority to the applicant and the International Bureau.

(3) The international search report or the declaration referred to in Article 17(2)(a) shall be translated as provided in the Regulations. The translations shall be prepared by or under the responsibility of the International Bureau.

### **Article 19**

#### **Amendment of the Claims before the International Bureau**

(1) The applicant shall, after having received the international search report, be entitled to one opportunity to amend the claims of the international application by filing amendments with the International Bureau within the prescribed time limit. He may, at the same time, file a brief statement, as provided in the Regulations, explaining the amendments and indicating any impact that such amendments might have on the description and the drawings.

(2) The amendments shall not go beyond the disclosure in the international application as filed.

(3) If the national law of any designated State permits amendments to go beyond the said disclosure, failure to comply with paragraph (2) shall have no consequence in that State.

### **Article 20**

#### **Communication to Designated Offices**

(1)(a) The international application, together with the international search report (including any indication referred to in Article 17(2)(b)) or the declaration referred to in Article 17(2)(a), shall be communicated to each designated Office, as provided in the Regulations, unless the designated Office waives such requirement in its entirety or in part.

(b) The communication shall include the translation (as prescribed) of the said report or declaration.

(2) If the claims have been amended by virtue of Article 19(1), the communication shall either contain the full text of the claims both as filed and as amended or shall contain the full text of the claims as filed and specify the amendments, and shall include the statement, if any, referred to in Article 19(1).

(3) At the request of the designated Office or the applicant, the International Searching Authority shall send to the said Office or the applicant, respectively, copies of the documents cited in the international search report, as provided in the Regulations.

## **Article 21**

### **International Publication**

(1) The International Bureau shall publish international applications.

(2)(a) Subject to the exceptions provided for in subparagraph (b) and in Article 64(3), the international publication of the international application shall be effected promptly after the expiration of 18 months from the priority date of that application.

(b) The applicant may ask the International Bureau to publish his international application any time before the expiration of the time limit referred to in subparagraph (a). The International Bureau shall proceed accordingly, as provided in the Regulations.

(3) The international search report or the declaration referred to in Article 17(2)(a) shall be published as prescribed in the Regulations.

(4) The language and form of the international publication and other details are governed by the Regulations.

(5) There shall be no international publication if the international application is withdrawn or is considered withdrawn before the technical preparations for publication have been completed.

(6) If the international application contains expressions or drawings which, in the opinion of the International Bureau, are contrary to morality or public order, or if, in its opinion, the international application contains disparaging statements as defined in the Regulations, it may omit such expressions, drawings, and statements, from its publications, indicating the place and number of words or drawings omitted, and furnishing, upon request, individual copies of the passages omitted.

## **Article 22**

### **Copy, Translation, and Fee, to Designated Offices**

(1) The applicant shall furnish a copy of the international application (unless the communication provided for in Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to

each designated Office not later than at the expiration of 30<sup>1</sup> months from the priority date. Where the national law of the designated State requires the indication of the name of and other prescribed data concerning the inventor but allows that these indications be furnished at a time later than that of the filing of a national application, the applicant shall, unless they were contained in the request, furnish the said indications to the national Office of or acting for the State not later than at the expiration of 30<sup>1</sup> months from the priority date.

(2) Where the International Searching Authority makes a declaration, under Article 17(2)(a), that no international search report will be established, the time limit for performing the acts referred to in paragraph (1) of this Article shall be the same as that provided for in paragraph (1).

(3) Any national law may, for performing the acts referred to in paragraphs (1) or (2), fix time limits which expire later than the time limit provided for in those paragraphs.

### **Article 23**

#### **Delaying of National Procedure**

(1) No designated Office shall process or examine the international application prior to the expiration of the applicable time limit under Article 22.

(2) Notwithstanding the provisions of paragraph (1), any designated Office may, on the express request of the applicant, process or examine the international application at any time.

### **Article 24**

#### **Possible Loss of Effect in Designated States**

(1) Subject, in case (ii) below, to the provisions of Article 25, the effect of the international application provided for in Article 11(3) shall cease in any designated State with the same consequences as the withdrawal of any national application in that State:

(i) if the applicant withdraws his international application or the designation of that State;

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<sup>1</sup> *Editor's Note:* The 30-month time limit, as in force from April 1, 2002, does not apply in respect of any designated Office which has notified the International Bureau of incompatibility with the national law applied by that Office. The 20-month time limit, as in force until March 31, 2002, continues to apply after that date in respect of any such designated Office for as long as Article 22(1), as modified, continues not to be compatible with the applicable national law. Information received by the International Bureau concerning any such incompatibility is published in the Gazette and on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

(ii) if the international application is considered withdrawn by virtue of Articles 12(3), 14(1)(b), 14(3)(a), or 14(4), or if the designation of that State is considered withdrawn by virtue of Article 14(3)(b);

(iii) if the applicant fails to perform the acts referred to in Article 22 within the applicable time limit.

(2) Notwithstanding the provisions of paragraph (1), any designated Office may maintain the effect provided for in Article 11(3) even where such effect is not required to be maintained by virtue of Article 25(2).

## **Article 25**

### **Review by Designated Offices**

(1)(a) Where the receiving Office has refused to accord an international filing date or has declared that the international application is considered withdrawn, or where the International Bureau has made a finding under Article 12(3), the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to any of the designated Offices named by the applicant.

(b) Where the receiving Office has declared that the designation of any given State is considered withdrawn, the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to the national Office of such State.

(c) The request under subparagraphs (a) or (b) shall be presented within the prescribed time limit.

(2)(a) Subject to the provisions of subparagraph (b), each designated Office shall, provided that the national fee (if any) has been paid and the appropriate translation (as prescribed) has been furnished within the prescribed time limit, decide whether the refusal, declaration, or finding, referred to in paragraph (1) was justified under the provisions of this Treaty and the Regulations, and, if it finds that the refusal or declaration was the result of an error or omission on the part of the receiving Office or that the finding was the result of an error or omission on the part of the International Bureau, it shall, as far as effects in the State of the designated Office are concerned, treat the international application as if such error or omission had not occurred.

(b) Where the record copy has reached the International Bureau after the expiration of the time limit prescribed under Article 12(3) on account of any error or omission on the part of the applicant, the provisions of subparagraph (a) shall apply only under the circumstances referred to in Article 48(2).

## **Article 26**

### **Opportunity to Correct before Designated Offices**

No designated Office shall reject an international application on the grounds of non-compliance with the requirements of this Treaty and the Regulations without first giving the applicant the opportunity to correct the said application to the extent and according to the procedure provided by the national law for the same or comparable situations in respect of national applications.

## **Article 27**

### **National Requirements**

(1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.

(2) The provisions of paragraph (1) neither affect the application of the provisions of Article 7(2) nor preclude any national law from requiring, once the processing of the international application has started in the designated Office, the furnishing:

(i) when the applicant is a legal entity, of the name of an officer entitled to represent such legal entity,

(ii) of documents not part of the international application but which constitute proof of allegations or statements made in that application, including the confirmation of the international application by the signature of the applicant when that application, as filed, was signed by his representative or agent.

(3) Where the applicant, for the purposes of any designated State, is not qualified according to the national law of that State to file a national application because he is not the inventor, the international application may be rejected by the designated Office.

(4) Where the national law provides, in respect of the form or contents of national applications, for requirements which, from the viewpoint of applicants, are more favorable than the requirements provided for by this Treaty and the Regulations in respect of international applications, the national Office, the courts and any other competent organs of or acting for the designated State may apply the former requirements, instead of the latter requirements, to international applications, except where the applicant insists that the requirements provided for by this Treaty and the Regulations be applied to his international application.

(5) Nothing in this Treaty and the Regulations is intended to be construed as prescribing anything that would limit the freedom of each Contracting State to prescribe such substantive conditions of patentability as it desires. In particular, any provision in this Treaty and the Regulations concerning the definition of prior art is exclusively for the purposes of the international procedure and, consequently, any Contracting State is free to apply, when determining the patentability of an invention claimed in an international application, the criteria of its national law in respect of prior art and other conditions of patentability not constituting requirements as to the form and contents of applications.

(6) The national law may require that the applicant furnish evidence in respect of any substantive condition of patentability prescribed by such law.

(7) Any receiving Office or, once the processing of the international application has started in the designated Office, that Office may apply the national law as far as it relates to any requirement that the applicant be represented by an agent having the right to represent applicants before the said Office and/or that the applicant have an address in the designated State for the purpose of receiving notifications.

(8) Nothing in this Treaty and the Regulations is intended to be construed as limiting the freedom of any Contracting State to apply measures deemed necessary for the preservation of its national security or to limit, for the protection of the general economic interests of that State, the right of its own residents or nationals to file international applications.

## **Article 28**

### **Amendment of the Claims, the Description, and the Drawings, before Designated Offices**

(1) The applicant shall be given the opportunity to amend the claims, the description, and the drawings, before each designated Office within the prescribed time limit. No designated Office shall grant a patent, or refuse the grant of a patent, before such time limit has expired except with the express consent of the applicant.

(2) The amendments shall not go beyond the disclosure in the international application as filed unless the national law of the designated State permits them to go beyond the said disclosure.

(3) The amendments shall be in accordance with the national law of the designated State in all respects not provided for in this Treaty and the Regulations.

(4) Where the designated Office requires a translation of the international application, the amendments shall be in the language of the translation.

## **Article 29**

### **Effects of the International Publication**

(1) As far as the protection of any rights of the applicant in a designated State is concerned, the effects, in that State, of the international publication of an international application shall, subject to the provisions of paragraphs (2) to (4), be the same as those which the national law of the designated State provides for the compulsory national publication of unexamined national applications as such.

(2) If the language in which the international publication has been effected is different from the language in which publications under the national law are effected in the designated State, the said national law may provide that the effects provided for in paragraph (1) shall be applicable only from such time as:

(i) a translation into the latter language has been published as provided by the national law, or

(ii) a translation into the latter language has been made available to the public, by laying open for public inspection as provided by the national law, or

(iii) a translation into the latter language has been transmitted by the applicant to the actual or prospective unauthorized user of the invention claimed in the international application, or

(iv) both the acts described in (i) and (iii), or both the acts described in (ii) and (iii), have taken place.

(3) The national law of any designated State may provide that, where the international publication has been effected, on the request of the applicant, before the expiration of 18 months from the priority date, the effects provided for in paragraph (1) shall be applicable only from the expiration of 18 months from the priority date.

(4) The national law of any designated State may provide that the effects provided for in paragraph (1) shall be applicable only from the date on which a copy of the international application as published under Article 21 has been received in the national Office of or acting for such State. The said Office shall publish the date of receipt in its gazette as soon as possible.

**Article 30**  
**Confidential Nature of the International Application**

(1)(a) Subject to the provisions of subparagraph (b), the International Bureau and the International Searching Authorities shall not allow access by any person or authority to the international application before the international publication of that application, unless requested or authorized by the applicant.

(b) The provisions of subparagraph (a) shall not apply to any transmittal to the competent International Searching Authority, to transmittals provided for under Article 13, and to communications provided for under Article 20.

(2)(a) No national Office shall allow access to the international application by third parties, unless requested or authorized by the applicant, before the earliest of the following dates:

(i) date of the international publication of the international application,

(ii) date of the receipt of the communication of the international application under Article 20,

(iii) date of the receipt of a copy of the international application under Article 22.

(b) The provisions of subparagraph (a) shall not prevent any national Office from informing third parties that it has been designated, or from publishing that fact. Such information or publication may, however, contain only the following data: identification of the receiving Office, name of the applicant, international filing date, international application number, and title of the invention.

(c) The provisions of subparagraph (a) shall not prevent any designated Office from allowing access to the international application for the purposes of the judicial authorities.

(3) The provisions of paragraph (2)(a) shall apply to any receiving Office except as far as transmittals provided for under Article 12(1) are concerned.

(4) For the purposes of this Article, the term “access” covers any means by which third parties may acquire cognizance, including individual communication and general publication, provided, however, that no national Office shall generally publish an international application or its translation before the international publication or, if international publication has not taken place by the expiration of 20 months from the priority date, before the expiration of 20 months from the said priority date.

CHAPTER II  
INTERNATIONAL PRELIMINARY EXAMINATION

**Article 31**  
**Demand for International Preliminary Examination**

(1) On the demand of the applicant, his international application shall be the subject of an international preliminary examination as provided in the following provisions and the Regulations.

(2)(a) Any applicant who is a resident or national, as defined in the Regulations, of a Contracting State bound by Chapter II, and whose international application has been filed with the receiving Office of or acting for such State, may make a demand for international preliminary examination.

(b) The Assembly may decide to allow persons entitled to file international applications to make a demand for international preliminary examination even if they are residents or nationals of a State not party to this Treaty or not bound by Chapter II.

(3) The demand for international preliminary examination shall be made separately from the international application. The demand shall contain the prescribed particulars and shall be in the prescribed language and form.

(4)(a) The demand shall indicate the Contracting State or States in which the applicant intends to use the results of the international preliminary examination (“elected States”). Additional Contracting States may be elected later. Election may relate only to Contracting States already designated under Article 4.

(b) Applicants referred to in paragraph (2)(a) may elect any Contracting State bound by Chapter II. Applicants referred to in paragraph (2)(b) may elect only such Contracting States bound by Chapter II as have declared that they are prepared to be elected by such applicants.

(5) The demand shall be subject to the payment of the prescribed fees within the prescribed time limit.

(6)(a) The demand shall be submitted to the competent International Preliminary Examining Authority referred to in Article 32.

(b) Any later election shall be submitted to the International Bureau.

(7) Each elected Office shall be notified of its election.

## **Article 32**

### **The International Preliminary Examining Authority**

(1) International preliminary examination shall be carried out by the International Preliminary Examining Authority.

(2) In the case of demands referred to in Article 31(2)(a), the receiving Office, and, in the case of demands referred to in Article 31(2)(b), the Assembly, shall, in accordance with the applicable agreement between the interested International Preliminary Examining Authority or Authorities and the International Bureau, specify the International Preliminary Examining Authority or Authorities competent for the preliminary examination.

(3) The provisions of Article 16(3) shall apply, *mutatis mutandis*, in respect of International Preliminary Examining Authorities.

## **Article 33**

### **The International Preliminary Examination**

(1) The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), and to be industrially applicable.

(2) For the purposes of the international preliminary examination, a claimed invention shall be considered novel if it is not anticipated by the prior art as defined in the Regulations.

(3) For the purposes of the international preliminary examination, a claimed invention shall be considered to involve an inventive step if, having regard to the prior art as defined in the Regulations, it is not, at the prescribed relevant date, obvious to a person skilled in the art.

(4) For the purposes of the international preliminary examination, a claimed invention shall be considered industrially applicable if, according to its nature, it can be made or used (in the technological sense) in any kind of industry. “Industry” shall be understood in its broadest sense, as in the Paris Convention for the Protection of Industrial Property.

(5) The criteria described above merely serve the purposes of international preliminary examination. Any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not.

(6) The international preliminary examination shall take into consideration all the documents cited in the international search report. It may take into

consideration any additional documents considered to be relevant in the particular case.

### **Article 34**

#### **Procedure before the International Preliminary Examining Authority**

(1) Procedure before the International Preliminary Examining Authority shall be governed by the provisions of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.

(2)(a) The applicant shall have a right to communicate orally and in writing with the International Preliminary Examining Authority.

(b) The applicant shall have a right to amend the claims, the description, and the drawings, in the prescribed manner and within the prescribed time limit, before the international preliminary examination report is established. The amendment shall not go beyond the disclosure in the international application as filed.

(c) The applicant shall receive at least one written opinion from the International Preliminary Examining Authority unless such Authority considers that all of the following conditions are fulfilled:

- (i) the invention satisfies the criteria set forth in Article 33(1),
- (ii) the international application complies with the requirements of this Treaty and the Regulations in so far as checked by that Authority,
- (iii) no observations are intended to be made under Article 35(2), last sentence.

(d) The applicant may respond to the written opinion.

(3)(a) If the International Preliminary Examining Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it may invite the applicant, at his option, to restrict the claims so as to comply with the requirement or to pay additional fees.

(b) The national law of any elected State may provide that, where the applicant chooses to restrict the claims under subparagraph (a), those parts of the international application which, as a consequence of the restriction, are not to be the subject of international preliminary examination shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

(c) If the applicant does not comply with the invitation referred to in subparagraph (a) within the prescribed time limit, the International Preliminary Examining Authority shall establish an international preliminary examination report on those parts of the international application which relate to what appears to be the main invention and shall indicate the relevant facts in the said report. The national law of any elected State may provide that, where its national Office finds the invitation of the International Preliminary Examining Authority justified, those parts of the international application which do not relate to the main invention shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to that Office.

(4)(a) If the International Preliminary Examining Authority considers

- (i) that the international application relates to a subject matter on which the International Preliminary Examining Authority is not required, under the Regulations, to carry out an international preliminary examination, and in the particular case decides not to carry out such examination, or
- (ii) that the description, the claims, or the drawings, are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on the novelty, inventive step (non-obviousness), or industrial applicability, of the claimed invention,

the said Authority shall not go into the questions referred to in Article 33(1) and shall inform the applicant of this opinion and the reasons therefor.

(b) If any of the situations referred to in subparagraph (a) is found to exist in, or in connection with, certain claims only, the provisions of that subparagraph shall apply only to the said claims.

## **Article 35**

### **The International Preliminary Examination Report**

(1) The international preliminary examination report shall be established within the prescribed time limit and in the prescribed form.

(2) The international preliminary examination report shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law. It shall state, subject to the provisions of paragraph (3), in relation to each claim, whether the claim appears to satisfy the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined for the purposes of the international preliminary examination in Article 33(1) to (4). The statement shall be accompanied by the citation of the documents believed to support the stated

conclusion with such explanations as the circumstances of the case may require. The statement shall also be accompanied by such other observations as the Regulations provide for.

(3)(a) If, at the time of establishing the international preliminary examination report, the International Preliminary Examining Authority considers that any of the situations referred to in Article 34(4)(a) exists, that report shall state this opinion and the reasons therefor. It shall not contain any statement as provided in paragraph (2).

(b) If a situation under Article 34(4)(b) is found to exist, the international preliminary examination report shall, in relation to the claims in question, contain the statement as provided in subparagraph (a), whereas, in relation to the other claims, it shall contain the statement as provided in paragraph (2).

### **Article 36**

#### **Transmittal, Translation, and Communication, of the International Preliminary Examination Report**

(1) The international preliminary examination report, together with the prescribed annexes, shall be transmitted to the applicant and to the International Bureau.

(2)(a) The international preliminary examination report and its annexes shall be translated into the prescribed languages.

(b) Any translation of the said report shall be prepared by or under the responsibility of the International Bureau, whereas any translation of the said annexes shall be prepared by the applicant.

(3)(a) The international preliminary examination report, together with its translation (as prescribed) and its annexes (in the original language), shall be communicated by the International Bureau to each elected Office.

(b) The prescribed translation of the annexes shall be transmitted within the prescribed time limit by the applicant to the elected Offices.

(4) The provisions of Article 20(3) shall apply, *mutatis mutandis*, to copies of any document which is cited in the international preliminary examination report and which was not cited in the international search report.

### **Article 37**

#### **Withdrawal of Demand or Election**

(1) The applicant may withdraw any or all elections.

(2) If the election of all elected States is withdrawn, the demand shall be considered withdrawn.

(3)(a) Any withdrawal shall be notified to the International Bureau.

(b) The elected Offices concerned and the International Preliminary Examining Authority concerned shall be notified accordingly by the International Bureau.

(4)(a) Subject to the provisions of subparagraph (b), withdrawal of the demand or of the election of a Contracting State shall, unless the national law of that State provides otherwise, be considered to be withdrawal of the international application as far as that State is concerned.

(b) Withdrawal of the demand or of the election shall not be considered to be withdrawal of the international application if such withdrawal is effected prior to the expiration of the applicable time limit under Article 22; however, any Contracting State may provide in its national law that the aforesaid shall apply only if its national Office has received, within the said time limit, a copy of the international application, together with a translation (as prescribed), and the national fee.

### **Article 38**

#### **Confidential Nature of the International Preliminary Examination**

(1) Neither the International Bureau nor the International Preliminary Examining Authority shall, unless requested or authorized by the applicant, allow access within the meaning, and with the proviso, of Article 30(4) to the file of the international preliminary examination by any person or authority at any time, except by the elected Offices once the international preliminary examination report has been established.

(2) Subject to the provisions of paragraph (1) and Articles 36(1) and (3) and 37(3)(b), neither the International Bureau nor the International Preliminary Examining Authority shall, unless requested or authorized by the applicant, give information on the issuance or nonissuance of an international preliminary examination report and on the withdrawal or nonwithdrawal of the demand or of any election.

### **Article 39**

#### **Copy, Translation, and Fee, to Elected Offices**

(1)(a) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 22 shall not apply to such State and the applicant shall furnish a copy of the

international application (unless the communication under Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each elected Office not later than at the expiration of 30 months from the priority date.

(b) Any national law may, for performing the acts referred to in subparagraph (a), fix time limits which expire later than the time limit provided for in that subparagraph.

(2) The effect provided for in Article 11(3) shall cease in the elected State with the same consequences as the withdrawal of any national application in that State if the applicant fails to perform the acts referred to in paragraph (1)(a) within the time limit applicable under paragraph (1)(a) or (b).

(3) Any elected Office may maintain the effect provided for in Article 11(3) even where the applicant does not comply with the requirements provided for in paragraph (1)(a) or (b).

#### **Article 40**

##### **Delaying of National Examination and Other Processing**

(1) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 23 shall not apply to such State and the national Office of or acting for that State shall not proceed, subject to the provisions of paragraph (2), to the examination and other processing of the international application prior to the expiration of the applicable time limit under Article 39.

(2) Notwithstanding the provisions of paragraph (1), any elected Office may, on the express request of the applicant, proceed to the examination and other processing of the international application at any time.

#### **Article 41**

##### **Amendment of the Claims, the Description, and the Drawings, before Elected Offices**

(1) The applicant shall be given the opportunity to amend the claims, the description, and the drawings, before each elected Office within the prescribed time limit. No elected Office shall grant a patent, or refuse the grant of a patent, before such time limit has expired, except with the express consent of the applicant.

(2) The amendments shall not go beyond the disclosure in the international application as filed, unless the national law of the elected State permits them to go beyond the said disclosure.

(3) The amendments shall be in accordance with the national law of the elected State in all respects not provided for in this Treaty and the Regulations.

(4) Where an elected Office requires a translation of the international application, the amendments shall be in the language of the translation.

## **Article 42**

### **Results of National Examination in Elected Offices**

No elected Office receiving the international preliminary examination report may require that the applicant furnish copies, or information on the contents, of any papers connected with the examination relating to the same international application in any other elected Office.

## **CHAPTER III COMMON PROVISIONS**

## **Article 43**

### **Seeking Certain Kinds of Protection**

In respect of any designated or elected State whose law provides for the grant of inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, or utility certificates of addition, the applicant may indicate, as prescribed in the Regulations, that his international application is for the grant, as far as that State is concerned, of an inventor's certificate, a utility certificate, or a utility model, rather than a patent, or that it is for the grant of a patent or certificate of addition, an inventor's certificate of addition, or a utility certificate of addition, and the ensuing effect shall be governed by the applicant's choice. For the purposes of this Article and any Rule thereunder, Article 2(ii) shall not apply.

## **Article 44**

### **Seeking Two Kinds of Protection**

In respect of any designated or elected State whose law permits an application, while being for the grant of a patent or one of the other kinds of protection referred to in Article 43, to be also for the grant of another of the said kinds of protection, the applicant may indicate, as prescribed in the Regulations, the two kinds of protection he is seeking, and the ensuing effect shall be governed by the applicant's indications. For the purposes of this Article, Article 2(ii) shall not apply.

**Article 45**  
**Regional Patent Treaties**

(1) Any treaty providing for the grant of regional patents (“regional patent treaty”), and giving to all persons who, according to Article 9, are entitled to file international applications the right to file applications for such patents, may provide that international applications designating or electing a State party to both the regional patent treaty and the present Treaty may be filed as applications for such patents.

(2) The national law of the said designated or elected State may provide that any designation or election of such State in the international application shall have the effect of an indication of the wish to obtain a regional patent under the regional patent treaty.

**Article 46**  
**Incorrect Translation of the International Application**

If, because of an incorrect translation of the international application, the scope of any patent granted on that application exceeds the scope of the international application in its original language, the competent authorities of the Contracting State concerned may accordingly and retroactively limit the scope of the patent, and declare it null and void to the extent that its scope has exceeded the scope of the international application in its original language.

**Article 47**  
**Time Limits**

(1) The details for computing time limits referred to in this Treaty are governed by the Regulations.

(2)(a) All time limits fixed in Chapters I and II of this Treaty may, outside any revision under Article 60, be modified by a decision of the Contracting States.

(b) Such decisions shall be made in the Assembly or through voting by correspondence and must be unanimous.

(c) The details of the procedure are governed by the Regulations.

**Article 48**  
**Delay in Meeting Certain Time Limits**

(1) Where any time limit fixed in this Treaty or the Regulations is not met because of interruption in the mail service or unavoidable loss or delay in the

mail, the time limit shall be deemed to be met in the cases and subject to the proof and other conditions prescribed in the Regulations.

(2)(a) Any Contracting State shall, as far as that State is concerned, excuse, for reasons admitted under its national law, any delay in meeting any time limit.

(b) Any Contracting State may, as far as that State is concerned, excuse, for reasons other than those referred to in subparagraph (a), any delay in meeting any time limit.

### **Article 49**

#### **Right to Practice before International Authorities**

Any attorney, patent agent, or other person, having the right to practice before the national Office with which the international application was filed, shall be entitled to practice before the International Bureau and the competent International Searching Authority and competent International Preliminary Examining Authority in respect of that application.

## **CHAPTER IV**

### **TECHNICAL SERVICES**

### **Article 50**

#### **Patent Information Services**

(1) The International Bureau may furnish services by providing technical and any other pertinent information available to it on the basis of published documents, primarily patents and published applications (referred to in this Article as “the information services”).

(2) The International Bureau may provide these information services either directly or through one or more International Searching Authorities or other national or international specialized institutions, with which the International Bureau may reach agreement.

(3) The information services shall be operated in a way particularly facilitating the acquisition by Contracting States which are developing countries of technical knowledge and technology, including available published know-how.

(4) The information services shall be available to Governments of Contracting States and their nationals and residents. The Assembly may decide to make these services available also to others.

(5)(a) Any service to Governments of Contracting States shall be furnished at cost, provided that, when the Government is that of a Contracting State which

is a developing country, the service shall be furnished below cost if the difference can be covered from profit made on services furnished to others than Governments of Contracting States or from the sources referred to in Article 51(4).

(b) The cost referred to in subparagraph (a) is to be understood as cost over and above costs normally incident to the performance of the services of a national Office or the obligations of an International Searching Authority.

(6) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the Assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.

(7) The Assembly shall, when it considers it necessary, recommend methods of providing financing supplementary to those referred to in paragraph (5).

### **Article 51**

#### **Technical Assistance**

(1) The Assembly shall establish a Committee for Technical Assistance (referred to in this Article as “the Committee”).

(2)(a) The members of the Committee shall be elected among the Contracting States, with due regard to the representation of developing countries.

(b) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of intergovernmental organizations concerned with technical assistance to developing countries to participate in the work of the Committee.

(3)(a) The task of the Committee shall be to organize and supervise technical assistance for Contracting States which are developing countries in developing their patent systems individually or on a regional basis.

(b) The technical assistance shall comprise, among other things, the training of specialists, the loaning of experts, and the supply of equipment both for demonstration and for operational purposes.

(4) The International Bureau shall seek to enter into agreements, on the one hand, with international financing organizations and intergovernmental organizations, particularly the United Nations, the agencies of the United Nations, and the Specialized Agencies connected with the United Nations concerned with technical assistance, and, on the other hand, with the

Governments of the States receiving the technical assistance, for the financing of projects pursuant to this Article.

(5) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the Assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.

## **Article 52**

### **Relations with Other Provisions of the Treaty**

Nothing in this Chapter shall affect the financial provisions contained in any other Chapter of this Treaty. Such provisions are not applicable to the present Chapter or to its implementation.

## **CHAPTER V ADMINISTRATIVE PROVISIONS**

## **Article 53**

### **Assembly**

(1)(a) The Assembly shall, subject to Article 57(8), consist of the Contracting States.

(b) The Government of each Contracting State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(2)(a) The Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Treaty;

(ii) perform such tasks as are specifically assigned to it under other provisions of this Treaty;

(iii) give directions to the International Bureau concerning the preparation for revision conferences;

(iv) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(v) review and approve the reports and activities of the Executive Committee established under paragraph (9), and give instructions to such Committee;

(vi) determine the program and adopt the triennial<sup>2</sup> budget of the Union, and approve its final accounts;

(vii) adopt the financial regulations of the Union;

(viii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;

(ix) determine which States other than Contracting States and, subject to the provisions of paragraph (8), which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) A delegate may represent, and vote in the name of, one State only.

(4) Each Contracting State shall have one vote.

(5)(a) One-half of the Contracting States shall constitute a quorum.

(b) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the quorum and the required majority are attained through voting by correspondence as provided in the Regulations.

(6)(a) Subject to the provisions of Articles 47(2)(b), 58(2)(b), 58(3) and 61(2)(b), the decisions of the Assembly shall require two-thirds of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) In connection with matters of exclusive interest to States bound by Chapter II, any reference to Contracting States in paragraphs (4), (5), and (6), shall be considered as applying only to States bound by Chapter II.

(8) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to the Assembly.

(9) When the number of Contracting States exceeds forty, the Assembly shall establish an Executive Committee. Any reference to the Executive

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<sup>2</sup> *Editor's Note:* Since 1980, the program and budget of the Union have been biennial.

Committee in this Treaty and the Regulations shall be construed as references to such Committee once it has been established.

(10) Until the Executive Committee has been established, the Assembly shall approve, within the limits of the program and triennial<sup>3</sup> budget, the annual programs and budgets prepared by the Director General.

(11)(a) The Assembly shall meet in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee, or at the request of one-fourth of the Contracting States.

(12) The Assembly shall adopt its own rules of procedure.

## **Article 54**

### **Executive Committee**

(1) When the Assembly has established an Executive Committee, that Committee shall be subject to the provisions set forth hereinafter.

(2)(a) The Executive Committee shall, subject to Article 57(8), consist of States elected by the Assembly from among States members of the Assembly.

(b) The Government of each State member of the Executive Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(3) The number of States members of the Executive Committee shall correspond to one-fourth of the number of States members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution.

(5)(a) Each member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly.

(b) Members of the Executive Committee may be re-elected but only up to a maximum of two-thirds of such members.

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<sup>3</sup> *Editor's Note:* Since 1980, the program and budget of the Union have been biennial.

(c) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee.

(6)(a) The Executive Committee shall:

(i) prepare the draft agenda of the Assembly;

(ii) submit proposals to the Assembly in respect of the draft program and biennial budget of the Union prepared by the Director General;

(iii) *[deleted]*

(iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;

(v) take all necessary measures to ensure the execution of the program of the Union by the Director General, in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly;

(vi) perform such other functions as are allocated to it under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Executive Committee shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(7)(a) The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(b) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative or at the request of its Chairman or one-fourth of its members.

(8)(a) Each State member of the Executive Committee shall have one vote.

(b) One-half of the members of the Executive Committee shall constitute a quorum.

(c) Decisions shall be made by a simple majority of the votes cast.

(d) Abstentions shall not be considered as votes.

(e) A delegate may represent, and vote in the name of, one State only.

(9) Contracting States not members of the Executive Committee shall be admitted to its meetings as observers, as well as any intergovernmental organization appointed as International Searching or Preliminary Examining Authority.

- (10) The Executive Committee shall adopt its own rules of procedure.

**Article 55**  
**International Bureau**

(1) Administrative tasks concerning the Union shall be performed by the International Bureau.

(2) The International Bureau shall provide the secretariat of the various organs of the Union.

(3) The Director General shall be the chief executive of the Union and shall represent the Union.

(4) The International Bureau shall publish a Gazette and other publications provided for by the Regulations or required by the Assembly.

(5) The Regulations shall specify the services that national Offices shall perform in order to assist the International Bureau and the International Searching and Preliminary Examining Authorities in carrying out their tasks under this Treaty.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee and any other committee or working group established under this Treaty or the Regulations. The Director General, or a staff member designated by him, shall be *ex officio* secretary of these bodies.

(7)(a) The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the revision conferences.

(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for revision conferences.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

- (8) The International Bureau shall carry out any other tasks assigned to it.

**Article 56**  
**Committee for Technical Cooperation**

(1) The Assembly shall establish a Committee for Technical Cooperation (referred to in this Article as “the Committee”).

(2)(a) The Assembly shall determine the composition of the Committee and appoint its members, with due regard to an equitable representation of developing countries.

(b) The International Searching and Preliminary Examining Authorities shall be *ex officio* members of the Committee. In the case where such an Authority is the national Office of a Contracting State, that State shall not be additionally represented on the Committee.

(c) If the number of Contracting States so allows, the total number of members of the Committee shall be more than double the number of *ex officio* members.

(d) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested organizations to participate in discussions of interest to them.

(3) The aim of the Committee shall be to contribute, by advice and recommendations:

(i) to the constant improvement of the services provided for under this Treaty,

(ii) to the securing, so long as there are several International Searching Authorities and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports, and

(iii) on the initiative of the Assembly or the Executive Committee, to the solution of the technical problems specifically involved in the establishment of a single International Searching Authority.

(4) Any Contracting State and any interested international organization may approach the Committee in writing on questions which fall within the competence of the Committee.

(5) The Committee may address its advice and recommendations to the Director General or, through him, to the Assembly, the Executive Committee, all or some of the International Searching and Preliminary Examining Authorities, and all or some of the receiving Offices.

(6)(a) In any case, the Director General shall transmit to the Executive Committee the texts of all the advice and recommendations of the Committee. He may comment on such texts.

(b) The Executive Committee may express its views on any advice, recommendation, or other activity of the Committee, and may invite the Committee to study and report on questions falling within its competence. The

Executive Committee may submit to the Assembly, with appropriate comments, the advice, recommendations and report of the Committee.

(7) Until the Executive Committee has been established, references in paragraph (6) to the Executive Committee shall be construed as references to the Assembly.

(8) The details of the procedure of the Committee shall be governed by the decisions of the Assembly.

### **Article 57**

#### **Finances**

(1)(a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) Subject to the provisions of paragraph (5), the budget of the Union shall be financed from the following sources:

(i) fees and charges due for services rendered by the International Bureau in relation to the Union;

(ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

(4) The amounts of fees and charges due to the International Bureau and the prices of its publications shall be so fixed that they should, under normal circumstances, be sufficient to cover all the expenses of the International Bureau connected with the administration of this Treaty.

(5)(a) Should any financial year close with a deficit, the Contracting States shall, subject to the provisions of subparagraphs (b) and (c), pay contributions to cover such deficit.

(b) The amount of the contribution of each Contracting State shall be decided by the Assembly with due regard to the number of international applications which has emanated from each of them in the relevant year.

(c) If other means of provisionally covering any deficit or any part thereof are secured, the Assembly may decide that such deficit be carried forward and that the Contracting States should not be asked to pay contributions.

(d) If the financial situation of the Union so permits, the Assembly may decide that any contributions paid under subparagraph (a) be reimbursed to the Contracting States which have paid them.

(e) A Contracting State which has not paid, within two years of the due date as established by the Assembly, its contribution under subparagraph (b) may not exercise its right to vote in any of the organs of the Union. However, any organ of the Union may allow such a State to continue to exercise its right to vote in that organ so long as it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(6) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(7)(a) The Union shall have a working capital fund which shall be constituted by a single payment made by each Contracting State. If the fund becomes insufficient, the Assembly shall arrange to increase it. If part of the fund is no longer needed, it shall be reimbursed.

(b) The amount of the initial payment of each Contracting State to the said fund or of its participation in the increase thereof shall be decided by the Assembly on the basis of principles similar to those provided for under paragraph (5)(b).

(c) The terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(d) Any reimbursement shall be proportionate to the amounts paid by each Contracting State, taking into account the dates at which they were paid.

(8)(a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such

State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an *ex officio* seat in the Assembly and on the Executive Committee.

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(9) The auditing of the accounts shall be effected by one or more of the Contracting States or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

### **Article 58**

#### **Regulations**

(1) The Regulations annexed to this Treaty provide Rules:

- (i) concerning matters in respect of which this Treaty expressly refers to the Regulations or expressly provides that they are or shall be prescribed,
- (ii) concerning any administrative requirements, matters, or procedures,
- (iii) concerning any details useful in the implementation of the provisions of this Treaty.

(2)(a) The Assembly may amend the Regulations.

(b) Subject to the provisions of paragraph (3), amendments shall require three-fourths of the votes cast.

(3)(a) The Regulations specify the Rules which may be amended

- (i) only by unanimous consent, or
- (ii) only if none of the Contracting States whose national Office acts as an International Searching or Preliminary Examining Authority dissents, and, where such Authority is an intergovernmental organization, if the Contracting State member of that organization authorized for that purpose by the other member States within the competent body of such organization does not dissent.

(b) Exclusion, for the future, of any such Rules from the applicable requirement shall require the fulfillment of the conditions referred to in subparagraph (a)(i) or (a)(ii), respectively.

(c) Inclusion, for the future, of any Rule in one or the other of the requirements referred to in subparagraph (a) shall require unanimous consent.

(4) The Regulations provide for the establishment, under the control of the Assembly, of Administrative Instructions by the Director General.

(5) In the case of conflict between the provisions of the Treaty and those of the Regulations, the provisions of the Treaty shall prevail.

## CHAPTER VI DISPUTES

### **Article 59** **Disputes**

Subject to Article 64(5), any dispute between two or more Contracting States concerning the interpretation or application of this Treaty or the Regulations, not settled by negotiation, may, by any one of the States concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the States concerned agree on some other method of settlement. The Contracting State bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other Contracting States.

## CHAPTER VII REVISION AND AMENDMENT

### **Article 60** **Revision of the Treaty**

(1) This Treaty may be revised from time to time by a special conference of the Contracting States.

(2) The convocation of any revision conference shall be decided by the Assembly.

(3) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to any revision conference.

(4) Articles 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be amended either by a revision conference or according to the provisions of Article 61.

### **Article 61** **Amendment of Certain Provisions of the Treaty**

(1)(a) Proposals for the amendment of Articles 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be initiated by any State member of the Assembly, by the Executive Committee, or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting States at least six months in advance of their consideration by the Assembly.

(2)(a) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly.

(b) Adoption shall require three-fourths of the votes cast.

(3)(a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the States members of the Assembly at the time it adopted the amendment.

(b) Any amendment to the said Articles thus accepted shall bind all the States which are members of the Assembly at the time the amendment enters into force, provided that any amendment increasing the financial obligations of the Contracting States shall bind only those States which have notified their acceptance of such amendment.

(c) Any amendment accepted in accordance with the provisions of subparagraph (a) shall bind all States which become members of the Assembly after the date on which the amendment entered into force in accordance with the provisions of subparagraph (a).

## CHAPTER VIII FINAL PROVISIONS

### **Article 62** **Becoming Party to the Treaty**

(1) Any State member of the International Union for the Protection of Industrial Property may become party to this Treaty by:

- (i) signature followed by the deposit of an instrument of ratification, or
- (ii) deposit of an instrument of accession.

(2) Instruments of ratification or accession shall be deposited with the Director General.

(3) The provisions of Article 24 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property shall apply to this Treaty.

(4) Paragraph (3) shall in no way be understood as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a

territory to which this Treaty is made applicable by another Contracting State by virtue of the said paragraph.

### **Article 63**

#### **Entry into Force of the Treaty**

(1)(a) Subject to the provisions of paragraph (3), this Treaty shall enter into force three months after eight States have deposited their instruments of ratification or accession, provided that at least four of those States each fulfill any of the following conditions:

(i) the number of applications filed in the State has exceeded 40,000 according to the most recent annual statistics published by the International Bureau,

(ii) the nationals or residents of the State have filed at least 1,000 applications in one foreign country according to the most recent annual statistics published by the International Bureau,

(iii) the national Office of the State has received at least 10,000 applications from nationals or residents of foreign countries according to the most recent annual statistics published by the International Bureau.

(b) For the purposes of this paragraph, the term “applications” does not include applications for utility models.

(2) Subject to the provisions of paragraph (3), any State which does not become party to this Treaty upon entry into force under paragraph (1) shall become bound by this Treaty three months after the date on which such State has deposited its instrument of ratification or accession.

(3) The provisions of Chapter II and the corresponding provisions of the Regulations annexed to this Treaty shall become applicable, however, only on the date on which three States each of which fulfill at least one of the three requirements specified in paragraph (1) have become party to this Treaty without declaring, as provided in Article 64(1), that they do not intend to be bound by the provisions of Chapter II. That date shall not, however, be prior to that of the initial entry into force under paragraph (1).

**Article 64**  
**Reservations<sup>4</sup>**

(1)(a) Any State may declare that it shall not be bound by the provisions of Chapter II.

(b) States making a declaration under subparagraph (a) shall not be bound by the provisions of Chapter II and the corresponding provisions of the Regulations.

(2)(a) Any State not having made a declaration under paragraph (1)(a) may declare that:

(i) it shall not be bound by the provisions of Article 39(1) with respect to the furnishing of a copy of the international application and a translation thereof (as prescribed),

(ii) the obligation to delay national processing, as provided for under Article 40, shall not prevent publication, by or through its national Office, of the international application or a translation thereof, it being understood, however, that it is not exempted from the limitations provided for in Articles 30 and 38.

(b) States making such a declaration shall be bound accordingly.

(3)(a) Any State may declare that, as far as it is concerned, international publication of international applications is not required.

(b) Where, at the expiration of 18 months from the priority date, the international application contains the designation only of such States as have made declarations under subparagraph (a), the international application shall not be published by virtue of Article 21(2).

(c) Where the provisions of subparagraph (b) apply, the international application shall nevertheless be published by the International Bureau:

(i) at the request of the applicant, as provided in the Regulations,

(ii) when a national application or a patent based on the international application is published by or on behalf of the national Office of any designated State having made a declaration under subparagraph (a), promptly after such publication but not before the expiration of 18 months from the priority date.

(4)(a) Any State whose national law provides for prior art effect of its patents as from a date before publication, but does not equate for prior art purposes the priority date claimed under the Paris Convention for the Protection

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<sup>4</sup> *Editor's Note:* Information received by the International Bureau concerning reservations made under Article 64(1) to (5) is published in the Gazette and on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

of Industrial Property to the actual filing date in that State, may declare that the filing outside that State of an international application designating that State is not equated to an actual filing in that State for prior art purposes.

(b) Any State making a declaration under subparagraph (a) shall to that extent not be bound by the provisions of Article 11(3).

(c) Any State making a declaration under subparagraph (a) shall, at the same time, state in writing the date from which, and the conditions under which, the prior art effect of any international application designating that State becomes effective in that State. This statement may be modified at any time by notification addressed to the Director General.

(5) Each State may declare that it does not consider itself bound by Article 59. With regard to any dispute between any Contracting State having made such a declaration and any other Contracting State, the provisions of Article 59 shall not apply.

(6)(a) Any declaration made under this Article shall be made in writing. It may be made at the time of signing this Treaty, at the time of depositing the instrument of ratification or accession, or, except in the case referred to in paragraph (5), at any later time by notification addressed to the Director General. In the case of the said notification, the declaration shall take effect six months after the day on which the Director General has received the notification, and shall not affect international applications filed prior to the expiration of the said six-month period.

(b) Any declaration made under this Article may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the day on which the Director General has received the notification and, in the case of the withdrawal of a declaration made under paragraph (3), shall not affect international applications filed prior to the expiration of the said three-month period.

(7) No reservations to this Treaty other than the reservations under paragraphs (1) to (5) are permitted.

## **Article 65**

### **Gradual Application**

(1) If the agreement with any International Searching or Preliminary Examining Authority provides, transitionally, for limits on the number or kind of international applications that such Authority undertakes to process, the Assembly shall adopt the measures necessary for the gradual application of this Treaty and the Regulations in respect of given categories of international

applications. This provision shall also apply to requests for an international-type search under Article 15(5).

(2) The Assembly shall fix the dates from which, subject to the provision of paragraph (1), international applications may be filed and demands for international preliminary examination may be submitted. Such dates shall not be later than six months after this Treaty has entered into force according to the provisions of Article 63(1), or after Chapter II has become applicable under Article 63(3), respectively.

### **Article 66**

#### **Denunciation**

(1) Any Contracting State may denounce this Treaty by notification addressed to the Director General.

(2) Denunciation shall take effect six months after receipt of the said notification by the Director General. It shall not affect the effects of the international application in the denouncing State if the international application was filed, and, where the denouncing State has been elected, the election was made, prior to the expiration of the said six-month period.

### **Article 67**

#### **Signature and Languages**

(1)(a) This Treaty shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the German, Japanese, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(2) This Treaty shall remain open for signature at Washington until December 31, 1970.

### **Article 68**

#### **Depositary Functions**

(1) The original of this Treaty, when no longer open for signature, shall be deposited with the Director General.

(2) The Director General shall transmit two copies, certified by him, of this Treaty and the Regulations annexed hereto to the Governments of all States party to the Paris Convention for the Protection of Industrial Property and, on request, to the Government of any other State.

(3) The Director General shall register this Treaty with the Secretariat of the United Nations.

(4) The Director General shall transmit two copies, certified by him, of any amendment to this Treaty and the Regulations to the Governments of all Contracting States and, on request, to the Government of any other State.

**Article 69**  
**Notifications**

The Director General shall notify the Governments of all States party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures under Article 62,
- (ii) deposits of instruments of ratification or accession under Article 62,
- (iii) the date of entry into force of this Treaty and the date from which Chapter II is applicable in accordance with Article 63(3),
- (iv) any declarations made under Article 64(1) to (5),
- (v) withdrawals of any declarations made under Article 64(6)(b),
- (vi) denunciations received under Article 66, and
- (vii) any declarations made under Article 31(4).

# **Regulations under the Patent Cooperation Treaty**

(as in force from July 1, 2022)

*Editor's Note:* For details concerning amendments to the Regulations under the Patent Cooperation Treaty, and for access to decisions of the Assembly of the International Patent Cooperation Union (PCT Assembly) concerning their entry into force and transitional arrangements, reference should be made to the relevant reports of the PCT Assembly available from the International Bureau or via the WIPO website at: [www.wipo.int/pct/en/meetings/assemblies/reports.html](http://www.wipo.int/pct/en/meetings/assemblies/reports.html).

In the present Regulations, the deletion of a provision of the text previously in force is indicated only in those cases where it is necessary in order to avoid gaps in the numbering system.

## **Regulations under the Patent Cooperation Treaty**

(as in force from July 1, 2022)\*

### **TABLE OF CONTENTS\*\***

#### *Part A: Introductory Rules*

Rule	1	Abbreviated Expressions
	1.1	Meaning of Abbreviated Expressions
Rule	2	Interpretation of Certain Words
	2.1	“Applicant”
	2.2	“Agent”
	2.2bis	“Common Representative”
	2.3	“Signature”
	2.4	“Priority Period”

#### *Part B: Rules Concerning Chapter I of the Treaty*

Rule	3	The Request (Form)
	3.1	Form of Request
	3.2	Availability of Forms
	3.3	Check List
	3.4	Particulars
Rule	4	The Request (Contents)
	4.1	Mandatory and Optional Contents; Signature
	4.2	The Petition
	4.3	Title of the Invention
	4.4	Names and Addresses
	4.5	The Applicant
	4.6	The Inventor
	4.7	The Agent
	4.8	Common Representative

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\* Adopted on June 19, 1970, and amended on April 14, 1978, October 3, 1978, May 1, 1979, June 16, 1980, September 26, 1980, July 3, 1981, September 10, 1982, October 4, 1983, February 3, 1984, September 28, 1984, October 1, 1985, July 12, 1991, October 2, 1991, September 29, 1992, September 29, 1993, October 3, 1995, October 1, 1997, September 15, 1998, September 29, 1999, March 17, 2000, October 3, 2000, October 3, 2001, October 1, 2002, October 1, 2003, October 5, 2004, October 5, 2005, October 3, 2006, November 12, 2007, May 15, 2008, September 29, 2008, October 1, 2009, September 29, 2010, October 5, 2011, October 9, 2012, October 2, 2013, September 30, 2014, October 14, 2015, October 11, 2016, October 11, 2017, October 2, 2018, October 9, 2019, and October 8, 2021.

\*\* Table of Contents and Editor’s Notes are added for the convenience of the reader; they do not form part of the Regulations.

	4.9	Designation of States; Kinds of Protection; National and Regional Patents
	4.10	Priority Claim
	4.11	Reference to Continuation or Continuation-in-Part, or Parent Application or Grant
	4.12	Taking into Account Results of Earlier Search
	4.13	<i>[Deleted]</i>
	4.14	<i>[Deleted]</i>
	4.14 <i>bis</i>	Choice of International Searching Authority
	4.15	Signature
	4.16	Transliteration or Translation of Certain Words
	4.17	Declarations Relating to National Requirements Referred to in Rule 51 <i>bis</i> .1(a)(i) to (v)
	4.18	Statement of Incorporation by Reference
	4.19	Additional Matter
Rule	5	The Description
	5.1	Manner of the Description
	5.2	Nucleotide and/or Amino Acid Sequence Disclosure
Rule	6	The Claims
	6.1	Number and Numbering of Claims
	6.2	References to Other Parts of the International Application
	6.3	Manner of Claiming
	6.4	Dependent Claims
	6.5	Utility Models
Rule	7	The Drawings
	7.1	Flow Sheets and Diagrams
	7.2	Time Limit
Rule	8	The Abstract
	8.1	Contents and Form of the Abstract
	8.2	Figure
	8.3	Guiding Principles in Drafting
Rule	9	Expressions, Etc., Not to Be Used
	9.1	Definition
	9.2	Noting of Lack of Compliance
	9.3	Reference to Article 21(6)
Rule	10	Terminology and Signs
	10.1	Terminology and Signs
	10.2	Consistency

Rule	11	Physical Requirements of the International Application
	11.1	Number of Copies
	11.2	Fitness for Reproduction
	11.3	Material to Be Used
	11.4	Separate Sheets, Etc.
	11.5	Size of Sheets
	11.6	Margins
	11.7	Numbering of Sheets
	11.8	Numbering of Lines
	11.9	Writing of Text Matter
	11.10	Drawings, Formulae, and Tables, in Text Matter
	11.11	Words in Drawings
	11.12	Alterations, Etc.
	11.13	Special Requirements for Drawings
	11.14	Later Documents
Rule	12	Language of the International Application and Translations for the Purposes of International Search and International Publication
	12.1	Languages Accepted for the Filing of International Applications
	12.1 <i>bis</i>	Language of Elements and Parts Furnished under Rule 20.3, 20.5, 20.5 <i>bis</i> or 20.6
	12.1 <i>ter</i>	Language of Indications Furnished under Rule 13 <i>bis</i> .4
	12.2	Language of Changes in the International Application
	12.3	Translation for the Purposes of International Search
	12.4	Translation for the Purposes of International Publication
Rule	12 <i>bis</i>	Submission by the Applicant of Documents Relating to Earlier Search
	12 <i>bis</i> .1	Furnishing by the Applicant of Documents Related to Earlier Search in Case of Request under Rule 4.12
	12 <i>bis</i> .2	Invitation by the International Searching Authority to Furnish Documents Related to Earlier Search in Case of Request under Rule 4.12
Rule	13	Unity of Invention
	13.1	Requirement
	13.2	Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled
	13.3	Determination of Unity of Invention Not Affected by Manner of Claiming
	13.4	Dependent Claims

	13.5	Utility Models
Rule	13 <i>bis</i>	Inventions Relating to Biological Material
	13 <i>bis</i> .1	Definition
	13 <i>bis</i> .2	References (General)
	13 <i>bis</i> .3	References: Contents; Failure to Include Reference or Indication
	13 <i>bis</i> .4	References: Time Limit for Furnishing Indications
	13 <i>bis</i> .5	References and Indications for the Purposes of One or More Designated States; Different Deposits for Different Designated States; Deposits with Depositary Institutions Other than Those Notified
	13 <i>bis</i> .6	Furnishing of Samples
	13 <i>bis</i> .7	National Requirements: Notification and Publication
Rule	13 <i>ter</i>	Nucleotide and/or Amino Acid Sequence Listings
	13 <i>ter</i> .1	Procedure before the International Searching Authority
	13 <i>ter</i> .2	Procedure before the International Preliminary Examining Authority
	13 <i>ter</i> .3	Sequence Listing for Designated Office
Rule	14	The Transmittal Fee
	14.1	The Transmittal Fee
Rule	15	The International Filing Fee
	15.1	The International Filing Fee
	15.2	Amount; Transfer
	15.3	Time Limit for Payment; Amount Payable
	15.4	Refund
Rule	16	The Search Fee
	16.1	Right to Ask for a Fee
	16.2	Refund
	16.3	Partial Refund
Rule	16 <i>bis</i>	Extension of Time Limits for Payment of Fees
	16 <i>bis</i> .1	Invitation by the Receiving Office
	16 <i>bis</i> .2	Late Payment Fee
Rule	17	The Priority Document
	17.1	Obligation to Submit Copy of Earlier National or International Application
	17.2	Availability of Copies
Rule	18	The Applicant
	18.1	Residence and Nationality
	18.2	<i>[Deleted]</i>
	18.3	Two or More Applicants

	18.4	Information on Requirements under National Law as to Applicants
Rule	19	The Competent Receiving Office
	19.1	Where to File
	19.2	Two or More Applicants
	19.3	Publication of Fact of Delegation of Duties of Receiving Office
	19.4	Transmittal to the International Bureau as Receiving Office
Rule	20	International Filing Date
	20.1	Determination under Article 11(1)
	20.2	Positive Determination under Article 11(1)
	20.3	Defects under Article 11(1)
	20.4	Negative Determination under Article 11(1)
	20.5	Missing Parts
	20.5 <i>bis</i>	Erroneously Filed Elements and Parts
	20.6	Confirmation of Incorporation by Reference of Elements and Parts
	20.7	Time Limit
	20.8	Incompatibility with National Laws
Rule	21	Preparation of Copies
	21.1	Responsibility of the Receiving Office
	21.2	Certified Copy for the Applicant
Rule	22	Transmittal of the Record Copy and Translation
	22.1	Procedure
	22.2	<i>[Deleted]</i>
	22.3	Time Limit under Article 12(3)
Rule	23	Transmittal of the Search Copy, Translation and Sequence Listing
	23.1	Procedure
Rule	23 <i>bis</i>	Transmittal of Documents Relating to Earlier Search or Classification
	23 <i>bis</i> .1	Transmittal of Documents Relating to Earlier Search in Case of Request under Rule 4.12
	23 <i>bis</i> .2	Transmittal of Documents Relating to Earlier Search or Classification for the Purposes of Rule 41.2
Rule	24	Receipt of the Record Copy by the International Bureau
	24.1	<i>[Deleted]</i>
	24.2	Notification of Receipt of the Record Copy

Rule	25	Receipt of the Search Copy by the International Searching Authority
	25.1	Notification of Receipt of the Search Copy
Rule	26	Checking by, and Correcting before, the Receiving Office of Certain Elements of the International Application
	26.1	Invitation under Article 14(1)(b) to Correct
	26.2	Time Limit for Correction
	26.2 <i>bis</i>	Checking of Requirements under Article 14(1)(a)(i) and (ii)
	26.3	Checking of Physical Requirements under Article 14(1)(a)(v)
	26.3 <i>bis</i>	Invitation under Article 14(1)(b) to Correct Defects under Rule 11
	26.3 <i>ter</i>	Invitation to Correct Defects under Article 3(4)(i)
	26.4	Procedure
	26.5	Decision of the Receiving Office
Rule	26 <i>bis</i>	Correction or Addition of Priority Claim
	26 <i>bis</i> .1	Correction or Addition of Priority Claim
	26 <i>bis</i> .2	Defects in Priority Claims
	26 <i>bis</i> .3	Restoration of Right of Priority by Receiving Office
Rule	26 <i>ter</i>	Correction or Addition of Declarations under Rule 4.17
	26 <i>ter</i> .1	Correction or Addition of Declarations
	26 <i>ter</i> .2	Processing of Declarations
Rule	26 <i>quater</i>	Correction or Addition of Indications under Rule 4.11
	26 <i>quater</i> .1	Correction or Addition of Indications
	26 <i>quater</i> .2	Late Correction or Addition of Indications
Rule	27	Lack of Payment of Fees
	27.1	Fees
Rule	28	Defects Noted by the International Bureau
	28.1	Note on Certain Defects
Rule	29	International Applications Considered Withdrawn
	29.1	Finding by Receiving Office
	29.2	<i>[Deleted]</i>
	29.3	Calling Certain Facts to the Attention of the Receiving Office
	29.4	Notification of Intent to Make Declaration under Article 14(4)
Rule	30	Time Limit under Article 14(4)
	30.1	Time Limit

Rule	31	Copies Required under Article 13
	31.1	Request for Copies
	31.2	Preparation of Copies
Rule	32	Extension of Effects of International Application to Certain Successor States
	32.1	Extension of International Application to Successor State
	32.2	Effects of Extension to Successor State
Rule	33	Relevant Prior Art for the International Search
	33.1	Relevant Prior Art for the International Search
	33.2	Fields to Be Covered by the International Search
	33.3	Orientation of the International Search
Rule	34	Minimum Documentation
	34.1	Definition
Rule	35	The Competent International Searching Authority
	35.1	When Only One International Searching Authority Is Competent
	35.2	When Several International Searching Authorities Are Competent
	35.3	When the International Bureau Is Receiving Office under Rule 19.1(a)(iii)
Rule	36	Minimum Requirements for International Searching Authorities
	36.1	Definition of Minimum Requirements
Rule	37	Missing or Defective Title
	37.1	Lack of Title
	37.2	Establishment of Title
Rule	38	Missing or Defective Abstract
	38.1	Lack of Abstract
	38.2	Establishment of Abstract
	38.3	Modification of Abstract
Rule	39	Subject Matter under Article 17(2)(a)(i)
	39.1	Definition
Rule	40	Lack of Unity of Invention (International Search)
	40.1	Invitation to Pay Additional Fees; Time Limit
	40.2	Additional Fees
Rule	40 <i>bis</i>	Additional Fees in Case of Missing Parts or Correct Elements and Parts Included in the International Application or Considered to Have Been Contained in the International Application

	40 <i>bis</i> .1	Invitation to Pay Additional Fees
Rule	41	Taking into Account Results of Earlier Search and Classification
	41.1	Taking into Account Results of Earlier Search in Case of a Request under Rule 4.12
	41.2	Taking into Account Results of Earlier Search and Classification in Other Cases
Rule	42	Time Limit for International Search
	42.1	Time Limit for International Search
Rule	43	The International Search Report
	43.1	Identifications
	43.2	Dates
	43.3	Classification
	43.4	Language
	43.5	Citations
	43.6	Fields Searched
	43.6 <i>bis</i>	Consideration of Rectifications of Obvious Mistakes
	43.7	Remarks Concerning Unity of Invention
	43.8	Authorized Officer
	43.9	Additional Matter
	43.10	Form
Rule	43 <i>bis</i>	Written Opinion of the International Searching Authority
	43 <i>bis</i> .1	Written Opinion
Rule	44	Transmittal of the International Search Report, Written Opinion, Etc.
	44.1	Copies of Report or Declaration and Written Opinion
	44.2	Title or Abstract
	44.3	Copies of Cited Documents
Rule	44 <i>bis</i>	International Preliminary Report on Patentability by the International Searching Authority
	44 <i>bis</i> .1	Issuance of Report; Transmittal to the Applicant
	44 <i>bis</i> .2	Communication to Designated Offices
	44 <i>bis</i> .3	Translation for Designated Offices
	44 <i>bis</i> .4	Observations on the Translation
Rule	45	Translation of the International Search Report
	45.1	Languages
Rule	45 <i>bis</i>	Supplementary International Searches
	45 <i>bis</i> .1	Supplementary Search Request
	45 <i>bis</i> .2	Supplementary Search Handling Fee
	45 <i>bis</i> .3	Supplementary Search Fee

	45 <i>bis</i> .4	Checking of Supplementary Search Request; Correction of Defects; Late Payment of Fees; Transmittal to Authority Specified for Supplementary Search
	45 <i>bis</i> .5	Start, Basis and Scope of Supplementary International Search
	45 <i>bis</i> .6	Unity of Invention
	45 <i>bis</i> .7	Supplementary International Search Report
	45 <i>bis</i> .8	Transmittal and Effect of the Supplementary International Search Report
	45 <i>bis</i> .9	International Searching Authorities Competent to Carry Out Supplementary International Search
Rule	46	Amendment of Claims before the International Bureau
	46.1	Time Limit
	46.2	Where to File
	46.3	Language of Amendments
	46.4	Statement
	46.5	Form of Amendments
Rule	47	Communication to Designated Offices
	47.1	Procedure
	47.2	Copies
	47.3	Languages
	47.4	Express Request under Article 23(2) prior to International Publication
Rule	48	International Publication
	48.1	Form and Means
	48.2	Contents
	48.3	Languages of Publication
	48.4	Earlier Publication on the Applicant's Request
	48.5	Notification of National Publication
	48.6	Announcing of Certain Facts
Rule	49	Copy, Translation and Fee under Article 22
	49.1	Notification
	49.2	Languages
	49.3	Statements under Article 19; Indications under Rule 13 <i>bis</i> .4
	49.4	Use of National Form
	49.5	Contents of and Physical Requirements for the Translation
	49.6	Reinstatement of Rights after Failure to Perform the Acts Referred to in Article 22

Rule	49 <i>bis</i>	Indications as to Protection Sought for Purposes of National Processing
	49 <i>bis</i> .1	Choice of Certain Kinds of Protection
	49 <i>bis</i> .2	Time of Furnishing Indications
Rule	49 <i>ter</i>	Effect of Restoration of Right of Priority by Receiving Office; Restoration of Right of Priority by Designated Office
	49 <i>ter</i> .1	Effect of Restoration of Right of Priority by Receiving Office
	49 <i>ter</i> .2	Restoration of Right of Priority by Designated Office
Rule	50	Faculty under Article 22(3)
	50.1	Exercise of Faculty
Rule	51	Review by Designated Offices
	51.1	Time Limit for Presenting the Request to Send Copies
	51.2	Copy of the Notification
	51.3	Time Limit for Paying National Fee and Furnishing Translation
Rule	51 <i>bis</i>	Certain National Requirements Allowed under Article 27
	51 <i>bis</i> .1	Certain National Requirements Allowed
	51 <i>bis</i> .2	Certain Circumstances in Which Documents or Evidence May Not Be Required
	51 <i>bis</i> .3	Opportunity to Comply with National Requirements
Rule	52	Amendment of the Claims, the Description, and the Drawings, before Designated Offices
	52.1	Time Limit

*Part C: Rules Concerning Chapter II of the Treaty*

Rule	53	The Demand
	53.1	Form
	53.2	Contents
	53.3	The Petition
	53.4	The Applicant
	53.5	Agent or Common Representative
	53.6	Identification of the International Application
	53.7	Election of States
	53.8	Signature
	53.9	Statement Concerning Amendments
Rule	54	The Applicant Entitled to Make a Demand
	54.1	Residence and Nationality
	54.2	Right to Make a Demand

	54.3	International Applications Filed with the International Bureau as Receiving Office
	54.4	Applicant Not Entitled to Make a Demand
Rule	54bis	Time Limit for Making a Demand
	54bis.1	Time Limit for Making a Demand
Rule	55	Languages (International Preliminary Examination)
	55.1	Language of Demand
	55.2	Translation of International Application
	55.3	Language and Translation of Amendments and Letters
Rule	56	<i>[Deleted]</i>
Rule	57	The Handling Fee
	57.1	Requirement to Pay
	57.2	Amount; Transfer
	57.3	Time Limit for Payment; Amount Payable
	57.4	Refund
Rule	58	The Preliminary Examination Fee
	58.1	Right to Ask for a Fee
	58.2	<i>[Deleted]</i>
	58.3	Refund
Rule	58bis	Extension of Time Limits for Payment of Fees
	58bis.1	Invitation by the International Preliminary Examining Authority
	58bis.2	Late Payment Fee
Rule	59	The Competent International Preliminary Examining Authority
	59.1	Demands under Article 31(2)(a)
	59.2	Demands under Article 31(2)(b)
	59.3	Transmittal of the Demand to the Competent International Preliminary Examining Authority
Rule	60	Certain Defects in the Demand
	60.1	Defects in the Demand
Rule	61	Notification of the Demand and Elections
	61.1	Notification to the International Bureau and the Applicant
	61.2	Notification to the Elected Offices
	61.3	Information for the Applicant
	61.4	Publication in the Gazette

Rule	62	Copy of the Written Opinion by the International Searching Authority and of Amendments under Article 19 for the International Preliminary Examining Authority
	62.1	Copy of Written Opinion by International Searching Authority and of Amendments Made before the Demand Is Filed
	62.2	Amendments Made after the Demand Is Filed
Rule	62bis	Translation for the International Preliminary Examining Authority of the Written Opinion of the International Searching Authority
	62bis.1	Translation and Observations
Rule	63	Minimum Requirements for International Preliminary Examining Authorities
	63.1	Definition of Minimum Requirements
Rule	64	Prior Art for International Preliminary Examination
	64.1	Prior Art
	64.2	Non-Written Disclosures
	64.3	Certain Published Documents
Rule	65	Inventive Step or Non-Obviousness
	65.1	Approach to Prior Art
	65.2	Relevant Date
Rule	66	Procedure before the International Preliminary Examining Authority
	66.1	Basis of the International Preliminary Examination
	66.1bis	Written Opinion of the International Searching Authority
	66.1ter	Top-up Searches
	66.2	Written Opinion of the International Preliminary Examining Authority
	66.3	Formal Response to the International Preliminary Examining Authority
	66.4	Additional Opportunity for Submitting Amendments or Arguments
	66.4bis	Consideration of Amendments, Arguments and Rectifications of Obvious Mistakes
	66.5	Amendment
	66.6	Informal Communications with the Applicant
	66.7	Copy and Translation of Earlier Application Whose Priority Is Claimed

	66.8	Form of Amendments
Rule	67	Subject Matter under Article 34(4)(a)(i)
	67.1	Definition
Rule	68	Lack of Unity of Invention (International Preliminary Examination)
	68.1	No Invitation to Restrict or Pay
	68.2	Invitation to Restrict or Pay
	68.3	Additional Fees
	68.4	Procedure in the Case of Insufficient Restriction of the Claims
	68.5	Main Invention
Rule	69	Start of and Time Limit for International Preliminary Examination
	69.1	Start of International Preliminary Examination
	69.2	Time Limit for International Preliminary Examination
Rule	70	International Preliminary Report on Patentability by the International Preliminary Examining Authority (International Preliminary Examination Report)
	70.1	Definition
	70.2	Basis of the Report
	70.3	Identifications
	70.4	Dates
	70.5	Classification
	70.6	Statement under Article 35(2)
	70.7	Citations under Article 35(2)
	70.8	Explanations under Article 35(2)
	70.9	Non-Written Disclosures
	70.10	Certain Published Documents
	70.11	Mention of Amendments
	70.12	Mention of Certain Defects and Other Matters
	70.13	Remarks Concerning Unity of Invention
	70.14	Authorized Officer
	70.15	Form; Title
	70.16	Annexes to the Report
	70.17	Languages of the Report and the Annexes
Rule	71	Transmittal of the International Preliminary Examination Report and Related Documents
	71.1	Recipients
	71.2	Copies of Cited Documents

Rule	72	Translation of the International Preliminary Examination Report and of the Written Opinion of the International Searching Authority
	72.1	Languages
	72.2	Copy of Translation for the Applicant
	72.2bis	Translation of the Written Opinion of the International Searching Authority Established under Rule 43bis.1
	72.3	Observations on the Translation
Rule	73	Communication of the International Preliminary Examination Report or the Written Opinion of the International Searching Authority
	73.1	Preparation of Copies
	73.2	Communication to Elected Offices
Rule	74	Translations of Annexes of the International Preliminary Examination Report and Transmittal Thereof
	74.1	Contents of Translation and Time Limit for Transmittal Thereof
Rule	75	<i>[Deleted]</i>
Rule	76	Translation of Priority Document; Application of Certain Rules to Procedures before Elected Offices
	76.1	<i>[Deleted]</i>
	76.2	<i>[Deleted]</i>
	76.3	<i>[Deleted]</i>
	76.4	Time Limit for Translation of Priority Document
	76.5	Application of Certain Rules to Procedures before Elected Offices
Rule	77	Faculty under Article 39(1)(b)
	77.1	Exercise of Faculty
Rule	78	Amendment of the Claims, the Description, and the Drawings, before Elected Offices
	78.1	Time Limit
	78.2	<i>[Deleted]</i>
	78.3	Utility Models

*Part D: Rules Concerning Chapter III of the Treaty*

Rule	79	Calendar
	79.1	Expressing Dates
Rule	80	Computation of Time Limits
	80.1	Periods Expressed in Years
	80.2	Periods Expressed in Months
	80.3	Periods Expressed in Days

	80.4	Local Dates
	80.5	Expiration on a Non-Working Day or Official Holiday
	80.6	Date of Documents
	80.7	End of Working Day
Rule	81	Modification of Time Limits Fixed in the Treaty
	81.1	Proposal
	81.2	Decision by the Assembly
	81.3	Voting by Correspondence
Rule	82	Irregularities in the Mail Service
	82.1	Delay or Loss in Mail
Rule	82bis	Excuse by the Designated or Elected State of Delays in Meeting Certain Time Limits
	82bis.1	Meaning of “Time Limit” in Article 48(2)
	82bis.2	Reinstatement of Rights and Other Provisions to Which Article 48(2) Applies
Rule	82ter	Rectification of Errors Made by the Receiving Office or by the International Bureau
	82ter.1	Errors Concerning the International Filing Date and the Priority Claim
Rule	82quater	Excuse of Delay in Meeting Time Limits and Extension of Time Limits
	82quater.1	Excuse of Delay in Meeting Time Limits
	82quater.2	Unavailability of Electronic Means of Communication at the Office
	82quater.3	Extension of Time Limits due to General Disruption
Rule	83	Right to Practice before International Authorities
	83.1	Proof of Right
	83.1bis	Where the International Bureau Is the Receiving Office
	83.2	Information

*Part E: Rules Concerning Chapter V of the Treaty*

Rule	84	Expenses of Delegations
	84.1	Expenses Borne by Governments
Rule	85	Absence of Quorum in the Assembly
	85.1	Voting by Correspondence
Rule	86	The Gazette
	86.1	Contents
	86.2	Languages; Form and Means of Publication; Timing
	86.3	Frequency
	86.4	Sale

	86.5	Title
	86.6	Further Details
Rule	87	Communication of Publications
	87.1	Communication of Publications on Request
Rule	88	Amendment of the Regulations
	88.1	Requirement of Unanimity
	88.2	<i>[Deleted]</i>
	88.3	Requirement of Absence of Opposition by Certain States
	88.4	Procedure
Rule	89	Administrative Instructions
	89.1	Scope
	89.2	Source
	89.3	Publication and Entry into Force

*Part F: Rules Concerning Several Chapters of the Treaty*

Rule	89bis	Filing, Processing and Communication of International Applications and Other Documents in Electronic Form or by Electronic Means
	89bis.1	International Applications
	89bis.2	Other Documents
	89bis.3	Communication between Offices
Rule	89ter	Copies in Electronic Form of Documents Filed on Paper
	89ter.1	Copies in Electronic Form of Documents Filed on Paper
Rule	90	Agents and Common Representatives
	90.1	Appointment as Agent
	90.2	Common Representative
	90.3	Effects of Acts by or in Relation to Agents and Common Representatives
	90.4	Manner of Appointment of Agent or Common Representative
	90.5	General Power of Attorney
	90.6	Revocation and Renunciation
Rule	90bis	Withdrawals
	90bis.1	Withdrawal of the International Application
	90bis.2	Withdrawal of Designations
	90bis.3	Withdrawal of Priority Claims
	90bis.3bis	Withdrawal of Supplementary Search Request
	90bis.4	Withdrawal of the Demand, or of Elections
	90bis.5	Signature

	90 <i>bis</i> .6	Effect of Withdrawal
	90 <i>bis</i> .7	Faculty under Article 37(4)(b)
Rule	91	Rectification of Obvious Mistakes in the International Application and Other Documents
	91.1	Rectification of Obvious Mistakes
	91.2	Requests for Rectification
	91.3	Authorization and Effect of Rectifications
Rule	92	Correspondence
	92.1	Need for Letter and for Signature
	92.2	Languages
	92.3	Mailings by National Offices and Intergovernmental Organizations
	92.4	Use of Telegraph, Teleprinter, Facsimile Machine, Etc.
Rule	92 <i>bis</i>	Recording of Changes in Certain Indications in the Request or the Demand
	92 <i>bis</i> .1	Recording of Changes by the International Bureau
Rule	93	Keeping of Records and Files
	93.1	The Receiving Office
	93.2	The International Bureau
	93.3	The International Searching and Preliminary Examining Authorities
	93.4	Reproductions
Rule	93 <i>bis</i>	Manner of Communication of Documents
	93 <i>bis</i> .1	Communication on Request; Communication via Digital Library
Rule	94	Access to Files
	94.1	Access to the File Held by the International Bureau
	94.1 <i>bis</i>	Access to the File Held by the Receiving Office
	94.1 <i>ter</i>	Access to the File Held by the International Searching Authority
	94.2	Access to the File Held by the International Preliminary Examining Authority
	94.2 <i>bis</i>	Access to the File Held by the Designated Office
	94.3	Access to the File Held by the Elected Office
Rule	95	Information and Translations from Designated and Elected Offices
	95.1	Information Concerning Events at the Designated and Elected Offices
	95.2	Furnishing of Copies of Translations

Rule	96	The Schedule of Fees; Receipt and Transfer of Fees
	96.1	Schedule of Fees Annexed to Regulations
	96.2	Notification of Receipt of Fees; Transfer of Fees
<i>Schedule of Fees</i>		

PART A  
INTRODUCTORY RULES

**Rule 1**  
**Abbreviated Expressions**

1.1 *Meaning of Abbreviated Expressions*

(a) In these Regulations, the word “Treaty” means the Patent Cooperation Treaty.

(b) In these Regulations, the words “Chapter” and “Article” refer to the specified Chapter or Article of the Treaty.

**Rule 2**  
**Interpretation of Certain Words**

2.1 *“Applicant”*

Whenever the word “applicant” is used, it shall be construed as meaning also the agent or other representative of the applicant, except where the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used, such as, in particular, where the provision refers to the residence or nationality of the applicant.

2.2 *“Agent”*

Whenever the word “agent” is used, it shall be construed as meaning an agent appointed under Rule 90.1, unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used.

2.2bis *“Common Representative”*

Whenever the expression “common representative” is used, it shall be construed as meaning an applicant appointed as, or considered to be, the common representative under Rule 90.2.

2.3 *“Signature”*

Whenever the word “signature” is used, it shall be understood that, if the national law applied by the receiving Office or the competent International Searching or Preliminary Examining Authority requires the use of a seal instead of a signature, the word, for the purposes of that Office or Authority, shall mean seal.

2.4 *“Priority Period”*

(a) Whenever the term “priority period” is used in relation to a priority claim, it shall be construed as meaning the period of 12 months from the filing date of

the earlier application whose priority is so claimed. The day of filing of the earlier application shall not be included in that period.

(b) Rule 80.5 shall apply *mutatis mutandis* to the priority period.

PART B  
RULES CONCERNING CHAPTER I OF THE TREATY

**Rule 3**  
**The Request (Form)**

**3.1** *Form of Request*

The request shall be made on a printed form or be presented as a computer print-out.

**3.2** *Availability of Forms*

Copies of the printed form shall be furnished free of charge to the applicants by the receiving Office, or, if the receiving Office so desires, by the International Bureau.

**3.3** *Check List*

(a) The request shall contain a list indicating:

(i) the total number of sheets constituting the international application and the number of the sheets of each element of the international application: request, description (separately indicating the number of sheets of any sequence listing part of the description), claims, drawings, abstract;

(ii) where applicable, that the international application as filed is accompanied by a power of attorney (i.e., a document appointing an agent or a common representative), a copy of a general power of attorney, a priority document, a sequence listing in electronic form, a document relating to the payment of fees, or any other document (to be specified in the check list);

(iii) the number of that figure of the drawings which the applicant suggests should accompany the abstract when the abstract is published; in exceptional cases, the applicant may suggest more than one figure.

(b) The list shall be completed by the applicant, failing which the receiving Office shall make the necessary indications, except that the number referred to in paragraph (a)(iii) shall not be indicated by the receiving Office.

**3.4** *Particulars*

Subject to Rule 3.3, particulars of the printed request form and of a request presented as a computer print-out shall be prescribed by the Administrative Instructions.

**Rule 4**  
**The Request (Contents)**

**4.1 *Mandatory and Optional Contents; Signature***

- (a) The request shall contain:
  - (i) a petition,
  - (ii) the title of the invention,
  - (iii) indications concerning the applicant and the agent, if there is an agent,
  - (iv) indications concerning the inventor where the national law of at least one of the designated States requires that the name of the inventor be furnished at the time of filing a national application.
- (b) The request shall, where applicable, contain:
  - (i) a priority claim,
  - (ii) indications relating to an earlier search as provided in Rules 4.12(i) and 12bis.1(b) and (d),
  - (iii) a reference to a parent application or parent patent,
  - (iv) an indication of the applicant's choice of competent International Searching Authority.
- (c) The request may contain:
  - (i) indications concerning the inventor where the national law of none of the designated States requires that the name of the inventor be furnished at the time of filing a national application,
  - (ii) a request to the receiving Office to prepare and transmit the priority document to the International Bureau where the application whose priority is claimed was filed with the national Office or intergovernmental authority which is the receiving Office,
  - (iii) declarations as provided in Rule 4.17,
  - (iv) a statement as provided in Rule 4.18,
  - (v) a request for restoration of the right of priority,
  - (vi) a statement as provided in Rule 4.12(ii).
- (d) The request shall be signed.

**4.2 *The Petition***

The petition shall be to the following effect and shall preferably be worded as follows: "The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty."

#### 4.3 *Title of the Invention*

The title of the invention shall be short (preferably from two to seven words when in English or translated into English) and precise.

#### 4.4 *Names and Addresses*

(a) Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s).

(b) Names of legal entities shall be indicated by their full, official designations.

(c) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. In order to allow rapid communication with the applicant, it is recommended to indicate any teleprinter address, telephone and facsimile machine numbers, or corresponding data for other like means of communication, of the applicant or, where applicable, the agent or the common representative.

(d) For each applicant, inventor, or agent, only one address may be indicated, except that, if no agent has been appointed to represent the applicant, or all of them if more than one, the applicant or, if there is more than one applicant, the common representative, may indicate, in addition to any other address given in the request, an address to which notifications shall be sent.

#### 4.5 *The Applicant*

(a) The request shall indicate:

- (i) the name,
- (ii) the address, and
- (iii) the nationality and residence

of the applicant or, if there are several applicants, of each of them.

(b) The applicant's nationality shall be indicated by the name of the State of which he is a national.

(c) The applicant's residence shall be indicated by the name of the State of which he is a resident.

(d) The request may, for different designated States, indicate different applicants. In such a case, the request shall indicate the applicant or applicants for each designated State or group of designated States.

(e) Where the applicant is registered with the national Office that is acting as receiving Office, the request may indicate the number or other indication under which the applicant is so registered.

#### 4.6 *The Inventor*

(a) Where Rule 4.1(a)(iv) or (c)(i) applies, the request shall indicate the name and address of the inventor or, if there are several inventors, of each of them.

(b) If the applicant is the inventor, the request, in lieu of the indication under paragraph (a), shall contain a statement to that effect.

(c) The request may, for different designated States, indicate different persons as inventors where, in this respect, the requirements of the national laws of the designated States are not the same. In such a case, the request shall contain a separate statement for each designated State or group of States in which a particular person, or the same person, is to be considered the inventor, or in which particular persons, or the same persons, are to be considered the inventors.

#### 4.7 *The Agent*

(a) If an agent is appointed, the request shall so indicate, and shall state the agent's name and address.

(b) Where the agent is registered with the national Office that is acting as receiving Office, the request may indicate the number or other indication under which the agent is so registered.

#### 4.8 *Common Representative*

If a common representative is appointed, the request shall so indicate.

#### 4.9 *Designation of States; Kinds of Protection; National and Regional Patents*

(a) The filing of a request shall constitute:

(i) the designation of all Contracting States that are bound by the Treaty on the international filing date;

(ii) an indication that the international application is, in respect of each designated State to which Article 43 or 44 applies, for the grant of every kind of protection which is available by way of the designation of that State;

(iii) an indication that the international application is, in respect of each designated State to which Article 45(1) applies, for the grant of a regional patent and also, unless Article 45(2) applies, a national patent.

(b) Notwithstanding paragraph (a)(i), if, on October 5, 2005, the national law of a Contracting State provides that the filing of an international application which contains the designation of that State and claims the priority of an earlier national application having effect in that State shall have the result that the earlier national

application ceases to have effect with the same consequences as the withdrawal of the earlier national application, any request in which the priority of an earlier national application filed in that State is claimed may contain an indication that the designation of that State is not made, provided that the designated Office notifies the International Bureau by January 5, 2006, that this paragraph shall apply in respect of designations of that State and that the notification is still in force on the international filing date. The information received shall be promptly published by the International Bureau in the Gazette.<sup>1</sup>

#### 4.10 *Priority Claim*

(a) Any declaration referred to in Article 8(1) (“priority claim”) may claim the priority of one or more earlier applications filed either in or for any country party to the Paris Convention for the Protection of Industrial Property or in or for any Member of the World Trade Organization that is not party to that Convention. Any priority claim shall be made in the request; it shall consist of a statement to the effect that the priority of an earlier application is claimed and shall indicate:

- (i) the date on which the earlier application was filed;
- (ii) the number of the earlier application;
- (iii) where the earlier application is a national application, the country party to the Paris Convention for the Protection of Industrial Property or the Member of the World Trade Organization that is not party to that Convention in which it was filed;
- (iv) where the earlier application is a regional application, the authority entrusted with the granting of regional patents under the applicable regional patent treaty;
- (v) where the earlier application is an international application, the receiving Office with which it was filed.

(b) In addition to any indication required under paragraph (a)(iv) or (v):

- (i) where the earlier application is a regional application or an international application, the priority claim may indicate one or more countries party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed;
- (ii) where the earlier application is a regional application and at least one of the countries party to the regional patent treaty is neither party to the Paris Convention for the Protection of Industrial Property nor a Member of the World Trade Organization, the priority claim shall indicate at least one country party to

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<sup>1</sup> *Editor’s Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

that Convention or one Member of that Organization for which that earlier application was filed.

(c) For the purposes of paragraphs (a) and (b), Article 2(vi) shall not apply.

#### 4.11 *Reference to Continuation or Continuation-in-Part, or Parent Application or Grant*

(a) If:

(i) the applicant intends to make an indication under Rule 49*bis*.1(a) or (b) of the wish that the international application be treated, in any designated State, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition; or

(ii) the applicant intends to make an indication under Rule 49*bis*.1(d) of the wish that the international application be treated, in any designated State, as an application for a continuation or a continuation-in-part of an earlier application; the request shall so indicate and shall indicate the relevant parent application or parent patent or other parent grant.

(b) The inclusion in the request of an indication under paragraph (a) shall have no effect on the operation of Rule 4.9.

#### 4.12 *Taking into Account Results of Earlier Search*

If the applicant wishes the International Searching Authority to take into account, in carrying out the international search, the results of an earlier international, international-type or national search carried out by the same or another International Searching Authority or by a national Office ("earlier search"):

(i) the request shall so indicate and shall specify the Authority or Office concerned and the application in respect of which the earlier search was carried out;

(ii) the request may, where applicable, contain a statement to the effect that the international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out, or that the international application is the same, or substantially the same, as that earlier application except that it is filed in a different language.

#### 4.13 and 4.14 *[Deleted]*

#### 4.14*bis* *Choice of International Searching Authority*

If two or more International Searching Authorities are competent for the searching of the international application, the applicant shall indicate his choice of International Searching Authority in the request.

#### 4.15 *Signature*

The request shall be signed by the applicant or, if there is more than one applicant, by all of them.

#### 4.16 *Transliteration or Translation of Certain Words*

(a) Where any name or address is written in characters other than those of the Latin alphabet, the same shall also be indicated in characters of the Latin alphabet either as a mere transliteration or through translation into English. The applicant shall decide which words will be merely transliterated and which words will be so translated.

(b) The name of any country written in characters other than those of the Latin alphabet shall also be indicated in English.

#### 4.17 *Declarations Relating to National Requirements Referred to in Rule 51bis.1(a)(i) to (v)*

The request may, for the purposes of the national law applicable in one or more designated States, contain one or more of the following declarations, worded as prescribed by the Administrative Instructions:

(i) a declaration as to the identity of the inventor, as referred to in Rule 51bis.1(a)(i);

(ii) a declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent, as referred to in Rule 51bis.1(a)(ii);

(iii) a declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application, as referred to in Rule 51bis.1(a)(iii);

(iv) a declaration of inventorship, as referred to in Rule 51bis.1(a)(iv), which shall be signed as prescribed by the Administrative Instructions;

(v) a declaration as to non-prejudicial disclosures or exceptions to lack of novelty, as referred to in Rule 51bis.1(a)(v).

#### 4.18 *Statement of Incorporation by Reference*

Where the international application, on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, claims the priority of an earlier application, the request may contain a statement that, where an element of the international application referred to in Article 11(1)(iii)(d) or (e), or a part of the description, claims or drawings referred to in Rule 20.5(a), or an element or part of the description, claims or drawings referred to in Rule 20.5bis(a) is not otherwise contained in the international application but is completely contained in the earlier application, that element or

part is, subject to confirmation under Rule 20.6, incorporated by reference in the international application for the purposes of Rule 20.6. Such a statement, if not contained in the request on that date, may be added to the request if, and only if, it was otherwise contained in, or submitted with, the international application on that date.

#### 4.19 *Additional Matter*

(a) The request shall contain no matter other than that specified in Rules 4.1 to 4.18, provided that the Administrative Instructions may permit, but cannot make mandatory, the inclusion in the request of any additional matter specified in the Administrative Instructions.

(b) If the request contains matter other than that specified in Rules 4.1 to 4.18 or permitted under paragraph (a) by the Administrative Instructions, the receiving Office shall *ex officio* delete the additional matter.

### **Rule 5** **The Description**

#### 5.1 *Manner of the Description*

(a) The description shall first state the title of the invention as appearing in the request and shall:

- (i) specify the technical field to which the invention relates;
- (ii) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and, preferably, cite the documents reflecting such art;
- (iii) disclose the invention, as claimed, in such terms that the technical problem (even if not expressly stated as such) and its solution can be understood, and state the advantageous effects, if any, of the invention with reference to the background art;
- (iv) briefly describe the figures in the drawings, if any;
- (v) set forth at least the best mode contemplated by the applicant for carrying out the invention claimed; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any; where the national law of the designated State does not require the description of the best mode but is satisfied with the description of any mode (whether it is the best contemplated or not), failure to describe the best mode contemplated shall have no effect in that State;
- (vi) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is capable of exploitation in industry and the way in which it can be made and used, or, if it can only be used,

the way in which it can be used; the term “industry” is to be understood in its broadest sense as in the Paris Convention for the Protection of Industrial Property.

(b) The manner and order specified in paragraph (a) shall be followed except when, because of the nature of the invention, a different manner or a different order would result in a better understanding and a more economic presentation.

(c) Subject to the provisions of paragraph (b), each of the parts referred to in paragraph (a) shall preferably be preceded by an appropriate heading as suggested in the Administrative Instructions.

## *5.2 Nucleotide and/or Amino Acid Sequence Disclosure*

(a) Where the international application contains disclosure of nucleotide and/or amino acid sequences that, pursuant to the Administrative Instructions, are required to be included in a sequence listing, the description shall include a sequence listing part of the description complying with the standard provided for in the Administrative Instructions.

(b) Language-dependent free text included in the sequence listing part of the description shall not be required to be included in the main body of the description.

## **Rule 6 The Claims**

### *6.1 Number and Numbering of Claims*

(a) The number of the claims shall be reasonable in consideration of the nature of the invention claimed.

(b) If there are several claims, they shall be numbered consecutively in Arabic numerals.

(c) The method of numbering in the case of the amendment of claims shall be governed by the Administrative Instructions.

### *6.2 References to Other Parts of the International Application*

(a) Claims shall not, except where absolutely necessary, rely, in respect of the technical features of the invention, on references to the description or drawings. In particular, they shall not rely on such references as: “as described in part ... of the description,” or “as illustrated in figure ... of the drawings.”

(b) Where the international application contains drawings, the technical features mentioned in the claims shall preferably be followed by the reference signs relating to such features. When used, the reference signs shall preferably be placed between parentheses. If inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it should not be made. Reference signs

may be removed by a designated Office for the purposes of publication by such Office.

### 6.3 *Manner of Claiming*

(a) The definition of the matter for which protection is sought shall be in terms of the technical features of the invention.

(b) Whenever appropriate, claims shall contain:

(i) a statement indicating those technical features of the invention which are necessary for the definition of the claimed subject matter but which, in combination, are part of the prior art,

(ii) a characterizing portion – preceded by the words “characterized in that,” “characterized by,” “wherein the improvement comprises,” or any other words to the same effect – stating concisely the technical features which, in combination with the features stated under (i), it is desired to protect.

(c) Where the national law of the designated State does not require the manner of claiming provided for in paragraph (b), failure to use that manner of claiming shall have no effect in that State provided the manner of claiming actually used satisfies the national law of that State.

### 6.4 *Dependent Claims*

(a) Any claim which includes all the features of one or more other claims (claim in dependent form, hereinafter referred to as “dependent claim”) shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim (“multiple dependent claim”) shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim. Where the national law of the national Office acting as International Searching Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the preceding two sentences, failure to use that manner of claiming may result in an indication under Article 17(2)(b) in the international search report. Failure to use the said manner of claiming shall have no effect in a designated State if the manner of claiming actually used satisfies the national law of that State.

(b) Any dependent claim shall be construed as including all the limitations contained in the claim to which it refers or, if the dependent claim is a multiple dependent claim, all the limitations contained in the particular claim in relation to which it is considered.

(c) All dependent claims referring back to a single previous claim, and all dependent claims referring back to several previous claims, shall be grouped together to the extent and in the most practical way possible.

## 6.5 *Utility Models*

Any designated State in which the grant of a utility model is sought on the basis of an international application may, instead of Rules 6.1 to 6.4, apply in respect of the matters regulated in those Rules the provisions of its national law concerning utility models once the processing of the international application has started in that State, provided that the applicant shall be allowed at least two months from the expiration of the time limit applicable under Article 22 to adapt his application to the requirements of the said provisions of the national law.

## **Rule 7** **The Drawings**

### 7.1 *Flow Sheets and Diagrams*

Flow sheets and diagrams are considered drawings.

### 7.2 *Time Limit*

The time limit referred to in Article 7(2)(ii) shall be reasonable under the circumstances of the case and shall, in no case, be shorter than two months from the date of the written invitation requiring the filing of drawings or additional drawings under the said provision.

## **Rule 8** **The Abstract**

### 8.1 *Contents and Form of the Abstract*

(a) The abstract shall consist of the following:

(i) a summary of the disclosure as contained in the description, the claims, and any drawings; the summary shall indicate the technical field to which the invention pertains and shall be drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention, and the principal use or uses of the invention;

(ii) where applicable, the chemical formula which, among all the formulae contained in the international application, best characterizes the invention.

(b) The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words if it is in English or when translated into English).

(c) The abstract shall not contain statements on the alleged merits or value of the claimed invention or on its speculative application.

(d) Each main technical feature mentioned in the abstract and illustrated by a drawing in the international application shall be followed by a reference sign, placed between parentheses.

## 8.2 *Figure*

(a) If the applicant fails to make the indication referred to in Rule 3.3(a)(iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would, among all the figures of all the drawings, better characterize the invention, it shall, subject to paragraph (b), indicate the figure or figures which should accompany the abstract when the latter is published by the International Bureau. In such case, the abstract shall be accompanied by the figure or figures so indicated by the International Searching Authority. Otherwise, the abstract shall, subject to paragraph (b), be accompanied by the figure or figures suggested by the applicant.

(b) If the International Searching Authority finds that none of the figures of the drawings is useful for the understanding of the abstract, it shall notify the International Bureau accordingly. In such case, the abstract, when published by the International Bureau, shall not be accompanied by any figure of the drawings even where the applicant has made a suggestion under Rule 3.3(a)(iii).

## 8.3 *Guiding Principles in Drafting*

The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art, especially by assisting the scientist, engineer or researcher in formulating an opinion on whether there is a need for consulting the international application itself.

# **Rule 9**

## **Expressions, Etc., Not to Be Used**

### 9.1 *Definition*

The international application shall not contain:

- (i) expressions or drawings contrary to morality;
- (ii) expressions or drawings contrary to public order;
- (iii) statements disparaging the products or processes of any particular person other than the applicant, or the merits or validity of applications or patents of any such person (mere comparisons with the prior art shall not be considered disparaging *per se*);
- (iv) any statement or other matter obviously irrelevant or unnecessary under the circumstances.

### 9.2 *Noting of Lack of Compliance*

The receiving Office, the International Searching Authority, the Authority specified for supplementary search and the International Bureau may note lack of compliance with the prescriptions of Rule 9.1 and may suggest to the applicant that he voluntarily correct his international application accordingly, in which case

the receiving Office, the competent International Searching Authority, the competent Authority specified for supplementary search and the International Bureau, as applicable, shall be informed of the suggestion.

### 9.3 *Reference to Article 21(6)*

“Disparaging statements,” referred to in Article 21(6), shall have the meaning as defined in Rule 9.1(iii).

## **Rule 10**

### **Terminology and Signs**

#### 10.1 *Terminology and Signs*

(a) Units of weights and measures shall be expressed in terms of the metric system, or also expressed in such terms if first expressed in terms of a different system.

(b) Temperatures shall be expressed in degrees Celsius, or also expressed in degrees Celsius, if first expressed in a different manner.

(c) *[Deleted]*

(d) For indications of heat, energy, light, sound, and magnetism, as well as for mathematical formulae and electrical units, the rules of international practice shall be observed; for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.

(e) In general, only such technical terms, signs and symbols should be used as are generally accepted in the art.

(f) When the international application or its translation is in Chinese, English or Japanese, the beginning of any decimal fraction shall be marked by a period, whereas, when the international application or its translation is in a language other than Chinese, English or Japanese, it shall be marked by a comma.

#### 10.2 *Consistency*

The terminology and the signs shall be consistent throughout the international application.

## **Rule 11**

### **Physical Requirements of the International Application**

#### 11.1 *Number of Copies*

(a) Subject to the provisions of paragraph (b), the international application and each of the documents referred to in the check list (Rule 3.3(a)(ii)) shall be filed in one copy.

(b) Any receiving Office may require that the international application and any of the documents referred to in the check list (Rule 3.3(a)(ii)), except the receipt for the fees paid or the check for the payment of the fees, be filed in two or three copies. In that case, the receiving Office shall be responsible for verifying the identity of the second and the third copies with the record copy.

#### 11.2 *Fitness for Reproduction*

(a) All elements of the international application (i.e., the request, the description, the claims, the drawings, and the abstract) shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset, and microfilming, in any number of copies.

(b) All sheets shall be free from creases and cracks; they shall not be folded.

(c) Only one side of each sheet shall be used.

(d) Subject to Rule 11.10(d) and Rule 11.13(j), each sheet shall be used in an upright position (i.e., the short sides at the top and bottom).

#### 11.3 *Material to Be Used*

All elements of the international application shall be on paper which shall be flexible, strong, white, smooth, non-shiny, and durable.

#### 11.4 *Separate Sheets, Etc.*

(a) Each element (request, description, claims, drawings, abstract) of the international application shall commence on a new sheet.

(b) All sheets of the international application shall be so connected that they can be easily turned when consulted, and easily separated and joined again if they have been separated for reproduction purposes.

#### 11.5 *Size of Sheets*

The size of the sheets shall be A4 (29.7 cm x 21 cm). However, any receiving Office may accept international applications on sheets of other sizes provided that the record copy, as transmitted to the International Bureau, and, if the competent International Searching Authority so desires, the search copy, shall be of A4 size.

#### 11.6 *Margins*

(a) The minimum margins of the sheets containing the description, the claims, and the abstract, shall be as follows:

- top: 2 cm
- left side: 2.5 cm
- right side: 2 cm
- bottom: 2 cm.

(b) The recommended maximum, for the margins provided for in paragraph (a), is as follows:

- top: 4 cm
- left side: 4 cm
- right side: 3 cm
- bottom: 3 cm.

(c) On sheets containing drawings, the surface usable shall not exceed 26.2 cm x 17.0 cm. The sheets shall not contain frames around the usable or used surface. The minimum margins shall be as follows:

- top: 2.5 cm
- left side: 2.5 cm
- right side: 1.5 cm
- bottom: 1 cm.

(d) The margins referred to in paragraphs (a) to (c) apply to A4-size sheets, so that, even if the receiving Office accepts other sizes, the A4-size record copy and, when so required, the A4-size search copy shall leave the aforesaid margins.

(e) Subject to paragraph (f) and to Rule 11.8(b), the margins of the international application, when submitted, must be completely blank.

(f) The top margin may contain in the left-hand corner an indication of the applicant's file reference, provided that the reference appears within 1.5 cm from the top of the sheet. The number of characters in the applicant's file reference shall not exceed the maximum fixed by the Administrative Instructions.

#### 11.7 *Numbering of Sheets*

(a) All the sheets contained in the international application shall be numbered in consecutive Arabic numerals.

(b) The numbers shall be centered at the top or bottom of the sheet, but shall not be placed in the margin.

#### 11.8 *Numbering of Lines*

(a) It is strongly recommended to number every fifth line of each sheet of the description, and of each sheet of claims.

(b) The numbers should appear in the right half of the left margin.

#### 11.9 *Writing of Text Matter*

(a) The request, the description, the claims and the abstract shall be typed or printed.

(b) Only graphic symbols and characters, chemical or mathematical formulae, and certain characters in the Chinese or Japanese language may, when necessary, be written by hand or drawn.

(c) The typing shall be 1½-spaced.

(d) All text matter shall be in characters the capital letters of which are not less than 0.28 cm high, and shall be in a dark, indelible color, satisfying the requirements specified in Rule 11.2, provided that any text matter in the request may be in characters the capital letters of which are not less than 0.21 cm high.

(e) As far as the spacing of the typing and the size of the characters are concerned, paragraphs (c) and (d) shall not apply to texts in the Chinese or Japanese language.

#### 11.10 *Drawings, Formulae, and Tables, in Text Matter*

(a) The request, the description, the claims and the abstract shall not contain drawings.

(b) The description, the claims and the abstract may contain chemical or mathematical formulae.

(c) The description and the abstract may contain tables; any claim may contain tables only if the subject matter of the claim makes the use of tables desirable.

(d) Tables and chemical or mathematical formulae may be placed sideways on the sheet if they cannot be presented satisfactorily in an upright position thereon; sheets on which tables or chemical or mathematical formulae are presented sideways shall be so presented that the tops of the tables or formulae are at the left side of the sheet.

#### 11.11 *Words in Drawings*

(a) The drawings shall not contain text matter, except a single word or words, when absolutely indispensable, such as “water,” “steam,” “open,” “closed,” “section on AB,” and, in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords indispensable for understanding.

(b) Any words used shall be so placed that, if translated, they may be pasted over without interfering with any lines of the drawings.

#### 11.12 *Alterations, Etc.*

Each sheet shall be reasonably free from erasures and shall be free from alterations, overwritings, and interlineations. Non-compliance with this Rule may be authorized if the authenticity of the content is not in question and the requirements for good reproduction are not in jeopardy.

### 11.13 *Special Requirements for Drawings*

(a) Drawings shall be executed in durable, black, sufficiently dense and dark, uniformly thick and well-defined, lines and strokes without colorings.

(b) Cross-sections shall be indicated by oblique hatching which should not impede the clear reading of the reference signs and leading lines.

(c) The scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty.

(d) When, in exceptional cases, the scale is given on a drawing, it shall be represented graphically.

(e) All numbers, letters and reference lines, appearing on the drawings, shall be simple and clear. Brackets, circles or inverted commas shall not be used in association with numbers and letters.

(f) All lines in the drawings shall, ordinarily, be drawn with the aid of drafting instruments.

(g) Each element of each figure shall be in proper proportion to each of the other elements in the figure, except where the use of a different proportion is indispensable for the clarity of the figure.

(h) The height of the numbers and letters shall not be less than 0.32 cm. For the lettering of drawings, the Latin and, where customary, the Greek alphabets shall be used.

(i) The same sheet of drawings may contain several figures. Where figures on two or more sheets form in effect a single complete figure, the figures on the several sheets shall be so arranged that the complete figure can be assembled without concealing any part of any of the figures appearing on the various sheets.

(j) The different figures shall be arranged on a sheet or sheets without wasting space, preferably in an upright position, clearly separated from one another. Where the figures are not arranged in an upright position, they shall be presented sideways with the top of the figures at the left side of the sheet.

(k) The different figures shall be numbered in Arabic numerals consecutively and independently of the numbering of the sheets.

(l) Reference signs not mentioned in the description shall not appear in the drawings, and vice versa.

(m) The same features, when denoted by reference signs, shall, throughout the international application, be denoted by the same signs.

(n) If the drawings contain a large number of reference signs, it is strongly recommended to attach a separate sheet listing all reference signs and the features denoted by them.

#### 11.14 *Later Documents*

Rules 10, and 11.1 to 11.13, also apply to any document – for example, replacement sheets, amended claims, translations – submitted after the filing of the international application.

### **Rule 12** **Language of the International Application** **and Translations for the Purposes of International Search** **and International Publication**

#### 12.1 *Languages Accepted for the Filing of International Applications*

(a) An international application shall be filed in any language which the receiving Office accepts for that purpose.

(b) Each receiving Office shall, for the filing of international applications, accept at least one language which is both:

(i) a language accepted by the International Searching Authority, or, if applicable, by at least one of the International Searching Authorities, competent for the international searching of international applications filed with that receiving Office, and

(ii) a language of publication.

(c) Notwithstanding paragraph (a), the request shall be filed in any language of publication which the receiving Office accepts for the purposes of this paragraph.

(d) Notwithstanding paragraph (a), any language-dependent free text contained in the sequence listing part of the description shall be filed in a language which the receiving Office accepts for that purpose. Any language accepted under this paragraph but not accepted under paragraph (a) shall meet the requirements of paragraph (b). The receiving Office may permit but shall not require the language-dependent free text to be filed in more than one language in accordance with the Administrative Instructions.

#### 12.1bis *Language of Elements and Parts Furnished under Rule 20.3, 20.5, 20.5bis or 20.6*

An element referred to in Article 11(1)(iii)(d) or (e) furnished by the applicant under Rule 20.3(b), 20.5bis(b), 20.5bis(c) or 20.6(a) and a part of the description, claims or drawings furnished by the applicant under Rule 20.5(b), 20.5(c), 20.5bis(b), 20.5bis(c) or 20.6(a) shall be in the language of the international

application as filed or, where a translation of the application is required under Rule 12.3(a) or 12.4(a), in both the language of the application as filed and the language of that translation.

#### *12.1ter Language of Indications Furnished under Rule 13bis.4*

Any indication in relation to deposited biological material furnished under Rule 13bis.4 shall be in the language in which the international application is filed, provided that, where a translation of the international application is required under Rule 12.3(a) or 12.4(a), any such indication shall be furnished in both the language in which the application is filed and the language of that translation.

#### *12.2 Language of Changes in the International Application*

(a) Any amendment of the international application shall, subject to Rules 46.3 and 55.3, be in the language in which the application is filed.

(b) Any rectification under Rule 91.1 of an obvious mistake in the international application shall be in the language in which the application is filed, provided that:

(i) where a translation of the international application is required under Rule 12.3(a), 12.4(a) or 55.2(a), rectifications referred to in Rule 91.1(b)(ii) and (iii) shall be filed in both the language of the application and the language of that translation;

(ii) where a translation of the request is required under Rule 26.3ter(c), rectifications referred to in Rule 91.1(b)(i) need only be filed in the language of that translation.

(c) Any correction under Rule 26 of a defect in the international application shall be in the language in which the international application is filed. Any correction under Rule 26 of a defect in a translation of the international application furnished under Rule 12.3 or 12.4, any correction under Rule 55.2(c) of a defect in a translation furnished under Rule 55.2(a), or any correction of a defect in a translation of the request furnished under Rule 26.3ter(c), shall be in the language of the translation.

#### *12.3 Translation for the Purposes of International Search*

(a) Where the language in which the international application is filed is not accepted by the International Searching Authority that is to carry out the international search, the applicant shall, within one month from the date of receipt of the international application by the receiving Office, furnish to that Office a translation of the international application into a language which is all of the following:

- (i) a language accepted by that Authority, and
- (ii) a language of publication, and

(iii) a language accepted by the receiving Office under Rule 12.1(a), unless the international application is filed in a language of publication.

(a-bis) For any sequence listing part of the description, paragraph (a) shall only apply to the language-dependent free text; any translation of the language-dependent free text shall be provided in accordance with the Administrative Instructions.

(b) Paragraph (a) shall not apply to the request.

(c) Where, by the time the receiving Office sends to the applicant the notification under Rule 20.2(c), the applicant has not furnished a translation required under paragraph (a), the receiving Office shall, preferably together with that notification, invite the applicant:

(i) to furnish the required translation within the time limit under paragraph (a);

(ii) in the event that the required translation is not furnished within the time limit under paragraph (a), to furnish it and to pay, where applicable, the late furnishing fee referred to in paragraph (e), within one month from the date of the invitation or two months from the date of receipt of the international application by the receiving Office, whichever expires later.

(d) Where the receiving Office has sent to the applicant an invitation under paragraph (c) and the applicant has not, within the applicable time limit under paragraph (c)(ii), furnished the required translation and paid any required late furnishing fee, the international application shall be considered withdrawn and the receiving Office shall so declare. Any translation and any payment received by the receiving Office before that Office makes the declaration under the previous sentence and before the expiration of 15 months from the priority date shall be considered to have been received before the expiration of that time limit.

(e) The furnishing of a translation after the expiration of the time limit under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late furnishing fee equal to 25% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

#### 12.4 *Translation for the Purposes of International Publication*

(a) Where the language in which the international application is filed is not a language of publication and no translation is required under Rule 12.3(a), the applicant shall, within 14 months from the priority date, furnish to the receiving Office a translation of the international application into any language of publication which the receiving Office accepts for the purposes of this paragraph.

(a-bis) For any sequence listing part of the description, paragraph (a) shall only apply to the language-dependent free text; any translation of the language-dependent free text shall be provided in accordance with the Administrative Instructions.

(b) Paragraph (a) shall not apply to the request.

(c) Where the applicant has not, within the time limit referred to in paragraph (a), furnished a translation required under that paragraph, the receiving Office shall invite the applicant to furnish the required translation, and to pay, where applicable, the late furnishing fee required under paragraph (e), within 16 months from the priority date. Any translation received by the receiving Office before that Office sends the invitation under the previous sentence shall be considered to have been received before the expiration of the time limit under paragraph (a).

(d) Where the applicant has not, within the time limit under paragraph (c), furnished the required translation and paid any required late furnishing fee, the international application shall be considered withdrawn and the receiving Office shall so declare. Any translation and any payment received by the receiving Office before that Office makes the declaration under the previous sentence and before the expiration of 17 months from the priority date shall be considered to have been received before the expiration of that time limit.

(e) The furnishing of a translation after the expiration of the time limit under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late furnishing fee equal to 25% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

### **Rule 12bis**

#### **Submission by the Applicant of Documents Relating to Earlier Search**

##### *12bis.1 Furnishing by the Applicant of Documents Related to Earlier Search in Case of Request under Rule 4.12*

(a) Where the applicant has, under Rule 4.12, requested the International Searching Authority to take into account the results of an earlier search carried out by the same or another International Searching Authority or by a national Office, the applicant shall, subject to paragraphs (b) to (d), submit to the receiving Office, together with the international application, a copy of the results of the earlier search, in whatever form (for example, in the form of a search report, a listing of cited prior art or an examination report) they are presented by the Authority or Office concerned.

(b) Where the earlier search was carried out by the same Office as that which is acting as the receiving Office, the applicant may, instead of submitting the copy referred to in paragraph (a), indicate the wish that the receiving Office prepare and transmit it to the International Searching Authority. Such request shall be made in the request and may be subjected by the receiving Office to the payment to it, for its own benefit, of a fee.

(c) Where the earlier search was carried out by the same International Searching Authority, or by the same Office as that which is acting as the International Searching Authority, no copy referred to in paragraph (a) shall be required to be submitted under that paragraph.

(d) Where a copy referred to in paragraph (a) is available to the receiving Office or the International Searching Authority in a form and manner acceptable to it, for example, from a digital library, and the applicant so indicates in the request, no copy shall be required to be submitted under that paragraph.

*12bis.2 Invitation by the International Searching Authority to Furnish Documents Related to Earlier Search in Case of Request under Rule 4.12*

(a) The International Searching Authority may, subject to paragraphs (b) and (c), invite the applicant to furnish to it, within a time limit which shall be reasonable under the circumstances:

- (i) a copy of the earlier application concerned;
- (ii) where the earlier application is in a language which is not accepted by the International Searching Authority, a translation of the earlier application into a language which is accepted by that Authority;
- (iii) where the results of the earlier search are in a language which is not accepted by the International Searching Authority, a translation of those results into a language which is accepted by that Authority;
- (iv) a copy of any document cited in the results of the earlier search.

(b) Where the earlier search was carried out by the same International Searching Authority, or by the same Office as that which is acting as the International Searching Authority, or where a copy or translation referred to in paragraph (a) is available to the International Searching Authority in a form and manner acceptable to it, for example, from a digital library, or in the form of the priority document, no copy or translation referred to in paragraph (a) shall be required to be submitted under that paragraph.

(c) Where the request contains a statement under Rule 4.12(ii) to the effect that the international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out, or that the

international application is the same, or substantially the same, as that earlier application except that it is filed in a different language, no copy or translation referred to in paragraphs (a)(i) and (ii) shall be required to be submitted under those paragraphs.

### **Rule 13**

#### **Unity of Invention**

##### **13.1 Requirement**

The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (“requirement of unity of invention”).

##### **13.2 *Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled***

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression “special technical features” shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

##### **13.3 *Determination of Unity of Invention Not Affected by Manner of Claiming***

The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

##### **13.4 *Dependent Claims***

Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.

##### **13.5 *Utility Models***

Any designated State in which the grant of a utility model is sought on the basis of an international application may, instead of Rules 13.1 to 13.4, apply in respect of the matters regulated in those Rules the provisions of its national law concerning utility models once the processing of the international application has started in that State, provided that the applicant shall be allowed at least two months from the expiration of the time limit applicable under Article 22 to adapt his application to the requirements of the said provisions of the national law.

**Rule 13bis**  
**Inventions Relating to Biological Material**

**13bis.1 Definition**

For the purposes of this Rule, “reference to deposited biological material” means particulars given in an international application with respect to the deposit of biological material with a depositary institution or to the biological material so deposited.

**13bis.2 References (General)**

Any reference to deposited biological material shall be made in accordance with this Rule and, if so made, shall be considered as satisfying the requirements of the national law of each designated State.

**13bis.3 References: Contents; Failure to Include Reference or Indication**

(a) A reference to deposited biological material shall indicate:

- (i) the name and the address of the depositary institution with which the deposit was made;
- (ii) the date of deposit of the biological material with that institution;
- (iii) the accession number given to the deposit by that institution; and
- (iv) any additional matter of which the International Bureau has been notified pursuant to Rule 13bis.7(a)(i), provided that the requirement to indicate that matter was published in the Gazette in accordance with Rule 13bis.7(c) at least two months before the filing of the international application.

(b) Failure to include a reference to deposited biological material or failure to include, in a reference to deposited biological material, an indication in accordance with paragraph (a), shall have no consequence in any designated State whose national law does not require such reference or such indication in a national application.

**13bis.4 References: Time Limit for Furnishing Indications**

(a) Subject to paragraphs (b) and (c), if any of the indications referred to in Rule 13bis.3(a) is not included in a reference to deposited biological material in the international application as filed but is furnished to the International Bureau:

- (i) within 16 months from the priority date, the indication shall be considered by any designated Office to have been furnished in time;
- (ii) after the expiration of 16 months from the priority date, the indication shall be considered by any designated Office to have been furnished on the last day of that time limit if it reaches the International Bureau before the technical preparations for international publication have been completed.

(b) If the national law applicable by a designated Office so requires in respect of national applications, that Office may require that any of the indications referred to in Rule 13bis.3(a) be furnished earlier than 16 months from the priority date, provided that the International Bureau has been notified of such requirement pursuant to Rule 13bis.7(a)(ii) and has published such requirement in the Gazette in accordance with Rule 13bis.7(c) at least two months before the filing of the international application.

(c) Where the applicant makes a request for early publication under Article 21(2)(b), any designated Office may consider any indication not furnished before the technical preparations for international publication have been completed as not having been furnished in time.

(d) The International Bureau shall notify the applicant of the date on which it received any indication furnished under paragraph (a), and:

(i) if the indication was received before the technical preparations for international publication have been completed, publish the indication furnished under paragraph (a), and an indication of the date of receipt, together with the international application;

(ii) if the indication was received after the technical preparations for international publication have been completed, notify that date and the relevant data from the indication to the designated Offices.

*13bis.5 References and Indications for the Purposes of One or More Designated States; Different Deposits for Different Designated States; Deposits with Depositary Institutions Other than Those Notified*

(a) A reference to deposited biological material shall be considered to be made for the purposes of all designated States, unless it is expressly made for the purposes of certain of the designated States only; the same applies to the indications included in the reference.

(b) References to different deposits of the biological material may be made for different designated States.

(c) Any designated Office may disregard a deposit made with a depositary institution other than one notified by it under Rule 13bis.7(b).

*13bis.6 Furnishing of Samples*

Pursuant to Articles 23 and 40, no furnishing of samples of the deposited biological material to which a reference is made in an international application shall, except with the authorization of the applicant, take place before the expiration of the applicable time limits after which national processing may start under the said Articles. However, where the applicant performs the acts referred to in Articles 22 or 39 after international publication but before the expiration of

the said time limits, the furnishing of samples of the deposited biological material may take place, once the said acts have been performed. Notwithstanding the previous provision, the furnishing of samples of the deposited biological material may take place under the national law applicable by any designated Office as soon as, under that law, the international publication has the effects of the compulsory national publication of an unexamined national application.

*13bis.7 National Requirements: Notification and Publication*

(a) Any national Office may notify the International Bureau of any requirement of the national law:

(i) that any matter specified in the notification, in addition to those referred to in Rule 13bis.3(a)(i), (ii) and (iii), is required to be included in a reference to deposited biological material in a national application;

(ii) that one or more of the indications referred to in Rule 13bis.3(a) are required to be included in a national application as filed or are required to be furnished at a time specified in the notification which is earlier than 16 months from the priority date.

(b) Each national Office shall notify the International Bureau of the depositary institutions with which the national law permits deposits of biological materials to be made for the purposes of patent procedure before that Office or, if the national law does not provide for or permit such deposits, of that fact.

(c) The International Bureau shall promptly publish in the Gazette requirements notified to it under paragraph (a) and information notified to it under paragraph (b).

**Rule 13ter**  
**Nucleotide and/or Amino Acid Sequence Listings**

*13ter.1 Procedure before the International Searching Authority*

(a) Where the international application contains disclosure of nucleotide and/or amino acid sequences that, pursuant to the Administrative Instructions, are required to be included in a sequence listing, the International Searching Authority may invite the applicant to furnish to it, for the purposes of the international search, a sequence listing complying with the standard provided for in the Administrative Instructions, unless such listing is already available to it in a form, language and manner acceptable to it, and to pay to it, where applicable, the late furnishing fee referred to in paragraph (c), within a time limit fixed in the invitation.

(b) [Deleted]

(c) The furnishing of a sequence listing in response to an invitation under paragraph (a) may be subjected by the International Searching Authority to the payment to it, for its own benefit, of a late furnishing fee whose amount shall be determined by the International Searching Authority but shall not exceed 25% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

(d) If the applicant does not, within the time limit fixed in the invitation under paragraph (a), furnish the required sequence listing and pay any required late furnishing fee, the International Searching Authority shall only be required to search the international application to the extent that a meaningful search can be carried out without the sequence listing.

(e) Any sequence listing not contained in the international application as filed, whether furnished in response to an invitation under paragraph (a) or otherwise, shall not form part of the international application, but this paragraph shall not prevent the applicant from amending the description in relation to a sequence listing pursuant to Article 34(2)(b).

#### *13ter.2 Procedure before the International Preliminary Examining Authority*

Rule 13ter.1 shall apply *mutatis mutandis* to the procedure before the International Preliminary Examining Authority.

#### *13ter.3 Sequence Listing for Designated Office*

No designated Office shall require the applicant to furnish to it a sequence listing other than a sequence listing complying with the standard provided for in the Administrative Instructions.

### **Rule 14** **The Transmittal Fee**

#### *14.1 The Transmittal Fee*

(a) Any receiving Office may require that the applicant pay a fee to it, for its own benefit, for receiving the international application, transmitting copies to the International Bureau and the competent International Searching Authority, and performing all the other tasks which it must perform in connection with the international application in its capacity of receiving Office (“transmittal fee”).

(b) The amount of the transmittal fee, if any, shall be fixed by the receiving Office.

(c) The transmittal fee shall be paid within one month from the date of receipt of the international application. The amount payable shall be the amount applicable on that date of receipt.

## **Rule 15**

### **The International Filing Fee**

#### **15.1 *The International Filing Fee***

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau (“international filing fee”) to be collected by the receiving Office.

#### **15.2 *Amount; Transfer***

(a) The amount of the international filing fee is as set out in the Schedule of Fees.

(b) The international filing fee shall be payable in the currency or one of the currencies prescribed by the receiving Office (“prescribed currency”).

(c) Where the prescribed currency is the Swiss franc, the receiving Office shall transfer the said fee to the International Bureau in Swiss francs in accordance with Rule 96.2.

(d) Where the prescribed currency is a currency other than the Swiss franc and that currency:

(i) is freely convertible into Swiss francs, the Director General shall establish, for each receiving Office which prescribes such a currency for the payment of the international filing fee, an equivalent amount of that fee in the prescribed currency according to directives given by the Assembly, and the amount in that currency shall be transferred by the receiving Office to the International Bureau in accordance with Rule 96.2;

(ii) is not freely convertible into Swiss francs, the receiving Office shall be responsible for the conversion of the international filing fee from the prescribed currency into Swiss francs and shall transfer that fee in Swiss francs, in the amount set out in the Schedule of Fees, to the International Bureau in accordance with Rule 96.2. Alternatively, if the receiving Office so wishes, it may convert the international filing fee from the prescribed currency into euros or US dollars and transfer the equivalent amount of that fee in euros or US dollars, as established by the Director General according to directives given by the Assembly as referred to in item (i), to the International Bureau in accordance with Rule 96.2.

#### **15.3 *Time Limit for Payment; Amount Payable***

The international filing fee shall be paid to the receiving Office within one month from the date of receipt of the international application. The amount payable shall be the amount applicable on that date of receipt.

#### 15.4 *Refund*

The receiving Office shall refund the international filing fee to the applicant:

- (i) if the determination under Article 11(1) is negative,
- (ii) if, before the transmittal of the record copy to the International Bureau, the international application is withdrawn or considered withdrawn, or
- (iii) if, due to prescriptions concerning national security, the international application is not treated as such.

### **Rule 16** **The Search Fee**

#### 16.1 *Right to Ask for a Fee*

(a) Each International Searching Authority may require that the applicant pay a fee (“search fee”) for its own benefit for carrying out the international search and for performing all other tasks entrusted to International Searching Authorities by the Treaty and these Regulations.

(b) The search fee shall be collected by the receiving Office. The said fee shall be payable in the currency prescribed by that Office (“prescribed currency”).

(c) Where the prescribed currency is the currency in which the International Searching Authority has fixed the said fee (“fixed currency”), the receiving Office shall transfer the said fee to that Authority in that currency in accordance with Rule 96.2.

(d) Where the prescribed currency is not the fixed currency and that currency:

(i) is freely convertible into the fixed currency, the Director General shall establish, for each receiving Office which prescribes such a currency for the payment of the search fee, an equivalent amount of that fee in the prescribed currency according to directives given by the Assembly, and the amount in that currency shall be transferred by the receiving Office to the International Searching Authority in accordance with Rule 96.2;

(ii) is not freely convertible into the fixed currency, the receiving Office shall be responsible for the conversion of the search fee from the prescribed currency into the fixed currency and shall transfer that fee in the fixed currency, in the amount fixed by the International Searching Authority, to the International Searching Authority in accordance with Rule 96.2.

(e) Where, in respect of the payment of the search fee in a prescribed currency, other than the fixed currency, the amount actually received under paragraph (d)(i) of this Rule by the International Searching Authority in the prescribed currency is, when converted by it into the fixed currency, less than that fixed by it, the difference will be paid to the International Searching Authority by

the International Bureau, whereas, if the amount actually received is more, the difference will belong to the International Bureau.

(f) As to the time limit for payment of the search fee and the amount payable, the provisions of Rule 15.3 relating to the international filing fee shall apply *mutatis mutandis*.

#### 16.2 *Refund*

The receiving Office shall refund the search fee to the applicant:

- (i) if the determination under Article 11(1) is negative,
- (ii) if, before the transmittal of the search copy to the International Searching Authority, the international application is withdrawn or considered withdrawn, or
- (iii) if, due to prescriptions concerning national security, the international application is not treated as such.

#### 16.3 *Partial Refund*

Where the International Searching Authority takes into account, under Rule 41.1, the results of an earlier search in carrying out the international search, that Authority shall refund the search fee paid in connection with the international application to the extent and under the conditions provided for in the agreement under Article 16(3)(b).

### **Rule 16bis**

#### **Extension of Time Limits for Payment of Fees**

##### *16bis.1 Invitation by the Receiving Office*

(a) Where, by the time they are due under Rules 14.1(c), 15.3 and 16.1(f), the receiving Office finds that no fees were paid to it, or that the amount paid to it is insufficient to cover the transmittal fee, the international filing fee and the search fee, the receiving Office shall, subject to paragraph (d), invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 16bis.2, within a time limit of one month from the date of the invitation.

(b) *[Deleted]*

(c) Where the receiving Office has sent to the applicant an invitation under paragraph (a) and the applicant has not, within the time limit referred to in that paragraph, paid in full the amount due, including, where applicable, the late payment fee under Rule 16bis.2, the receiving Office shall, subject to paragraph (e):

- (i) make the applicable declaration under Article 14(3), and

(ii) proceed as provided in Rule 29.

(d) Any payment received by the receiving Office before that Office sends the invitation under paragraph (a) shall be considered to have been received before the expiration of the time limit under Rule 14.1(c), 15.3 or 16.1(f), as the case may be.

(e) Any payment received by the receiving Office before that Office makes the applicable declaration under Article 14(3) shall be considered to have been received before the expiration of the time limit referred to in paragraph (a).

#### *16bis.2 Late Payment Fee*

(a) The payment of fees in response to an invitation under Rule 16bis.1(a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late payment fee. The amount of that fee shall be:

(i) 50% of the amount of unpaid fees which is specified in the invitation, or,

(ii) if the amount calculated under item (i) is less than the transmittal fee, an amount equal to the transmittal fee.

(b) The amount of the late payment fee shall not, however, exceed the amount of 50% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

### **Rule 17**

#### **The Priority Document**

#### *17.1 Obligation to Submit Copy of Earlier National or International Application*

(a) Where the priority of an earlier national or international application is claimed under Article 8, a copy of that earlier application, certified by the authority with which it was filed (“the priority document”), shall, unless that priority document has already been filed with the receiving Office together with the international application in which the priority claim is made, and subject to paragraphs (b) and (b-bis), be submitted by the applicant to the International Bureau or to the receiving Office not later than 16 months after the priority date, provided that any copy of the said earlier application which is received by the International Bureau after the expiration of that time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the date of international publication of the international application.

(b) Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau.

Such request shall be made not later than 16 months after the priority date and may be subjected by the receiving Office to the payment of a fee.

(b-*bis*) Where the priority document is, in accordance with the Administrative Instructions, made available to the International Bureau from a digital library prior to the date of international publication of the international application, the applicant may, instead of submitting the priority document, request the International Bureau, prior to the date of international publication, to obtain the priority document from such digital library.

(c) If the requirements of none of the three preceding paragraphs are complied with, any designated Office may, subject to paragraph (d), disregard the priority claim, provided that no designated Office shall disregard the priority claim before giving the applicant an opportunity to furnish the priority document within a time limit which shall be reasonable under the circumstances.

(d) No designated Office shall disregard the priority claim under paragraph (c) if the earlier application referred to in paragraph (a) was filed with it in its capacity as national Office or if the priority document is, in accordance with the Administrative Instructions, available to it from a digital library.

#### 17.2 *Availability of Copies*

(a) Where the applicant has complied with Rule 17.1(a), (b) or (b-*bis*), the International Bureau shall, at the specific request of the designated Office, promptly but not prior to the international publication of the international application, furnish a copy of the priority document to that Office. No such Office shall ask the applicant himself to furnish it with a copy. The applicant shall not be required to furnish a translation to the designated Office before the expiration of the applicable time limit under Article 22. Where the applicant makes an express request to the designated Office under Article 23(2) prior to the international publication of the international application, the International Bureau shall, at the specific request of the designated Office, furnish a copy of the priority document to that Office promptly after receiving it.

(b) The International Bureau shall not make copies of the priority document available to the public prior to the international publication of the international application.

(c) Where the international application has been published under Article 21, the International Bureau shall furnish a copy of the priority document to any person upon request and subject to reimbursement of the cost unless, prior to that publication:

(i) the international application was withdrawn,

(ii) the relevant priority claim was withdrawn or considered, under Rule 26bis.2(b), not to have been made.

## **Rule 18**

### **The Applicant**

#### *18.1 Residence and Nationality*

(a) Subject to the provisions of paragraphs (b) and (c), the question whether an applicant is a resident or national of the Contracting State of which he claims to be a resident or national shall depend on the national law of that State and shall be decided by the receiving Office.

(b) In any case,

(i) possession of a real and effective industrial or commercial establishment in a Contracting State shall be considered residence in that State, and

(ii) a legal entity constituted according to the national law of a Contracting State shall be considered a national of that State.

(c) Where the international application is filed with the International Bureau as receiving Office, the International Bureau shall, in the circumstances specified in the Administrative Instructions, request the national Office of, or acting for, the Contracting State concerned to decide the question referred to in paragraph (a). The International Bureau shall inform the applicant of any such request. The applicant shall have an opportunity to submit arguments directly to the national Office. The national Office shall decide the said question promptly.

#### *18.2 [Deleted]*

#### *18.3 Two or More Applicants*

If there are two or more applicants, the right to file an international application shall exist if at least one of them is entitled to file an international application according to Article 9.

#### *18.4 Information on Requirements under National Law as to Applicants*

(a) and (b) *[Deleted]*

(c) The International Bureau shall, from time to time, publish information on the various national laws in respect of the question who is qualified (inventor, successor in title of the inventor, owner of the invention, or other) to file a national application and shall accompany such information by a warning that the effect of the international application in any designated State may depend on whether the person designated in the international application as applicant for the purposes of that State is a person who, under the national law of that State, is qualified to file a national application.

## **Rule 19**

### **The Competent Receiving Office**

#### **19.1 *Where to File***

(a) Subject to the provisions of paragraph (b), the international application shall be filed, at the option of the applicant,

(i) with the national Office of or acting for the Contracting State of which the applicant is a resident,

(ii) with the national Office of or acting for the Contracting State of which the applicant is a national, or

(iii) irrespective of the Contracting State of which the applicant is a resident or national, with the International Bureau.

(b) Any Contracting State may agree with another Contracting State or any intergovernmental organization that the national Office of the latter State or the intergovernmental organization shall, for all or some purposes, act instead of the national Office of the former State as receiving Office for applicants who are residents or nationals of that former State. Notwithstanding such agreement, the national Office of the former State shall be considered the competent receiving Office for the purposes of Article 15(5).

(c) In connection with any decision made under Article 9(2), the Assembly shall appoint the national Office or the intergovernmental organization which will act as receiving Office for applications of residents or nationals of States specified by the Assembly. Such appointment shall require the previous consent of the said national Office or intergovernmental organization.

#### **19.2 *Two or More Applicants***

If there are two or more applicants:

(i) the requirements of Rule 19.1 shall be considered to be met if the national Office with which the international application is filed is the national Office of or acting for a Contracting State of which at least one of the applicants is a resident or national;

(ii) the international application may be filed with the International Bureau under Rule 19.1(a)(iii) if at least one of the applicants is a resident or national of a Contracting State.

#### **19.3 *Publication of Fact of Delegation of Duties of Receiving Office***

(a) Any agreement referred to in Rule 19.1(b) shall be promptly notified to the International Bureau by the Contracting State which delegates the duties of the receiving Office to the national Office of or acting for another Contracting State or an intergovernmental organization.

(b) The International Bureau shall, promptly upon receipt, publish the notification in the Gazette.

#### 19.4 *Transmittal to the International Bureau as Receiving Office*

(a) Where an international application is filed with a national Office which acts as a receiving Office under the Treaty but

(i) that national Office is not competent under Rule 19.1 or 19.2 to receive that international application, or

(ii) that international application is not in a language accepted under Rule 12.1(a) or the language-dependent free text contained within the sequence listing part of the description is not in a language accepted under Rule 12.1(d) by that national Office but is in a language accepted under that Rule by the International Bureau as receiving Office, or

(ii-*bis*) all or part of the international application is filed in electronic form in a format not accepted by that national Office, or

(iii) that national Office and the International Bureau agree, for any reason other than those specified under items (i), (ii) and (ii-*bis*), and with the authorization of the applicant, that the procedure under this Rule should apply, that international application shall, subject to paragraph (b), be considered to have been received by that Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii).

(b) Where, pursuant to paragraph (a), an international application is received by a national Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii), that national Office shall, unless prescriptions concerning national security prevent the international application from being so transmitted, promptly transmit it to the International Bureau. Such transmittal may be subjected by the national Office to the payment of a fee, for its own benefit, equal to the transmittal fee charged by that Office under Rule 14. The international application so transmitted shall be considered to have been received by the International Bureau as receiving Office under Rule 19.1(a)(iii) on the date of receipt of the international application by that national Office.

(c) For the purposes of Rules 14.1(c), 15.3 and 16.1(f), where the international application was transmitted to the International Bureau under paragraph (b), the date of receipt of the international application shall be considered to be the date on which the international application was actually received by the International Bureau. For the purposes of this paragraph, the last sentence of paragraph (b) shall not apply.

**Rule 20**  
**International Filing Date**

*20.1 Determination under Article 11(1)*

(a) Promptly after receipt of the papers purporting to be an international application, the receiving Office shall determine whether the papers fulfill the requirements of Article 11(1).

(b) For the purposes of Article 11(1)(iii)(c), it shall be sufficient to indicate the name of the applicant in a way which allows the identity of the applicant to be established even if the name is misspelled, the given names are not fully indicated, or, in the case of legal entities, the indication of the name is abbreviated or incomplete.

(c) For the purposes of Article 11(1)(ii), it shall be sufficient that the part which appears to be a description (other than any sequence listing part thereof) and the part which appears to be a claim or claims be in a language accepted by the receiving Office under Rule 12.1(a).

(d) If, on October 1, 1997, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.<sup>2</sup>

*20.2 Positive Determination under Article 11(1)*

(a) If the receiving Office determines that, at the time of receipt of the papers purporting to be an international application, the requirements of Article 11(1) were fulfilled, the receiving Office shall accord as the international filing date the date of receipt of the international application.

(b) The receiving Office shall stamp the request of the international application which it has accorded an international filing date as prescribed by the Administrative Instructions. The copy whose request has been so stamped shall be the record copy of the international application.

(c) The receiving Office shall promptly notify the applicant of the international application number and the international filing date. At the same time, it shall send to the International Bureau a copy of the notification sent to the applicant, except where it has already sent, or is sending at the same time, the record copy to the International Bureau under Rule 22.1(a).

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<sup>2</sup> *Editor's Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

### 20.3 *Defects under Article 11(1)*

(a) Where, in determining whether the papers purporting to be an international application fulfill the requirements of Article 11(1), the receiving Office finds that any of the requirements of Article 11(1) are not, or appear not to be fulfilled, it shall promptly invite the applicant, at the applicant's option:

(i) to furnish the required correction under Article 11(2); or

(ii) where the requirements concerned are those relating to an element referred to in Article 11(1)(iii)(d) or (e), to confirm in accordance with Rule 20.6(a) that the element is incorporated by reference under Rule 4.18; and to make observations, if any, within the applicable time limit under Rule 20.7. If that time limit expires after the expiration of 12 months from the filing date of any application whose priority is claimed, the receiving Office shall call that circumstance to the attention of the applicant.

(b) Where, following an invitation under paragraph (a) or otherwise:

(i) the applicant furnishes to the receiving Office the required correction under Article 11(2) after the date of receipt of the purported international application but on a later date falling within the applicable time limit under Rule 20.7, the receiving Office shall accord that later date as the international filing date and proceed as provided in Rule 20.2(b) and (c);

(ii) an element referred to in Article 11(1)(iii)(d) or (e) is, under Rule 20.6(b), considered to have been contained in the international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, the receiving Office shall accord as the international filing date the date on which all of the requirements of Article 11(1) are fulfilled and proceed as provided in Rule 20.2(b) and (c).

(c) If the receiving Office later discovers, or on the basis of the applicant's reply realizes, that it has erred in issuing an invitation under paragraph (a) since the requirements of Article 11(1) were fulfilled when the papers were received, it shall proceed as provided in Rule 20.2.

### 20.4 *Negative Determination under Article 11(1)*

If the receiving Office does not receive, within the applicable time limit under Rule 20.7, a correction or confirmation referred to in Rule 20.3(a), or if a correction or confirmation has been received but the application still does not fulfill the requirements of Article 11(1), the receiving Office shall:

(i) promptly notify the applicant that the application is not and will not be treated as an international application and shall indicate the reasons therefor;

(ii) notify the International Bureau that the number it has marked on the papers will not be used as an international application number;

(iii) keep the papers constituting the purported international application and any correspondence relating thereto as provided in Rule 93.1; and

(iv) send a copy of the said papers to the International Bureau where, pursuant to a request by the applicant under Article 25(1), the International Bureau needs such a copy and specially asks for it.

#### 20.5 *Missing Parts*

(a) Where, in determining whether the papers purporting to be an international application fulfill the requirements of Article 11(1), the receiving Office finds that a part of the description, claims or drawings is or appears to be missing, including the case where all of the drawings are or appear to be missing (“missing part”) but not including the case where an entire element referred to in Article 11(1)(iii)(d) or (e) is or appears to be missing and not including the case referred to in Rule 20.5*bis*(a), it shall promptly invite the applicant, at the applicant’s option:

(i) to complete the purported international application by furnishing the missing part; or

(ii) to confirm, in accordance with Rule 20.6(a), that the part was incorporated by reference under Rule 4.18;

and to make observations, if any, within the applicable time limit under Rule 20.7. If that time limit expires after the expiration of 12 months from the filing date of any application whose priority is claimed, the receiving Office shall call that circumstance to the attention of the applicant.

(b) Where, following an invitation under paragraph (a) or otherwise, the applicant furnishes to the receiving Office, on or before the date on which all of the requirements of Article 11(1) are fulfilled but within the applicable time limit under Rule 20.7, a missing part referred to in paragraph (a) so as to complete the purported international application, that part shall be included in the application, and the receiving Office shall accord as the international filing date the date on which all of the requirements of Article 11(1) are fulfilled and proceed as provided in Rule 20.2(b) and (c).

(c) Where, following an invitation under paragraph (a) or otherwise, the applicant furnishes to the receiving Office, after the date on which all of the requirements of Article 11(1) were fulfilled but within the applicable time limit under Rule 20.7, a missing part referred to in paragraph (a) so as to complete the international application, that part shall be included in the application, and the receiving Office shall correct the international filing date to the date on which the receiving Office received that part, notify the applicant accordingly and proceed as provided for in the Administrative Instructions.

(d) Where, following an invitation under paragraph (a) or otherwise, a part referred to in paragraph (a) is, under Rule 20.6(b), considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, the receiving Office shall accord as the international filing date the date on which all of the requirements of Article 11(1) are fulfilled and proceed as provided in Rule 20.2(b) and (c).

(e) Where the international filing date has been corrected under paragraph (c), the applicant may, in a notice submitted to the receiving Office within one month from the date of the notification under paragraph (c), request that the missing part concerned be disregarded, in which case the missing part shall be considered not to have been furnished and the correction of the international filing date under that paragraph shall be considered not to have been made, and the receiving Office shall proceed as provided for in the Administrative Instructions.

#### *20.5bis Erroneously Filed Elements and Parts*

(a) Where, in determining whether the papers purporting to be an international application fulfill the requirements of Article 11(1), the receiving Office finds that an entire element referred to in Article 11(1)(iii)(d) or (e) has or appears to have been erroneously filed, or that a part of the description, claims or drawings has or appears to have been erroneously filed, including the case where all drawings have or appear to have been erroneously filed (“erroneously filed element or part”), it shall promptly invite the applicant, at the applicant’s option:

(i) to correct the purported international application by furnishing the correct element or part; or

(ii) to confirm, in accordance with Rule 20.6(a), that the correct element or part was incorporated by reference under Rule 4.18;

and to make observations, if any, within the applicable time limit under Rule 20.7. If that time limit expires after the expiration of 12 months from the filing date of any application whose priority is claimed, the receiving Office shall call that circumstance to the attention of the applicant.

(b) Where, following an invitation under paragraph (a) or otherwise, the applicant furnishes to the receiving Office, on or before the date on which all of the requirements of Article 11(1) are fulfilled but within the applicable time limit under Rule 20.7, a correct element or part so as to correct the purported international application, that correct element or part shall be included in the application, the erroneously filed element or part concerned shall be removed from the application and the receiving Office shall accord as the international filing date the date on which all of the requirements of Article 11(1) are fulfilled

and proceed as provided in Rule 20.2(b) and (c) and as provided for in the Administrative Instructions.

(c) Where, following an invitation under paragraph (a) or otherwise, the applicant furnishes to the receiving Office, after the date on which all of the requirements of Article 11(1) were fulfilled but within the applicable time limit under Rule 20.7, a correct element or part so as to correct the international application, that correct element or part shall be included in the application, the erroneously filed element or part concerned shall be removed from the application, and the receiving Office shall correct the international filing date to the date on which the receiving Office received that correct element or part, notify the applicant accordingly and proceed as provided for in the Administrative Instructions.

(d) Where, following an invitation under paragraph (a) or otherwise, a correct element or part is, under Rule 20.6(b), considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, the erroneously filed element or part concerned shall remain in the application, and the receiving Office shall accord as the international filing date the date on which all of the requirements of Article 11(1) are fulfilled and proceed as provided in Rule 20.2(b) and (c) and as provided for in the Administrative Instructions.

(e) Where the international filing date has been corrected under paragraph (c), the applicant may, in a notice submitted to the receiving Office within one month from the date of the notification under paragraph (c), request that the correct element or part be disregarded, in which case the correct element or part shall be considered not to have been furnished, the erroneously filed element or part concerned shall be considered not to have been removed from the application and the correction of the international filing date under paragraph (c) shall be considered not to have been made, and the receiving Office shall proceed as provided for in the Administrative Instructions.

#### *20.6 Confirmation of Incorporation by Reference of Elements and Parts*

(a) The applicant may submit to the receiving Office, within the applicable time limit under Rule 20.7, a written notice confirming that an element or part is incorporated by reference in the international application under Rule 4.18, accompanied by:

(i) a sheet or sheets embodying the entire element as contained in the earlier application or embodying the part concerned;

(ii) where the applicant has not already complied with Rule 17.1(a), (b) or (b-bis) in relation to the priority document, a copy of the earlier application as filed;

(iii) where the earlier application is not in the language in which the international application is filed, a translation of the earlier application into that language or, where a translation of the international application is required under Rule 12.3(a) or 12.4(a), a translation of the earlier application into both the language in which the international application is filed and the language of that translation; and

(iv) in the case of a part of the description, claims or drawings, an indication as to where that part is contained in the earlier application and, where applicable, in any translation referred to in item (iii).

(b) Where the receiving Office finds that the requirements of Rule 4.18 and paragraph (a) have been complied with and that the element or part referred to in paragraph (a) is completely contained in the earlier application concerned, that element or part shall be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office.

(c) Where the receiving Office finds that a requirement under Rule 4.18 or paragraph (a) has not been complied with or that the element or part referred to in paragraph (a) is not completely contained in the earlier application concerned, the receiving Office shall proceed as provided for in Rule 20.3(b)(i), 20.5(b), 20.5(c), 20.5bis(b) or 20.5bis(c), as the case may be.

#### 20.7 *Time Limit*

(a) The applicable time limit referred to in Rules 20.3(a) and (b), 20.4, 20.5(a), (b) and (c), 20.5bis(a), (b) and (c), and 20.6(a) shall be:

(i) where an invitation under Rule 20.3(a), 20.5(a) or 20.5bis(a), as applicable, was sent to the applicant, two months from the date of the invitation;

(ii) where no such invitation was sent to the applicant, two months from the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office.

(b) Where neither a correction under Article 11(2) nor a notice under Rule 20.6(a) confirming the incorporation by reference of an element referred to in Article 11(1)(iii)(d) or (e) is received by the receiving Office prior to the expiration of the applicable time limit under paragraph (a), any such correction or notice received by that Office after the expiration of that time limit but before it sends a notification to the applicant under Rule 20.4(i) shall be considered to have been received within that time limit.

#### 20.8 *Incompatibility with National Laws*

(a) If, on October 5, 2005, any of Rules 20.3(a)(ii) and (b)(ii), 20.5(a)(ii) and (d), and 20.6 are not compatible with the national law applied by the receiving

Office, the Rules concerned shall not apply to an international application filed with that receiving Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 5, 2006. The information received shall be promptly published by the International Bureau in the Gazette.<sup>3</sup>

(a-*bis*) If, on October 9, 2019, any of Rules 20.5*bis*(a)(ii) and (d) are not compatible with the national law applied by the receiving Office, the Rules concerned shall not apply to an international application filed with that receiving Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 9, 2020. The information received shall be promptly published by the International Bureau in the Gazette.<sup>3</sup>

(a-*ter*) Where an element or a part cannot be incorporated by reference in the international application under Rules 4.18 and 20.6 because of the operation of paragraph (a) or paragraph (a-*bis*) of this Rule, the receiving Office shall proceed as provided for in Rule 20.3(b)(i), 20.5(b), 20.5(c), 20.5*bis*(b) or 20.5*bis*(c), as the case may be. Where the receiving Office proceeds as provided for in Rule 20.5(c) or 20.5*bis*(c), the applicant may proceed as provided for in Rule 20.5(e) or 20.5*bis*(e), as the case may be.

(b) If, on October 5, 2005, any of Rules 20.3(a)(ii) and (b)(ii), 20.5(a)(ii) and (d), and 20.6 are not compatible with the national law applied by the designated Office, the Rules concerned shall not apply in respect of that Office in relation to an international application in respect of which the acts referred to in Article 22 have been performed before that Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 5, 2006. The information received shall be promptly published by the International Bureau in the Gazette.<sup>3</sup>

(b-*bis*) If, on October 9, 2019, any of Rules 20.5*bis*(a)(ii) and (d) are not compatible with the national law applied by the designated Office, the Rules concerned shall not apply in respect of that Office in relation to an international application in respect of which the acts referred to in Article 22 have been performed before that Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 9, 2020. The information received shall be promptly published by the International Bureau in the Gazette.<sup>3</sup>

(c) Where an element or part is considered to have been incorporated by reference in the international application by virtue of a finding of the receiving

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<sup>3</sup> *Editor's Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

Office under Rule 20.6(b), but that incorporation by reference does not apply to the international application for the purposes of the procedure before a designated Office because of the operation of paragraph (b) or paragraph (b-*bis*) of this Rule, the designated Office may treat the application as if the international filing date had been accorded under Rule 20.3(b)(i), 20.5(b) or 20.5*bis*(b), or corrected under Rule 20.5(c) or 20.5*bis*(c), as the case may be, provided that Rule 82*ter*.1(c) and (d) shall apply *mutatis mutandis*.

## **Rule 21**

### **Preparation of Copies**

#### **21.1** *Responsibility of the Receiving Office*

(a) Where the international application is required to be filed in one copy, the receiving Office shall be responsible for preparing the home copy and the search copy required under Article 12(1).

(b) Where the international application is required to be filed in two copies, the receiving Office shall be responsible for preparing the home copy.

(c) If the international application is filed in less than the number of copies required under Rule 11.1(b), the receiving Office shall be responsible for the prompt preparation of the number of copies required, and shall have the right to fix a fee for performing that task and to collect such fee from the applicant.

#### **21.2** *Certified Copy for the Applicant*

Against payment of a fee, the receiving Office shall furnish to the applicant, on request, certified copies of the international application as filed and of any corrections thereto.

## **Rule 22**

### **Transmittal of the Record Copy and Translation**

#### **22.1** *Procedure*

(a) If the determination under Article 11(1) is positive, and unless prescriptions concerning national security prevent the international application from being treated as such, the receiving Office shall transmit the record copy to the International Bureau. Such transmittal shall be effected promptly after receipt of the international application or, if a check to preserve national security must be performed, as soon as the necessary clearance has been obtained. In any case, the receiving Office shall transmit the record copy in time for it to reach the International Bureau by the expiration of the 13<sup>th</sup> month from the priority date. If the transmittal is effected by mail, the receiving Office shall mail the record copy not later than five days prior to the expiration of the 13<sup>th</sup> month from the priority date.

(b) If the International Bureau has received a copy of the notification under Rule 20.2(c) but is not, by the expiration of 13 months from the priority date, in possession of the record copy, it shall remind the receiving Office that it should transmit the record copy to the International Bureau promptly.

(c) If the International Bureau has received a copy of the notification under Rule 20.2(c) but is not, by the expiration of 14 months from the priority date, in possession of the record copy, it shall notify the applicant and the receiving Office accordingly.

(d) After the expiration of 14 months from the priority date, the applicant may request the receiving Office to certify a copy of his international application as being identical with the international application as filed and may transmit such certified copy to the International Bureau.

(e) Any certification under paragraph (d) shall be free of charge and may be refused only on any of the following grounds:

(i) the copy which the receiving Office has been requested to certify is not identical with the international application as filed;

(ii) prescriptions concerning national security prevent the international application from being treated as such;

(iii) the receiving Office has already transmitted the record copy to the International Bureau and that Bureau has informed the receiving Office that it has received the record copy.

(f) Unless the International Bureau has received the record copy, or until it receives the record copy, the copy certified under paragraph (e) and received by the International Bureau shall be considered to be the record copy.

(g) If, by the expiration of the time limit applicable under Article 22, the applicant has performed the acts referred to in that Article but the designated Office has not been informed by the International Bureau of the receipt of the record copy, the designated Office shall inform the International Bureau. If the International Bureau is not in possession of the record copy, it shall promptly notify the applicant and the receiving Office unless it has already notified them under paragraph (c).

(h) Where the international application is to be published in the language of a translation furnished under Rule 12.3 or 12.4, that translation shall be transmitted by the receiving Office to the International Bureau together with the record copy under paragraph (a) or, if the receiving Office has already transmitted the record copy to the International Bureau under that paragraph, promptly after receipt of the translation.

22.2 *[Deleted]*

22.3 *Time Limit under Article 12(3)*

The time limit referred to in Article 12(3) shall be three months from the date of the notification sent by the International Bureau to the applicant under Rule 22.1(c) or (g).

**Rule 23**

**Transmittal of the Search Copy, Translation and Sequence Listing**

23.1 *Procedure*

(a) Where no translation of the international application is required under Rule 12.3(a), the search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau unless no search fee has been paid. In the latter case, it shall be transmitted promptly after payment of the search fee.

(b) Where a translation of the international application is furnished under Rule 12.3, a copy of that translation and of the request, which together shall be considered to be the search copy under Article 12(1), shall be transmitted by the receiving Office to the International Searching Authority, unless no search fee has been paid. In the latter case, a copy of the said translation and of the request shall be transmitted promptly after payment of the search fee.

(c) Any sequence listing in electronic form which is furnished for the purposes of Rule 13<sup>ter</sup> but submitted to the receiving Office instead of the International Searching Authority shall be promptly transmitted by that Office to that Authority.

**Rule 23bis**

**Transmittal of Documents Relating to Earlier Search or Classification**

23bis.1 *Transmittal of Documents Relating to Earlier Search in Case of Request under Rule 4.12*

(a) The receiving Office shall transmit to the International Searching Authority, together with the search copy, any copy referred to in Rule 12bis.1(a) related to an earlier search in respect of which the applicant has made a request under Rule 4.12, provided that any such copy:

(i) has been submitted by the applicant to the receiving Office together with the international application;

(ii) has been requested by the applicant to be prepared and transmitted by the receiving Office to that Authority; or

(iii) is available to the receiving Office in a form and manner acceptable to it, for example, from a digital library, in accordance with Rule 12*bis*.1(d).

(b) If it is not included in the copy of the results of the earlier search referred to in Rule 12*bis*.1(a), the receiving Office shall also transmit to the International Searching Authority, together with the search copy, a copy of the results of any earlier classification effected by that Office, if already available.

*23bis.2 Transmittal of Documents Relating to Earlier Search or Classification for the Purposes of Rule 41.2*

(a) For the purposes of Rule 41.2, where the international application claims the priority of one or more earlier applications filed with the same Office as that which is acting as the receiving Office and that Office has carried out an earlier search in respect of such an earlier application or has classified such earlier application, the receiving Office shall, subject to Article 30(2)(a) as applicable by virtue of Article 30(3) and paragraphs (b), (d) and (e), transmit to the International Searching Authority, together with the search copy, a copy of the results of any such earlier search, in whatever form (for example, in the form of a search report, a listing of cited prior art or an examination report) they are available to the Office, and a copy of the results of any such earlier classification effected by the Office, if already available. The receiving Office may, subject to Article 30(2)(a) as applicable by virtue of Article 30(3), also transmit to the International Searching Authority any further documents relating to such an earlier search which it considers useful to that Authority for the purposes of carrying out the international search.

(b) Notwithstanding paragraph (a), a receiving Office may notify the International Bureau by April 14, 2016 that it may, on request of the applicant submitted together with the international application, decide not to transmit the results of an earlier search to the International Searching Authority. The International Bureau shall publish any notification under this provision in the Gazette.<sup>4</sup>

(c) At the option of the receiving Office, paragraph (a) shall apply *mutatis mutandis* where the international application claims the priority of one or more earlier applications filed with an Office different from the one which is acting as the receiving Office and that Office has carried out an earlier search in respect of such an earlier application or has classified such earlier application, and the results of any such earlier search or classification are available to the receiving Office in a form and manner acceptable to it, for example, from a digital library.

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<sup>4</sup> *Editor's Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

(d) Paragraphs (a) and (c) shall not apply where the earlier search was carried out by the same International Searching Authority or by the same Office as that which is acting as the International Searching Authority, or where the receiving Office is aware that a copy of the earlier search or classification results is available to the International Searching Authority in a form and manner acceptable to it, for example, from a digital library.

(e) To the extent that, on October 14, 2015, the transmission of the copies referred to in paragraph (a), or the transmission of such copies in a particular form, such as those referred to in paragraph (a), without the authorization by the applicant is not compatible with the national law applied by the receiving Office, that paragraph shall not apply to the transmission of such copies, or to the transmission of such copies in the particular form concerned, in respect of any international application filed with that receiving Office for as long as such transmission without the authorization by the applicant continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 14, 2016. The information received shall be promptly published by the International Bureau in the Gazette.<sup>5</sup>

## **Rule 24**

### **Receipt of the Record Copy by the International Bureau**

24.1 *[Deleted]*

24.2 *Notification of Receipt of the Record Copy*

(a) The International Bureau shall promptly notify:

(i) the applicant,

(ii) the receiving Office, and

(iii) the International Searching Authority (unless it has informed the International Bureau that it wishes not to be so notified),

of the fact and the date of receipt of the record copy. The notification shall identify the international application by its number, the international filing date and the name of the applicant, and shall indicate the filing date of any earlier application whose priority is claimed. The notification sent to the applicant shall also contain a list of the designated Offices and, in the case of a designated Office which is responsible for granting regional patents, of the Contracting States designated for such regional patent.

(b) *[Deleted]*

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<sup>5</sup> Editor's Note: This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

(c) If the record copy is received after the expiration of the time limit fixed in Rule 22.3, the International Bureau shall promptly notify the applicant, the receiving Office, and the International Searching Authority, accordingly.

**Rule 25**  
**Receipt of the Search Copy**  
**by the International Searching Authority**

*25.1 Notification of Receipt of the Search Copy*

The International Searching Authority shall promptly notify the International Bureau, the applicant, and – unless the International Searching Authority is the same as the receiving Office – the receiving Office, of the fact and the date of receipt of the search copy.

**Rule 26**  
**Checking by, and Correcting before, the Receiving Office**  
**of Certain Elements of the International Application**

*26.1 Invitation under Article 14(1)(b) to Correct*

The receiving Office shall issue the invitation to correct provided for in Article 14(1)(b) as soon as possible, preferably within one month from the receipt of the international application. In the invitation, the receiving Office shall invite the applicant to furnish the required correction, and give the applicant the opportunity to make observations, within the time limit under Rule 26.2.

*26.2 Time Limit for Correction*

The time limit referred to in Rule 26.1 shall be two months from the date of the invitation to correct. It may be extended by the receiving Office at any time before a decision is taken.

*26.2bis Checking of Requirements under Article 14(1)(a)(i) and (ii)*

(a) For the purposes of Article 14(1)(a)(i), if there is more than one applicant, it shall be sufficient that the request be signed by one of them.

(b) For the purposes of Article 14(1)(a)(ii), if there is more than one applicant, it shall be sufficient that the indications required under Rule 4.5(a)(ii) and (iii) be provided in respect of one of them who is entitled according to Rule 19.1 to file the international application with the receiving Office.

*26.3 Checking of Physical Requirements under Article 14(1)(a)(v)*

(a) Where the international application is filed in a language of publication, the receiving Office shall check:

(i) the international application for compliance with the physical requirements referred to in Rule 11 only to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication;

(ii) any translation furnished under Rule 12.3 for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of satisfactory reproduction.

(b) Where the international application is filed in a language which is not a language of publication, the receiving Office shall check:

(i) the international application for compliance with the physical requirements referred to in Rule 11 only to the extent that compliance therewith is necessary for the purpose of satisfactory reproduction;

(ii) any translation furnished under Rule 12.3 or 12.4 and the drawings for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication.

*26.3bis Invitation under Article 14(1)(b) to Correct Defects under Rule 11*

The receiving Office shall not be required to issue the invitation under Article 14(1)(b) to correct a defect under Rule 11 where the physical requirements referred to in that Rule are complied with to the extent required under Rule 26.3.

*26.3ter Invitation to Correct Defects under Article 3(4)(i)*

(a) Where the abstract or any text matter of the drawings is filed in a language which is different from the language of the description and the claims, the receiving Office shall, unless

(i) a translation of the international application is required under Rule 12.3(a), or

(ii) the abstract or the text matter of the drawings is in the language in which the international application is to be published,

invite the applicant to furnish a translation of the abstract or the text matter of the drawings into the language in which the international application is to be published. Rules 26.1, 26.2, 26.3, 26.3bis, 26.5 and 29.1 shall apply *mutatis mutandis*.

(b) If, on October 1, 1997, paragraph (a) is not compatible with the national law applied by the receiving Office, paragraph (a) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by

December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.<sup>6</sup>

(c) Where the request does not comply with Rule 12.1(c), the receiving Office shall invite the applicant to file a translation so as to comply with that Rule. Rules 3, 26.1, 26.2, 26.5 and 29.1 shall apply *mutatis mutandis*.

(d) If, on October 1, 1997, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.<sup>6</sup>

#### 26.4 *Procedure*

A correction of the request offered to the receiving Office may be stated in a letter addressed to that Office if the correction is of such a nature that it can be transferred from the letter to the request without adversely affecting the clarity and the direct reproducibility of the sheet on to which the correction is to be transferred; otherwise, and in the case of a correction of any element of the international application other than the request, the applicant shall be required to submit a replacement sheet embodying the correction and the letter accompanying the replacement sheet shall draw attention to the differences between the replaced sheet and the replacement sheet.

#### 26.5 *Decision of the Receiving Office*

The receiving Office shall decide whether the applicant has submitted the correction within the applicable time limit under Rule 26.2, and, if the correction has been submitted within that time limit, whether the international application so corrected is or is not to be considered withdrawn, provided that no international application shall be considered withdrawn for lack of compliance with the physical requirements referred to in Rule 11 if it complies with those requirements to the extent necessary for the purpose of reasonably uniform international publication.

### **Rule 26bis** **Correction or Addition of Priority Claim**

#### 26bis.1 *Correction or Addition of Priority Claim*

(a) The applicant may correct a priority claim or add a priority claim to the request by a notice submitted to the receiving Office or the International Bureau

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<sup>6</sup> *Editor's Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

within a time limit of 16 months from the priority date or, where the correction or addition would cause a change in the priority date, 16 months from the priority date as so changed, whichever 16-month period expires first, provided that such a notice may be submitted until the expiration of four months from the international filing date. The correction of a priority claim may include the addition of any indication referred to in Rule 4.10.

(b) Any notice referred to in paragraph (a) received by the receiving Office or the International Bureau after the applicant has made a request for early publication under Article 21(2)(b) shall be considered not to have been submitted, unless that request is withdrawn before the technical preparations for international publication have been completed.

(c) Where the correction or addition of a priority claim causes a change in the priority date, any time limit which is computed from the previously applicable priority date and which has not already expired shall be computed from the priority date as so changed.

#### *26bis.2 Defects in Priority Claims*

(a) Where the receiving Office or, if the receiving Office fails to do so, the International Bureau, finds in relation to a priority claim:

(i) that the international application has an international filing date which is later than the date on which the priority period expired and that a request for restoration of the right of priority under Rule 26bis.3 has not been submitted;

(ii) that the priority claim does not comply with the requirements of Rule 4.10; or

(iii) that any indication in the priority claim is inconsistent with the corresponding indication appearing in the priority document;

the receiving Office or the International Bureau, as the case may be, shall invite the applicant to correct the priority claim. In the case referred to in item (i), where the international filing date is within two months from the date on which the priority period expired, the receiving Office or the International Bureau, as the case may be, shall also notify the applicant of the possibility of submitting a request for the restoration of the right of priority in accordance with Rule 26bis.3, unless the receiving Office has notified the International Bureau under Rule 26bis.3(j) of the incompatibility of Rule 26bis.3(a) to (i) with the national law applied by that Office.

(b) If the applicant does not, before the expiration of the time limit under Rule 26bis.1(a), submit a notice correcting the priority claim, that priority claim shall, subject to paragraph (c), for the purposes of the procedure under the Treaty, be considered not to have been made (“considered void”) and the receiving Office or the International Bureau, as the case may be, shall so declare and shall inform

the applicant accordingly. Any notice correcting the priority claim which is received before the receiving Office or the International Bureau, as the case may be, so declares and not later than one month after the expiration of that time limit shall be considered to have been received before the expiration of that time limit.

(c) A priority claim shall not be considered void only because:

(i) the indication of the number of the earlier application referred to in Rule 4.10(a)(ii) is missing;

(ii) an indication in the priority claim is inconsistent with the corresponding indication appearing in the priority document; or

(iii) the international application has an international filing date which is later than the date on which the priority period expired, provided that the international filing date is within the period of two months from that date.

(d) Where the receiving Office or the International Bureau has made a declaration under paragraph (b) or where the priority claim has not been considered void only because paragraph (c) applies, the International Bureau shall publish, together with the international application, information concerning the priority claim as prescribed by the Administrative Instructions, as well as any information submitted by the applicant concerning such priority claim which is received by the International Bureau prior to the completion of the technical preparations for international publication. Such information shall be included in the communication under Article 20 where the international application is not published by virtue of Article 64(3).

(e) Where the applicant wishes to correct or add a priority claim but the time limit under Rule 26*bis*.1 has expired, the applicant may, prior to the expiration of 30 months from the priority date and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, request the International Bureau to publish information concerning the matter, and the International Bureau shall promptly publish such information.

#### *26bis.3 Restoration of Right of Priority by Receiving Office*

(a) Where the international application has an international filing date which is later than the date on which the priority period expired but within the period of two months from that date, the receiving Office shall, on the request of the applicant, and subject to paragraphs (b) to (g) of this Rule, restore the right of priority if the Office finds that a criterion applied by it ("criterion for restoration") is satisfied, namely, that the failure to file the international application within the priority period:

(i) occurred in spite of due care required by the circumstances having been taken; or

(ii) was unintentional.

Each receiving Office shall apply at least one of those criteria and may apply both of them.

(b) A request under paragraph (a) shall:

(i) be filed with the receiving Office within the time limit applicable under paragraph (e);

(ii) state the reasons for the failure to file the international application within the priority period; and

(iii) preferably be accompanied by any declaration or other evidence required under paragraph (f).

(c) Where a priority claim in respect of the earlier application is not contained in the international application, the applicant shall submit, within the time limit applicable under paragraph (e), a notice under Rule 26*bis*.1(a) adding the priority claim.

(d) The submission of a request under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a fee for requesting restoration, payable within the time limit applicable under paragraph (e). The amount of that fee, if any, shall be fixed by the receiving Office. The time limit for payment of the fee may be extended, at the option of the receiving Office, for a period of up to two months from the expiration of the time limit applicable under paragraph (e).

(e) The time limit referred to in paragraphs (b)(i), (c) and (d) shall be two months from the date on which the priority period expired, provided that, where the applicant makes a request for early publication under Article 21(2)(b), any request under paragraph (a) or any notice referred to in paragraph (c) submitted, or any fee referred to in paragraph (d) paid, after the technical preparations for international publication have been completed shall be considered as not having been submitted or paid in time.

(f) The receiving Office may require that a declaration or other evidence in support of the statement of reasons referred to in paragraph (b)(ii) be filed with it within a time limit which shall be reasonable under the circumstances.

(g) The receiving Office shall not refuse, totally or in part, a request under paragraph (a) without giving the applicant the opportunity to make observations on the intended refusal within a time limit which shall be reasonable under the circumstances. Such notice of intended refusal by the receiving Office may be sent to the applicant together with any invitation to file a declaration or other evidence under paragraph (f).

(h) The receiving Office shall promptly:

(i) notify the International Bureau of the receipt of a request under paragraph (a);

(ii) make a decision upon the request;

(iii) notify the applicant and the International Bureau of its decision and the criterion for restoration upon which the decision was based;

(iv) subject to paragraph (h-*bis*), transmit to the International Bureau all documents received from the applicant relating to the request under paragraph (a) (including a copy of the request itself, any statement of reasons referred to in paragraph (b)(ii) and any declaration or other evidence referred to in paragraph (f)).

(h-*bis*) The receiving Office shall, upon a reasoned request by the applicant or on its own decision, not transmit documents or parts thereof received in relation to the request under paragraph (a), if it finds that:

(i) this document or part thereof does not obviously serve the purpose of informing the public about the international application;

(ii) publication or public access to any such document or part thereof would clearly prejudice the personal or economic interests of any person; and

(iii) there is no prevailing public interest to have access to that document or part thereof.

Where the receiving Office decides not to transmit documents or parts thereof to the International Bureau, it shall notify the International Bureau accordingly.

(i) Each receiving Office shall inform the International Bureau of which of the criteria for restoration it applies and of any subsequent changes in that respect. The International Bureau shall promptly publish such information in the Gazette.

(j) If, on October 5, 2005, paragraphs (a) to (i) are not compatible with the national law applied by the receiving Office, those paragraphs shall not apply in respect of that Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 5, 2006. The information received shall be promptly published by the International Bureau in the Gazette.<sup>7</sup>

### **Rule 26ter**

#### **Correction or Addition of Declarations under Rule 4.17**

##### **26ter.1** *Correction or Addition of Declarations*

The applicant may correct or add to the request any declaration referred to in Rule 4.17 by a notice submitted to the International Bureau within a time limit of

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<sup>7</sup> *Editor's Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

16 months from the priority date, provided that any notice which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed.

*26ter.2 Processing of Declarations*

(a) Where the receiving Office or the International Bureau finds that any declaration referred to in Rule 4.17 is not worded as required or, in the case of the declaration of inventorship referred to in Rule 4.17(iv), is not signed as required, the receiving Office or the International Bureau, as the case may be, may invite the applicant to correct the declaration within a time limit of 16 months from the priority date.

(b) Where the International Bureau receives any declaration or correction under Rule 26ter.1 after the expiration of the time limit under Rule 26ter.1, the International Bureau shall notify the applicant accordingly and shall proceed as provided for in the Administrative Instructions.

**Rule 26quater**  
**Correction or Addition of Indications under Rule 4.11**

*26quater.1 Correction or Addition of Indications*

The applicant may correct or add to the request any indication referred to in Rule 4.11 by a notice submitted to the International Bureau within a time limit of 16 months from the priority date, provided that any notice which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if the notice reaches the International Bureau before the technical preparations for international publication have been completed.

*26quater.2 Late Correction or Addition of Indications*

Where any correction or addition of an indication referred to in Rule 4.11 is not timely received under Rule 26quater.1, the International Bureau shall notify the applicant accordingly and shall proceed as provided for in the Administrative Instructions.

**Rule 27**  
**Lack of Payment of Fees**

*27.1 Fees*

(a) For the purposes of Article 14(3)(a), “fees prescribed under Article 3(4)(iv)” means: the transmittal fee (Rule 14), the international filing fee (Rule 15.1), the search fee (Rule 16), and, where required, the late payment fee (Rule 16bis.2).

(b) For the purposes of Article 14(3)(a) and (b), “the fee prescribed under Article 4(2)” means the international filing fee (Rule 15.1) and, where required, the late payment fee (Rule 16*bis*.2).

## **Rule 28**

### **Defects Noted by the International Bureau**

#### *28.1 Note on Certain Defects*

(a) If, in the opinion of the International Bureau, the international application contains any of the defects referred to in Article 14(1)(a)(i), (ii) or (v), the International Bureau shall bring such defects to the attention of the receiving Office.

(b) The receiving Office shall, unless it disagrees with the said opinion, proceed as provided in Article 14(1)(b) and Rule 26.

## **Rule 29**

### **International Applications Considered Withdrawn**

#### *29.1 Finding by Receiving Office*

If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 (failure to correct certain defects), or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1(a)), or under Article 14(4) (later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)), or under Rule 12.3(d) or 12.4(d) (failure to furnish a required translation or, where applicable, to pay a late furnishing fee), or under Rule 92.4(g)(i) (failure to furnish the original of a document), that the international application is considered withdrawn:

(i) the receiving Office shall transmit the record copy (unless already transmitted), and any correction offered by the applicant, to the International Bureau;

(ii) the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration, and the International Bureau shall in turn notify each designated Office which has already been notified of its designation;

(iii) the receiving Office shall not transmit the search copy as provided in Rule 23, or, if such copy has already been transmitted, it shall notify the International Searching Authority of the said declaration;

(iv) the International Bureau shall not be required to notify the applicant of the receipt of the record copy;

(v) no international publication of the international application shall be effected if the notification of the said declaration transmitted by the receiving

Office reaches the International Bureau before the technical preparations for international publication have been completed.

29.2 *[Deleted]*

29.3 *Calling Certain Facts to the Attention of the Receiving Office*

If the International Bureau or the International Searching Authority considers that the receiving Office should make a finding under Article 14(4), it shall call the relevant facts to the attention of the receiving Office.

29.4 *Notification of Intent to Make Declaration under Article 14(4)*

(a) Before the receiving Office issues any declaration under Article 14(4), it shall notify the applicant of its intent to issue such declaration and the reasons therefor. The applicant may, if he disagrees with the tentative finding of the receiving Office, submit arguments to that effect within two months from the date of the notification.

(b) Where the receiving Office intends to issue a declaration under Article 14(4) in respect of an element mentioned in Article 11(1)(iii)(d) or (e), the receiving Office shall, in the notification referred to in paragraph (a) of this Rule, invite the applicant to confirm in accordance with Rule 20.6(a) that the element is incorporated by reference under Rule 4.18. For the purposes of Rule 20.7(a)(i), the invitation sent to the applicant under this paragraph shall be considered to be an invitation under Rule 20.3(a)(ii).

(c) Paragraph (b) shall not apply where the receiving Office has informed the International Bureau in accordance with Rule 20.8(a) of the incompatibility of Rules 20.3(a)(ii) and (b)(ii) and 20.6 with the national law applied by that Office.

**Rule 30**

**Time Limit under Article 14(4)**

30.1 *Time Limit*

The time limit referred to in Article 14(4) shall be four months from the international filing date.

**Rule 31**

**Copies Required under Article 13**

31.1 *Request for Copies*

(a) Requests under Article 13(1) may relate to all, some kinds of, or individual international applications in which the national Office making the request is designated. Requests for all or some kinds of such international applications must be renewed for each year by means of a notification addressed

by that Office before November 30 of the preceding year to the International Bureau.

(b) Requests under Article 13(2)(b) shall be subject to the payment of a fee covering the cost of preparing and mailing the copy.

### 31.2 *Preparation of Copies*

The preparation of copies required under Article 13 shall be the responsibility of the International Bureau.

## **Rule 32**

### **Extension of Effects of International Application to Certain Successor States**

#### 32.1 *Extension of International Application to Successor State*

(a) The effects of any international application whose international filing date falls in the period defined in paragraph (b) are extended to a State (“the successor State”) whose territory was, before the independence of that State, part of the territory of a Contracting State designated in the international application which subsequently ceased to exist (“the predecessor State”), provided that the successor State has become a Contracting State through the deposit, with the Director General, of a declaration of continuation the effect of which is that the Treaty is applied by the successor State.

(b) The period referred to in paragraph (a) starts on the day following the last day of the existence of the predecessor State and ends two months after the date on which the declaration referred to in paragraph (a) was notified by the Director General to the Governments of the States party to the Paris Convention for the Protection of Industrial Property. However, where the date of independence of the successor State is earlier than the date of the day following the last day of the existence of the predecessor State, the successor State may declare that the said period starts on the date of its independence; such a declaration shall be made together with the declaration referred to in paragraph (a) and shall specify the date of independence.

(c) Information on any international application whose filing date falls within the applicable period under paragraph (b) and whose effect is extended to the successor State shall be published by the International Bureau in the Gazette.

#### 32.2 *Effects of Extension to Successor State*

(a) Where the effects of the international application are extended to the successor State in accordance with Rule 32.1,

(i) the successor State shall be considered as having been designated in the international application, and

(ii) the applicable time limit under Article 22 or 39(1) in relation to that State shall be extended until the expiration of at least six months from the date of the publication of the information under Rule 32.1(c).

(b) The successor State may fix a time limit which expires later than that provided in paragraph (a)(ii). The International Bureau shall publish information on such time limits in the Gazette.

### **Rule 33**

#### **Relevant Prior Art for the International Search**

##### *33.1 Relevant Prior Art for the International Search*

(a) For the purposes of Article 15(2), relevant prior art shall consist of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) and which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious), provided that the making available to the public occurred prior to the international filing date.

(b) When any written disclosure refers to an oral disclosure, use, exhibition, or other means whereby the contents of the written disclosure were made available to the public, and such making available to the public occurred on a date prior to the international filing date, the international search report shall separately mention that fact and the date on which it occurred if the making available to the public of the written disclosure occurred on a date which is the same as, or later than, the international filing date.

(c) Any published application or any patent whose publication date is the same as, or later than, but whose filing date, or, where applicable, claimed priority date, is earlier than the international filing date of the international application searched, and which would constitute relevant prior art for the purposes of Article 15(2) had it been published prior to the international filing date, shall be specially mentioned in the international search report.

##### *33.2 Fields to Be Covered by the International Search*

(a) The international search shall cover all those technical fields, and shall be carried out on the basis of all those search files, which may contain material pertinent to the invention.

(b) Consequently, not only shall the art in which the invention is classifiable be searched but also analogous arts regardless of where classified.

(c) The question what arts are, in any given case, to be regarded as analogous shall be considered in the light of what appears to be the necessary essential

function or use of the invention and not only the specific functions expressly indicated in the international application.

(d) The international search shall embrace all subject matter that is generally recognized as equivalent to the subject matter of the claimed invention for all or certain of its features, even though, in its specifics, the invention as described in the international application is different.

### 33.3 *Orientation of the International Search*

(a) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any) and with particular emphasis on the inventive concept towards which the claims are directed.

(b) In so far as possible and reasonable, the international search shall cover the entire subject matter to which the claims are directed or to which they might reasonably be expected to be directed after they have been amended.

## **Rule 34**

### **Minimum Documentation**

#### 34.1 *Definition*

(a) The definitions contained in Article 2(i) and (ii) shall not apply for the purposes of this Rule.

(b) The documentation referred to in Article 15(4) (“minimum documentation”) shall consist of:

(i) the “national patent documents” as specified in paragraph (c),

(ii) the published international (PCT) applications, the published regional applications for patents and inventors’ certificates, and the published regional patents and inventors’ certificates,

(iii) such other published items of non-patent literature as the International Searching Authorities shall agree upon and which shall be published in a list by the International Bureau when agreed upon for the first time and whenever changed.

(c) Subject to paragraphs (d) and (e), the “national patent documents” shall be the following:

(i) the patents issued in and after 1920 by France, the former *Reichspatentamt* of Germany, Japan, the former Soviet Union, Switzerland (in the French and German languages only), the United Kingdom, and the United States of America,

(ii) the patents issued by the Federal Republic of Germany, the People’s Republic of China, the Republic of Korea and the Russian Federation,

(iii) the patent applications, if any, published in and after 1920 in the countries referred to in items (i) and (ii),

(iv) the inventors' certificates issued by the former Soviet Union,

(v) the utility certificates issued by, and the published applications for utility certificates of, France,

(vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, German or Spanish language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority.

(d) Where an application is republished once (for example, an *Offenlegungsschrift* as an *Auslegeschrift*) or more than once, no International Searching Authority shall be obliged to keep all versions in its documentation; consequently, each such Authority shall be entitled not to keep more than one version. Furthermore, where an application is granted and is issued in the form of a patent or a utility certificate (France), no International Searching Authority shall be obliged to keep both the application and the patent or utility certificate (France) in its documentation; consequently, each such Authority shall be entitled to keep either the application only or the patent or utility certificate (France) only.

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Chinese, Japanese, Korean, Russian or Spanish is entitled not to include in its documentation those patent documents of the People's Republic of China, Japan, the Republic of Korea, the Russian Federation and the former Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than six months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) For the purposes of this Rule, applications which have only been laid open for public inspection are not considered published applications.

## **Rule 35**

### **The Competent International Searching Authority**

#### *35.1 When Only One International Searching Authority Is Competent*

Each receiving Office shall, in accordance with the terms of the applicable agreement referred to in Article 16(3)(b), inform the International Bureau which International Searching Authority is competent for the searching of the international applications filed with it, and the International Bureau shall promptly publish such information.

#### *35.2 When Several International Searching Authorities Are Competent*

(a) Any receiving Office may, in accordance with the terms of the applicable agreement referred to in Article 16(3)(b), specify several International Searching Authorities:

(i) by declaring all of them competent for any international application filed with it, and leaving the choice to the applicant, or

(ii) by declaring one or more competent for certain kinds of international applications filed with it, and declaring one or more others competent for other kinds of international applications filed with it, provided that, for those kinds of international applications for which several International Searching Authorities are declared to be competent, the choice shall be left to the applicant.

(b) Any receiving Office availing itself of the faculty provided in paragraph (a) shall promptly inform the International Bureau, and the International Bureau shall promptly publish such information.

#### *35.3 When the International Bureau Is Receiving Office under Rule 19.1(a)(iii)*

(a) Where the international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), an International Searching Authority shall be competent for the searching of that international application if it would have been competent had that international application been filed with a receiving Office competent under Rule 19.1(a)(i) or (ii), (b) or (c) or Rule 19.2(i).

(b) Where two or more International Searching Authorities are competent under paragraph (a), the choice shall be left to the applicant.

(c) Rules 35.1 and 35.2 shall not apply to the International Bureau as receiving Office under Rule 19.1(a)(iii).

## **Rule 36**

### **Minimum Requirements for International Searching Authorities**

#### *36.1 Definition of Minimum Requirements*

The minimum requirements referred to in Article 16(3)(c) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out searches;

(ii) that Office or organization must have in its possession, or have access to, at least the minimum documentation referred to in Rule 34, properly arranged for search purposes, on paper, in microform or stored on electronic media;

(iii) that Office or organization must have a staff which is capable of searching the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;

(iv) that Office or organization must have in place a quality management system and internal review arrangements in accordance with the common rules of international search;

(v) that Office or organization must hold an appointment as an International Preliminary Examining Authority.

## **Rule 37**

### **Missing or Defective Title**

#### *37.1 Lack of Title*

If the international application does not contain a title and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

#### *37.2 Establishment of Title*

If the international application does not contain a title and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish a title, or if the said Authority finds that the title does not comply with Rule 4.3, it shall itself establish a title. Such title shall be established in the language in which the international application is to be published or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

## **Rule 38**

### **Missing or Defective Abstract**

#### *38.1 Lack of Abstract*

If the international application does not contain an abstract and the receiving Office has notified the International Searching Authority that it has invited the applicant to correct such defect, the International Searching Authority shall proceed with the international search unless and until it receives notification that the said application is considered withdrawn.

#### *38.2 Establishment of Abstract*

If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract. Such abstract shall be established in the language in which the international application is to be published or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

#### *38.3 Modification of Abstract*

The applicant may, until the expiration of one month from the date of mailing of the international search report, submit to the International Searching Authority:

- (i) proposed modifications of the abstract; or
- (ii) where the abstract has been established by the Authority, proposed modifications of, or comments on, that abstract, or both modifications and comments;

and the Authority shall decide whether to modify the abstract accordingly. Where the Authority modifies the abstract, it shall notify the modification to the International Bureau.

## **Rule 39**

### **Subject Matter under Article 17(2)(a)(i)**

#### *39.1 Definition*

No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,

- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,
- (v) mere presentations of information,
- (vi) computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs.

## **Rule 40**

### **Lack of Unity of Invention (International Search)**

#### **40.1 *Invitation to Pay Additional Fees; Time Limit***

The invitation to pay additional fees provided for in Article 17(3)(a) shall:

- (i) specify the reasons for which the international application is not considered as complying with the requirement of unity of invention;
- (ii) invite the applicant to pay the additional fees within one month from the date of the invitation, and indicate the amount of those fees to be paid; and
- (iii) invite the applicant to pay, where applicable, the protest fee referred to in Rule 40.2(e) within one month from the date of the invitation, and indicate the amount to be paid.

#### **40.2 *Additional Fees***

(a) The amount of the additional fees due for searching under Article 17(3)(a) shall be determined by the competent International Searching Authority.

(b) The additional fees due for searching under Article 17(3)(a) shall be payable direct to the International Searching Authority.

(c) Any applicant may pay the additional fees under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive. Such protest shall be examined by a review body constituted in the framework of the International Searching Authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fees. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the designated Offices together with the international search report. The applicant shall submit any translation thereof with the furnishing of the translation of the international application required under Article 22.

(d) The membership of the review body referred to in paragraph (c) may include, but shall not be limited to, the person who made the decision which is the subject of the protest.

(e) The examination of a protest referred to in paragraph (c) may be subjected by the International Searching Authority to the payment to it, for its own benefit, of a protest fee. Where the applicant has not, within the time limit under Rule 40.1(iii), paid any required protest fee, the protest shall be considered not to have been made and the International Searching Authority shall so declare. The protest fee shall be refunded to the applicant where the review body referred to in paragraph (c) finds that the protest was entirely justified.

#### **Rule 40bis**

#### **Additional Fees in Case of Missing Parts or Correct Elements and Parts Included in the International Application or Considered to Have Been Contained in the International Application**

##### *40bis.1 Invitation to Pay Additional Fees*

The International Searching Authority may invite the applicant to pay additional fees where the fact that a missing part or a correct element or part:

(i) is included in the international application under Rule 20.5(c) or Rule 20.5bis(c), respectively; or

(ii) is considered, under Rule 20.5(d) or Rule 20.5bis(d), respectively, to have been contained in the international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office;

is notified to that Authority only after it has begun to draw up the international search report. The invitation shall invite the applicant to pay the additional fees within one month from the date of the invitation and indicate the amount of those fees to be paid. The amount of the additional fees shall be determined by the International Searching Authority but shall not exceed the search fee; the additional fees shall be payable directly to that Authority. Provided any such additional fees have been paid within the prescribed time limit, the International Searching Authority shall establish the international search report on the international application including any such missing part or any such correct element or part.

#### **Rule 41**

#### **Taking into Account Results of Earlier Search and Classification**

##### *41.1 Taking into Account Results of Earlier Search in Case of a Request under Rule 4.12*

Where the applicant has, under Rule 4.12, requested the International Searching Authority to take into account the results of an earlier search and has complied with Rule 12bis.1 and:

(i) the earlier search was carried out by the same International Searching Authority, or by the same Office as that which is acting as the International Searching Authority, the International Searching Authority shall, to the extent possible, take those results into account in carrying out the international search;

(ii) the earlier search was carried out by another International Searching Authority, or by an Office other than that which is acting as the International Searching Authority, the International Searching Authority may take those results into account in carrying out the international search.

#### *41.2 Taking into Account Results of Earlier Search and Classification in Other Cases*

(a) Where the international application claims the priority of one or more earlier applications in respect of which an earlier search has been carried out by the same International Searching Authority, or by the same Office as that which is acting as the International Searching Authority, the International Searching Authority shall, to the extent possible, take the results of any such earlier search into account in carrying out the international search.

(b) Where the receiving Office has transmitted to the International Searching Authority a copy of the results of any earlier search or of any earlier classification under Rule 23bis.2(a) or (c), or where such a copy is available to the International Searching Authority in a form and manner acceptable to it, for example, from a digital library, the International Searching Authority may take those results into account in carrying out the international search.

### **Rule 42**

#### **Time Limit for International Search**

##### *42.1 Time Limit for International Search*

The time limit for establishing the international search report or the declaration referred to in Article 17(2)(a) shall be three months from the receipt of the search copy by the International Searching Authority, or nine months from the priority date, whichever time limit expires later.

### **Rule 43**

#### **The International Search Report**

##### *43.1 Identifications*

The international search report shall identify the International Searching Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, and the international filing date.

#### 43.2 *Dates*

The international search report shall be dated and shall indicate the date on which the international search was actually completed. It shall also indicate the filing date of any earlier application whose priority is claimed or, if the priority of more than one earlier application is claimed, the filing date of the earliest among them.

#### 43.3 *Classification*

(a) The international search report shall contain the classification of the subject matter at least according to the International Patent Classification.

(b) Such classification shall be effected by the International Searching Authority.

#### 43.4 *Language*

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is to be published, provided that:

(i) if a translation of the international application into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, the international search report and any declaration made under Article 17(2)(a) may be in the language of that translation;

(ii) if the international application is to be published in the language of a translation furnished under Rule 12.4 which is not accepted by the International Searching Authority and that Authority so wishes, the international search report and any declaration made under Article 17(2)(a) may be in a language which is both a language accepted by that Authority and a language of publication referred to in Rule 48.3(a).

#### 43.5 *Citations*

(a) The international search report shall contain the citations of the documents considered to be relevant.

(b) The method of identifying any cited document shall be regulated by the Administrative Instructions.

(c) Citations of particular relevance shall be specially indicated.

(d) Citations which are not relevant to all the claims shall be cited in relation to the claim or claims to which they are relevant.

(e) If only certain passages of the cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, the column, or the lines, where the passage appears. If the entire document is relevant but

some passages are of particular relevance, such passages shall be identified unless such identification is not practicable.

#### 43.6 *Fields Searched*

(a) The international search report shall list the classification identification of the fields searched. If that identification is effected on the basis of a classification other than the International Patent Classification, the International Searching Authority shall publish the classification used.

(b) If the international search extended to patents, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, utility certificates of addition, or published applications for any of those kinds of protection, of States, periods, or languages, not included in the minimum documentation as defined in Rule 34, the international search report shall, when practicable, identify the kinds of documents, the States, the periods, and the languages to which it extended. For the purposes of this paragraph, Article 2(ii) shall not apply.

(c) If the international search was based on, or was extended to, any electronic data base, the international search report may indicate the name of the data base and, where considered useful to others and practicable, the search terms used.

#### 43.6bis *Consideration of Rectifications of Obvious Mistakes*

(a) A rectification of an obvious mistake that is authorized under Rule 91.1 shall, subject to paragraph (b), be taken into account by the International Searching Authority for the purposes of the international search and the international search report shall so indicate.

(b) A rectification of an obvious mistake need not be taken into account by the International Searching Authority for the purposes of the international search if it is authorized by or notified to that Authority, as applicable, after it has begun to draw up the international search report, in which case the report shall, if possible, so indicate, failing which the International Searching Authority shall notify the International Bureau accordingly and the International Bureau shall proceed as provided for in the Administrative Instructions.

#### 43.7 *Remarks Concerning Unity of Invention*

If the applicant paid additional fees for the international search, the international search report shall so indicate. Furthermore, where the international search was made on the main invention only or on less than all the inventions (Article 17(3)(a)), the international search report shall indicate what parts of the international application were and what parts were not searched.

#### 43.8 *Authorized Officer*

The international search report shall indicate the name of the officer of the International Searching Authority responsible for that report.

#### 43.9 *Additional Matter*

The international search report shall contain no matter other than that specified in Rules 33.1(b) and (c), 43.1 to 43.3, 43.5 to 43.8, and 44.2, and the indication referred to in Article 17(2)(b), provided that the Administrative Instructions may permit the inclusion in the international search report of any additional matter specified in the Administrative Instructions. The international search report shall not contain, and the Administrative Instructions shall not permit the inclusion of, any expressions of opinion, reasoning, arguments, or explanations.

#### 43.10 *Form*

The physical requirements as to the form of the international search report shall be prescribed by the Administrative Instructions.

### **Rule 43bis**

#### **Written Opinion of the International Searching Authority**

##### 43bis.1 *Written Opinion*

(a) Subject to Rule 69.1(b-bis), the International Searching Authority shall, at the same time as it establishes the international search report or the declaration referred to in Article 17(2)(a), establish a written opinion as to:

(i) whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), and to be industrially applicable;

(ii) whether the international application complies with the requirements of the Treaty and these Regulations in so far as checked by the International Searching Authority.

The written opinion shall also be accompanied by such other observations as these Regulations provide for.

(b) For the purposes of establishing the written opinion, Articles 33(2) to (6) and 35(2) and (3) and Rules 43.4, 43.6bis, 64, 65, 66.1(e), 66.7, 67, 70.2(b) and (d), 70.3, 70.4(ii), 70.5(a), 70.6 to 70.10, 70.12, 70.14 and 70.15(a) shall apply *mutatis mutandis*.

(c) The written opinion shall contain a notification informing the applicant that, if a demand for international preliminary examination is made, the written opinion shall, under Rule 66.1bis(a) but subject to Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority for the purposes of Rule 66.2(a), in which case the applicant is invited to submit to

that Authority, before the expiration of the time limit under Rule 54*bis*.1(a), a written reply together, where appropriate, with amendments.

**Rule 44**  
**Transmittal of the International**  
**Search Report, Written Opinion, Etc.**

*44.1 Copies of Report or Declaration and Written Opinion*

The International Searching Authority shall, on the same day, transmit one copy of the international search report or of the declaration referred to in Article 17(2)(a), and one copy of the written opinion established under Rule 43*bis*.1 to the International Bureau and one copy to the applicant.

*44.2 Title or Abstract*

The international search report shall either state that the International Searching Authority approves the title and the abstract as submitted by the applicant or be accompanied by the text of the title and/or abstract as established by the International Searching Authority under Rules 37 and 38.

*44.3 Copies of Cited Documents*

(a) The request referred to in Article 20(3) may be presented any time during seven years from the international filing date of the international application to which the international search report relates.

(b) The International Searching Authority may require that the party (applicant or designated Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 16(3)(b) between the International Searching Authorities and the International Bureau.

(c) *[Deleted]*

(d) Any International Searching Authority may perform the obligations referred to in paragraphs (a) and (b) through another agency responsible to it.

**Rule 44*bis***  
**International Preliminary Report on Patentability**  
**by the International Searching Authority**

*44bis.1 Issuance of Report; Transmittal to the Applicant*

(a) Unless an international preliminary examination report has been or is to be established, the International Bureau shall issue a report on behalf of the International Searching Authority (in this Rule referred to as “the report”) as to the matters referred to in Rule 43*bis*.1(a). The report shall have the same contents as the written opinion established under Rule 43*bis*.1.

(b) The report shall bear the title “international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)” together with an indication that it is issued under this Rule by the International Bureau on behalf of the International Searching Authority.

(c) The International Bureau shall promptly transmit one copy of the report issued under paragraph (a) to the applicant.

*44bis.2 Communication to Designated Offices*

(a) Where a report has been issued under Rule 44bis.1, the International Bureau shall communicate it to each designated Office in accordance with Rule 93bis.1 but not before the expiration of 30 months from the priority date.

(b) Where the applicant makes an express request to a designated Office under Article 23(2), the International Bureau shall communicate a copy of the written opinion established by the International Searching Authority under Rule 43bis.1 to that Office promptly upon the request of that Office or of the applicant.

*44bis.3 Translation for Designated Offices*

(a) Any designated State may, where a report has been issued under Rule 44bis.1 in a language other than the official language, or one of the official languages, of its national Office, require a translation of the report into English. Any such requirement shall be notified to the International Bureau, which shall promptly publish it in the Gazette.

(b) If a translation is required under paragraph (a), it shall be prepared by or under the responsibility of the International Bureau.

(c) The International Bureau shall transmit a copy of the translation to any interested designated Office and to the applicant at the same time as it communicates the report to that Office.

(d) In the case referred to in Rule 44bis.2(b), the written opinion established under Rule 43bis.1 shall, upon request of the designated Office concerned, be translated into English by or under the responsibility of the International Bureau. The International Bureau shall transmit a copy of the translation to the designated Office concerned within two months from the date of receipt of the request for translation, and shall at the same time transmit a copy to the applicant.

*44bis.4 Observations on the Translation*

The applicant may make written observations as to the correctness of the translation referred to in Rule 44bis.3(b) or (d) and shall send a copy of the observations to each of the interested designated Offices and to the International Bureau.

**Rule 45**  
**Translation of the International Search Report**

**45.1 Languages**

International search reports and declarations referred to in Article 17(2)(a) shall, when not in English, be translated into English.

**Rule 45bis**  
**Supplementary International Searches**

**45bis.1 Supplementary Search Request**

(a) The applicant may, at any time prior to the expiration of 22 months from the priority date, request that a supplementary international search be carried out in respect of the international application by an International Searching Authority that is competent to do so under Rule 45bis.9. Such requests may be made in respect of more than one such Authority.

(b) A request under paragraph (a) (“supplementary search request”) shall be submitted to the International Bureau and shall indicate:

(i) the name and address of the applicant and of the agent (if any), the title of the invention, the international filing date and the international application number;

(ii) the International Searching Authority that is requested to carry out the supplementary international search (“Authority specified for supplementary search”); and

(iii) where the international application was filed in a language which is not accepted by that Authority, whether any translation furnished to the receiving Office under Rule 12.3 or 12.4 is to form the basis of the supplementary international search.

(c) The supplementary search request shall, where applicable, be accompanied by:

(i) where neither the language in which the international application was filed nor that in which a translation (if any) has been furnished under Rule 12.3 or 12.4 is accepted by the Authority specified for supplementary search, a translation of the international application into a language which is accepted by that Authority;

(ii) preferably, a copy of a sequence listing in electronic form complying with the standard provided for in the Administrative Instructions, if required by the Authority specified for supplementary search.

(d) Where the International Searching Authority has found that the international application does not comply with the requirement of unity of

invention, the supplementary search request may contain an indication of the wish of the applicant to restrict the supplementary international search to one of the inventions as identified by the International Searching Authority other than the main invention referred to in Article 17(3)(a).

(e) The supplementary search request shall be considered not to have been submitted, and the International Bureau shall so declare:

(i) if it is received after the expiration of the time limit referred to in paragraph (a); or

(ii) if the Authority specified for supplementary search has not stated, in the applicable agreement under Article 16(3)(b), its preparedness to carry out such searches or is not competent to do so under Rule 45*bis*.9(b).

#### *45bis.2 Supplementary Search Handling Fee*

(a) The supplementary search request shall be subject to the payment of a fee for the benefit of the International Bureau (“supplementary search handling fee”) as set out in the Schedule of Fees.

(b) The supplementary search handling fee shall be paid in the currency in which the fee is set out in the Schedule of Fees or in any other currency prescribed by the International Bureau. The amount in such other currency shall be the equivalent, in round figures, as established by the International Bureau, of the amount as set out in the Schedule of Fees, and shall be published in the Gazette.

(c) The supplementary search handling fee shall be paid to the International Bureau within one month from the date of receipt of the supplementary search request. The amount payable shall be the amount applicable on the date of payment.

(d) The International Bureau shall refund the supplementary search handling fee to the applicant if, before the documents referred to in Rule 45*bis*.4(e)(i) to (iv) are transmitted to the Authority specified for supplementary search, the international application is withdrawn or considered withdrawn, or the supplementary search request is withdrawn or is considered not to have been submitted under Rule 45*bis*.1(e).

#### *45bis.3 Supplementary Search Fee*

(a) Each International Searching Authority carrying out supplementary international searches may require that the applicant pay a fee (“supplementary search fee”) for its own benefit for carrying out such a search.

(b) The supplementary search fee shall be collected by the International Bureau. Rules 16.1(b) to (e) shall apply *mutatis mutandis*.

(c) As to the time limit for payment of the supplementary search fee and the amount payable, the provisions of Rule 45bis.2(c) shall apply *mutatis mutandis*.

(d) The International Bureau shall refund the supplementary search fee to the applicant if, before the documents referred to in Rule 45bis.4(e)(i) to (iv) are transmitted to the Authority specified for supplementary search, the international application is withdrawn or considered withdrawn, or the supplementary search request is withdrawn or is considered not to have been submitted under Rules 45bis.1(e) or 45bis.4(d).

(e) The Authority specified for supplementary search shall, to the extent and under the conditions provided for in the applicable agreement under Article 16(3)(b), refund the supplementary search fee if, before it has started the supplementary international search in accordance with Rule 45bis.5(a), the supplementary search request is considered not to have been submitted under Rule 45bis.5(g).

*45bis.4 Checking of Supplementary Search Request; Correction of Defects; Late Payment of Fees; Transmittal to Authority Specified for Supplementary Search*

(a) Promptly after receipt of a supplementary search request, the International Bureau shall check whether it complies with the requirements of Rule 45bis.1(b) and (c)(i) and shall invite the applicant to correct any defects within a time limit of one month from the date of the invitation.

(b) Where, by the time they are due under Rules 45bis.2(c) and 45bis.3(c), the International Bureau finds that the supplementary search handling fee and the supplementary search fee have not been paid in full, it shall invite the applicant to pay to it the amount required to cover those fees, together with the late payment fee under paragraph (c), within a time limit of one month from the date of the invitation.

(c) The payment of fees in response to an invitation under paragraph (b) shall be subject to the payment to the International Bureau, for its own benefit, of a late payment fee whose amount shall be 50% of the supplementary search handling fee.

(d) If the applicant does not furnish the required correction or does not pay the amount in full of the fees due, including the late payment fee, before the expiration of the time limit applicable under paragraph (a) or (b), respectively, the supplementary search request shall be considered not to have been submitted and the International Bureau shall so declare and shall inform the applicant accordingly.

(e) On finding that the requirements of Rule 45bis.1(b) and (c)(i), 45bis.2(c) and 45bis.3(c) have been complied with, the International Bureau shall promptly, but not before the date of receipt by it of the international search report or the expiration of 17 months from the priority date, whichever occurs first, transmit to the Authority specified for supplementary search a copy of each of the following:

- (i) the supplementary search request;
- (ii) the international application;
- (iii) any sequence listing furnished under Rule 45bis.1(c)(ii); and
- (iv) any translation furnished under Rule 12.3, 12.4 or 45bis.1(c)(i) which is to be used as the basis of the supplementary international search;

and, at the same time, or promptly after their later receipt by the International Bureau:

(v) the international search report and the written opinion established under Rule 43bis.1;

(vi) any invitation by the International Searching Authority to pay additional fees referred to in Article 17(3)(a); and

(vii) any protest by the applicant under Rule 40.2(c) and the decision thereon by the review body constituted in the framework of the International Searching Authority.

(f) Upon request of the Authority specified for supplementary search, the written opinion referred to in paragraph (e)(v) shall, when not in English or in a language accepted by that Authority, be translated into English by or under the responsibility of the International Bureau. The International Bureau shall transmit a copy of the translation to that Authority within two months from the date of receipt of the request for translation, and shall at the same time transmit a copy to the applicant.

#### *45bis.5 Start, Basis and Scope of Supplementary International Search*

(a) The Authority specified for supplementary search shall start the supplementary international search promptly after receipt of the documents specified in Rule 45bis.4(e)(i) to (iv), provided that the Authority may, at its option, delay the start of the search until it has also received the documents specified in Rule 45bis.4(e)(v) or until the expiration of 22 months from the priority date, whichever occurs first.

(b) The supplementary international search shall be carried out on the basis of the international application as filed or of a translation referred to in Rule 45bis.1(b)(iii) or 45bis.1(c)(i), taking due account of the international search report and the written opinion established under Rule 43bis.1 where they are available to the Authority specified for supplementary search before it starts the

search. Where the supplementary search request contains an indication under Rule 45*bis*.1(d), the supplementary international search may be restricted to the invention specified by the applicant under Rule 45*bis*.1(d) and those parts of the international application which relate to that invention.

(c) For the purposes of the supplementary international search, Article 17(2) and Rules 13*ter*.1, 33 and 39 shall apply *mutatis mutandis*.

(d) Where the international search report is available to the Authority specified for supplementary search before it starts the search under paragraph (a), that Authority may exclude from the supplementary search any claims which were not the subject of the international search.

(e) Where the International Searching Authority has made the declaration referred to in Article 17(2)(a) and that declaration is available to the Authority specified for supplementary search before it starts the search under paragraph (a), that Authority may decide not to establish a supplementary international search report, in which case it shall so declare and promptly notify the applicant and the International Bureau accordingly.

(f) The supplementary international search shall cover at least the documentation indicated for that purpose in the applicable agreement under Article 16(3)(b).

(g) If the Authority specified for supplementary search finds that carrying out the search is entirely excluded by a limitation or condition referred to in Rule 45*bis*.9(a), other than a limitation under Article 17(2) as applicable by virtue of Rule 45*bis*.5(c), the supplementary search request shall be considered not to have been submitted, and the Authority shall so declare and shall promptly notify the applicant and the International Bureau accordingly.

(h) The Authority specified for supplementary search may, in accordance with a limitation or condition referred to in Rule 45*bis*.9(a), decide to restrict the search to certain claims only, in which case the supplementary international search report shall so indicate.

#### 45*bis*.6 *Unity of Invention*

(a) If the Authority specified for supplementary search finds that the international application does not comply with the requirement of unity of invention, it shall:

(i) establish the supplementary international search report on those parts of the international application which relate to the invention first mentioned in the claims (“main invention”);

(ii) notify the applicant of its opinion that the international application does not comply with the requirement of unity of invention and specify the reasons for that opinion; and

(iii) inform the applicant of the possibility of requesting, within the time limit referred to in paragraph (c), a review of the opinion.

(b) In considering whether the international application complies with the requirement of unity of invention, the Authority shall take due account of any documents received by it under Rule 45*bis*.4(e)(vi) and (vii) before it starts the supplementary international search.

(c) The applicant may, within one month from the date of the notification under paragraph (a)(ii), request the Authority to review the opinion referred to in paragraph (a). The request for review may be subjected by the Authority to the payment to it, for its own benefit, of a review fee whose amount shall be fixed by it.

(d) If the applicant, within the time limit under paragraph (c), requests a review of the opinion by the Authority and pays any required review fee, the opinion shall be reviewed by the Authority. The review shall not be carried out only by the person who made the decision which is the subject of the review. Where the Authority:

(i) finds that the opinion was entirely justified, it shall notify the applicant accordingly;

(ii) finds that the opinion was partially unjustified but still considers that the international application does not comply with the requirement of unity of invention, it shall notify the applicant accordingly and, where necessary, proceed as provided for in paragraph (a)(i);

(iii) finds that the opinion was entirely unjustified, it shall notify the applicant accordingly, establish the supplementary international search report on all parts of the international application and refund the review fee to the applicant.

(e) On the request of the applicant, the text of both the request for review and the decision thereon shall be communicated to the designated Offices together with the supplementary international search report. The applicant shall submit any translation thereof with the furnishing of the translation of the international application required under Article 22.

(f) Paragraphs (a) to (e) shall apply *mutatis mutandis* where the Authority specified for supplementary search decides to restrict the supplementary international search in accordance with the second sentence of Rule 45*bis*.5(b) or with Rule 45*bis*.5(h), provided that any reference in the said paragraphs to the “international application” shall be construed as a reference to those parts of the international application which relate to the invention specified by the applicant

under Rule 45bis.1(d) or which relate to the claims and those parts of the international application for which the Authority will carry out a supplementary international search, respectively.

*45bis.7 Supplementary International Search Report*

(a) The Authority specified for supplementary search shall, within 28 months from the priority date, establish the supplementary international search report, or make the declaration referred to in Article 17(2)(a) as applicable by virtue of Rule 45bis.5(c) that no supplementary international search report will be established.

(b) Every supplementary international search report, any declaration referred to in Article 17(2)(a) as applicable by virtue of Rule 45bis.5(c) and any declaration under Rule 45bis.5(e) shall be in a language of publication.

(c) For the purposes of establishing the supplementary international search report, Rules 43.1, 43.2, 43.5, 43.6, 43.6bis, 43.8 and 43.10 shall, subject to paragraphs (d) and (e), apply *mutatis mutandis*. Rule 43.9 shall apply *mutatis mutandis*, except that the references therein to Rules 43.3, 43.7 and 44.2 shall be considered non-existent. Article 20(3) and Rule 44.3 shall apply *mutatis mutandis*.

(d) The supplementary international search report need not contain the citation of any document cited in the international search report, except where the document needs to be cited in conjunction with other documents that were not cited in the international search report.

(e) The supplementary international search report may contain explanations:

- (i) with regard to the citations of the documents considered to be relevant;
- (ii) with regard to the scope of the supplementary international search.

*45bis.8 Transmittal and Effect of the Supplementary International Search Report*

(a) The Authority specified for supplementary search shall, on the same day, transmit one copy of the supplementary international search report or the declaration that no supplementary international search report shall be established, as applicable, to the International Bureau and one copy to the applicant.

(b) Subject to paragraph (c), Article 20(1) and Rules 45.1, 47.1(d) and 70.7(a) shall apply as if the supplementary international search report were part of the international search report.

(c) A supplementary international search report need not be taken into account by the International Preliminary Examining Authority for the purposes of

a written opinion or the international preliminary examination report if it is received by that Authority after it has begun to draw up that opinion or report.

*45bis.9 International Searching Authorities Competent to Carry Out Supplementary International Search*

(a) An International Searching Authority shall be competent to carry out supplementary international searches if its preparedness to do so is stated in the applicable agreement under Article 16(3)(b), subject to any limitations and conditions set out in that agreement.

(b) The International Searching Authority carrying out the international search under Article 16(1) in respect of an international application shall not be competent to carry out a supplementary international search in respect of that application.

(c) The limitations referred to in paragraph (a) may, for example, include limitations as to the subject matter for which supplementary international searches will be carried out, other than limitations under Article 17(2) as applicable by virtue of Rule 45bis.5(c), limitations as to the total number of supplementary international searches which will be carried out in a given period, and limitations to the effect that the supplementary international searches will not extend to any claim beyond a certain number of claims.

**Rule 46**

**Amendment of Claims before the International Bureau**

*46.1 Time Limit*

The time limit referred to in Article 19 shall be two months from the date of transmittal of the international search report to the International Bureau and to the applicant by the International Searching Authority or 16 months from the priority date, whichever time limit expires later, provided that any amendment made under Article 19 which is received by the International Bureau after the expiration of the applicable time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed.

*46.2 Where to File*

Amendments made under Article 19 shall be filed directly with the International Bureau.

*46.3 Language of Amendments*

If the international application has been filed in a language other than the language in which it is published, any amendment made under Article 19 shall be in the language of publication.

#### 46.4 *Statement*

(a) The statement referred to in Article 19(1) shall be in the language in which the international application is published and shall not exceed 500 words if in the English language or if translated into that language. The statement shall be identified as such by a heading, preferably by using the words “Statement under Article 19(1)” or their equivalent in the language of the statement.

(b) The statement shall contain no disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

#### 46.5 *Form of Amendments*

(a) The applicant, when making amendments under Article 19, shall be required to submit a replacement sheet or sheets containing a complete set of claims in replacement of all the claims originally filed.

(b) The replacement sheet or sheets shall be accompanied by a letter which:

(i) shall identify the claims which, on account of the amendments, differ from the claims originally filed, and shall draw attention to the differences between the claims originally filed and the claims as amended;

(ii) shall identify the claims originally filed which, on account of the amendments, are cancelled;

(iii) shall indicate the basis for the amendments in the application as filed.

### **Rule 47**

#### **Communication to Designated Offices**

##### 47.1 *Procedure*

(a) The communication provided for in Article 20 shall be effected by the International Bureau to each designated Office in accordance with Rule 93*bis*.1 but, subject to Rule 47.4, not prior to the international publication of the international application.

(a-*bis*) The International Bureau shall notify each designated Office, in accordance with Rule 93*bis*.1, of the fact and date of receipt of the record copy and of the fact and date of receipt of any priority document.

(b) Any amendment received by the International Bureau within the time limit under Rule 46.1 which was not included in the communication provided for in Article 20 shall be communicated promptly to the designated Offices by the International Bureau, and the latter shall notify the applicant accordingly.

(c)<sup>8</sup> The International Bureau shall, promptly after the expiration of 28 months from the priority date, send a notice to the applicant indicating:

(i) the designated Offices which have requested that the communication provided for in Article 20 be effected under Rule 93*bis*.1 and the date of such communication to those Offices; and

(ii) the designated Offices which have not requested that the communication provided for in Article 20 be effected under Rule 93*bis*.1.

(c-*bis*) The notice referred to in paragraph (c) shall be accepted by designated Offices:

(i) in the case of a designated Office referred to in paragraph (c)(i), as conclusive evidence that the communication provided for in Article 20 was effected on the date specified in the notice;

(ii) in the case of a designated Office referred to in paragraph (c)(ii), as conclusive evidence that the Contracting State for which that Office acts as designated Office does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

(d) Each designated Office shall, when it so requires, receive the international search reports and the declarations referred to in Article 17(2)(a) also in the translation referred to in Rule 45.1.

(e)<sup>8</sup> Where any designated Office has not, before the expiration of 28 months from the priority date, requested the International Bureau to effect the communication provided for in Article 20 in accordance with Rule 93*bis*.1, the Contracting State for which that Office acts as designated Office shall be considered to have notified the International Bureau, under Rule 49.1(a-*bis*), that it does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

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<sup>8</sup> *Editor's Note:* Rule 47.1(c) and (e) shall apply to any international application whose international filing date is on or after January 1, 2004 and in respect of a designated Office which has made a notification under paragraph (2) of the decisions of the Assembly set out in Annex IV of document PCT/A/30/7 (to the effect that the modification of the time limit fixed in Article 22(1) was not compatible with the national law applied by that Office on October 3, 2001), and which has not withdrawn that notification under paragraph (3) of those decisions, as though the reference in each of Rule 47.1(c) and (e) to "28 months" was a reference to "19 months," with the consequence that two notifications under Rule 47.1(c) shall, if applicable, be sent in respect of such an application.

Information received by the International Bureau concerning any such incompatibility is published in the Gazette and on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

#### 47.2 *Copies*

The copies required for communication shall be prepared by the International Bureau. Further details concerning the copies required for communication may be provided for in the Administrative Instructions.

#### 47.3 *Languages*

(a) The international application communicated under Article 20 shall be in the language in which it is published.

(b) Where the language in which the international application is published is different from the language in which it was filed, the International Bureau shall furnish to any designated Office, upon the request of that Office, a copy of that application in the language in which it was filed.

#### 47.4 *Express Request under Article 23(2) prior to International Publication*

Where the applicant makes an express request to a designated Office under Article 23(2) prior to the international publication of the international application, the International Bureau shall, upon request of the applicant or the designated Office, promptly effect the communication provided for in Article 20 to that Office.

### **Rule 48** **International Publication**

#### 48.1 *Form and Means*

The form in which and the means by which international applications are published shall be governed by the Administrative Instructions.

#### 48.2 *Contents*

(a) The publication of the international application shall contain:

- (i) a standardized front page;
- (ii) the description;
- (iii) the claims;
- (iv) the drawings, if any;
- (v) subject to paragraph (g), the international search report or the declaration under Article 17(2)(a);
- (vi) any statement filed under Article 19(1), unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4;
- (vii) where the request for publication under Rule 91.3(d) was received by the International Bureau before the completion of the technical preparations for international publication, any request for rectification of an obvious mistake, any reasons and any comments referred to in Rule 91.3(d);

(viii) the indications in relation to deposited biological material furnished under Rule 13*bis* separately from the description, together with an indication of the date on which the International Bureau received such indications;

(ix) any information concerning a priority claim referred to in Rule 26*bis*.2(d);

(x) any declaration referred to in Rule 4.17, and any correction thereof under Rule 26*ter*.1, which was received by the International Bureau before the expiration of the time limit under Rule 26*ter*.1;

(xi) any information concerning a request under Rule 26*bis*.3 for restoration of the right of priority and the decision of the receiving Office upon such request, including information as to the criterion for restoration upon which the decision was based.

(b) Subject to paragraph (c), the front page shall include:

(i) data taken from the request sheet and such other data as are prescribed by the Administrative Instructions;

(ii) a figure or figures where the international application contains drawings, unless Rule 8.2(b) applies;

(iii) the abstract; if the abstract is both in English and in another language, the English text shall appear first;

(iv) where applicable, an indication that the request contains a declaration referred to in Rule 4.17 which was received by the International Bureau before the expiration of the time limit under Rule 26*ter*.1;

(v) where the international filing date has been accorded by the receiving Office under Rule 20.3(b)(ii), 20.5(d) or 20.5*bis*(d) on the basis of the incorporation by reference under Rules 4.18 and 20.6 of an element or part, an indication to that effect, together with an indication as to whether the applicant, for the purposes of Rule 20.6(a)(ii), relied on compliance with Rule 17.1(a), (b) or (b-*bis*) in relation to the priority document or on a separately submitted copy of the earlier application concerned;

(vi) where applicable, an indication that the published international application contains information under Rule 26*bis*.2(d);

(vii) where applicable, an indication that the published international application contains information concerning a request under Rule 26*bis*.3 for restoration of the right of priority and the decision of the receiving Office upon such request;

(viii) where applicable, an indication that an erroneously filed element or part has been removed from the international application in accordance with Rule 20.5*bis*(b) or (c).

(c) Where a declaration under Article 17(2)(a) has issued, the front page shall conspicuously refer to that fact and need include neither a drawing nor an abstract.

(d) The figure or figures referred to in paragraph (b)(ii) shall be selected as provided in Rule 8.2. Reproduction of such figure or figures on the front page may be in a reduced form.

(e) If there is not enough room on the front page for the totality of the abstract referred to in paragraph (b)(iii), the said abstract shall appear on the back of the front page. The same shall apply to the translation of the abstract when such translation is required to be published under Rule 48.3(c).

(f) If the claims have been amended under Article 19, the publication of the international application shall contain the full text of the claims both as filed and as amended. Any statement referred to in Article 19(1) shall be included as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4. The date of receipt of the amended claims by the International Bureau shall be indicated.

(g) If, at the time of the completion of the technical preparations for international publication, the international search report is not yet available, the front page shall contain an indication to the effect that that report was not available and that the international search report (when it becomes available) will be separately published together with a revised front page.

(h) If, at the time of the completion of the technical preparations for international publication, the time limit for amending the claims under Article 19 has not expired, the front page shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after receipt by the International Bureau of such amendments within the time limit under Rule 46.1, the full text of the claims as amended will be published together with a revised front page. If a statement under Article 19(1) has been filed, that statement shall be published as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

(i) If the authorization by the receiving Office, the International Searching Authority or the International Bureau of a rectification of an obvious mistake in the international application under Rule 91.1 is received by or, where applicable, given by the International Bureau after completion of the technical preparations for international publication, a statement reflecting all the rectifications shall be published, together with the sheets containing the rectifications, or the replacement sheets and the letter furnished under Rule 91.2, as the case may be, and the front page shall be republished.

(j) If, at the time of completion of the technical preparations for international publication, a request under Rule 26*bis*.3 for restoration of the right of priority is

still pending, the published international application shall contain, in place of the decision by the receiving Office upon that request, an indication to the effect that such decision was not available and that the decision, when it becomes available, will be separately published.

(k) If a request for publication under Rule 91.3(d) was received by the International Bureau after the completion of the technical preparations for international publication, the request for rectification, any reasons and any comments referred to in that Rule shall be promptly published after the receipt of such request for publication, and the front page shall be republished.

(l) The International Bureau shall, upon a reasoned request by the applicant received by the International Bureau prior to the completion of the technical preparations for international publication, omit from publication any information, if it finds that:

(i) this information does not obviously serve the purpose of informing the public about the international application;

(ii) publication of such information would clearly prejudice the personal or economic interests of any person; and

(iii) there is no prevailing public interest to have access to that information. Rule 26.4 shall apply *mutatis mutandis* as to the manner in which the applicant shall present the information which is the subject of a request made under this paragraph.

(m) Where the receiving Office, the International Searching Authority, the Authority specified for supplementary search or the International Bureau notes any information meeting the criteria set out under paragraph (l), that Office, Authority or Bureau may suggest to the applicant to request the omission from international publication in accordance with paragraph (l).

(n) Where the International Bureau has omitted information from international publication in accordance with paragraph (l) and that information is also contained in the file of the international application held by the receiving Office, the International Searching Authority, the Authority specified for supplementary search or the International Preliminary Examining Authority, the International Bureau shall promptly notify that Office and Authority accordingly.

#### 48.3 *Languages of Publication*

(a) If the international application is filed in Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish (“languages of publication”), that application shall be published in the language in which it was filed.

(b) If the international application is not filed in a language of publication and a translation into a language of publication has been furnished under Rule 12.3 or 12.4, that application shall be published in the language of that translation.

(c) If the international application is published in a language other than English, the international search report to the extent that it is published under Rule 48.2(a)(v), or the declaration referred to in Article 17(2)(a), the title of the invention, the abstract and any text matter pertaining to the figure or figures accompanying the abstract shall be published both in that language and in English. The translations, if not furnished by the applicant under Rule 12.3, shall be prepared under the responsibility of the International Bureau.

#### 48.4 *Earlier Publication on the Applicant's Request*

(a) Where the applicant asks for publication under Articles 21(2)(b) and 64(3)(c)(i) and the international search report, or the declaration referred to in Article 17(2)(a), is not yet available for publication together with the international application, the International Bureau shall collect a special publication fee whose amount shall be fixed in the Administrative Instructions.

(b) Publication under Articles 21(2)(b) and 64(3)(c)(i) shall be effected by the International Bureau promptly after the applicant has asked for it and, where a special fee is due under paragraph (a), after receipt of such fee.

#### 48.5 *Notification of National Publication*

Where the publication of the international application by the International Bureau is governed by Article 64(3)(c)(ii), the national Office concerned shall, promptly after effecting the national publication referred to in the said provision, notify the International Bureau of the fact of such national publication.

#### 48.6 *Announcing of Certain Facts*

(a) If any notification under Rule 29.1(ii) reaches the International Bureau at a time later than that at which it was able to prevent the international publication of the international application, the International Bureau shall promptly publish a notice in the Gazette reproducing the essence of such notification.

(b) *[Deleted]*

(c) If the international application, the designation of any designated State or the priority claim is withdrawn under Rule 90*bis* after the technical preparations for international publication have been completed, notice of the withdrawal shall be published in the Gazette.

**Rule 49**  
**Copy, Translation and Fee under Article 22**

**49.1 Notification**

(a) Any Contracting State requiring the furnishing of a translation or the payment of a national fee, or both, under Article 22, shall notify the International Bureau of:

(i) the languages from which and the language into which it requires translation,

(ii) the amount of the national fee.

(a-bis) Any Contracting State not requiring the furnishing, under Article 22, by the applicant of a copy of the international application (even though the communication of the copy of the international application by the International Bureau under Rule 47 has not taken place by the expiration of the time limit applicable under Article 22) shall notify the International Bureau accordingly.

(a-ter) Any Contracting State which, pursuant to Article 24(2), maintains, if it is a designated State, the effect provided for in Article 11(3) even though a copy of the international application is not furnished by the applicant by the expiration of the time limit applicable under Article 22 shall notify the International Bureau accordingly.

(b) Any notification received by the International Bureau under paragraphs (a), (a-bis) or (a-ter) shall be promptly published by the International Bureau in the Gazette.

(c) If the requirements under paragraph (a) change later, such changes shall be notified by the Contracting State to the International Bureau and that Bureau shall promptly publish the notification in the Gazette. If the change means that translation is required into a language which, before the change, was not required, such change shall be effective only with respect to international applications filed later than two months after the publication of the notification in the Gazette. Otherwise, the effective date of any change shall be determined by the Contracting State.

**49.2 Languages**

The language into which translation may be required must be an official language of the designated Office. If there are several of such languages, no translation may be required if the international application is in one of them. If there are several official languages and a translation must be furnished, the applicant may choose any of those languages. Notwithstanding the foregoing provisions of this paragraph, if there are several official languages but the national

law prescribes the use of one such language for foreigners, a translation into that language may be required.

*49.3 Statements under Article 19; Indications under Rule 13bis.4*

For the purposes of Article 22 and the present Rule, any statement made under Article 19(1) and any indication furnished under Rule 13bis.4 shall, subject to Rule 49.5(c) and (h), be considered part of the international application.

*49.4 Use of National Form*

No applicant shall be required to use a national form when performing the acts referred to in Article 22.

*49.5 Contents of and Physical Requirements for the Translation*

(a) For the purposes of Article 22, the translation of the international application shall contain the description (subject to paragraph (a-bis)), the claims, any text matter of the drawings and the abstract. If required by the designated Office, the translation shall also, subject to paragraphs (b), (c-bis) and (e),

(i) contain the request,

(ii) if the claims have been amended under Article 19, contain both the claims as filed and the claims as amended (the claims as amended shall be furnished in the form of a translation of the complete set of claims furnished under Rule 46.5(a) in replacement of all the claims originally filed), and

(iii) be accompanied by a copy of the drawings.

(a-bis) No designated Office shall require the applicant to furnish to it a translation of any text matter contained in the sequence listing part of the description if such sequence listing part complies with Rule 12.1(d) and includes the language-dependent free text in a language which the designated Office accepts for the purpose, save that a designated Office which supplies published sequence listings to database providers may require a translation of the sequence listing part of the description into English, in accordance with the Administrative Instructions, where the language-dependent free text is not included in English.

(b) Any designated Office requiring the furnishing of a translation of the request shall furnish copies of the request form in the language of the translation free of charge to the applicants. The form and contents of the request form in the language of the translation shall not be different from those of the request under Rules 3 and 4; in particular, the request form in the language of the translation shall not ask for any information that is not in the request as filed. The use of the request form in the language of the translation shall be optional.

(c) Where the applicant did not furnish a translation of any statement made under Article 19(1), the designated Office may disregard such statement.

(c-*bis*) Where the applicant furnishes, to a designated Office which requires under paragraph (a)(ii) a translation of both the claims as filed and the claims as amended, only one of the required two translations, the designated Office may disregard the claims of which a translation has not been furnished or invite the applicant to furnish the missing translation within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation. Where the designated Office chooses to invite the applicant to furnish the missing translation and the latter is not furnished within the time limit fixed in the invitation, the designated Office may disregard those claims of which a translation has not been furnished or consider the international application withdrawn.

(d) If any drawing contains text matter, the translation of that text matter shall be furnished either in the form of a copy of the original drawing with the translation pasted on the original text matter or in the form of a drawing executed anew.

(e) Any designated Office requiring under paragraph (a) the furnishing of a copy of the drawings shall, where the applicant failed to furnish such copy within the time limit applicable under Article 22, invite the applicant to furnish such copy within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

(f) The expression “Fig.” does not require translation into any language.

(g) Where any copy of the drawings or any drawing executed anew which has been furnished under paragraph (d) or (e) does not comply with the physical requirements referred to in Rule 11, the designated Office may invite the applicant to correct the defect within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

(h) Where the applicant did not furnish a translation of the abstract or of any indication furnished under Rule 13*bis*.4, the designated Office shall invite the applicant to furnish such translation, if it deems it to be necessary, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.

(i) Information on any requirement and practice of designated Offices under the second sentence of paragraph (a) shall be published by the International Bureau in the Gazette.

(j) No designated Office shall require that the translation of the international application comply with physical requirements other than those prescribed for the international application as filed.

(k) Where a title has been established by the International Searching Authority pursuant to Rule 37.2, the translation shall contain the title as established by that Authority.

(l) If, on July 12, 1991, paragraph (c-*bis*) or paragraph (k) is not compatible with the national law applied by the designated Office, the paragraph concerned shall not apply to that designated Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1991. The information received shall be promptly published by the International Bureau in the Gazette.<sup>9</sup>

49.6 *Reinstatement of Rights after Failure to Perform the Acts Referred to in Article 22*<sup>10</sup>

(a) Where the effect of the international application provided for in Article 11(3) has ceased because the applicant failed to perform the acts referred to in Article 22 within the applicable time limit, the designated Office shall, upon request of the applicant, and subject to paragraphs (b) to (e) of this Rule, reinstate the rights of the applicant with respect to that international application if it finds that any delay in meeting that time limit was unintentional or, at the option of the designated Office, that the failure to meet that time limit occurred in spite of due care required by the circumstances having been taken.

(b) The request under paragraph (a) shall be submitted to the designated Office, and the acts referred to in Article 22 shall be performed, within whichever of the following periods expires first:

(i) two months from the date of removal of the cause of the failure to meet the applicable time limit under Article 22; or

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<sup>9</sup> *Editor's Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

<sup>10</sup> *Editor's Note:* Paragraphs (a) to (e) of Rule 49.6 do not apply to any international application whose international filing date is before January 1, 2003, provided that:

(i) those paragraphs shall, subject to item (iii), apply to any international application whose international filing date is before January 1, 2003, and in respect of which the applicable time limit under Article 22 expires on or after January 1, 2003;

(ii) to the extent that those paragraphs are applicable by virtue of Rule 76.5, the latter Rule shall, subject to item (iii), apply to any international application whose international filing date is before January 1, 2003, and in respect of which the applicable time limit under Article 39(1) expires on or after January 1, 2003;

(iii) where a designated Office has informed the International Bureau under paragraph (f) of Rule 49.6 that paragraphs (a) to (e) of that Rule are not compatible with the national law applied by that Office, items (i) and (ii) of this paragraph shall apply in respect of that Office except that each reference in those items to the date January 1, 2003, shall be read as a reference to the date of entry into force of Rule 49.6(a) to (e) in respect of that Office.

Information received by the International Bureau concerning any such incompatibility is published in the Gazette and on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

(ii) 12 months from the date of the expiration of the applicable time limit under Article 22;

provided that the applicant may submit the request at any later time if so permitted by the national law applicable by the designated Office.

(c) The request under paragraph (a) shall state the reasons for the failure to comply with the applicable time limit under Article 22.

(d) The national law applicable by the designated Office may require:

(i) that a fee be paid in respect of a request under paragraph (a);

(ii) that a declaration or other evidence in support of the reasons referred to in paragraph (c) be filed.

(e) The designated Office shall not refuse a request under paragraph (a) without giving the applicant the opportunity to make observations on the intended refusal within a time limit which shall be reasonable under the circumstances.

(f) If, on October 1, 2002, paragraphs (a) to (e) are not compatible with the national law applied by the designated Office, those paragraphs shall not apply in respect of that designated Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by January 1, 2003. The information received shall be promptly published by the International Bureau in the Gazette.<sup>11</sup>

### **Rule 49bis**

#### **Indications as to Protection Sought for Purposes of National Processing**

##### *49bis.1 Choice of Certain Kinds of Protection*

(a) If the applicant wishes the international application to be treated, in a designated State in respect of which Article 43 applies, as an application not for the grant of a patent but for the grant of another kind of protection referred to in that Article, the applicant, when performing the acts referred to in Article 22, shall so indicate to the designated Office.

(b) If the applicant wishes the international application to be treated, in a designated State in respect of which Article 44 applies, as an application for the grant of more than one kind of protection referred to in Article 43, the applicant, when performing the acts referred to in Article 22, shall so indicate to the designated Office and shall indicate, if applicable, which kind of protection is sought primarily and which kind is sought subsidiarily.

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<sup>11</sup> *Editor's Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

(c) In the cases referred to in paragraphs (a) and (b), if the applicant wishes the international application to be treated, in a designated State, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition, the applicant, when performing the acts referred to in Article 22, shall indicate the relevant parent application, parent patent or other parent grant.

(d) If the applicant wishes the international application to be treated, in a designated State, as an application for a continuation or a continuation-in-part of an earlier application, the applicant, when performing the acts referred to in Article 22, shall so indicate to the designated Office and shall indicate the relevant parent application.

(e) Where no express indication under paragraph (a) is made by the applicant when performing the acts referred to in Article 22 but the national fee referred to in Article 22 paid by the applicant corresponds to the national fee for a particular kind of protection, the payment of that fee shall be considered to be an indication of the wish of the applicant that the international application is to be treated as an application for that kind of protection and the designated Office shall inform the applicant accordingly.

#### *49bis.2 Time of Furnishing Indications*

(a) No designated Office shall require the applicant to furnish, before performing the acts referred to in Article 22, any indication referred to in Rule 49bis.1 or, where applicable, any indication as to whether the applicant seeks the grant of a national patent or a regional patent.

(b) The applicant may, if so permitted by the national law applicable by the designated Office concerned, furnish such indication or, if applicable, convert from one kind of protection to another, at any later time.

### **Rule 49ter**

#### **Effect of Restoration of Right of Priority by Receiving Office; Restoration of Right of Priority by Designated Office**

##### *49ter.1 Effect of Restoration of Right of Priority by Receiving Office*

(a) Where the receiving Office has restored a right of priority under Rule 26bis.3 based on a finding by it that the failure to file the international application within the priority period occurred in spite of due care required by the circumstances having been taken, that restoration shall, subject to paragraph (c), be effective in each designated State.

(b) Where the receiving Office has restored a right of priority under Rule 26bis.3 based on a finding by it that the failure to file the international application within the priority period was unintentional, that restoration shall,

subject to paragraph (c), be effective in any designated State whose applicable national law provides for restoration of the right of priority based on that criterion or on a criterion which, from the viewpoint of applicants, is more favorable than that criterion.

(c) A decision by the receiving Office to restore a right of priority under Rule 26*bis*.3 shall not be effective in a designated State where the designated Office, a court or any other competent organ of or acting for that designated State finds that a requirement under Rule 26*bis*.3(a), (b)(i) or (c) was not complied with, taking into account the reasons stated in the request submitted to the receiving Office under Rule 26*bis*.3(a) and any declaration or other evidence filed with the receiving Office under Rule 26*bis*.3(b)(iii).

(d) A designated Office shall not review the decision of the receiving Office unless it may reasonably doubt that a requirement referred to in paragraph (c) was complied with, in which case the designated Office shall notify the applicant accordingly, indicating the reasons for that doubt and giving the applicant an opportunity to make observations within a reasonable time limit.

(e) No designated State shall be bound by a decision of the receiving Office refusing a request under Rule 26*bis*.3 for restoration of the right of priority.

(f) Where the receiving Office has refused a request for the restoration of the right of priority, any designated Office may consider that request to be a request for restoration submitted to that designated Office under Rule 49*ter*.2(a) within the time limit under that Rule.

(g) If, on October 5, 2005, paragraphs (a) to (d) are not compatible with the national law applied by the designated Office, those paragraphs shall not apply in respect of that Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 5, 2006. The information received shall be promptly published by the International Bureau in the Gazette.<sup>12</sup>

#### *49ter.2 Restoration of Right of Priority by Designated Office*

(a) Where the international application claims the priority of an earlier application and has an international filing date which is later than the date on which the priority period expired but within the period of two months from that date, the designated Office shall, on the request of the applicant in accordance with paragraph (b), restore the right of priority if the Office finds that a criterion applied by it (“criterion for restoration”) is satisfied, namely, that the failure to file the international application within the priority period:

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<sup>12</sup> *Editor’s Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

(i) occurred in spite of due care required by the circumstances having been taken; or

(ii) was unintentional.

Each designated Office shall apply at least one of those criteria and may apply both of them.

(b) A request under paragraph (a) shall:

(i) be filed with the designated Office within a time limit of one month from the applicable time limit under Article 22 or, where the applicant makes an express request to the designated Office under Article 23(2), within a time limit of one month from the date of receipt of that request by the designated Office;

(ii) state the reasons for the failure to file the international application within the priority period and preferably be accompanied by any declaration or other evidence required under paragraph (c); and

(iii) be accompanied by any fee for requesting restoration required under paragraph (d).

(c) The designated Office may require that a declaration or other evidence in support of the statement of reasons referred to in paragraph (b)(ii) be filed with it within a time limit which shall be reasonable under the circumstances.

(d) The submission of a request under paragraph (a) may be subjected by the designated Office to the payment to it, for its own benefit, of a fee for requesting restoration.

(e) The designated Office shall not refuse, totally or in part, a request under paragraph (a) without giving the applicant the opportunity to make observations on the intended refusal within a time limit which shall be reasonable under the circumstances. Such notice of intended refusal may be sent by the designated Office to the applicant together with any invitation to file a declaration or other evidence under paragraph (c).

(f) Where the national law applicable by the designated Office provides, in respect of the restoration of the right of priority, for requirements which, from the viewpoint of applicants, are more favorable than the requirements provided for under paragraphs (a) and (b), the designated Office may, when determining the right of priority, apply the requirements under the applicable national law instead of the requirements under those paragraphs.

(g) Each designated Office shall inform the International Bureau of which of the criteria for restoration it applies, of the requirements, where applicable, of the national law applicable in accordance with paragraph (f), and of any subsequent changes in that respect. The International Bureau shall promptly publish such information in the Gazette.

(h) If, on October 5, 2005, paragraphs (a) to (g) are not compatible with the national law applied by the designated Office, those paragraphs shall not apply in respect of that Office for as long as they continue not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by April 5, 2006. The information received shall be promptly published by the International Bureau in the Gazette.<sup>13</sup>

## **Rule 50**

### **Faculty under Article 22(3)**

#### *50.1 Exercise of Faculty*

(a) Any Contracting State allowing a time limit expiring later than the time limits provided for in Article 22(1) or (2) shall notify the International Bureau of the time limits so fixed.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) Notifications concerning the shortening of the previously fixed time limit shall be effective in relation to international applications filed after the expiration of three months computed from the date on which the notification was published by the International Bureau.

(d) Notifications concerning the lengthening of the previously fixed time limit shall become effective upon publication by the International Bureau in the Gazette in respect of international applications pending at the time or filed after the date of such publication, or, if the Contracting State effecting the notification fixes some later date, as from the latter date.

## **Rule 51**

### **Review by Designated Offices**

#### *51.1 Time Limit for Presenting the Request to Send Copies*

The time limit referred to in Article 25(1)(c) shall be two months computed from the date of the notification sent to the applicant under Rule 20.4(i), 24.2(c) or 29.1(ii).

#### *51.2 Copy of the Notification*

Where the applicant, after having received a negative determination under Article 11(1), requests the International Bureau, under Article 25(1), to send copies of the file of the purported international application to any of the named

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<sup>13</sup> *Editor's Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

Offices he has attempted to designate, he shall attach to his request a copy of the notification referred to in Rule 20.4(i).

### *51.3 Time Limit for Paying National Fee and Furnishing Translation*

The time limit referred to in Article 25(2)(a) shall expire at the same time as the time limit prescribed in Rule 51.1.

## **Rule 51bis**

### **Certain National Requirements Allowed under Article 27**

#### *51bis.1 Certain National Requirements Allowed*

(a) Subject to Rule 51bis.2, the national law applicable by the designated Office may, in accordance with Article 27, require the applicant to furnish, in particular:

- (i) any document relating to the identity of the inventor,
- (ii) any document relating to the applicant's entitlement to apply for or be granted a patent,
- (iii) any document containing any proof of the applicant's entitlement to claim priority of an earlier application where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the date on which the earlier application was filed,
- (iv) where the international application designates a State whose national law requires, on October 9, 2012, the furnishing of an oath or declaration of inventorship, any document containing an oath or declaration of inventorship,
- (v) any evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time;
- (vi) the confirmation of the international application by the signature of any applicant for the designated State who has not signed the request;
- (vii) any missing indication required under Rule 4.5(a)(ii) and (iii) in respect of any applicant for the designated State;
- (viii) in the cases referred to in Rule 82ter.1, a translation of any erroneously filed element or part removed from the international application in accordance with Rule 20.5bis(b) or (c).

(b) The national law applicable by the designated Office may, in accordance with Article 27(7), require that

- (i) the applicant be represented by an agent having the right to represent applicants before that Office and/or have an address in the designated State for the purpose of receiving notifications,

(ii) the agent, if any, representing the applicant be duly appointed by the applicant.

(c) The national law applicable by the designated Office may, in accordance with Article 27(1), require that the international application, the translation thereof or any document relating thereto be furnished in more than one copy.

(d) The national law applicable by the designated Office may, in accordance with Article 27(2)(ii), require that the translation of the international application furnished by the applicant under Article 22 be:

(i) verified by the applicant or the person having translated the international application in a statement to the effect that, to the best of his knowledge, the translation is complete and faithful;

(ii) certified by a public authority or sworn translator, but only where the designated Office may reasonably doubt the accuracy of the translation.

(e) The national law applicable by the designated Office may, in accordance with Article 27, require the applicant to furnish a translation of the priority document, provided that such a translation may only be required:

(i) where the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable; or

(ii) where the international filing date has been accorded by the receiving Office under Rule 20.3(b)(ii), 20.5(d) or 20.5bis(d) on the basis of the incorporation by reference under Rules 4.18 and 20.6 of an element or part, for the purposes of determining under Rule 82ter.1(b) whether that element or part is completely contained in the priority document concerned, in which case the national law applicable by the designated Office may also require the applicant to furnish, in the case of a part of the description, claims or drawings, an indication as to where that part is contained in the translation of the priority document.

#### *51bis.2 Certain Circumstances in Which Documents or Evidence May Not Be Required*

The designated Office shall not, unless it may reasonably doubt the veracity of the indications or declaration concerned, require any document or evidence:

(i) relating to the identity of the inventor (Rule 51bis.1(a)(i)) (other than a document containing an oath or declaration of inventorship (Rule 51bis.1(a)(iv)), if indications concerning the inventor, in accordance with Rule 4.6, are contained in the request or if a declaration as to the identity of the inventor, in accordance with Rule 4.17(i), is contained in the request or is submitted directly to the designated Office;

(ii) relating to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rule 51bis.1(a)(ii)), if a declaration as to that

matter, in accordance with Rule 4.17(ii), is contained in the request or is submitted directly to the designated Office;

(iii) relating to the applicant's entitlement, as at the international filing date, to claim priority of an earlier application (Rule 51*bis*.1(a)(iii)), if a declaration as to that matter, in accordance with Rule 4.17(iii), is contained in the request or is submitted directly to the designated Office;

(iv) containing an oath or declaration of inventorship (Rule 51*bis*.1(a)(iv)), if a declaration of inventorship, in accordance with Rule 4.17(iv), is contained in the request or is submitted directly to the designated Office.

### *51bis.3 Opportunity to Comply with National Requirements*

(a) Where any of the requirements referred to in Rule 51*bis*.1(a)(i) to (iv) and (c) to (e), or any other requirement of the national law applicable by the designated Office which that Office may apply in accordance with Article 27(1) or (2), is not already fulfilled during the same period within which the requirements under Article 22 must be complied with, the designated Office shall invite the applicant to comply with the requirement within a time limit which shall not be less than two months from the date of the invitation. Each designated Office may require that the applicant pay a fee for complying with national requirements in response to the invitation.

(b) Where any requirement of the national law applicable by the designated Office which that Office may apply in accordance with Article 27(6) or (7) is not already fulfilled during the same period within which the requirements under Article 22 must be complied with, the applicant shall have an opportunity to comply with the requirement after the expiration of that period.

(c) If, on March 17, 2000, paragraph (a) is not compatible with the national law applied by the designated Office in relation to the time limit referred to in that paragraph, the said paragraph shall not apply in respect of that Office in relation to that time limit for as long as the said paragraph continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by November 30, 2000. The information received shall be promptly published by the International Bureau in the Gazette.<sup>14</sup>

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<sup>14</sup> *Editor's Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

**Rule 52**  
**Amendment of the Claims, the Description,  
and the Drawings, before Designated Offices**

**52.1** *Time Limit*

(a) In any designated State in which processing or examination starts without special request, the applicant shall, if he so wishes, exercise the right under Article 28 within one month from the fulfillment of the requirements under Article 22, provided that, if the communication under Rule 47.1 has not been effected by the expiration of the time limit applicable under Article 22, he shall exercise the said right not later than four months after such expiration date. In either case, the applicant may exercise the said right at any later time if so permitted by the national law of the said State.

(b) In any designated State in which the national law provides that examination starts only on special request, the time limit within or the time at which the applicant may exercise the right under Article 28 shall be the same as that provided by the national law for the filing of amendments in the case of the examination, on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before, the expiration of the time limit applicable under paragraph (a).

**PART C**  
**RULES CONCERNING CHAPTER II OF THE TREATY**

**Rule 53**  
**The Demand**

**53.1** *Form*

(a) The demand shall be made on a printed form or be presented as a computer print-out. The particulars of the printed form and of a demand presented as a computer print-out shall be prescribed by the Administrative Instructions.

(b) Copies of printed demand forms shall be furnished free of charge by the receiving Office or by the International Preliminary Examining Authority.

**53.2** *Contents*

(a) The demand shall contain:

- (i) a petition,
- (ii) indications concerning the applicant and the agent if there is an agent,
- (iii) indications concerning the international application to which it relates,
- (iv) where applicable, a statement concerning amendments.

(b) The demand shall be signed.

### 53.3 *The Petition*

The petition shall be to the following effect and shall preferably be worded as follows: “Demand under Article 31 of the Patent Cooperation Treaty: The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.”

### 53.4 *The Applicant*

As to the indications concerning the applicant, Rules 4.4 and 4.16 shall apply, and Rule 4.5 shall apply *mutatis mutandis*.

### 53.5 *Agent or Common Representative*

If an agent or common representative is appointed, the demand shall so indicate. Rules 4.4 and 4.16 shall apply, and Rule 4.7 shall apply *mutatis mutandis*.

### 53.6 *Identification of the International Application*

The international application shall be identified by the name and address of the applicant, the title of the invention, the international filing date (if known to the applicant) and the international application number or, where such number is not known to the applicant, the name of the receiving Office with which the international application was filed.

### 53.7 *Election of States*

The filing of a demand shall constitute the election of all Contracting States which are designated and are bound by Chapter II of the Treaty.

### 53.8 *Signature*

The demand shall be signed by the applicant or, if there is more than one applicant, by all applicants making the demand.

### 53.9 *Statement Concerning Amendments*

(a) If amendments under Article 19 have been made, the statement concerning amendments shall indicate whether, for the purposes of the international preliminary examination, the applicant wishes those amendments:

(i) to be taken into account, in which case a copy of the amendments and of the letter required under Rule 46.5(b) shall preferably be submitted with the demand; or

(ii) to be considered as reversed by an amendment under Article 34.

(b) If no amendments under Article 19 have been made and the time limit for filing such amendments has not expired, the statement may indicate that, should the International Preliminary Examining Authority wish to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant wishes the start of the international preliminary examination to be postponed in accordance with Rule 69.1(d).

(c) If any amendments under Article 34 are submitted with the demand, the statement shall so indicate.

## **Rule 54**

### **The Applicant Entitled to Make a Demand**

#### *54.1 Residence and Nationality*

(a) Subject to the provisions of paragraph (b), the residence or nationality of the applicant shall, for the purposes of Article 31(2), be determined according to Rule 18.1(a) and (b).

(b) The International Preliminary Examining Authority shall, in the circumstances specified in the Administrative Instructions, request the receiving Office or, where the international application was filed with the International Bureau as receiving Office, the national Office of, or acting for, the Contracting State concerned to decide the question whether the applicant is a resident or national of the Contracting State of which he claims to be a resident or national. The International Preliminary Examining Authority shall inform the applicant of any such request. The applicant shall have an opportunity to submit arguments directly to the Office concerned. The Office concerned shall decide the said question promptly.

#### *54.2 Right to Make a Demand*

The right to make a demand under Article 31(2) shall exist if the applicant making the demand or, if there are two or more applicants, at least one of them is a resident or national of a Contracting State bound by Chapter II and the international application has been filed with a receiving Office of or acting for a Contracting State bound by Chapter II.

#### *54.3 International Applications Filed with the International Bureau as Receiving Office*

Where the international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), the International Bureau shall, for the purposes of Article 31(2)(a), be considered to be acting for the Contracting State of which the applicant is a resident or national.

#### 54.4 *Applicant Not Entitled to Make a Demand*

If the applicant does not have the right to make a demand or, in the case of two or more applicants, if none of them has the right to make a demand under Rule 54.2, the demand shall be considered not to have been submitted.

### **Rule 54bis** **Time Limit for Making a Demand**

#### 54bis.1 *Time Limit for Making a Demand*

(a) A demand may be made at any time prior to the expiration of whichever of the following periods expires later:

(i) three months from the date of transmittal to the applicant of the international search report or the declaration referred to in Article 17(2)(a), and of the written opinion established under Rule 43bis.1; or

(ii) 22 months from the priority date.

(b) Any demand made after the expiration of the time limit applicable under paragraph (a) shall be considered as if it had not been submitted and the International Preliminary Examining Authority shall so declare.

### **Rule 55** **Languages (International Preliminary Examination)**

#### 55.1 *Language of Demand*

The demand shall be in the language of the international application or, if the international application has been filed in a language other than the language in which it is published, in the language of publication. However, if a translation of the international application is required under Rule 55.2, the demand shall be in the language of that translation.

#### 55.2 *Translation of International Application*

(a) Where neither the language in which the international application is filed nor the language in which the international application is published is accepted by the International Preliminary Examining Authority that is to carry out the international preliminary examination, the applicant shall, subject to paragraph (b), furnish with the demand a translation of the international application into a language which is both:

- (i) a language accepted by that Authority, and
- (ii) a language of publication.

(a-bis) A translation of the international application into a language referred to in paragraph (a) shall include any element referred to in Article 11(1)(iii)(d) or (e) furnished by the applicant under Rule 20.3(b), 20.5bis(b), 20.5bis(c)

or 20.6(a) and any part of the description, claims or drawings furnished by the applicant under Rule 20.5(b), 20.5(c), 20.5bis(b), 20.5bis(c) or 20.6(a) which is considered to have been contained in the international application under Rule 20.6(b).

(a-ter) The International Preliminary Examining Authority shall check any translation furnished under paragraph (a) for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purposes of the international preliminary examination.

(b) Where a translation of the international application into a language referred to in paragraph (a) was transmitted to the International Searching Authority under Rule 23.1(b) and the International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the International Searching Authority, the applicant need not furnish a translation under paragraph (a). In such a case, unless the applicant furnishes a translation under paragraph (a), the international preliminary examination shall be carried out on the basis of the translation transmitted under Rule 23.1(b).

(c) If a requirement referred to in paragraphs (a), (a-bis) and (a-ter) is not complied with and paragraph (b) does not apply, the International Preliminary Examining Authority shall invite the applicant to furnish the required translation or the required correction, as the case may be, within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

(d) If the applicant complies with the invitation within the time limit under paragraph (c), the said requirement shall be considered to have been complied with. If the applicant fails to do so, the demand shall be considered not to have been submitted and the International Preliminary Examining Authority shall so declare.

### 55.3 *Language and Translation of Amendments and Letters*

(a) Subject to paragraph (b), if the international application has been filed in a language other than the language in which it is published, any amendment under Article 34, as well as any letter referred to in Rule 66.8(a), Rule 66.8(b) and Rule 46.5(b) as applicable by virtue of Rule 66.8(c), shall be submitted in the language of publication.

(b) Where a translation of the international application is required under Rule 55.2:

(i) any amendment and any letter referred to in paragraph (a); and

- (ii) any amendment under Article 19 which is to be taken into account under Rule 66.1(c) or (d) and any letter referred to in Rule 46.5(b);

shall be in the language of that translation. Where such amendments or letters have been or are submitted in another language, a translation shall also be submitted.

(c) If an amendment or letter is not submitted in a language as required under paragraph (a) or (b), the International Preliminary Examining Authority shall invite the applicant to submit the amendment or letter in the required language within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

(d) If the applicant fails to comply, within the time limit under paragraph (c), with the invitation to furnish an amendment in the required language, the amendment shall not be taken into account for the purposes of the international preliminary examination. If the applicant fails to comply, within the time limit under paragraph (c), with the invitation to furnish a letter referred to in paragraph (a) in the required language, the amendment concerned need not be taken into account for the purposes of the international preliminary examination.

## **Rule 56**

*[Deleted]*

**Rule 57**  
**The Handling Fee**

*57.1 Requirement to Pay*

Each demand for international preliminary examination shall be subject to the payment of a fee for the benefit of the International Bureau (“handling fee”) to be collected by the International Preliminary Examining Authority to which the demand is submitted.

*57.2 Amount; Transfer*

(a) The amount of the handling fee is as set out in the Schedule of Fees.

(b) The handling fee shall be payable in the currency or one of the currencies prescribed by the International Preliminary Examining Authority (“prescribed currency”).

(c) Where the prescribed currency is the Swiss franc, the Authority shall transfer the said fee to the International Bureau in Swiss francs in accordance with Rule 96.2.

(d) Where the prescribed currency is a currency other than the Swiss franc and that currency:

(i) is freely convertible into Swiss francs, the Director General shall establish, for each Authority which prescribes such a currency for the payment of the handling fee, an equivalent amount of that fee in the prescribed currency according to directives given by the Assembly, and the amount in that currency shall be transferred by the Authority to the International Bureau in accordance with Rule 96.2;

(ii) is not freely convertible into Swiss francs, the Authority shall be responsible for the conversion of the handling fee from the prescribed currency into Swiss francs and shall transfer that fee in Swiss francs, in the amount set out in the Schedule of Fees, to the International Bureau in accordance with Rule 96.2. Alternatively, if the Authority so wishes, it may convert the handling fee from the prescribed currency into euros or US dollars and transfer the equivalent amount of that fee in euros or US dollars, as established by the Director General according to directives given by the Assembly as referred to in item (i), to the International Bureau in accordance with Rule 96.2.

*57.3 Time Limit for Payment; Amount Payable*

(a) Subject to paragraphs (b) and (c), the handling fee shall be paid within one month from the date on which the demand was submitted or 22 months from the priority date, whichever expires later.

(b) Subject to paragraph (c), where the demand was transmitted to the International Preliminary Examining Authority under Rule 59.3, the handling fee shall be paid within one month from the date of receipt by that Authority or 22 months from the priority date, whichever expires later.

(c) Where, in accordance with Rule 69.1(b), the International Preliminary Examining Authority wishes to start the international preliminary examination at the same time as the international search, that Authority shall invite the applicant to pay the handling fee within one month from the date of the invitation.

(d) The amount of the handling fee payable shall be the amount applicable on the date of payment.

#### *57.4 Refund*

The International Preliminary Examining Authority shall refund the handling fee to the applicant:

(i) if the demand is withdrawn before the demand has been sent by that Authority to the International Bureau, or

(ii) if the demand is considered, under Rule 54.4 or 54*bis*.1(b), not to have been submitted.

### **Rule 58**

#### **The Preliminary Examination Fee**

##### *58.1 Right to Ask for a Fee*

(a) Each International Preliminary Examining Authority may require that the applicant pay a fee (“preliminary examination fee”) for its own benefit for carrying out the international preliminary examination and for performing all other tasks entrusted to International Preliminary Examining Authorities under the Treaty and these Regulations.

(b) The amount of the preliminary examination fee, if any, shall be fixed by the International Preliminary Examining Authority. As to the time limit for payment of the preliminary examination fee and the amount payable, the provisions of Rule 57.3 relating to the handling fee shall apply *mutatis mutandis*.

(c) The preliminary examination fee shall be payable directly to the International Preliminary Examining Authority. Where that Authority is a national Office, it shall be payable in the currency prescribed by that Office, and where the Authority is an intergovernmental organization, it shall be payable in the currency of the State in which the intergovernmental organization is located or in any other currency which is freely convertible into the currency of the said State.

58.2 *[Deleted]*

58.3 *Refund*

The International Preliminary Examining Authorities shall inform the International Bureau of the extent, if any, to which, and the conditions, if any, under which, they will refund any amount paid as a preliminary examination fee where the demand is considered as if it had not been submitted, and the International Bureau shall promptly publish such information.

**Rule 58bis**

**Extension of Time Limits for Payment of Fees**

*58bis.1 Invitation by the International Preliminary Examining Authority*

(a) Where the International Preliminary Examining Authority finds:

(i) that the amount paid to it is insufficient to cover the handling fee and the preliminary examination fee; or

(ii) by the time they are due under Rules 57.3 and 58.1(b), that no fees were paid to it;

the Authority shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 58bis.2, within a time limit of one month from the date of the invitation.

(b) Where the International Preliminary Examining Authority has sent an invitation under paragraph (a) and the applicant has not, within the time limit referred to in that paragraph, paid in full the amount due, including, where applicable, the late payment fee under Rule 58bis.2, the demand shall, subject to paragraph (c), be considered as if it had not been submitted and the International Preliminary Examining Authority shall so declare.

(c) Any payment received by the International Preliminary Examining Authority before that Authority sends the invitation under paragraph (a) shall be considered to have been received before the expiration of the time limit under Rule 57.3 or 58.1(b), as the case may be.

(d) Any payment received by the International Preliminary Examining Authority before that Authority proceeds under paragraph (b) shall be considered to have been received before the expiration of the time limit under paragraph (a).

*58bis.2 Late Payment Fee*

(a) The payment of fees in response to an invitation under Rule 58bis.1(a) may be subjected by the International Preliminary Examining Authority to the payment to it, for its own benefit, of a late payment fee. The amount of that fee shall be:

- (i) 50% of the amount of unpaid fees which is specified in the invitation, or,
  - (ii) if the amount calculated under item (i) is less than the handling fee, an amount equal to the handling fee.
- (b) The amount of the late payment fee shall not, however, exceed double the amount of the handling fee.

### **Rule 59**

#### **The Competent International Preliminary Examining Authority**

##### *59.1 Demands under Article 31(2)(a)*

(a) For demands made under Article 31(2)(a), each receiving Office of or acting for a Contracting State bound by the provisions of Chapter II shall, in accordance with the terms of the applicable agreement referred to in Article 32(2) and (3), inform the International Bureau which International Preliminary Examining Authority is or which International Preliminary Examining Authorities are competent for the international preliminary examination of international applications filed with it. The International Bureau shall promptly publish such information. Where several International Preliminary Examining Authorities are competent, the provisions of Rule 35.2 shall apply *mutatis mutandis*.

(b) Where the international application was filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), Rule 35.3(a) and (b) shall apply *mutatis mutandis*. Paragraph (a) of this Rule shall not apply to the International Bureau as receiving Office under Rule 19.1(a)(iii).

##### *59.2 Demands under Article 31(2)(b)*

As to demands made under Article 31(2)(b), the Assembly, in specifying the International Preliminary Examining Authority competent for international applications filed with a national Office which is an International Preliminary Examining Authority, shall give preference to that Authority; if the national Office is not an International Preliminary Examining Authority, the Assembly shall give preference to the International Preliminary Examining Authority recommended by that Office.

##### *59.3 Transmittal of the Demand to the Competent International Preliminary Examining Authority*

(a) If the demand is submitted to a receiving Office, an International Searching Authority, or an International Preliminary Examining Authority which is not competent for the international preliminary examination of the international application, that Office or Authority shall mark the date of receipt on the demand

and, unless it decides to proceed under paragraph (f), transmit the demand promptly to the International Bureau.

(b) If the demand is submitted to the International Bureau, the International Bureau shall mark the date of receipt on the demand.

(c) Where the demand is transmitted to the International Bureau under paragraph (a) or submitted to it under paragraph (b), the International Bureau shall promptly:

(i) if there is only one competent International Preliminary Examining Authority, transmit the demand to that Authority and inform the applicant accordingly, or

(ii) if two or more International Preliminary Examining Authorities are competent, invite the applicant to indicate, within the time limit applicable under Rule 54*bis*.1(a) or 15 days from the date of the invitation, whichever is later, the competent International Preliminary Examining Authority to which the demand should be transmitted.

(d) Where an indication is furnished as required under paragraph (c)(ii), the International Bureau shall promptly transmit the demand to the competent International Preliminary Examining Authority indicated by the applicant. Where no indication is so furnished, the demand shall be considered not to have been submitted and the International Bureau shall so declare.

(e) Where the demand is transmitted to a competent International Preliminary Examining Authority under paragraph (c), it shall be considered to have been received on behalf of that Authority on the date marked on it under paragraph (a) or (b), as applicable, and the demand so transmitted shall be considered to have been received by that Authority on that date.

(f) Where an Office or Authority to which the demand is submitted under paragraph (a) decides to transmit that demand directly to the competent International Preliminary Examining Authority, paragraphs (c) to (e) shall apply *mutatis mutandis*.

## **Rule 60**

### **Certain Defects in the Demand**

#### **60.1 Defects in the Demand**

(a) Subject to paragraphs (a-*bis*) and (a-*ter*), if the demand does not comply with the requirements specified in Rules 53.1, 53.2(a)(i) to (iii), 53.2(b), 53.3 to 53.8 and 55.1, the International Preliminary Examining Authority shall invite the applicant to correct the defects within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from

the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

(a-*bis*) For the purposes of Rule 53.4, if there are two or more applicants, it shall be sufficient that the indications referred to in Rule 4.5(a)(ii) and (iii) be provided in respect of one of them who has the right according to Rule 54.2 to make a demand.

(a-*ter*) For the purposes of Rule 53.8, if there are two or more applicants, it shall be sufficient that the demand be signed by one of them.

(b) If the applicant complies with the invitation within the time limit under paragraph (a), the demand shall be considered as if it had been received on the actual filing date, provided that the demand as submitted permitted the international application to be identified; otherwise, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the correction.

(c) If the applicant does not comply with the invitation within the time limit under paragraph (a), the demand shall be considered as if it had not been submitted and the International Preliminary Examining Authority shall so declare.

(d) *[Deleted]*

(e) If the defect is noticed by the International Bureau, it shall bring the defect to the attention of the International Preliminary Examining Authority, which shall then proceed as provided in paragraphs (a) to (c).

(f) If the demand does not contain a statement concerning amendments, the International Preliminary Examining Authority shall proceed as provided for in Rules 66.1 and 69.1(a) or (b).

(g) Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (Rule 53.9(c)) but no such amendments are, in fact, submitted, the International Preliminary Examining Authority shall invite the applicant to submit the amendments within a time limit fixed in the invitation and shall proceed as provided for in Rule 69.1(e).

## **Rule 61**

### **Notification of the Demand and Elections**

#### *61.1 Notification to the International Bureau and the Applicant*

(a) The International Preliminary Examining Authority shall indicate on the demand the date of receipt or, where applicable, the date referred to in Rule 60.1(b). The International Preliminary Examining Authority shall promptly

either send the demand to the International Bureau and keep a copy in its files or send a copy to the International Bureau and keep the demand in its files.

(b) The International Preliminary Examining Authority shall promptly notify the applicant of the date of receipt of the demand. Where the demand has been considered under Rules 54.4, 55.2(d), 58*bis*.1(b) or 60.1(c) as if it had not been submitted, the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

#### *61.2 Notification to the Elected Offices*

(a) The notification provided for in Article 31(7) shall be effected by the International Bureau.

(b) The notification shall indicate the number and filing date of the international application, the name of the applicant, the filing date of the application whose priority is claimed (where priority is claimed) and the date of receipt by the International Preliminary Examining Authority of the demand.

(c) The notification shall be sent to the elected Office together with the communication provided for in Article 20. Elections effected after such communication shall be notified promptly after they have been made.

(d) Where the applicant makes an express request to an elected Office under Article 40(2) prior to the international publication of the international application, the International Bureau shall, upon request of the applicant or the elected Office, promptly effect the communication provided for in Article 20 to that Office.

#### *61.3 Information for the Applicant*

The International Bureau shall inform the applicant in writing of the notification referred to in Rule 61.2 and of the elected Offices notified under Article 31(7).

#### *61.4 Publication in the Gazette*

The International Bureau shall, promptly after the filing of the demand but not before the international publication of the international application, publish in the Gazette information on the demand and the elected States concerned, as provided in the Administrative Instructions.

## **Rule 62**

### **Copy of the Written Opinion by the International Searching Authority and of Amendments under Article 19 for the International Preliminary Examining Authority**

#### *62.1 Copy of Written Opinion by International Searching Authority and of Amendments Made before the Demand Is Filed*

Upon receipt of a demand, or a copy thereof, from the International Preliminary Examining Authority, the International Bureau shall promptly transmit to that Authority:

(i) a copy of the written opinion established under Rule 43*bis*.1, unless the national Office or intergovernmental organization that acted as International Searching Authority is also acting as International Preliminary Examining Authority; and

(ii) a copy of any amendment under Article 19, any statement referred to in that Article, and the letter required under Rule 46.5(b), unless that Authority has indicated that it has already received such a copy.

#### *62.2 Amendments Made after the Demand Is Filed*

If, at the time of filing any amendments under Article 19, a demand has already been submitted, the applicant shall preferably, at the same time as he files the amendments with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments, any statement referred to in that Article and the letter required under Rule 46.5(b). In any case, the International Bureau shall promptly transmit a copy of such amendments, statement and letter to that Authority.

## **Rule 62*bis***

### **Translation for the International Preliminary Examining Authority of the Written Opinion of the International Searching Authority**

#### *62bis.1 Translation and Observations*

(a) Upon request of the International Preliminary Examining Authority, the written opinion established under Rule 43*bis*.1 shall, when not in English or in a language accepted by that Authority, be translated into English by or under the responsibility of the International Bureau.

(b) The International Bureau shall transmit a copy of the translation to the International Preliminary Examining Authority within two months from the date of receipt of the request for translation, and shall at the same time transmit a copy to the applicant.

(c) The applicant may make written observations as to the correctness of the translation and shall send a copy of the observations to the International Preliminary Examining Authority and to the International Bureau.

**Rule 63**  
**Minimum Requirements for**  
**International Preliminary Examining Authorities**

**63.1** *Definition of Minimum Requirements*

The minimum requirements referred to in Article 32(3) shall be the following:

(i) the national Office or intergovernmental organization must have at least 100 full-time employees with sufficient technical qualifications to carry out examinations;

(ii) that Office or organization must have at its ready disposal at least the minimum documentation referred to in Rule 34, properly arranged for examination purposes;

(iii) that Office or organization must have a staff which is capable of examining in the required technical fields and which has the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;

(iv) that Office or organization must have in place a quality management system and internal review arrangements in accordance with the common rules of international preliminary examination;

(v) that Office or organization must hold an appointment as an International Searching Authority.

**Rule 64**  
**Prior Art for International Preliminary Examination**

**64.1** *Prior Art*

(a) For the purposes of Article 33(2) and (3), everything made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) shall be considered prior art provided that such making available occurred prior to the relevant date.

(b) For the purposes of paragraph (a), the relevant date shall be:

(i) subject to items (ii) and (iii), the international filing date of the international application under international preliminary examination;

(ii) where the international application under international preliminary examination claims the priority of an earlier application and has an international filing date which is within the priority period, the filing date of such earlier

application, unless the International Preliminary Examining Authority considers that the priority claim is not valid;

(iii) where the international application under international preliminary examination claims the priority of an earlier application and has an international filing date which is later than the date on which the priority period expired but within the period of two months from that date, the filing date of such earlier application, unless the International Preliminary Examining Authority considers that the priority claim is not valid for reasons other than the fact that the international application has an international filing date which is later than the date on which the priority period expired.

#### 64.2 *Non-Written Disclosures*

In cases where the making available to the public occurred by means of an oral disclosure, use, exhibition or other non-written means (“non-written disclosure”) before the relevant date as defined in Rule 64.1(b) and the date of such non-written disclosure is indicated in a written disclosure which has been made available to the public on a date which is the same as, or later than, the relevant date, the non-written disclosure shall not be considered part of the prior art for the purposes of Article 33(2) and (3). Nevertheless, the international preliminary examination report shall call attention to such non-written disclosure in the manner provided for in Rule 70.9.

#### 64.3 *Certain Published Documents*

In cases where any application or any patent which would constitute prior art for the purposes of Article 33(2) and (3) had it been published prior to the relevant date referred to in Rule 64.1 was published on a date which is the same as, or later than, the relevant date but was filed earlier than the relevant date or claimed the priority of an earlier application which had been filed prior to the relevant date, such published application or patent shall not be considered part of the prior art for the purposes of Article 33(2) and (3). Nevertheless, the international preliminary examination report shall call attention to such application or patent in the manner provided for in Rule 70.10.

### **Rule 65**

#### **Inventive Step or Non-Obviousness**

##### 65.1 *Approach to Prior Art*

For the purposes of Article 33(3), the international preliminary examination shall take into consideration the relation of any particular claim to the prior art as a whole. It shall take into consideration the claim’s relation not only to individual documents or parts thereof taken separately but also its relation to combinations

of such documents or parts of documents, where such combinations are obvious to a person skilled in the art.

#### 65.2 *Relevant Date*

For the purposes of Article 33(3), the relevant date for the consideration of inventive step (non-obviousness) is the date prescribed in Rule 64.1.

### **Rule 66** **Procedure before the** **International Preliminary Examining Authority**

#### 66.1 *Basis of the International Preliminary Examination*

(a) Subject to paragraphs (b) to (d), the international preliminary examination shall be based on the international application as filed.

(b) The applicant may submit amendments under Article 34 at the time of filing the demand or, subject to Rule 66.4*bis*, until the international preliminary examination report is established.

(c) Any amendments under Article 19 made before the demand was filed shall be taken into account for the purposes of the international preliminary examination unless superseded, or considered as reversed, by an amendment under Article 34.

(d) Any amendments under Article 19 made after the demand was filed and any amendments under Article 34 submitted to the International Preliminary Examining Authority shall, subject to Rule 66.4*bis*, be taken into account for the purposes of the international preliminary examination.

(d-*bis*) A rectification of an obvious mistake that is authorized under Rule 91.1 shall, subject to Rule 66.4*bis*, be taken into account by the International Preliminary Examining Authority for the purposes of the international preliminary examination.

(e) Claims relating to inventions in respect of which no international search report has been established need not be the subject of international preliminary examination.

#### 66.1*bis* *Written Opinion of the International Searching Authority*

(a) Subject to paragraph (b), the written opinion established by the International Searching Authority under Rule 43*bis*.1 shall be considered to be a written opinion of the International Preliminary Examining Authority for the purposes of Rule 66.2(a).

(b) An International Preliminary Examining Authority may notify the International Bureau that paragraph (a) shall not apply to the procedure before it

in respect of written opinions established under Rule 43*bis*.1 by the International Searching Authority or Authorities specified in the notification, provided that such a notification shall not apply to cases where the national Office or intergovernmental organization that acted as International Searching Authority is also acting as International Preliminary Examining Authority. The International Bureau shall promptly publish any such notification in the Gazette.<sup>15</sup>

(c) Where the written opinion established by the International Searching Authority under Rule 43*bis*.1 is not, by virtue of a notification under paragraph (b), considered to be a written opinion of the International Preliminary Examining Authority for the purposes of Rule 66.2(a), the International Preliminary Examining Authority shall notify the applicant accordingly in writing.

(d) A written opinion established by the International Searching Authority under Rule 43*bis*.1 which is not, by virtue of a notification under paragraph (b), considered to be a written opinion of the International Preliminary Examining Authority for the purposes of Rule 66.2(a) shall nevertheless be taken into account by the International Preliminary Examining Authority in proceeding under Rule 66.2(a).

#### *66.1ter Top-up Searches*

The International Preliminary Examining Authority shall conduct a search (“top-up search”) to discover documents referred to in Rule 64 which have been published or have become available to the said Authority for search subsequent to the date on which the international search report was established, unless it considers that such a search would serve no useful purpose. If the Authority finds that any of the situations referred to in Article 34(3) or (4) or Rule 66.1(e) exists, the top-up search shall cover only those parts of the international application that are the subject of international preliminary examination.

#### *66.2 Written Opinion of the International Preliminary Examining Authority*

(a) If the International Preliminary Examining Authority

- (i) considers that any of the situations referred to in Article 34(4) exists,
- (ii) considers that the international preliminary examination report should be negative in respect of any of the claims because the invention claimed therein does not appear to be novel, does not appear to involve an inventive step (does not appear to be non-obvious), or does not appear to be industrially applicable,
- (iii) notices that there is some defect in the form or contents of the international application under the Treaty or these Regulations,

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<sup>15</sup> *Editor’s Note:* This information is also published on the WIPO website at: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html).

(iv) considers that any amendment goes beyond the disclosure in the international application as filed,

(v) wishes to accompany the international preliminary examination report by observations on the clarity of the claims, the description, and the drawings, or the question whether the claims are fully supported by the description,

(vi) considers that a claim relates to an invention in respect of which no international search report has been established and has decided not to carry out the international preliminary examination in respect of that claim, or

(vii) considers that a nucleotide and/or amino acid sequence listing is not available to it in such a form that a meaningful international preliminary examination can be carried out,

the said Authority shall notify the applicant accordingly in writing. Where the national law of the national Office acting as International Preliminary Examining Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the second and third sentences of Rule 6.4(a), the International Preliminary Examining Authority may, in case of failure to use that manner of claiming, apply Article 34(4)(b). In such case, it shall notify the applicant accordingly in writing.

(b) The notification shall fully state the reasons for the opinion of the International Preliminary Examining Authority.

(c) The notification shall invite the applicant to submit a written reply together, where appropriate, with amendments.

(d) The notification shall fix a time limit for the reply. The time limit shall be reasonable under the circumstances. It shall normally be two months after the date of notification. In no case shall it be shorter than one month after the said date. It shall be at least two months after the said date where the international search report is transmitted at the same time as the notification. It shall, subject to paragraph (e), not be more than three months after the said date.

(e) The time limit for replying to the notification may be extended if the applicant so requests before its expiration.

### *66.3 Formal Response to the International Preliminary Examining Authority*

(a) The applicant may respond to the invitation referred to in Rule 66.2(c) of the International Preliminary Examining Authority by making amendments or – if he disagrees with the opinion of that Authority – by submitting arguments, as the case may be, or do both.

(b) Any response shall be submitted directly to the International Preliminary Examining Authority.

*66.4 Additional Opportunity for Submitting Amendments or Arguments*

(a) If the International Preliminary Examining Authority wishes to issue one or more additional written opinions, it may do so, and Rules 66.2 and 66.3 shall apply.

(b) On the request of the applicant, the International Preliminary Examining Authority may give him one or more additional opportunities to submit amendments or arguments.

*66.4bis Consideration of Amendments, Arguments and Rectifications of Obvious Mistakes*

Amendments, arguments and rectifications of obvious mistakes need not be taken into account by the International Preliminary Examining Authority for the purposes of a written opinion or the international preliminary examination report if they are received by, authorized by or notified to that Authority, as applicable, after it has begun to draw up that opinion or report.

*66.5 Amendment*

Any change, other than the rectification of an obvious mistake, in the claims, the description, or the drawings, including cancellation of claims, omission of passages in the description, or omission of certain drawings, shall be considered an amendment.

*66.6 Informal Communications with the Applicant*

The International Preliminary Examining Authority may, at any time, communicate informally, over the telephone, in writing, or through personal interviews, with the applicant. The said Authority shall, at its discretion, decide whether it wishes to grant more than one personal interview if so requested by the applicant, or whether it wishes to reply to any informal written communication from the applicant.

*66.7 Copy and Translation of Earlier Application Whose Priority Is Claimed*

(a) If the International Preliminary Examining Authority needs a copy of the earlier application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy. If that copy is not furnished to the International Preliminary Examining Authority because the applicant failed to comply with the requirements of Rule 17.1, and if that earlier application was not filed with that Authority in its capacity as a national Office or the priority document is not available to that Authority from a digital library in accordance with the Administrative Instructions, the international preliminary examination report may be established as if the priority had not been claimed.

(b) If the application whose priority is claimed in the international application is in a language other than the language or one of the languages of the International Preliminary Examining Authority, that Authority may, where the validity of the priority claim is relevant for the formulation of the opinion referred to in Article 33(1), invite the applicant to furnish a translation in the said language or one of the said languages within two months from the date of the invitation. If the translation is not furnished within that time limit, the international preliminary examination report may be established as if the priority had not been claimed.

#### 66.8 *Form of Amendments*

(a) Subject to paragraph (b), when amending the description or the drawings, the applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of an amendment, differs from the sheet previously filed. The replacement sheet or sheets shall be accompanied by a letter which shall draw attention to the differences between the replaced sheets and the replacement sheets, shall indicate the basis for the amendment in the application as filed and shall preferably also explain the reasons for the amendment.

(b) Where the amendment consists in the deletion of passages or in minor alterations or additions, the replacement sheet referred to in paragraph (a) may be a copy of the relevant sheet of the international application containing the alterations or additions, provided that the clarity and direct reproducibility of that sheet are not adversely affected. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter which shall preferably also explain the reasons for the amendment.

(c) When amending the claims, Rule 46.5 shall apply *mutatis mutandis*. The set of claims submitted under Rule 46.5 as applicable by virtue of this paragraph shall replace all the claims originally filed or previously amended under Articles 19 or 34, as the case may be.

### **Rule 67**

#### **Subject Matter under Article 34(4)(a)(i)**

##### 67.1 *Definition*

No International Preliminary Examining Authority shall be required to carry out an international preliminary examination on an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,

- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,
- (v) mere presentations of information,
- (vi) computer programs to the extent that the International Preliminary Examining Authority is not equipped to carry out an international preliminary examination concerning such programs.

**Rule 68**  
**Lack of Unity of Invention**  
**(International Preliminary Examination)**

**68.1** *No Invitation to Restrict or Pay*

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses not to invite the applicant to restrict the claims or to pay additional fees, it shall proceed with the international preliminary examination, subject to Article 34(4)(b) and Rule 66.1(e), in respect of the entire international application, but shall indicate, in any written opinion and in the international preliminary examination report, that it considers that the requirement of unity of invention is not fulfilled and it shall specify the reasons therefor.

**68.2** *Invitation to Restrict or Pay*

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses to invite the applicant, at his option, to restrict the claims or to pay additional fees, the invitation shall:

- (i) specify at least one possibility of restriction which, in the opinion of the International Preliminary Examining Authority, would be in compliance with the applicable requirement;
- (ii) specify the reasons for which the international application is not considered as complying with the requirement of unity of invention;
- (iii) invite the applicant to comply with the invitation within one month from the date of the invitation;
- (iv) indicate the amount of the required additional fees to be paid in case the applicant so chooses; and
- (v) invite the applicant to pay, where applicable, the protest fee referred to in Rule 68.3(e) within one month from the date of the invitation, and indicate the amount to be paid.

### 68.3 *Additional Fees*

(a) The amount of the additional fees due for international preliminary examination under Article 34(3)(a) shall be determined by the competent International Preliminary Examining Authority.

(b) The additional fees due for international preliminary examination under Article 34(3)(a) shall be payable direct to the International Preliminary Examining Authority.

(c) Any applicant may pay the additional fees under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive. Such protest shall be examined by a review body constituted in the framework of the International Preliminary Examining Authority which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fees. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the elected Offices as an annex to the international preliminary examination report.

(d) The membership of the review body referred to in paragraph (c) may include, but shall not be limited to, the person who made the decision which is the subject of the protest.

(e) The examination of a protest referred to in paragraph (c) may be subjected by the International Preliminary Examining Authority to the payment to it, for its own benefit, of a protest fee. Where the applicant has not, within the time limit under Rule 68.2(v), paid any required protest fee, the protest shall be considered not to have been made and the International Preliminary Examining Authority shall so declare. The protest fee shall be refunded to the applicant where the review body referred to in paragraph (c) finds that the protest was entirely justified.

### 68.4 *Procedure in the Case of Insufficient Restriction of the Claims*

If the applicant restricts the claims but not sufficiently to comply with the requirement of unity of invention, the International Preliminary Examining Authority shall proceed as provided in Article 34(3)(c).

### 68.5 *Main Invention*

In case of doubt which invention is the main invention for the purposes of Article 34(3)(c), the invention first mentioned in the claims shall be considered the main invention.

**Rule 69**  
**Start of and Time Limit for**  
**International Preliminary Examination**

*69.1 Start of International Preliminary Examination*

(a) Subject to paragraphs (b) to (e), the International Preliminary Examining Authority shall start the international preliminary examination when it is in possession of all of the following:

- (i) the demand;
- (ii) the amount due (in full) for the handling fee and the preliminary examination fee, including, where applicable, the late payment fee under Rule 58*bis*.2; and
- (iii) either the international search report or the declaration by the International Searching Authority under Article 17(2)(a) that no international search report will be established, and the written opinion established under Rule 43*bis*.1;

unless the applicant expressly requests to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54*bis*.1(a).

(b) If the national Office or intergovernmental organization that acts as International Searching Authority also acts as International Preliminary Examining Authority, the international preliminary examination may, if that national Office or intergovernmental organization so wishes and subject to paragraphs (d) and (e), start at the same time as the international search.

(b-*bis*) Where, in accordance with paragraph (b), the national Office or intergovernmental organization that acts as both International Searching Authority and International Preliminary Examining Authority wishes to start the international preliminary examination at the same time as the international search and considers that all of the conditions referred to in Article 34(2)(c)(i) to (iii) are fulfilled, that national Office or intergovernmental organization need not, in its capacity as International Searching Authority, establish a written opinion under Rule 43*bis*.1.

(c) Where the statement concerning amendments contains an indication that amendments under Article 19 are to be taken into account (Rule 53.9(a)(i)), the International Preliminary Examining Authority shall not start the international preliminary examination before it has received a copy of the amendments concerned.

(d) Where the statement concerning amendments contains an indication that the start of the international preliminary examination is to be postponed

(Rule 53.9(b)), the International Preliminary Examining Authority shall not start the international preliminary examination before whichever of the following occurs first:

- (i) it has received a copy of any amendments made under Article 19;
- (ii) it has received a notice from the applicant that he does not wish to make amendments under Article 19; or
- (iii) the expiration of the applicable time limit under Rule 46.1.

(e) Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (Rule 53.9(c)) but no such amendments are, in fact, submitted, the International Preliminary Examining Authority shall not start the international preliminary examination before it has received the amendments or before the time limit fixed in the invitation referred to in Rule 60.1(g) has expired, whichever occurs first.

#### *69.2 Time Limit for International Preliminary Examination*

The time limit for establishing the international preliminary examination report shall be whichever of the following periods expires last:

- (i) 28 months from the priority date; or
- (ii) six months from the time provided under Rule 69.1 for the start of the international preliminary examination; or
- (iii) six months from the date of receipt by the International Preliminary Examining Authority of the translation furnished under Rule 55.2.

### **Rule 70**

#### **International Preliminary Report on Patentability by the International Preliminary Examining Authority (International Preliminary Examination Report)**

##### *70.1 Definition*

For the purposes of this Rule, “report” shall mean international preliminary examination report.

##### *70.2 Basis of the Report*

(a) If the claims have been amended, the report shall issue on the claims as amended.

(b) If, pursuant to Rule 66.7(a) or (b), the report is established as if the priority had not been claimed, the report shall so indicate.

(c) If the International Preliminary Examining Authority considers that any amendment goes beyond the disclosure in the international application as filed, the report shall be established as if such amendment had not been made, and the

report shall so indicate. It shall also indicate the reasons why it considers that the amendment goes beyond the said disclosure.

(c-*bis*) If the claims, description or drawings have been amended but the replacement sheet or sheets were not accompanied by a letter indicating the basis for the amendment in the application as filed, as required under Rule 46.5(b)(iii), Rule 46.5(b)(iii) being applicable by virtue of Rule 66.8(c), or Rule 66.8(a), as applicable, the report may be established as if the amendment had not been made, in which case the report shall so indicate.

(d) Where claims relate to inventions in respect of which no international search report has been established and have therefore not been the subject of international preliminary examination, the international preliminary examination report shall so indicate.

(e) If a rectification of an obvious mistake is taken into account under Rule 66.1, the report shall so indicate. If a rectification of an obvious mistake is not taken into account pursuant to Rule 66.4*bis*, the report shall, if possible, so indicate, failing which the International Preliminary Examining Authority shall notify the International Bureau accordingly and the International Bureau shall proceed as provided for in the Administrative Instructions.

(f) The report shall indicate the date on which a top-up search under Rule 66.1*ter* was made, or else state that no top-up search was made.

### 70.3 *Identifications*

The report shall identify the International Preliminary Examining Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, and the international filing date.

### 70.4 *Dates*

The report shall indicate:

- (i) the date on which the demand was submitted, and
- (ii) the date of the report; that date shall be the date on which the report is completed.

### 70.5 *Classification*

(a) The report shall repeat the classification given under Rule 43.3 if the International Preliminary Examining Authority agrees with such classification.

(b) Otherwise, the International Preliminary Examining Authority shall indicate in the report the classification, at least according to the International Patent Classification, which it considers correct.

*70.6 Statement under Article 35(2)*

(a) The statement referred to in Article 35(2) shall consist of the words “YES” or “NO,” or their equivalent in the language of the report, or some appropriate sign provided for in the Administrative Instructions, and shall be accompanied by the citations, explanations and observations, if any, referred to in the last sentence of Article 35(2).

(b) If any of the three criteria referred to in Article 35(2) (that is, novelty, inventive step (non-obviousness), industrial applicability) is not satisfied, the statement shall be negative. If, in such a case, any of the criteria, taken separately, is satisfied, the report shall specify the criterion or criteria so satisfied.

*70.7 Citations under Article 35(2)*

(a) The report shall cite the documents considered to be relevant for supporting the statements made under Article 35(2), whether or not such documents are cited in the international search report. Documents cited in the international search report need only be cited in the report when they are considered by the International Preliminary Examining Authority to be relevant.

(b) The provisions of Rule 43.5(b) and (e) shall apply also to the report.

*70.8 Explanations under Article 35(2)*

The Administrative Instructions shall contain guidelines for cases in which the explanations referred to in Article 35(2) should or should not be given and the form of such explanations. Such guidelines shall be based on the following principles:

(i) explanations shall be given whenever the statement in relation to any claim is negative;

(ii) explanations shall be given whenever the statement is positive unless the reason for citing any document is easy to imagine on the basis of consultation of the cited document;

(iii) generally, explanations shall be given if the case provided for in the last sentence of Rule 70.6(b) obtains.

*70.9 Non-Written Disclosures*

Any non-written disclosure referred to in the report by virtue of Rule 64.2 shall be mentioned by indicating its kind, the date on which the written disclosure referring to the non-written disclosure was made available to the public, and the date on which the non-written disclosure occurred in public.

*70.10 Certain Published Documents*

Any published application or any patent referred to in the report by virtue of Rule 64.3 shall be mentioned as such and shall be accompanied by an indication

of its date of publication, of its filing date, and its claimed priority date (if any). In respect of the priority date of any such document, the report may indicate that, in the opinion of the International Preliminary Examining Authority, such date has not been validly claimed.

#### 70.11 *Mention of Amendments*

If, before the International Preliminary Examining Authority, amendments have been made, this fact shall be indicated in the report. Where any amendment has resulted in the cancellation of an entire sheet, this fact shall also be specified in the report.

#### 70.12 *Mention of Certain Defects and Other Matters*

If the International Preliminary Examining Authority considers that, at the time it prepares the report:

(i) the international application contains any of the defects referred to in Rule 66.2(a)(iii), it shall include this opinion and the reasons therefor in the report;

(ii) the international application calls for any of the observations referred to in Rule 66.2(a)(v), it may include this opinion in the report and, if it does, it shall also indicate in the report the reasons for such opinion;

(iii) any of the situations referred to in Article 34(4) exists, it shall state this opinion and the reasons therefor in the report;

(iv) a nucleotide and/or amino acid sequence listing is not available to it in such a form that a meaningful international preliminary examination can be carried out, it shall so state in the report.

#### 70.13 *Remarks Concerning Unity of Invention*

If the applicant paid additional fees for the international preliminary examination, or if the international application or the international preliminary examination was restricted under Article 34(3), the report shall so indicate. Furthermore, where the international preliminary examination was carried out on restricted claims (Article 34(3)(a)), or on the main invention only (Article 34(3)(c)), the report shall indicate what parts of the international application were and what parts were not the subject of international preliminary examination. The report shall contain the indications provided for in Rule 68.1, where the International Preliminary Examining Authority chose not to invite the applicant to restrict the claims or to pay additional fees.

#### 70.14 *Authorized Officer*

The report shall indicate the name of the officer of the International Preliminary Examining Authority responsible for that report.

70.15 *Form; Title*

(a) The physical requirements as to the form of the report shall be prescribed by the Administrative Instructions.

(b) The report shall bear the title “international preliminary report on patentability (Chapter II of the Patent Cooperation Treaty)” together with an indication that it is the international preliminary examination report established by the International Preliminary Examining Authority.

70.16 *Annexes to the Report*

(a) The following replacement sheets and letters shall be annexed to the report:

(i) each replacement sheet under Rule 66.8 containing amendments under Article 34 and each letter under Rule 66.8(a), Rule 66.8(b) and Rule 46.5(b) as applicable by virtue of Rule 66.8(c);

(ii) each replacement sheet under Rule 46.5 containing amendments under Article 19 and each letter under Rule 46.5; and

(iii) each replacement sheet under Rule 26.4 as applicable by virtue of Rule 91.2 containing a rectification of an obvious mistake authorized by that Authority under Rule 91.1(b)(iii) and each letter under Rule 26.4 as applicable by virtue of Rule 91.2;

unless any such replacement sheet has been superseded or considered reversed by a later replacement sheet or an amendment resulting in the cancellation of an entire sheet under Rule 66.8(b); and

(iv) where the report contains an indication referred to in Rule 70.2(e), any sheet and letter relating to a rectification of an obvious mistake which is not taken into account pursuant to Rule 66.4*bis*.

(b) Notwithstanding paragraph (a), each superseded or reversed replacement sheet referred to in that paragraph and any letter referred to in that paragraph relating to such superseded or reversed sheet shall also be annexed to the report where:

(i) the International Preliminary Examining Authority considers that the relevant superseding or reversing amendment goes beyond the disclosure in the international application as filed and the report contains an indication referred to in Rule 70.2(c);

(ii) the relevant superseding or reversing amendment was not accompanied by a letter indicating the basis for the amendment in the application as filed and the report is established as if the amendment had not been made and contains an indication referred to in Rule 70.2(c-*bis*).

In such a case, the superseded or reversed replacement sheet shall be marked as provided by the Administrative Instructions.

*70.17 Languages of the Report and the Annexes*

The report and any annex shall be in the language in which the international application to which they relate is published, or, if the international preliminary examination is carried out, pursuant to Rule 55.2, on the basis of a translation of the international application, in the language of that translation.

**Rule 71**

**Transmittal of the International Preliminary Examination Report  
and Related Documents**

*71.1 Recipients*

(a) The International Preliminary Examining Authority shall, on the same day, transmit one copy of the international preliminary examination report and its annexes, if any, to the International Bureau, and one copy to the applicant.

(b) The International Preliminary Examining Authority shall transmit copies of other documents from the file of the international preliminary examination to the International Bureau in accordance with the Administrative Instructions.

*71.2 Copies of Cited Documents*

(a) The request under Article 36(4) may be presented any time during seven years from the international filing date of the international application to which the report relates.

(b) The International Preliminary Examining Authority may require that the party (applicant or elected Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 32(2) between the International Preliminary Examining Authorities and the International Bureau.

(c) *[Deleted]*

(d) Any International Preliminary Examining Authority may perform the obligations referred to in paragraphs (a) and (b) through another agency responsible to it.

**Rule 72**  
**Translation of the International Preliminary  
Examination Report and of the Written Opinion  
of the International Searching Authority**

*72.1 Languages*

(a) Any elected State may require that the international preliminary examination report, established in any language other than the official language, or one of the official languages, of its national Office, be translated into English.

(b) Any such requirement shall be notified to the International Bureau, which shall promptly publish it in the Gazette.

*72.2 Copy of Translation for the Applicant*

The International Bureau shall transmit a copy of the translation referred to in Rule 72.1(a) of the international preliminary examination report to the applicant at the same time as it communicates such translation to the interested elected Office or Offices.

*72.2bis Translation of the Written Opinion of the International Searching Authority Established under Rule 43bis.1*

In the case referred to in Rule 73.2(b)(ii), the written opinion established by the International Searching Authority under Rule 43bis.1 shall, upon request of the elected Office concerned, be translated into English by or under the responsibility of the International Bureau. The International Bureau shall transmit a copy of the translation to the elected Office concerned within two months from the date of receipt of the request for translation, and shall at the same time transmit a copy to the applicant.

*72.3 Observations on the Translation*

The applicant may make written observations as to the correctness of the translation of the international preliminary examination report or of the written opinion established by the International Searching Authority under Rule 43bis.1 and shall send a copy of the observations to each of the interested elected Offices and to the International Bureau.

**Rule 73**  
**Communication of the International Preliminary  
Examination Report or the Written Opinion  
of the International Searching Authority**

*73.1 Preparation of Copies*

The International Bureau shall prepare the copies of the documents to be communicated under Article 36(3)(a).

### *73.2 Communication to Elected Offices*

(a) The International Bureau shall effect the communication provided for in Article 36(3)(a) to each elected Office in accordance with Rule 93*bis*.1 but not before the expiration of 30 months from the priority date.

(b) Where the applicant makes an express request to an elected Office under Article 40(2), the International Bureau shall, upon the request of that Office or of the applicant,

(i) if the international preliminary examination report has already been transmitted to the International Bureau under Rule 71.1, promptly effect the communication provided for in Article 36(3)(a) to that Office;

(ii) if the international preliminary examination report has not been transmitted to the International Bureau under Rule 71.1, promptly communicate a copy of the written opinion established by the International Searching Authority under Rule 43*bis*.1 to that Office.

(c) Where the applicant has withdrawn the demand or any or all elections, the communication provided for in paragraph (a) shall nevertheless be effected, if the International Bureau has received the international preliminary examination report, to the elected Office or Offices affected by the withdrawal.

## **Rule 74**

### **Translations of Annexes of the International Preliminary Examination Report and Transmittal Thereof**

#### *74.1 Contents of Translation and Time Limit for Transmittal Thereof*

(a) Where the furnishing of a translation of the international application is required by the elected Office under Article 39(1), the applicant shall, within the time limit applicable under Article 39(1), transmit a translation of any replacement sheet referred to in Rule 70.16 which is annexed to the international preliminary examination report, unless such sheet is in the language of the required translation of the international application. The same time limit shall apply where the furnishing of a translation of the international application to the elected Office must, because of a declaration made under Article 64(2)(a)(i), be effected within the time limit applicable under Article 22.

(b) Where the furnishing under Article 39(1) of a translation of the international application is not required by the elected Office, that Office may require the applicant to furnish, within the time limit applicable under that Article, a translation into the language in which the international application was published of any replacement sheet referred to in Rule 70.16 which is annexed to the international preliminary examination report and is not in that language.

**Rule 75**

*[Deleted]*

**Rule 76**

**Translation of Priority Document;  
Application of Certain Rules to Procedures before Elected Offices**

76.1, 76.2 and 76.3 *[Deleted]*

76.4 *Time Limit for Translation of Priority Document*

The applicant shall not be required to furnish to any elected Office a translation of the priority document before the expiration of the applicable time limit under Article 39.

76.5 *Application of Certain Rules to Procedures before Elected Offices*

Rules 13<sup>ter</sup>.3, 20.8(c), 22.1(g), 47.1, 49, 49<sup>bis</sup>, 49<sup>ter</sup> and 51<sup>bis</sup> shall apply, provided that:

(i) any reference in the said Rules to the designated Office or to the designated State shall be construed as a reference to the elected Office or to the elected State, respectively;

(ii) any reference in the said Rules to Article 22, Article 23(2) or Article 24(2) shall be construed as a reference to Article 39(1), Article 40(2) or Article 39(3), respectively;

(iii) the words “international applications filed” in Rule 49.1(c) shall be replaced by the words “a demand submitted;”

(iv) for the purposes of Article 39(1), where an international preliminary examination report has been established, a translation of any amendment under Article 19 shall only be required if that amendment is annexed to that report;

(v) the reference in Rule 47.1(a) to Rule 47.4 shall be construed as a reference to Rule 61.2(d).

**Rule 77**

**Faculty under Article 39(1)(b)**

77.1 *Exercise of Faculty*

(a) Any Contracting State allowing a time limit expiring later than the time limit provided for in Article 39(1)(a) shall notify the International Bureau of the time limit so fixed.

(b) Any notification received by the International Bureau under paragraph (a) shall be promptly published by the International Bureau in the Gazette.

(c) Notifications concerning the shortening of the previously fixed time limit shall be effective in relation to demands submitted after the expiration of three

months computed from the date on which the notification was published by the International Bureau.

(d) Notifications concerning the lengthening of the previously fixed time limit shall become effective upon publication by the International Bureau in the Gazette in respect of demands pending at the time or submitted after the date of such publication, or, if the Contracting State effecting the notification fixes some later date, as from the latter date.

**Rule 78**  
**Amendment of the Claims, the Description,**  
**and the Drawings, before Elected Offices**

**78.1 *Time Limit***

(a) The applicant shall, if he so wishes, exercise the right under Article 41 to amend the claims, the description and the drawings, before the elected Office concerned within one month from the fulfillment of the requirements under Article 39(1)(a), provided that, if the transmittal of the international preliminary examination report under Article 36(1) has not taken place by the expiration of the time limit applicable under Article 39, he shall exercise the said right not later than four months after such expiration date. In either case, the applicant may exercise the said right at any later time if so permitted by the national law of the said State.

(b) In any elected State in which the national law provides that examination starts only on special request, the national law may provide that the time limit within or the time at which the applicant may exercise the right under Article 41 shall be the same as that provided by the national law for the filing of amendments in the case of the examination, on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before, the expiration of the time limit applicable under paragraph (a).

**78.2 *[Deleted]***

**78.3 *Utility Models***

The provisions of Rules 6.5 and 13.5 shall apply, *mutatis mutandis*, before elected Offices. If the election was made before the expiration of the 19<sup>th</sup> month from the priority date, the reference to the time limit applicable under Article 22 is replaced by a reference to the time limit applicable under Article 39.

PART D  
RULES CONCERNING CHAPTER III OF THE TREATY

**Rule 79**  
**Calendar**

*79.1 Expressing Dates*

Applicants, national Offices, receiving Offices, International Searching and Preliminary Examining Authorities, and the International Bureau, shall, for the purposes of the Treaty and the Regulations, express any date in terms of the Christian era and the Gregorian calendar, or, if they use other eras and calendars, they shall also express any date in terms of the Christian era and the Gregorian calendar.

**Rule 80**  
**Computation of Time Limits**

*80.1 Periods Expressed in Years*

When a period is expressed as one year or a certain number of years, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

*80.2 Periods Expressed in Months*

When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

*80.3 Periods Expressed in Days*

When a period is expressed as a certain number of days, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire on the day on which the last day of the count has been reached.

*80.4 Local Dates*

(a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality in which the required document must be filed or the required fee must be paid.

#### 80.5 *Expiration on a Non-Working Day or Official Holiday*

If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day:

(i) on which such Office or organization is not open to the public for the purposes of the transaction of official business;

(ii) on which ordinary mail is not delivered in the locality in which such Office or organization is situated;

(iii) which, where such Office or organization is situated in more than one locality, is an official holiday in at least one of the localities in which such Office or organization is situated, and in circumstances where the national law applicable by that Office or organization provides, in respect of national applications, that, in such a case, such period shall expire on a subsequent day; or

(iv) which, where such Office is the government authority of a Contracting State entrusted with the granting of patents, is an official holiday in part of that Contracting State, and in circumstances where the national law applicable by that Office provides, in respect of national applications, that, in such a case, such period shall expire on a subsequent day;

the period shall expire on the next subsequent day on which none of the said four circumstances exists.

#### 80.6 *Date of Documents*

Where a period starts on the day of the date of a document or letter emanating from a national Office or intergovernmental organization, any interested party may prove that the said document or letter was mailed on a day later than the date it bears, in which case the date of actual mailing shall, for the purposes of computing the period, be considered to be the date on which the period starts. Irrespective of the date on which such a document or letter was mailed, if the applicant offers to the national Office or intergovernmental organization evidence which satisfies the national Office or intergovernmental organization that the document or letter was received more than seven days after the date it bears, the national Office or intergovernmental organization shall treat the period starting from the date of the document or letter as expiring later by an additional number of days which is equal to the number of days which the document or letter was received later than seven days after the date it bears.

### 80.7 *End of Working Day*

(a) A period expiring on a given day shall expire at the moment the national Office or intergovernmental organization with which the document must be filed or to which the fee must be paid closes for business on that day.

(b) Any Office or organization may depart from the provisions of paragraph (a) up to midnight on the relevant day.

## **Rule 81**

### **Modification of Time Limits Fixed in the Treaty**

#### 81.1 *Proposal*

(a) Any Contracting State or the Director General may propose a modification under Article 47(2).

(b) Proposals made by a Contracting State shall be presented to the Director General.

#### 81.2 *Decision by the Assembly*

(a) When the proposal is made to the Assembly, its text shall be sent by the Director General to all Contracting States at least two months in advance of that session of the Assembly whose agenda includes the proposal.

(b) During the discussion of the proposal in the Assembly, the proposal may be amended or consequential amendments proposed.

(c) The proposal shall be considered adopted if none of the Contracting States present at the time of voting votes against the proposal.

#### 81.3 *Voting by Correspondence*

(a) When voting by correspondence is chosen, the proposal shall be included in a written communication from the Director General to the Contracting States, inviting them to express their vote in writing.

(b) The invitation shall fix the time limit within which the reply containing the vote expressed in writing must reach the International Bureau. That time limit shall not be less than three months from the date of the invitation.

(c) Replies must be either positive or negative. Proposals for amendments or mere observations shall not be regarded as votes.

(d) The proposal shall be considered adopted if none of the Contracting States opposes the amendment and if at least one-half of the Contracting States express either approval or indifference or abstention.

## **Rule 82**

### **Irregularities in the Mail Service**

#### **82.1 *Delay or Loss in Mail***

(a) Any interested party may offer evidence that he has mailed the document or letter five days prior to the expiration of the time limit. Except in cases where surface mail normally arrives at its destination within two days of mailing, or where no airmail service is available, such evidence may be offered only if the mailing was by airmail. In any case, evidence may be offered only if the mailing was by mail registered by the postal authorities.

(b) If the mailing, in accordance with paragraph (a), of a document or letter is proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, or, if the document or letter is lost in the mail, substitution for it of a new copy shall be permitted, provided that the interested party proves to the satisfaction of the said Office or organization that the document or letter offered in substitution is identical with the document or letter lost.

(c) In the cases provided for in paragraph (b), evidence of mailing within the prescribed time limit, and, where the document or letter was lost, the substitute document or letter as well as the evidence concerning its identity with the document or letter lost shall be submitted within one month after the date on which the interested party noticed – or with due diligence should have noticed – the delay or the loss, and in no case later than six months after the expiration of the time limit applicable in the given case.

(d) Any national Office or intergovernmental organization which has notified the International Bureau that it will do so shall, where a delivery service other than the postal authorities is used to mail a document or letter, apply the provisions of paragraphs (a) to (c) as if the delivery service was a postal authority. In such a case, the last sentence of paragraph (a) shall not apply but evidence may be offered only if details of the mailing were recorded by the delivery service at the time of mailing. The notification may contain an indication that it applies only to mailings using specified delivery services or delivery services which satisfy specified criteria. The International Bureau shall publish the information so notified in the Gazette.

(e) Any national Office or intergovernmental organization may proceed under paragraph (d):

(i) even if, where applicable, the delivery service used was not one of those specified, or did not satisfy the criteria specified, in the relevant notification under paragraph (d), or

(ii) even if that Office or organization has not sent to the International Bureau a notification under paragraph (d).

**Rule 82bis**  
**Excuse by the Designated or Elected State**  
**of Delays in Meeting Certain Time Limits**

*82bis.1 Meaning of “Time Limit” in Article 48(2)*

The reference to “any time limit” in Article 48(2) shall be construed as comprising a reference:

- (i) to any time limit fixed in the Treaty or these Regulations;
- (ii) to any time limit fixed by the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau or applicable by the receiving Office under its national law;
- (iii) to any time limit fixed by, or in the national law applicable by, the designated or elected Office, for the performance of any act by the applicant before that Office.

*82bis.2 Reinstatement of Rights and Other Provisions to Which Article 48(2) Applies*

The provisions of the national law which is referred to in Article 48(2) concerning the excusing, by the designated or elected State, of any delay in meeting any time limit are those provisions which provide for reinstatement of rights, restoration, *restitutio in integrum* or further processing in spite of non-compliance with a time limit, and any other provision providing for the extension of time limits or for excusing delays in meeting time limits.

**Rule 82ter**  
**Rectification of Errors Made**  
**by the Receiving Office or by the International Bureau**

*82ter.1 Errors Concerning the International Filing Date and the Priority Claim*

(a) If the applicant proves to the satisfaction of any designated or elected Office that the international filing date is incorrect due to an error made by the receiving Office or that the priority claim has been erroneously considered void by the receiving Office or the International Bureau, and if the error is an error such that, had it been made by the designated or elected Office itself, that Office would rectify it under the national law or national practice, the said Office shall rectify the error and shall treat the international application as if it had been accorded the rectified international filing date or as if the priority claim had not been considered void.

(b) Where the international filing date has been accorded by the receiving Office under Rule 20.3(b)(ii), 20.5(d) or 20.5*bis*(d) on the basis of the incorporation by reference under Rules 4.18 and 20.6 of an element or part but the designated or elected Office finds that:

(i) the applicant has not complied with Rule 17.1(a), (b) or (b-*bis*) in relation to the priority document;

(ii) a requirement under Rule 4.18, 20.6(a)(i) or 51*bis*.1(e)(ii) has not been complied with; or

(iii) the element or part is not completely contained in the priority document concerned;

the designated or elected Office may, subject to paragraph (c), treat the international application as if the international filing date had been accorded under Rule 20.3(b)(i), 20.5(b) or 20.5*bis*(b), or corrected under Rule 20.5(c) or 20.5*bis*(c), as applicable, provided that Rule 17.1(c) shall apply *mutatis mutandis*.

(c) The designated or elected Office shall not treat the international application under paragraph (b) as if the international filing date had been accorded under Rule 20.3(b)(i), 20.5(b) or 20.5*bis*(b), or corrected under Rule 20.5(c) or 20.5*bis*(c), without giving the applicant the opportunity to make observations on the intended treatment, or to make a request under paragraph (d), within a time limit which shall be reasonable under the circumstances.

(d) Where the designated or elected Office, in accordance with paragraph (c), has notified the applicant that it intends to treat the international application as if the international filing date had been corrected under Rule 20.5(c) or 20.5*bis*(c), the applicant may, in a notice submitted to that Office within the time limit referred to in paragraph (c), request that the missing part concerned, or the correct element or part concerned, be disregarded for the purposes of national processing before that Office, in which case that missing part, or that correct element or part, shall be considered not to have been furnished and that Office shall not treat the international application as if the international filing date had been corrected.

### **Rule 82*quater***

#### **Excuse of Delay in Meeting Time Limits and Extension of Time Limits**

##### **82*quater*.1 Excuse of Delay in Meeting Time Limits**

(a) Any interested party may offer evidence that a time limit fixed in the Regulations for performing an action before the receiving Office, the International Searching Authority, the Authority specified for supplementary search, the International Preliminary Examining Authority or the International Bureau was not met due to war, revolution, civil disorder, strike, natural calamity, epidemic,

a general unavailability of electronic communications services or other like reason in the locality where the interested party resides, has his place of business or is staying, and that the relevant action was taken as soon as reasonably possible.

(b) Any such evidence shall be addressed to the Office, Authority or the International Bureau, as the case may be, not later than six months after the expiration of the time limit applicable in the given case. If such circumstances are proven to the satisfaction of the addressee, delay in meeting the time limit shall be excused.

(c) The excuse of a delay need not be taken into account by any designated or elected Office before which the applicant, at the time the decision to excuse the delay is taken, has already performed the acts referred to in Article 22 or Article 39.

(d) The need for evidence may be waived by the Office, Authority or the International Bureau under the conditions set and published by that Office, Authority or the International Bureau, as the case may be. In such case, the interested party must submit a statement that the failure to meet the time limit was due to the reason for which the Office, Authority or the International Bureau waived the requirement concerning the submission of evidence. The Office or Authority shall notify the International Bureau accordingly.

#### *82quater.2 Unavailability of Electronic Means of Communication at the Office*

(a) Any national Office or intergovernmental organization may provide that, where a time limit fixed in the Regulations for performing an action before that Office or organization is not met due to the unavailability of any of the permitted electronic means of communication at that Office or organization, delay in meeting that time limit shall be excused, provided that the respective action was performed on the next working day on which the said electronic means of communication were available. The Office or organization concerned shall publish information on any such unavailability including the period of the unavailability, and notify the International Bureau accordingly.

(b) The excuse of a delay in meeting a time limit under paragraph (a) need not be taken into account by any designated or elected Office before which the applicant, at the time the information referred to in paragraph (a) is published, has already performed the acts referred to in Article 22 or Article 39.

#### *82quater.3 Extension of Time Limits due to General Disruption*

(a) Any receiving Office, International Searching Authority, Authority specified for supplementary search, International Preliminary Examining Authority or the International Bureau may establish a period of extension such that time limits fixed in the Regulations within which a party has to perform an

action before that Office, Authority or International Bureau may be extended when the State in which it is located is experiencing a general disruption caused by an event listed in Rule 82quater.1(a) which affects the operations at the said Office, Authority or International Bureau thereby interfering with the ability of parties to perform actions before that Office, Authority or International Bureau within the time limits fixed in the Regulations. The Office, Authority or the International Bureau shall publish the commencement and the end date of any such period of extension. The period of extension shall not be longer than two months from the date of commencement. The Office or Authority shall notify the International Bureau accordingly.

(b) After establishing a period of extension under paragraph (a), the Office, Authority or the International Bureau concerned may establish additional periods of extension, if necessary under the circumstances. In that case, paragraph (a) applies *mutatis mutandis*.

(c) The extension of a time limit under paragraph (a) or (b) need not be taken into account by any designated or elected Office if, at the time the information referred to in paragraph (a) or (b) is published, national processing before that Office has started.

### **Rule 83**

#### **Right to Practice before International Authorities**

##### **83.1 *Proof of Right***

The International Bureau, the competent International Searching Authority, and the competent International Preliminary Examining Authority, may require the production of proof of the right to practice referred to in Article 49.

##### **83.1bis *Where the International Bureau Is the Receiving Office***

(a) Any person who has the right to practice before the national Office of, or acting for, a Contracting State of which the applicant or, if there are two or more applicants, any of the applicants is a resident or national shall be entitled to practice in respect of the international application before the International Bureau in its capacity as receiving Office under Rule 19.1(a)(iii).

(b) Any person having the right to practice before the International Bureau in its capacity as receiving Office in respect of an international application shall be entitled to practice in respect of that application before the International Bureau in any other capacity and before the competent International Searching Authority and competent International Preliminary Examining Authority.

### 83.2 *Information*

(a) The national Office or the intergovernmental organization which the interested person is alleged to have a right to practice before shall, upon request, inform the International Bureau, the competent International Searching Authority, or the competent International Preliminary Examining Authority, whether such person has the right to practice before it.

(b) Such information shall be binding upon the International Bureau, the International Searching Authority, or the International Preliminary Examining Authority, as the case may be.

## PART E RULES CONCERNING CHAPTER V OF THE TREATY

### **Rule 84** **Expenses of Delegations**

#### 84.1 *Expenses Borne by Governments*

The expenses of each Delegation participating in any organ established by or under the Treaty shall be borne by the Government which has appointed it.

### **Rule 85** **Absence of Quorum in the Assembly**

#### 85.1 *Voting by Correspondence*

In the case provided for in Article 53(5)(b), the International Bureau shall communicate the decisions of the Assembly (other than those concerning the Assembly's own procedure) to the Contracting States which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of that period, the number of Contracting States having thus expressed their vote or abstention attains the number of Contracting States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

### **Rule 86** **The Gazette**

#### 86.1 *Contents*

The Gazette referred to in Article 55(4) shall contain:

(i) for each published international application, the data specified by the Administrative Instructions taken from the front page of the publication of the

international application, the drawing (if any) appearing on the said front page, and the abstract;

(ii) the schedule of all fees payable to the receiving Offices, the International Bureau, and the International Searching and Preliminary Examining Authorities;

(iii) notices the publication of which is required under the Treaty or these Regulations;

(iv) information concerning events at the designated and elected Offices notified to the International Bureau under Rule 95.1 in relation to published international applications;

(v) any other useful information prescribed by the Administrative Instructions, provided access to such information is not prohibited under the Treaty or these Regulations.

#### 86.2 *Languages; Form and Means of Publication; Timing*

(a) The Gazette shall be published in English and French at the same time. The translations shall be ensured by the International Bureau in English and French.

(b) The Assembly may order the publication of the Gazette in languages other than those referred to in paragraph (a).

(c) The form in which and the means by which the Gazette is published shall be governed by the Administrative Instructions.

(d) The International Bureau shall ensure that, for each published international application, the information referred to in Rule 86.1(i) is published in the Gazette on, or as soon as possible after, the date of publication of the international application.

#### 86.3 *Frequency*

The frequency of publication of the Gazette shall be determined by the Director General.

#### 86.4 *Sale*

The subscription and other sale prices of the Gazette shall be determined by the Director General.

#### 86.5 *Title*

The title of the Gazette shall be determined by the Director General.

#### 86.6 *Further Details*

Further details concerning the Gazette may be provided for in the Administrative Instructions.

**Rule 87**  
**Communication of Publications**

**87.1** *Communication of Publications on Request*

The International Bureau shall communicate, free of charge, every published international application, the Gazette and any other publication of general interest published by the International Bureau in connection with the Treaty or these Regulations, to International Searching Authorities, International Preliminary Examining Authorities and national Offices upon request by the Authority or Office concerned. Further details concerning the form in which and the means by which publications are communicated shall be governed by the Administrative Instructions.

**Rule 88**  
**Amendment of the Regulations**

**88.1** *Requirement of Unanimity*

Amendment of the following provisions of these Regulations shall require that no State having the right to vote in the Assembly vote against the proposed amendment:

- (i) Rule 14.1 (Transmittal Fee),
- (ii) *[deleted]*
- (iii) Rule 22.3 (Time Limit under Article 12(3)),
- (iv) Rule 33 (Relevant Prior Art for International Search),
- (v) Rule 64 (Prior Art for International Preliminary Examination),
- (vi) Rule 81 (Modification of Time Limits Fixed in the Treaty),
- (vii) the present paragraph (i.e., Rule 88.1).

**88.2** *[Deleted]*

**88.3** *Requirement of Absence of Opposition by Certain States*

Amendment of the following provisions of these Regulations shall require that no State referred to in Article 58(3)(a)(ii) and having the right to vote in the Assembly vote against the proposed amendment:

- (i) Rule 34 (Minimum Documentation),
- (ii) Rule 39 (Subject Matter under Article 17(2)(a)(i)),
- (iii) Rule 67 (Subject Matter under Article 34(4)(a)(i)),
- (iv) the present paragraph (i.e., Rule 88.3).

#### 88.4 *Procedure*

Any proposal for amending a provision referred to in Rules 88.1 or 88.3 shall, if the proposal is to be decided upon in the Assembly, be communicated to all Contracting States at least two months prior to the opening of that session of the Assembly which is called upon to make a decision on the proposal.

### **Rule 89**

#### **Administrative Instructions**

#### 89.1 *Scope*

(a) The Administrative Instructions shall contain provisions:

(i) concerning matters in respect of which these Regulations expressly refer to such Instructions,

(ii) concerning any details in respect of the application of these Regulations.

(b) The Administrative Instructions shall not be in conflict with the provisions of the Treaty, these Regulations, or any agreement concluded by the International Bureau with an International Searching Authority, or an International Preliminary Examining Authority.

#### 89.2 *Source*

(a) The Administrative Instructions shall be drawn up and promulgated by the Director General after consultation with the receiving Offices and the International Searching and Preliminary Examining Authorities.

(b) They may be modified by the Director General after consultation with the Offices or Authorities which have a direct interest in the proposed modification.

(c) The Assembly may invite the Director General to modify the Administrative Instructions, and the Director General shall proceed accordingly.

#### 89.3 *Publication and Entry into Force*

(a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions come into effect. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Gazette.

PART F  
RULES CONCERNING SEVERAL CHAPTERS OF THE TREATY

**Rule 89bis**  
**Filing, Processing and Communication**  
**of International Applications and Other Documents**  
**in Electronic Form or by Electronic Means**

*89bis.1 International Applications*

(a) International applications may, subject to paragraphs (b) to (e), be filed and processed in electronic form or by electronic means, in accordance with the Administrative Instructions, provided that any receiving Office shall permit the filing of international applications on paper.

(b) These Regulations shall apply *mutatis mutandis* to international applications filed in electronic form or by electronic means, subject to any special provisions of the Administrative Instructions.

(c) The Administrative Instructions shall set out the provisions and requirements in relation to the filing and processing of international applications filed, in whole or in part, in electronic form or by electronic means, including but not limited to, provisions and requirements in relation to acknowledgment of receipt, procedures relating to the according of an international filing date, physical requirements and the consequences of non-compliance with those requirements, signature of documents, means of authentication of documents and of the identity of parties communicating with Offices and authorities, and the operation of Article 12 in relation to the home copy, the record copy and the search copy, and may contain different provisions and requirements in relation to international applications filed in different languages.

(d) No national Office or intergovernmental organization shall be obliged to receive or process international applications filed in electronic form or by electronic means unless it has notified the International Bureau that it is prepared to do so in compliance with the applicable provisions of the Administrative Instructions. The International Bureau shall publish the information so notified in the Gazette.

(e) No receiving Office which has given the International Bureau a notification under paragraph (d) may refuse to process an international application filed in electronic form or by electronic means which complies with the applicable requirements under the Administrative Instructions.

*89bis.2 Other Documents*

Rule 89bis.1 shall apply *mutatis mutandis* to other documents and correspondence relating to international applications.

*89bis.3 Communication between Offices*

Where the Treaty, these Regulations or the Administrative Instructions provide for the communication, notification or transmittal (“communication”) of an international application, notification, communication, correspondence or other document by one national Office or intergovernmental organization to another, such communication may, where so agreed by both the sender and the receiver, be effected in electronic form or by electronic means.

**Rule 89ter**

**Copies in Electronic Form of Documents Filed on Paper**

*89ter.1 Copies in Electronic Form of Documents Filed on Paper*

Any national Office or intergovernmental organization may provide that, where an international application or other document relating to an international application is filed on paper, a copy thereof in electronic form, in accordance with the Administrative Instructions, may be furnished by the applicant.

**Rule 90**

**Agents and Common Representatives**

*90.1 Appointment as Agent*

(a) A person having the right to practice before the national Office with which the international application is filed or, where the international application is filed with the International Bureau, having the right to practice in respect of the international application before the International Bureau as receiving Office may be appointed by the applicant as his agent to represent him before the receiving Office, the International Bureau, the International Searching Authority, any Authority specified for supplementary search and the International Preliminary Examining Authority.

(b) A person having the right to practice before the national Office or intergovernmental organization which acts as the International Searching Authority may be appointed by the applicant as his agent to represent him specifically before that Authority.

(b-bis) A person having the right to practice before the national Office or intergovernmental organization which acts as the Authority specified for supplementary search may be appointed by the applicant as his agent to represent him specifically before that Authority.

(c) A person having the right to practice before the national Office or intergovernmental organization which acts as the International Preliminary Examining Authority may be appointed by the applicant as his agent to represent him specifically before that Authority.

(d) An agent appointed under paragraph (a) may, unless otherwise indicated in the document appointing him, appoint one or more sub-agents to represent the applicant as the applicant's agent:

(i) before the receiving Office, the International Bureau, the International Searching Authority, any Authority specified for supplementary search and the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office with which the international application was filed or to practice in respect of the international application before the International Bureau as receiving Office, as the case may be;

(ii) specifically before the International Searching Authority, any Authority specified for supplementary search or the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office or intergovernmental organization which acts as the International Searching Authority, the Authority specified for supplementary search or the International Preliminary Examining Authority, as the case may be.

#### 90.2 *Common Representative*

(a) Where there are two or more applicants and the applicants have not appointed an agent representing all of them (a "common agent") under Rule 90.1(a), one of the applicants who is entitled to file an international application according to Article 9 may be appointed by the other applicants as their common representative.

(b) Where there are two or more applicants and all the applicants have not appointed a common agent under Rule 90.1(a) or a common representative under paragraph (a), the applicant first named in the request who is entitled according to Rule 19.1 to file an international application with the receiving Office shall be considered to be the common representative of all the applicants.

#### 90.3 *Effects of Acts by or in Relation to Agents and Common Representatives*

(a) Any act by or in relation to an agent shall have the effect of an act by or in relation to the applicant or applicants concerned.

(b) If there are two or more agents representing the same applicant or applicants, any act by or in relation to any of those agents shall have the effect of an act by or in relation to the said applicant or applicants.

(c) Subject to Rule 90*bis*.5, second sentence, any act by or in relation to a common representative or his agent shall have the effect of an act by or in relation to all the applicants.

#### 90.4 *Manner of Appointment of Agent or Common Representative*

(a) The appointment of an agent shall be effected by the applicant signing the request, the demand or a separate power of attorney. Where there are two or more applicants, the appointment of a common agent or common representative shall be effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney.

(b) Subject to Rule 90.5, a separate power of attorney shall be submitted to either the receiving Office or the International Bureau, provided that, where a power of attorney appoints an agent under Rule 90.1(b), (b-*bis*), (c) or (d)(ii), it shall be submitted to the International Searching Authority, the Authority specified for supplementary search or the International Preliminary Examining Authority, as the case may be.

(c) If the separate power of attorney is not signed, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected.

(d) Subject to paragraph (e), any receiving Office, any International Searching Authority, any Authority competent to carry out supplementary searches, any International Preliminary Examining Authority and the International Bureau may waive the requirement under paragraph (b) that a separate power of attorney be submitted to it, in which case paragraph (c) shall not apply.

(e) Where the agent or the common representative submits any notice of withdrawal referred to in Rules 90*bis*.1 to 90*bis*.4, the requirement under paragraph (b) for a separate power of attorney shall not be waived under paragraph (d).

#### 90.5 *General Power of Attorney*

(a) Appointment of an agent in relation to a particular international application may be effected by referring in the request, the demand or a separate notice to an existing separate power of attorney appointing that agent to represent the applicant in relation to any international application which may be filed by that applicant (i.e., a “general power of attorney”), provided that:

(i) the general power of attorney has been deposited in accordance with paragraph (b), and

(ii) a copy of it is attached to the request, the demand or the separate notice, as the case may be; that copy need not be signed.

(b) The general power of attorney shall be deposited with the receiving Office, provided that, where it appoints an agent under Rule 90.1(b), (b-*bis*), (c)

or (d)(ii), it shall be deposited with the International Searching Authority, the Authority specified for supplementary search or the International Preliminary Examining Authority, as the case may be.

(c) Any receiving Office, any International Searching Authority, any Authority competent to carry out supplementary searches and any International Preliminary Examining Authority may waive the requirement under paragraph (a)(ii) that a copy of the general power of attorney is attached to the request, the demand or the separate notice, as the case may be.

(d) Notwithstanding paragraph (c), where the agent submits any notice of withdrawal referred to in Rules 90*bis*.1 to 90*bis*.4 to the receiving Office, the Authority specified for supplementary search, the International Preliminary Examining Authority or the International Bureau, as the case may be, a copy of the general power of attorney shall be submitted to that Office, Authority or Bureau.

#### 90.6 *Revocation and Renunciation*

(a) Any appointment of an agent or common representative may be revoked by the persons who made the appointment or by their successors in title, in which case any appointment of a sub-agent under Rule 90.1(d) by that agent shall also be considered as revoked. Any appointment of a sub-agent under Rule 90.1(d) may also be revoked by the applicant concerned.

(b) The appointment of an agent under Rule 90.1(a) shall, unless otherwise indicated, have the effect of revoking any earlier appointment of an agent made under that Rule.

(c) The appointment of a common representative shall, unless otherwise indicated, have the effect of revoking any earlier appointment of a common representative.

(d) An agent or a common representative may renounce his appointment by a notification signed by him.

(e) Rule 90.4(b) and (c) shall apply, *mutatis mutandis*, to a document containing a revocation or renunciation under this Rule.

### **Rule 90*bis* Withdrawals**

#### 90*bis*.1 *Withdrawal of the International Application*

(a) The applicant may withdraw the international application at any time prior to the expiration of 30 months from the priority date.

(b) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or,

where Article 39(1) applies, to the International Preliminary Examining Authority.

(c) No international publication of the international application shall be effected if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau before the technical preparations for international publication have been completed.

#### *90bis.2 Withdrawal of Designations*

(a) The applicant may withdraw the designation of any designated State at any time prior to the expiration of 30 months from the priority date. Withdrawal of the designation of a State which has been elected shall entail withdrawal of the corresponding election under Rule 90bis.4.

(b) Where a State has been designated for the purpose of obtaining both a national patent and a regional patent, withdrawal of the designation of that State shall be taken to mean withdrawal of only the designation for the purpose of obtaining a national patent, except where otherwise indicated.

(c) Withdrawal of the designations of all designated States shall be treated as withdrawal of the international application under Rule 90bis.1.

(d) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority.

(e) No international publication of the designation shall be effected if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau before the technical preparations for international publication have been completed.

#### *90bis.3 Withdrawal of Priority Claims*

(a) The applicant may withdraw a priority claim, made in the international application under Article 8(1), at any time prior to the expiration of 30 months from the priority date.

(b) Where the international application contains more than one priority claim, the applicant may exercise the right provided for in paragraph (a) in respect of one or more or all of the priority claims.

(c) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or,

where Article 39(1) applies, to the International Preliminary Examining Authority.

(d) Where the withdrawal of a priority claim causes a change in the priority date, any time limit which is computed from the original priority date and which has not already expired shall, subject to paragraph (e), be computed from the priority date resulting from that change.

(e) In the case of the time limit referred to in Article 21(2)(a), the International Bureau may nevertheless proceed with the international publication on the basis of the said time limit as computed from the original priority date if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau after the completion of the technical preparations for international publication.

*90bis.3bis Withdrawal of Supplementary Search Request*

(a) The applicant may withdraw a supplementary search request at any time prior to the date of transmittal to the applicant and to the International Bureau, under Rule 45bis.8(a), of the supplementary international search report or the declaration that no such report will be established.

(b) Withdrawal shall be effective on receipt, within the time limit under paragraph (a), of a notice addressed by the applicant, at his option, to the Authority specified for supplementary search or to the International Bureau, provided that, where the notice does not reach the Authority specified for supplementary search in sufficient time to prevent the transmittal of the report or declaration referred to in paragraph (a), the communication of that report or declaration under Article 20(1), as applicable by virtue of Rule 45bis.8(b), shall nevertheless be effected.

*90bis.4 Withdrawal of the Demand, or of Elections*

(a) The applicant may withdraw the demand or any or all elections at any time prior to the expiration of 30 months from the priority date.

(b) Withdrawal shall be effective upon receipt of a notice addressed by the applicant to the International Bureau.

(c) If the notice of withdrawal is submitted by the applicant to the International Preliminary Examining Authority, that Authority shall mark the date of receipt on the notice and transmit it promptly to the International Bureau. The notice shall be considered to have been submitted to the International Bureau on the date marked.

*90bis.5 Signature*

Any notice of withdrawal referred to in Rules 90bis.1 to 90bis.4 shall be signed by the applicant or, if there are two or more applicants, by all of them. An applicant who is considered to be the common representative under Rule 90.2(b) shall not be entitled to sign such a notice on behalf of the other applicants.

*90bis.6 Effect of Withdrawal*

(a) Withdrawal under Rule 90bis of the international application, any designation, any priority claim, the demand or any election shall have no effect in any designated or elected Office where the processing or examination of the international application has already started under Article 23(2) or Article 40(2).

(b) Where the international application is withdrawn under Rule 90bis.1, the international processing of the international application shall be discontinued.

(b-bis) Where a supplementary search request is withdrawn under Rule 90bis.3bis, the supplementary international search by the Authority concerned shall be discontinued.

(c) Where the demand or all elections are withdrawn under Rule 90bis.4, the processing of the international application by the International Preliminary Examining Authority shall be discontinued.

*90bis.7 Faculty under Article 37(4)(b)*

(a) Any Contracting State whose national law provides for what is described in the second part of Article 37(4)(b) shall notify the International Bureau in writing.

(b) The notification referred to in paragraph (a) shall be promptly published by the International Bureau in the Gazette, and shall have effect in respect of international applications filed more than one month after the date of such publication.

**Rule 91**  
**Rectification of Obvious Mistakes**  
**in the International Application and Other Documents**

*91.1 Rectification of Obvious Mistakes*

(a) An obvious mistake in the international application or another document submitted by the applicant may be rectified in accordance with this Rule if the applicant so requests.

(b) The rectification of a mistake shall be subject to authorization by the “competent authority”, that is to say:

(i) in the case of a mistake in the request part of the international application or in a correction thereof – by the receiving Office;

(ii) in the case of a mistake in the description, claims or drawings or in a correction thereof, unless the International Preliminary Examining Authority is competent under item (iii) – by the International Searching Authority;

(iii) in the case of a mistake in the description, claims or drawings or in a correction thereof, or in an amendment under Article 19 or 34, where a demand for international preliminary examination has been made and has not been withdrawn and the date on which international preliminary examination shall start in accordance with Rule 69.1 has passed – by the International Preliminary Examining Authority;

(iv) in the case of a mistake in a document not referred to in items (i) to (iii) submitted to the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau, other than a mistake in the abstract or in an amendment under Article 19 – by that Office, Authority or Bureau, as the case may be.

(c) The competent authority shall authorize the rectification under this Rule of a mistake if, and only if, it is obvious to the competent authority that, as at the applicable date under paragraph (f), something else was intended than what appears in the document concerned and that nothing else could have been intended than the proposed rectification.

(d) In the case of a mistake in the description, claims or drawings or in a correction or amendment thereof, the competent authority shall, for the purposes of paragraph (c), only take into account the contents of the description, claims and drawings and, where applicable, the correction or amendment concerned.

(e) In the case of a mistake in the request part of the international application or a correction thereof, or in a document referred to in paragraph (b)(iv), the competent authority shall, for the purposes of paragraph (c), only take into account the contents of the international application itself and, where applicable, the correction concerned, or the document referred to in paragraph (b)(iv), together with any other document submitted with the request, correction or document, as the case may be, any priority document in respect of the international application that is available to the authority in accordance with the Administrative Instructions, and any other document contained in the authority's international application file at the applicable date under paragraph (f).

(f) The applicable date for the purposes of paragraphs (c) and (e) shall be:

(i) in the case of a mistake in a part of the international application as filed – the international filing date;

(ii) in the case of a mistake in a document other than the international application as filed, including a mistake in a correction or an amendment of the international application – the date on which the document was submitted.

(g) A mistake shall not be rectifiable under this Rule if:

(i) the mistake lies in the omission of one or more entire elements of the international application referred to in Article 3(2) or one or more entire sheets of the international application;

(ii) the mistake is in the abstract;

(iii) the mistake is in an amendment under Article 19, unless the International Preliminary Examining Authority is competent to authorize the rectification of such mistake under paragraph (b)(iii); or

(iv) the mistake is in a priority claim or in a notice correcting or adding a priority claim under Rule 26*bis*.1(a), where the rectification of the mistake would cause a change in the priority date;

provided that this paragraph shall not affect the operation of Rules 20.4, 20.5, 26*bis* and 38.3.

(h) Where the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau discovers what appears to be a rectifiable obvious mistake in the international application or another document, it may invite the applicant to request rectification under this Rule.

#### 91.2 *Requests for Rectification*

A request for rectification under Rule 91.1 shall be submitted to the competent authority within 26 months from the priority date. It shall specify the mistake to be rectified and the proposed rectification, and may, at the option of the applicant, contain a brief explanation. Rule 26.4 shall apply *mutatis mutandis* as to the manner in which the proposed rectification shall be indicated.

#### 91.3 *Authorization and Effect of Rectifications*

(a) The competent authority shall promptly decide whether to authorize or refuse to authorize a rectification under Rule 91.1 and shall promptly notify the applicant and the International Bureau of the authorization or refusal and, in the case of refusal, of the reasons therefor. The International Bureau shall proceed as provided for in the Administrative Instructions, including, as required, notifying the receiving Office, the International Searching Authority, the International Preliminary Examining Authority and the designated and elected Offices of the authorization or refusal.

(b) Where the rectification of an obvious mistake has been authorized under Rule 91.1, the document concerned shall be rectified in accordance with the Administrative Instructions.

(c) Where the rectification of an obvious mistake has been authorized, it shall be effective:

(i) in the case of a mistake in the international application as filed, from the international filing date;

(ii) in the case of a mistake in a document other than the international application as filed, including a mistake in a correction or an amendment of the international application, from the date on which that document was submitted.

(d) Where the competent authority refuses to authorize a rectification under Rule 91.1, the International Bureau shall, upon request submitted to it by the applicant within two months from the date of the refusal, and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, publish the request for rectification, the reasons for refusal by the authority and any further brief comments that may be submitted by the applicant, if possible together with the international application. A copy of the request, reasons and comments (if any) shall if possible be included in the communication under Article 20 where the international application is not published by virtue of Article 64(3).

(e) The rectification of an obvious mistake need not be taken into account by any designated Office in which the processing or examination of the international application has already started prior to the date on which that Office is notified under Rule 91.3(a) of the authorization of the rectification by the competent authority.

(f) A designated Office may disregard a rectification that was authorized under Rule 91.1 only if it finds that it would not have authorized the rectification under Rule 91.1 if it had been the competent authority, provided that no designated Office shall disregard any rectification that was authorized under Rule 91.1 without giving the applicant the opportunity to make observations, within a time limit which shall be reasonable under the circumstances, on the Office's intention to disregard the rectification.

## **Rule 92**

### **Correspondence**

#### *92.1 Need for Letter and for Signature*

(a) Any paper submitted by the applicant in the course of the international procedure provided for in the Treaty and these Regulations, other than the international application itself, shall, if not itself in the form of a letter, be

accompanied by a letter identifying the international application to which it relates. The letter shall be signed by the applicant.

(b) If the requirements provided for in paragraph (a) are not complied with, the applicant shall be informed as to the non-compliance and invited to remedy the omission within a time limit fixed in the invitation. The time limit so fixed shall be reasonable in the circumstances; even where the time limit so fixed expires later than the time limit applying to the furnishing of the paper (or even if the latter time limit has already expired), it shall not be less than 10 days and not more than one month from the mailing of the invitation. If the omission is remedied within the time limit fixed in the invitation, the omission shall be disregarded; otherwise, the applicant shall be informed that the paper has been disregarded.

(c) Where non-compliance with the requirements provided for in paragraph (a) has been overlooked and the paper taken into account in the international procedure, the non-compliance shall be disregarded.

## 92.2 *Languages*

(a) Subject to Rules 55.1 and 55.3 and to paragraph (b) of this Rule, any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates. However, where a translation of the international application has been transmitted under Rule 23.1(b) or furnished under Rule 55.2, the language of such translation shall be used.

(b) Any letter from the applicant to the International Searching Authority or the International Preliminary Examining Authority may be in a language other than that of the international application, provided the said Authority authorizes the use of such language.

(c) *[Deleted]*

(d) Any letter from the applicant to the International Bureau shall be in English, French or any other language of publication as may be permitted by the Administrative Instructions.

(e) Any letter or notification from the International Bureau to the applicant or to any national Office shall be in English or French.

## 92.3 *Mailings by National Offices and Intergovernmental Organizations*

Any document or letter emanating from or transmitted by a national Office or an intergovernmental organization and constituting an event from the date of which any time limit under the Treaty or these Regulations commences to run shall be sent by air mail, provided that surface mail may be used instead of air

mail in cases where surface mail normally arrives at its destination within two days from mailing or where air mail service is not available.

92.4 *Use of Telegraph, Teleprinter, Facsimile Machine, Etc.*

(a) A document making up the international application, and any later document or correspondence relating thereto, may, notwithstanding the provisions of Rules 11.14 and 92.1(a), but subject to paragraph (h), be transmitted, to the extent feasible, by telegraph, teleprinter, facsimile machine or other like means of communication resulting in the filing of a printed or written document.

(b) A signature appearing on a document transmitted by facsimile machine shall be recognized for the purposes of the Treaty and these Regulations as a proper signature.

(c) Where the applicant has attempted to transmit a document by any of the means referred to in paragraph (a) but part or all of the received document is illegible or part of the document is not received, the document shall be treated as not having been received to the extent that the received document is illegible or that the attempted transmission failed. The national Office or intergovernmental organization shall promptly notify the applicant accordingly.

(d) Any national Office or intergovernmental organization may require that the original of any document transmitted by any of the means referred to in paragraph (a) and an accompanying letter identifying that earlier transmission be furnished within 14 days from the date of the transmission, provided that such requirement has been notified to the International Bureau and the International Bureau has published information thereon in the Gazette. The notification shall specify whether such requirement concerns all or only certain kinds of documents.

(e) Where the applicant fails to furnish the original of a document as required under paragraph (d), the national Office or intergovernmental organization concerned may, depending on the kind of document transmitted and having regard to Rules 11 and 26.3,

(i) waive the requirement under paragraph (d), or

(ii) invite the applicant to furnish, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation, the original of the document transmitted,

provided that, where the document transmitted contains defects, or shows that the original contains defects, in respect of which the national Office or intergovernmental organization may issue an invitation to correct, that Office or organization may issue such an invitation in addition to, or instead of, proceeding under item (i) or (ii).

(f) Where the furnishing of the original of a document is not required under paragraph (d) but the national Office or intergovernmental organization considers it necessary to receive the original of the said document, it may issue an invitation as provided for under paragraph (e)(ii).

(g) If the applicant fails to comply with an invitation under paragraph (e)(ii) or (f):

(i) where the document concerned is the international application, the latter shall be considered withdrawn and the receiving Office shall so declare;

(ii) where the document concerned is a document subsequent to the international application, the document shall be considered as not having been submitted.

(h) No national Office or intergovernmental organization shall be obliged to receive any document submitted by a means referred to in paragraph (a) unless it has notified the International Bureau that it is prepared to receive such a document by that means and the International Bureau has published information thereon in the Gazette.

**Rule 92bis**  
**Recording of Changes in**  
**Certain Indications in the Request or the Demand**

*92bis.1 Recording of Changes by the International Bureau*

(a) The International Bureau shall, on the request of the applicant or the receiving Office, record changes in the following indications appearing in the request or demand:

- (i) person, name, residence, nationality or address of the applicant,
- (ii) person, name or address of the agent, the common representative or the inventor.

(b) The International Bureau shall not record the requested change if the request for recording is received by it after the expiration of 30 months from the priority date.

**Rule 93**  
**Keeping of Records and Files**

*93.1 The Receiving Office*

Each receiving Office shall keep the records relating to each international application or purported international application, including the home copy, for at least 10 years from the international filing date or, where no international filing date is accorded, from the date of receipt.

93.2 *The International Bureau*

(a) The International Bureau shall keep the file, including the record copy, of any international application for at least 30 years from the date of receipt of the record copy.

(b) The basic records of the International Bureau shall be kept indefinitely.

93.3 *The International Searching and Preliminary Examining Authorities*

Each International Searching Authority and each International Preliminary Examining Authority shall keep the file of each international application it receives for at least 10 years from the international filing date.

93.4 *Reproductions*

For the purposes of this Rule, records, copies and files may be kept as photographic, electronic or other reproductions, provided that the reproductions are such that the obligations to keep records, copies and files under Rules 93.1 to 93.3 are met.

**Rule 93bis**

**Manner of Communication of Documents**

93bis.1 *Communication on Request; Communication via Digital Library*

(a) Where the Treaty, these Regulations or the Administrative Instructions provide for the communication, notification or transmittal (“communication”) of an international application, notification, communication, correspondence or other document (“document”) by the International Bureau to any designated or elected Office, such communication shall be effected only upon request by the Office concerned and at the time specified by that Office. Such request may be made in relation to individually specified documents or a specified class or classes of documents.

(b) A communication under paragraph (a) shall, where so agreed by the International Bureau and the designated or elected Office concerned, be considered to be effected at the time when the International Bureau makes the document available to that Office in electronic form in a digital library, in accordance with the Administrative Instructions, from which that Office is entitled to retrieve that document.

**Rule 94**<sup>16</sup>  
**Access to Files**

**94.1** *Access to the File Held by the International Bureau*

(a) At the request of the applicant or any person authorized by the applicant, the International Bureau shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in its file.

(b) The International Bureau shall, at the request of any person but not before the international publication of the international application and subject to Article 38 and paragraphs (d) to (g), furnish copies of any document contained in its file. The furnishing of copies may be subject to reimbursement of the cost of the service.

(c)<sup>17</sup> The International Bureau shall, if so requested by an elected Office, but not before the international preliminary examination report has been established, furnish on behalf of that Office copies under paragraph (b) of any document transmitted to it under Rule 71.1(a) or (b) by the International Preliminary Examining Authority. The International Bureau shall promptly publish details of any such request in the Gazette.<sup>18</sup>

(d) The International Bureau shall not provide access to any information contained in its file which has been omitted from publication under Rule 48.2(l) and to any document contained in its file relating to a request under that Rule.

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<sup>16</sup> *Editor's Note:* Rule 94 as in force from July 1, 1998, applies only in respect of international applications filed on or after that date. Rule 94 as in force until June 30, 1998, continues to apply after that date in respect of international applications filed until that date. The text of Rule 94 as in force until June 30, 1998, is reproduced below:

**“Rule 94**  
**Furnishing of Copies by the International Bureau**  
**and the International Preliminary Examining Authority**

**94.1** *Obligation to Furnish*

At the request of the applicant or any person authorized by the applicant, the International Bureau and the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in the file of the applicant's international application or purported international application.”

<sup>17</sup> *Editor's Note:* Rule 94.1(c) as in force from January 1, 2004, applies to international applications filed on or after that date. Rule 94.1(c) also applies to the furnishing on or after January 1, 2004, of copies of the international preliminary examination report in respect of any international application, whether the international filing date of the application is before, on or after January 1, 2004.

<sup>18</sup> *Editor's Note:* Information concerning which elected Offices have requested the International Bureau to furnish copies of international preliminary examination reports on their behalf is also published on the WIPO website at: [www.wipo.int/pct/en/texts/access\\_iper.html](http://www.wipo.int/pct/en/texts/access_iper.html).

(e) Upon a reasoned request by the applicant, the International Bureau shall not provide access to any information contained in its file and to any document contained in its file relating to such a request, if it finds that:

(i) this information does not obviously serve the purpose of informing the public about the international application;

(ii) public access to such information would clearly prejudice the personal or economic interests of any person; and

(iii) there is no prevailing public interest to have access to that information.

Rule 26.4 shall apply *mutatis mutandis* as to the manner in which the applicant shall present the information which is the subject of a request made under this paragraph.

(f) Where the International Bureau has omitted information from public access in accordance with paragraphs (d) or (e), and that information is also contained in the file of the international application held by the receiving Office, the International Searching Authority, the Authority specified for supplementary search or the International Preliminary Examining Authority, the International Bureau shall promptly notify that Office and Authority accordingly.

(g) The International Bureau shall not provide access to any document contained in its file which was prepared solely for internal use by the International Bureau.

*94.1bis Access to the File Held by the Receiving Office*

(a) At the request of the applicant or any person authorized by the applicant, the receiving Office may provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(b) The receiving Office may, at the request of any person, but not before the international publication of the international application and subject to paragraph (c), provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(c) The receiving Office shall not provide access under paragraph (b) to any information in respect of which it has been notified by the International Bureau that the information has been omitted from publication in accordance with Rule 48.2(l) or from public access in accordance with Rule 94.1(d) or (e).

*94.1ter Access to the File Held by the International Searching Authority*

(a) At the request of the applicant or any person authorized by the applicant, the International Searching Authority may provide access to any document

contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(b) The International Searching Authority may, at the request of any person, but not before the international publication of the international application and subject to paragraph (c), provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(c) The International Searching Authority shall not provide access under paragraph (b) to any information in respect of which it has been notified by the International Bureau that the information has been omitted from publication in accordance with Rule 48.2(l) or from public access in accordance with Rule 94.1(d) or (e).

(d) Paragraphs (a) to (c) shall apply *mutatis mutandis* to the Authority specified for supplementary search.

#### 94.2 *Access to the File Held by the International Preliminary Examining Authority*

(a) At the request of the applicant or any person authorized by the applicant, the International Preliminary Examining Authority shall provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(b) At the request of any elected Office, but not before the establishment of the international preliminary examination report and subject to paragraph (c), the International Preliminary Examining Authority shall provide access to any document contained in its file. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

(c) The International Preliminary Examining Authority shall not provide access under paragraph (b) to any information in respect of which it has been notified by the International Bureau that the information has been omitted from publication in accordance with Rule 48.2(l) or from public access in accordance with Rule 94.1(d) or (e).

#### 94.2bis *Access to the File Held by the Designated Office*

If the national law applicable by any designated Office allows access by third parties to the file of a national application, that Office may allow access to any documents relating to the international application, contained in its file, to the same extent as provided by the national law for access to the file of a national application, but not before the earliest of the dates specified in Article 30(2)(a). The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

#### 94.3 *Access to the File Held by the Elected Office*

If the national law applicable by any elected Office allows access by third parties to the file of a national application, that Office may allow access to any documents relating to the international application, including any document relating to the international preliminary examination, contained in its file, to the same extent as provided by the national law for access to the file of a national application, but not before the earliest of the dates specified in Article 30(2)(a). The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

### **Rule 95**

#### **Information and Translations from Designated and Elected Offices**

##### 95.1 *Information Concerning Events at the Designated and Elected Offices*

Any designated or elected Office shall notify the International Bureau of the following information concerning an international application within two months, or as soon as reasonably possible thereafter, of the occurrence of any of the following events:

(i) following the performance by the applicant of the acts referred to in Article 22 or Article 39, the date of performance of those acts and any national application number which has been assigned to the international application;

(ii) where the designated or elected Office explicitly publishes the international application under its national law or practice, the number and date of that national publication;

(iii) where a patent is granted, the date of grant of the patent and, where the designated or elected Office explicitly publishes the international application in the form in which it is granted under its national law, the number and date of that national publication.

##### 95.2 *Furnishing of Copies of Translations*

(a) At the request of the International Bureau, any designated or elected Office shall provide it with a copy of the translation of the international application furnished by the applicant to that Office.

(b) The International Bureau may, upon request and subject to reimbursement of the cost, furnish to any person copies of the translations received under paragraph (a).

## **Rule 96**

### **The Schedule of Fees; Receipt and Transfer of Fees**

#### *96.1 Schedule of Fees Annexed to Regulations*

The amounts of the fees referred to in Rules 15, 45*bis*.2 and 57 shall be expressed in Swiss currency. They shall be specified in the Schedule of Fees which is annexed to these Regulations and forms an integral part thereof.

#### *96.2 Notification of Receipt of Fees; Transfer of Fees*

(a) For the purposes of this Rule, “Office” shall mean the receiving Office (including the International Bureau acting as receiving Office), the International Searching Authority, an Authority specified for supplementary international search, the International Preliminary Examining Authority or the International Bureau.

(b) Where, in accordance with these Regulations or the Administrative Instructions, a fee is collected by one Office (“collecting Office”) for the benefit of another Office (“beneficiary Office”), the collecting Office shall promptly notify the receipt of each such fee in accordance with the Administrative Instructions. Upon receipt of the notification, the beneficiary Office shall proceed as if it had received the fee on the date on which the fee was received by the collecting Office.

(c) The collecting Office shall transfer any fees collected for the benefit of a beneficiary Office to that Office in accordance with the Administrative Instructions.

## SCHEDULE OF FEES

<b>Fees</b>	<b>Amounts</b>
1. International filing fee: (Rule 15.2)	1,330 Swiss francs plus 15 Swiss francs for each sheet of the international application in excess of 30 sheets
2. Supplementary search handling fee: (Rule 45 <i>bis</i> .2)	200 Swiss francs
3. Handling fee: (Rule 57.2)	200 Swiss francs

### **Reductions**

4. The international filing fee is reduced by the following amount if the international application is, as provided for in the Administrative Instructions, filed:

- |  |                  |
|--|------------------|
| (a) in electronic form, the request not being in character coded format:                               | 100 Swiss francs |
| (b) in electronic form, the request being in character coded format:                                   | 200 Swiss francs |
| (c) in electronic form, the request, description, claims and abstract being in character coded format: | 300 Swiss francs |

5. The international filing fee under item 1 (where applicable, as reduced under item 4), the supplementary search handling fee under item 2 and the handling fee under item 3 are reduced by 90% if the international application is filed by:

- (a) an applicant who is a natural person and who is a national of and resides in a State that is listed as being a State whose per capita gross domestic product is below US\$ 25,000 (according to the most recent 10-year average per capita gross domestic product figures at constant 2005 US\$ values published by the United Nations), and whose nationals and residents who are natural persons have filed less than 10 international applications per year (per million population) or less than 50 international applications per year (in absolute numbers) according to the most recent five-year average yearly filing figures published by the International Bureau; or

- (b) an applicant, whether a natural person or not, who is a national of and resides in a State that is listed as being classified by the United Nations as a least developed country;

provided that, at the time of filing of the international application, there are no beneficial owners of the international application who would not satisfy the criteria in sub-item (a) or (b) and provided that, if there are several applicants, each must satisfy the criteria set out in either sub-item (a) or (b). The lists of States referred to in sub-items (a) and (b)<sup>19</sup> shall be updated by the Director General at least every five years according to directives given by the Assembly. The criteria set out in sub-items (a) and (b) shall be reviewed by the Assembly at least every five years.

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<sup>19</sup> *Editor's Note:* See Gazettes dated February 12, 2015, page 32 and March 5, 2020, page 45 *et seq.* (available at: [www.wipo.int/pct/en/official\\_notices/index.html](http://www.wipo.int/pct/en/official_notices/index.html)).

## PCT Fee Tables

(amounts on 1 October 2022, unless otherwise indicated)

The following Tables show the amounts and currencies of the main PCT fees which are payable to the receiving Offices (ROs) and the International Preliminary Examining Authorities (IPEAs) during the international phase under Chapter I (Tables I(a) and I(b)) and under Chapter II (Table II). Fees which are payable only in particular circumstances are not shown; nor are details of certain reductions and refunds which may be available; such information can be found in the *PCT Applicant's Guide*, Annexes C, D and E. Note that all amounts are subject to change due to variations in the fees themselves or fluctuations in exchange rates. The international filing fee may be reduced by CHF 100, 200 or 300 where the international application, or part of the international application, is filed in electronic form, as prescribed under Item 4(a), (b) and (c) of the Schedule of Fees (annexed to the Regulations under the PCT) and the *PCT Applicant's Guide*, paragraph 5.189. A 90% reduction in the international filing fee (including the fee per sheet over 30), the supplementary search handling fee and the handling fee, as well as an exemption from the transmittal fee payable to the International Bureau as receiving Office, is also available to applicants from certain States—refer to footnotes 2 and 14. (Note that if the CHF 100, 200 or 300 reduction, as the case may be, and the 90% reduction are applicable, the 90% reduction is calculated **after** the CHF 100, 200 or 300 reduction.) The footnotes to the Fee Tables follow Table II.

*Key to abbreviations used in fee tables:*

eq	equivalent of –	BND	Brunei dollar	HRK	Croatian kuna	LYD	Libyan dinar	SEK	Swedish krona
IA	international application	BRL	Brazilian real	HUF	Hungarian forint	MAD	Moroccan dirham	SGD	Singapore dollar
IPEA	International Preliminary Examining Authority	BYN	Belarusian rouble	IDR	Indonesian rupiah	MKD	Macedonian denar	SYR	Syrian pounds
ISA	International Searching Authority	BZD	Belize dollar	ILS	New Israeli sheqel	MWK	Malawian kwacha	THB	Baht
ISR	international search report	CAD	Canadian dollar	INR	Indian rupee	MYR	Malaysian ringgit	TJS	Tajik somoni
RO	receiving Office	CHF	Swiss franc	IQD	Iraqi dinar	NOK	Norwegian krone	TND	Tunisian dinar
		CLP	Chilean peso	IRR	Iranian rial	NZD	New Zealand dollar	TRY	Turkish lira
		CNY	Yuan renminbi	ISK	Icelandic krona	OMR	Omani rial	TTD	Trinidad and Tobago dollar
		COP	Colombian peso	JMD	Jamaican dollar	PEN	Nuevo sol		
		CUP	Cuban peso	JOD	Jordanian dinar	PGK	Kina	UAH	Ukrainian hryvnia
		CZK	Czech koruna	JPY	Japanese yen	PHP	Philippine peso	UGX	Uganda shilling
ALL	Albanian lek	DJF	Djibouti franc	KES	Kenyan shilling	PLN	Polish zloty	USD	US dollar
AMD	Armenian dram	DKK	Danish krone	KGS	Kyrgyz som	QAR	Qatari riyal	UZS	Uzbek sum
AUD	Australian dollar	DZD	Algerian dinar	KHR	Cambodian riel	RON	New leu	VND	Vietnamese dong
AZN	Azerbaijani manat	EGP	Egyptian pound	KPW	Won (KP)	RSD	Serbian dinar	XAF	CFA franc BEAC
BAM	Convertible mark	EUR	Euro	KRW	Won (KR)	RUB	Russian rouble	XCD	East Caribbean dollar
BGN	Bulgarian lev	GBP	Pound sterling	KZT	Kazakh tenge	SAT	Samoan tala	ZAR	South African rand
BHD	Bahraini dinar	GHS	Ghanaian cedi	LSL	Lesotho loti	SDG	Sudanese pound	ZWD	Zimbabwe dollar

**Table I(a) — Transmittal and international filing fees**  
(amounts on 1 October 2022, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>		International filing fee <sup>1, 2</sup> (CHF 1,330)	Fee per sheet over 30 <sup>1, 2, 3</sup> (CHF 15)	E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
					Item 4(a) <sup>5</sup> (CHF 100)	Item 4(b) <sup>6</sup> (CHF 200)	Item 4(c) <sup>7</sup> (CHF 300)	
AL	ALL	9,000	CHF 1,330	15	–	200	300	EP
AM	AMD	32,000	USD 1,437	16	–	–	–	EA EP RU
AP	USD	50 (or eq in local currency)	USD 1,437	16	–	216	324	AT EP SE
AT	EUR	52	EUR 1,305	15	–	196	294	EP
AU	AUD	200	AUD 1,970	22	–	296	444	AU KR
AZ	AZN	30	USD 1,437	16	–	216	324	EA EP RU
BA	BAM	50	EUR 1,305	15	–	–	–	EP
BG	BGN	80	EUR 1,305	15	–	196	294	EP RU
BH	BHD	70	USD 1,437	16	–	–	–	AT EP US
BN	BND	150	BND eq CHF 1,330	eq CHF 15	–	eq CHF 200	eq CHF 300	AU EP JP KR SG
BR	BRL <sup>8</sup> online: on paper: <sup>9</sup>	175 260	BRL eq CHF 1,330	eq CHF 15	–	eq CHF 200	eq CHF 300	AT BR EP SE US
BW	USD	32	USD 1,437	16	–	–	–	EP
BY	BYN	78.40	USD 1,437	16	–	–	–	EA EP RU
BZ	BZD	300	USD 1,437	16	–	–	–	CA EP
CA	CA	305.39	CAD 1,811	20	–	272	408	CA
CH	CHF	100	CHF 1,330	15	–	200	300	EP
CL	CLP eq USD <sup>10</sup>	130	CLP eq USD <sup>10</sup> 1,437	eq USD <sup>10</sup> 16	–	eq USD 216	eq USD 324	CL EP ES KR US
CN	CNY	none	CNY 9,280	100	–	1,390	2,090	CN EP <sup>11</sup>
CO	COP online: on paper:	419,640 503,470	COP eq CHF 1,330	eq CHF 15	–	eq CHF 200	eq CHF 300	AT BR CL EP ES KR RU
CR	USD online: on paper:	212 289	USD 1,437	16	–	216	324	CL EP ES

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**Table I(a) — Transmittal and international filing fees [continued]**

(amounts on 1 October 2022, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	International filing fee <sup>1, 2</sup>	Fee per sheet over 30 <sup>1, 2, 3</sup>	E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
				Item 4(a) <sup>5</sup>	Item 4(b) <sup>6</sup>	Item 4(c) <sup>7</sup>	
CU	CUP 2,400	CUP eq CHF 1,330	eq CHF 15	—	eq CHF 200	eq CHF 300	AT BR CL EP ES RU
CV		EUR 1,305	15	—	—	—	BR KR EP
					(from 31.10.22 196)	(from 31.10.22 294)	
CY	EUR 191	EUR 1,305	15	—	—	—	EP
CZ	CZK 1,500	EUR 1,305	15	—	196	294	EP XV
DE	EUR 90	EUR 1,305	15	—	196	294	EP
DJ	USD 100 or eq DJF	USD 1,437	16	—	216	324	AT EG EP
DK	DKK 1,500	DKK 9,710	110	—	1,460	2,190	EP SE XN
DO	USD 316	USD 1,437	16	—	216	324	CL EP ES US
DZ	DZD 10,000	CHF 1,330	15	—	200	300	AT EP
EA	RUB 2,000	USD 1,437 or EUR 1,305	16 15	— —	216 196	324 294	EA EP RU
EC	USD 300	USD 1,437	16	—	216	324	CL EP ES
EE	EUR 120	EUR 1,305	15	—	196	294	EP
EG	USD 142	USD 1,437	16	—	216	324	AT EG EP US
EP	EUR 140	EUR 1,305	15	98	196	294	EP
ES	EUR 75.75	EUR 1,305	15	—	196	294	EP ES
FI	EUR 135	EUR 1,305	15	—	196	294	EP FI SE
FR	EUR 62	EUR 1,305	15	—	196	294	EP
GB	GBP 75	GBP 1,132	13	—	170	255	EP
GD	Information not yet available						
GE	USD <sup>12</sup> 100	USD 1,437	16	—	216	324	AT EP IL RU US
GH	GHS <sup>13</sup> 2,500 or 5,000	USD 1,437	16	—	—	—	AT AU CN EP SE
GR	EUR 115	EUR 1,305	15	—	—	—	EP
HN	USD 200	USD 1,437	16	—	—	—	EP ES
HR	HRK 200	HRK eq CHF 1,330	eq CHF 15	—	eq CHF 200	eq CHF 300	EP
HU	HUF 11,800	HUF 512,100 (from 1.11.22 549,600)	5,800 (6,200)	—	77,000 (82,600)	115,500 (124,000)	EP XV
IB	CHF <sup>14</sup> 100 or EUR <sup>14</sup> 98 or USD <sup>14</sup> 108	CHF 1,330 or EUR 1,305 or USD 1,437	15 15 16	100 98 108	200 196 216	300 294 324	Refer to footnote 15
ID	IDR 1,000,000	IDR eq CHF 1,330	eq CHF 15	—	eq CHF 200	eq CHF 300	AU EP JP KR RU SG
IE	EUR 76	EUR 1,305	15	—	196	294	EP
IL	ILS 567	USD 1,437	16	—	216	324	EP IL US
IN	Paper filings: INR 3,500 <sup>16</sup> INR 17,600 <sup>17</sup> No fee for e-filings	USD 1,437	16	—	216	324	AT AU CN EP IN JP SE US
IQ	IQD 77,075 or USD 55	USD 1,437	16	—	216	324	AU CA EG EP TR
IR	IRR 50,000 (natural persons) IRR 500,000 (legal persons)	IRR eq CHF 1,330	eq CHF 15	—	eq CHF 200	eq CHF 300	CN EP IN RU
IS	ISK 18,200	ISK 185,500	2,100	—	27,900	41,800	EP SE XN
IT	EUR 30.99	EUR 1,305	15	—	196	294	EP
JM	JMD 8,500	JMD eq USD 1,437	eq USD 16	—	eq USD 216	eq UDS 324	AT AU CA EP

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**Table I(a) — Transmittal and international filing fees [continued]**

(amounts on 1 October 2022, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	International filing fee <sup>1, 2</sup>	Fee per sheet over 30 <sup>1, 2, 3</sup>	E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
				Item 4(a) <sup>5</sup>	Item 4(b) <sup>6</sup>	Item 4(c) <sup>7</sup>	
JO	JOD 100	USD 1,437	16	—	216	324	AT AU EP US
JP	JPY 17,000 <sup>18</sup>	JPY 179,000 (from 1.11.22 190,300)	2,000 (2,100)	— (—)	— (—)	40,400 (42,900)	EP IN JP SG
KE	USD 250 or KES 5,000 plus cost of mailing	USD 1,437	16	—	216	324	AT AU CN EP SE
KG	KGS 4,000 <sup>19</sup>	USD 1,437	16	—	216	324	EA EP RU
KH	KHR 420,000	USD 1,437	16	—	—	—	CN EP JP KR SG
KN	XCD 50	XCD eq CHF 1,330	eq CHF 15	—	—	—	EP US
KP	KPW eq CHF 50	KPW eq CHF 1,330	eq CHF 15	—	—	—	AT CN RU
KR	KRW 45,000	CHF 1,330	15	—	—	300	AT AU JP <sup>20</sup> KR SG
KZ	KZT 10,264.80	USD 1,437	16	—	—	—	EP RU
LR	USD 50	USD 1,437	16	—	—	—	AT AU CN EP SE
LS	LSL — <sup>21</sup>	LSL eq CHF 1,330	eq CHF 15	—	—	—	AT EP
LT	EUR 92	EUR 1,305	15	—	196	294	EP XV
LU	EUR 19	EUR 1,305	15	—	—	—	EP
LV	EUR 70	EUR 1,305	15	—	196	294	EP RU
LY	LYD — <sup>21</sup>	CHF 1,330	15	—	—	—	AT EP
MA	MAD none	CHF 1,330	15	—	200	300	AT EP RU SE
MD	EUR 100	USD 1,437	16	—	216	324	EP RU
MK	MKD 2,700	MKD eq CHF 1,330	eq CHF 15	—	200	300	EP
MN	none	CHF 1,330	15	—	—	—	EP KR RU
MT	EUR 55	EUR 1,305	15	—	—	—	EP
MW	MWK 6,000	USD 1,437	16	—	—	—	EP
MX	USD 323.70 <sup>22</sup>	USD 1,437	16	—	216	324	AT CL EP ES KR SE SG US
MY	MYR 550 <sup>23</sup>	MYR eq CHF 1,330	eq CHF 15	—	eq CHF 200	eq CHF 300	AU EP JP KR
NI	USD 200	USD 1,437	16	—	216	324	EP ES
NL	EUR 50	EUR 1,305	15	—	196	294	EP
NO	NOK 800	NOK 13,830	160	—	2,080	3,120	EP SE XN
NZ	NZD 207	NZD 2,208	25	—	332	498	AU EP KR US
OA	XAF — <sup>21</sup>	XAF eq CHF 1,330	eq CHF 15	—	—	—	AT EP RU SE
OM	OMR 40	OMR eq USD 1,437	eq USD 16	—	eq USD 216	eq USD 324	ATAUEGEPUS
PA	USD 240	USD 1,437	16	—	216	324	BR CL EP ES US
PE	PEN 233.35	PEN eq USD 1,437	eq USD 16	—	eq USD 216	eq USD 324	ATBRCL EPESKRUS
PG	PGK 250	USD 1,437	16	—	—	—	AU
PH	PHP 4,200	USD 1,437	16	—	216	324	AU EP JP KR PH US
PL	PLN 300	PLN eq CHF 1,330	eq CHF 15	—	eq CHF 200	eq CHF 300	EP XV
PT	EUR 10.91 (online filing) EUR 21.82 (paper filing)	EUR 1,305	15	—	196	294	EP
QA	QAR 400	QAR eq USD 1,437	eq USD 16	—	eq USD 216	eq USD 324	EG EP US
RO	RON 495	EUR 1,305	15	—	196	294	EP RU
RS	RSD 8,210 <sup>24</sup>	EUR 1,305	15	—	196	294	EP XV
RU	RUB 1,700	USD 1,437	16	—	216	324	EA EP RU
RW	Information not yet available						
SA	USD 100	USD 1,437	16	—	216	324	CA EG EP JP KR RU SG US
SC	USD — <sup>21</sup>	USD 1,437	16	—	—	—	EP
SD	SDG 50	SDG eq CHF 1,330	eq CHF 15	—	eq CHF 200	eq CHF 300	EG EP
SE	SEK 1,200	SEK 13,470 (from 1.11.22 14,650)	150 (170)	— (—)	2,020 (2,200)	3,030 (3,300)	EP SE XN
SG	SGD 150	SGD 1,948	22	—	293	439	AT AU EP JP KR SG

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**Table I(a) — Transmittal and international filing fees [continued]**

(amounts on 1 October 2022, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	International filing fee <sup>1, 2</sup>	Fee per sheet over 30 <sup>1, 2, 3</sup>	E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
				Item 4(a) <sup>5</sup>	Item 4(b) <sup>6</sup>	Item 4(c) <sup>7</sup>	
SI	EUR 91	EUR 1,305	15	—	196	294	EP
SK	EUR (paper filings) <sup>66 25</sup>	EUR 1,305	15	—	196	294	EP XV
SV	none <sup>26</sup>	USD 1,437	16	—	216	324	CL EP ES
SY	SYP 5,000	USD 1,437	16	—	216	324	AT EG EP RU
TH	THB 3,000	THB eq CHF 1,330	eq CHF 15	—	eq CHF 200	eq CHF 300	AU CN EP JP KR SG US
TJ	TJS — <sup>21</sup>	USD 1,437	16	—	216	324	EA EP RU
TM	USD — <sup>21</sup>	USD 1,437	16	—	—	—	EP RU
TN	TND 100	CHF 1,330	15	—	200	300	EP
TR	none	CHF 1,330	15	—	200	300	EP TR
TT	TTD 750	USD 1,437	16	—	216	324	AT CL EP SE US
UA	UAH (or eq EUR or USD) <sup>27</sup> 2,600	USD (or eq UAH or EUR) 1,437	16	—	—	—	EP UA
UG	UGX refer to Office	UGX eq USD 1,437	eq USD 16	—	eq USD 216	eq USD 324	AT EP SG
US	USD 260 <sup>28</sup> small entity <sup>29</sup> : 130 <sup>28</sup> micro entity <sup>29</sup> : 65 <sup>28</sup>	USD 1,437	16	108	216	—	AU EP IL JP KR RU SG US
UZ	UZS 245,000 <sup>30</sup>	USD 1,437	16	—	216	324	EP RU
VN	VND 300,000	CHF 1,330	15	—	200	300	AT AU EP JP KR RU SE SG
WS	SAT 200	USD 1,437	16	—	216	324	EP PH
ZA	ZAR 525	ZAR 23,410	260	—	3,520	5,280	AT AU EP US
ZM	USD 50	USD 1,437	16	—	216	324	AT SE
ZW	ZWD 6,000	ZWD eq USD 1,437	eq USD 16	—	—	—	AT AU CN EP RU

**Table I(b) — Search fees**

(amounts on 1 October 2022, unless otherwise indicated)

ISA	Search fee <sup>1</sup>							
AT <sup>31</sup>	EUR 1,775 *(from 1.11.22:	CHF 1,809 SGD 2,495)	KRW 2,465,000	SGD*	2,648	USD 1,816	ZAR 30,060	
AU	AUD 2,200 USD 1,502 *(from 1.11.22:	CHF 1,485 ZAR* 23,890 NZD 2,428	EUR 1,508 ZAR 25,560)	KRW 2,018,000	NZD*	2,300	SGD 2,175	
BR <sup>8</sup>	Online: *(from 1.11.22	BRL 1,685 USD 326)	CHF 315	EUR 323	USD*	306		
	On paper: *(from 1.11.22:	BRL 2,525 USD 488)	CHF 471	EUR 484	USD*	459		
CA	CAD 1,628.74	CHF 1,197	EUR 1,196	USD 1,310				
CL	USD 2,000	CHF 1,852	EUR 1,954					
	In case of filing by a natural person or a legal entity <sup>2</sup> :	USD 400	CHF 370	EUR 391				
	In case of filing by a university <sup>32</sup> :	USD 300	CHF 278	EUR 293				
CN	CNY 2,100 *(from 1.11.22:	CHF 301 USD 304)	EUR 299	USD*	325			
EA	For searches carried out in Russian: RUB 9,000	CHF 136	EUR 157	USD 142				
	For searches carried out in English: RUB 40,000	CHF 605	EUR 697	USD 631				
EG <sup>33</sup>	EGP 4,000	CHF 203	EUR 199	USD 216				

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**Table I(b) — Search fees [continued]**  
(amounts on 1 October 2022, unless otherwise indicated)

ISA	Search fee <sup>1</sup>									
EP <sup>34</sup>	EUR	1,775	CHF	1,809	DKK	13,200	GBP	1,518	HUF	680,100
	JPY	245,500	NOK	17,710	NZD	2,961	SEK	18,000	SGD*	2,648
	ZAR	30,060							ISK	251,800
	*(from 1.11.22:		SGD	2,495)					USD	1,816
ES <sup>34</sup>	EUR	1,775	CHF	1,809	USD	1,816				
FI	EUR	1,775	CHF	1,809	USD	1,816				
IL	ILS	3,635	CHF	1,024	EUR	1,041	USD	1,065		
IN	INR	10,000	CHF	125	EUR*	116	JPY	16,600	USD	126
	*(from 1.11.22		EUR	124)						
	In case of filing by an individual:									
	INR	2,500	CHF	31	EUR*	29	JPY	4,200	USD	31
JP <sup>35</sup>	*(from 1.11.22		EUR	31)						
	For IAs in Japanese:									
	JPY	143,000	CHF*	1,062	EUR	1,034	KRW	1,404,000	USD	1,057
	*(from 1.11.22:		CHF	999)						
KR <sup>36</sup>	For IAs in English:									
	JPY	169,000	CHF*	1,255	EUR	1,222	SGD	1,743	USD	1,250
	*(from 1.11.22:		CHF	1,181)						
	For IAs in Korean:									
PH	KRW	450,000	AUD	492	CHF*	353	EUR	326	NZD	544
	SGD	484	USD**	358						
	*(from 1.11.22:		CHF	330)						
	**(from 1.12.22:		USD	330)						
RU	For IAs in English:									
	KRW	1,200,000	AUD	1,313	CHF*	942	EUR	869	NZD	1,450
	SGD	1,290	USD**	955						
	*(from 1.11.22:		CHF	880)						
SE	**(from 1.12.22:		USD	881)						
	USD	1,000	CHF	926	EUR	977				
	Small entity or government <sup>37</sup> :		USD	400	CHF	370	EUR	391		
SG	For IAs in Russian:									
	RUB	8,500	CHF	129	EUR	148	USD	134		
	For IAs in English:		RUB	40,000	CHF	605	EUR	697	USD	631
TR	SEK	18,000	CHF	1,809	DKK	13,200	EUR	1,775	ISK	251,800
	USD	1,816							NOK	17,710
UA	SGD	2,240	CHF	1,529	EUR*	1,501	JPY	217,300	KRW	2,074,000
	*(from 1.11.22:		EUR	1,593)					USD	1,652
US	TRY	18,250	CHF	1,809	EUR	1,775	USD	1,816		
	For IAs in Ukrainian or Russian:									
	EUR	100	CHF	102	USD	102				
	For IAs in English, French or German:		EUR	300	CHF	306	USD	306		
XN	USD	2,180	CHF	2,018	EUR	2,132	NZD*	3,368	ZAR*	35,440
	*(from 1.12.22:		ZAR	39,360	NZD	3,820)				
	For small entity <sup>29</sup> :									
	USD	1,090	CHF	1,009	EUR	1,066	NZD*	1,684	ZAR*	17,720
XV	*(from 1.12.22:		ZAR	19,680	NZD	1,910)				
	For micro entity <sup>29</sup> :									
	USD	545	CHF	505	EUR	533	NZD*	842	ZAR*	8,860*
	*(from 1.12.22:		ZAR	9,840	NZD	955)				
XV	DKK	13,200	CHF	1,809	EUR	1,775	ISK	251,800	NOK	17,710
	USD	1,816							SEK	18,000
XV	EUR	1,775	CHF	1,809	HUF	680,100	USD	1,816		

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**Table I(c) — Supplementary search fees**  
(amounts on 1 October 2022, unless otherwise indicated)

ISA	Supplementary search fee	Supplementary search handling fee <sup>2, 38</sup>
<b>AT</b>	– for a search of German-language documentation: <b>CHF</b> 866 – for a search of European and North American documentation: <b>CHF</b> 1,213 – for a search of PCT minimum documentation: <b>CHF</b> 1,732	<b>CHF</b> 200
<b>EP</b>	<b>CHF</b> 1,809 <sup>34</sup>	<b>CHF</b> 200
<b>FI</b>	<b>CHF</b> 1,809	<b>CHF</b> 200
<b>RU</b>	<b>CHF</b> 179 286 <sup>39</sup>	<b>CHF</b> 200
<b>SE</b>	<b>CHF</b> 1,809	<b>CHF</b> 200
<b>SG</b>	<b>CHF</b> 1,529	<b>CHF</b> 200
<b>TR</b>	– for a full search: <b>CHF</b> 1,809 – for a search only of documents in Turkish held in the search collection of the Authority: <b>CHF</b> 50	<b>CHF</b> 200
<b>UA</b>	– for a search of the documents in the search collection of the Authority, including the PCT minimum documentation: <b>CHF</b> 92 – for a search of only the European and North American documentation: <b>CHF</b> 92 – for a search of only the Russian language documentation of the former USSR and the Ukrainian language documentation: <b>CHF</b> 71 – for a search where a declaration referred to in PCT Article 17(2)(a) has been made because of subject matter referred to in PCT Rule 39.1(iv): <b>CHF</b> 61	<b>CHF</b> 200
<b>XN</b>	– for a full search: <b>CHF</b> 1,809 – for searches only of documentation in Danish, Icelandic, Norwegian and Swedish: <b>CHF</b> 548	<b>CHF</b> 200
<b>XV</b>	– for a full search: <b>CHF</b> 1,809 – for searches only of documentation in Czech, Hungarian, Polish and Slovak: <b>CHF</b> 560	<b>CHF</b> 200

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**Table II — Preliminary examination fees**  
(amounts on 1 October 2022, unless otherwise indicated)

<b>IPEA</b>	<b>Preliminary examination fee<sup>40</sup></b>	<b>Handling fee<sup>2, 40</sup>(CHF 200)</b>
<b>AT</b>	<b>EUR</b> 1,749 <sup>31</sup>	<b>EUR</b> 196
<b>AU</b>	<b>AUD</b> 590 820 <sup>41</sup>	<b>AUD</b> 296
<b>BR</b>	Online: <b>BRL</b> 630 <sup>8</sup> On paper: <b>BRL</b> 945 <sup>8</sup>	<b>BRL eq CHF</b> 200
<b>CA</b>	<b>CAD</b> 814.37	<b>CAD</b> 272
<b>CL</b>	<b>USD</b> 1,500 in case of filing by a natural person or a legal entity <sup>2</sup> : <b>USD</b> 400 in case of filing by a university <sup>32</sup> : <b>USD</b> 300	<b>USD</b> 216
<b>CN</b>	<b>CNY</b> 1,500	<b>CNY</b> 1,390
<b>EA</b>	Examination carried out in Russian: <b>RUB</b> 6,750 Examination carried out in English: <b>RUB</b> 24,000 Where ISR was prepared by Eurasian Patent Office: Examination carried out in Russian: <b>RUB</b> 4,500 Examination carried out in English: <b>RUB</b> 16,000	<b>USD</b> 216
<b>EG</b>	<b>EGP</b> 3,000	<b>USD</b> 216
<b>EP</b>	<b>EUR</b> 1,830 <sup>34</sup>	<b>EUR</b> 196
<b>ES</b>	<b>EUR</b> 595.37 <sup>34</sup>	<b>EUR</b> 196
<b>FI</b>	<b>EUR</b> 600	<b>EUR</b> 196
<b>IL</b>	<b>ILS</b> 1,558	<b>ILS</b> 695
<b>IN</b>	If ISR prepared by ISA/IN: <b>INR</b> 10,000; in case of filing by individual: <b>INR</b> 2,500 If ISR not prepared by ISA/IN: <b>INR</b> 12,000; in case of filing by individual: <b>INR</b> 3,000	<b>USD</b> 216
<b>JP<sup>35</sup></b>	For IAs in Japanese: <b>JPY</b> 34,000 For IAs in English: <b>JPY</b> 69,000	<b>JPY</b> 26,900 (from 1.11.22 28,600)
<b>KR</b>	<b>KRW</b> 450,000	<b>KRW</b> 256,000 (from 1.11.22 274,000)
<b>PH</b>	<b>USD</b> 500 Small entity or government: <sup>37</sup> <b>USD</b> 200	<b>USD</b> 216
<b>RU</b>	For IAs in Russian: <b>RUB</b> 4,500 <sup>42</sup> 6,750 <sup>43</sup> For IAs in English: <b>RUB</b> 16,000 <sup>42</sup> 24,000 <sup>43</sup>	<b>USD</b> 216
<b>SE</b>	<b>SEK</b> 5,000	<b>SEK</b> 2,020 (from 1.11.22 2,200)
<b>SG</b>	<b>SGD</b> 830	<b>SGD</b> 293
<b>TR</b>	<b>TRY</b> 1,000	<b>CHF</b> 200
<b>UA</b>	If the ISR has been prepared by ISA/UA: – for IAs in English, French or German: <b>EUR</b> 160 – for IAs in Russian or Ukrainian: <b>EUR</b> 50 If the ISR has been prepared by another ISA: – for IAs in English, French or German: <b>EUR</b> 180 – for IAs in Russian or Ukrainian: <b>EUR</b> 70	<b>EUR</b> 196
<b>US</b>	<b>USD</b> 640 800 <sup>44</sup> For small entity <sup>29</sup> : <b>USD</b> 320 400 <sup>44</sup> For micro entity <sup>29</sup> : <b>USD</b> 160 200 <sup>44</sup>	<b>USD</b> 216
<b>XN</b>	<b>DKK</b> 5,000	<b>DKK</b> 1,460
<b>XV</b>	<b>EUR</b> 900	<b>EUR</b> 196

[footnotes to fee tables follow]

## Footnotes to fee tables:

- 1 Payable to the receiving Office in the currency or one of the currencies prescribed by it.
- 2 This fee is reduced by 90% where the applicant or, if there are two or more applicants, each applicant fulfills the criteria indicated on the PCT website at: [www.wipo.int/pct/en/fees](http://www.wipo.int/pct/en/fees). Note that the PCT Assembly adopted an Understanding, with effect from 11 October 2017, which clarifies that this fee reduction is intended to apply only in the case where the applicants indicated in the request are the sole and true owners of the application and under no obligation to assign, grant, convey or license the rights in the invention to another party which is not eligible for the fee reduction.
- 3 Where the IA contains a sequence listing as a separate part of the description, this should preferably be furnished in accordance with Annex C, paragraph 40, of the Administrative Instructions under the PCT, that is, in compliance with WIPO Standard ST.25 text format; no additional fees are due for sequence listings filed in this format. Where, however, such sequence listings are filed in the form of an image file (e.g. PDF), fees are due for each page (refer to *PCT Newsletter* No. 06/2009, page 2 at: [https://www.wipo.int/pct/en/newslett/2009/newslett\\_09.pdf](https://www.wipo.int/pct/en/newslett/2009/newslett_09.pdf)).
- 4 For the search fee payable to the receiving Office, consult the entry in Table I(b) for the competent International Searching Authority.
- 5 If the IA is filed in electronic form, the request not being in character coded format.
- 6 If the IA is filed in electronic form, the request being in character coded format.
- 7 If the IA is filed in electronic form, the request, description, claims and abstract being in character coded format.
- 8 This fee is reduced by 60% where the IA is filed by a natural person, a small or medium-sized enterprise, a cooperative, an academic institution, a non-profit-making entity or a public institution. For further details, refer to Official Resolution of the National Institute of Industrial Property (Brazil) No. 251 of 2 October 2019.
- 9 Paper filings are only accepted if received by mail. For further details, refer to the Official Resolution of the National Institute of Industrial Property (Brazil) No. 253 of 13 November 2019 (<http://revistas.inpi.gov.br/pdf/Comunicados2550.pdf>).
- 10 When calculating the USD equivalent amount in CLP, applicants should use the exchange rate fixed by the Central Bank of Chile on the day before the date of payment.
- 11 The EPO is available as International Searching and Preliminary Examining Authority as of 1 December 2020 for a duration of two years as a pilot project. For further details, please refer to the EPO's website at: <https://www.epo.org/service-support/faq/own-file/cnipa-epo-pilot.html> and to the CNIPA's website at: [https://www.cnipa.gov.cn/art/2020/10/20/art\\_364\\_153578.html](https://www.cnipa.gov.cn/art/2020/10/20/art_364_153578.html)
- 12 This fee is reduced by 70% where the applicant is a natural person and by 90% where the applicant is a student or a retiree.
- 13 The first amount of the transmittal fee is applicable to individuals or entities employing less than 25 persons. The second amount is applicable to entities employing 25 persons or more.
- 14 This fee is not payable in respect of IAs filed by applicants fulfilling the conditions indicated on the PCT website at: [www.wipo.int/pct/en/fees](http://www.wipo.int/pct/en/fees)
- 15 The competent International Searching Authority(ies) for an IA filed with the International Bureau as receiving Office is (are) the Authority(ies) which would have been competent if the IA had been filed with the receiving Office of, or acting for, the Contracting State of which the applicant (or any of the applicants) is a resident or national. Refer also to the *PCT Applicant's Guide*, Annex C (IB).
- 16 The fee for paper filings for a natural person or startup or small entity(ies).
- 17 The fee for paper filings for other(s), alone or with natural person(s) or startup(s) or small entity(ies).
- 18 This fee is reduced if the application is filed in Japanese by applicants who are eligible for fee reductions, such as small or medium-sized enterprises, micro enterprises and academic institutions. Further details on eligibility for the fee reduction are available at: [www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet\\_e.pdf](http://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet_e.pdf)
- 19 This fee is reduced by 90% if the applicant is an individual. The amount does not include the postage/mailling costs which must be paid by the applicant directly to the express delivery service (e.g. DHL). For non-residents of Kyrgyzstan, the equivalent amount of the fee can be paid in a freely convertible currency, in accordance with the exchange rate established by the National Bank of the Kyrgyz Republic and applicable on the date of payment.
- 20 The Japan Patent Office is competent only for IAs filed in Japanese or for which a translation into Japanese has been furnished under PCT Rule 12.3.
- 21 The amount of this fee is not yet known. The Office should be consulted for the applicable fee amount.
- 22 This fee is subject to a national tax of 16%.
- 23 Plus, for paper filings: MYR 5 for one to ten pages, MYR 10 for 11 to 20 pages, MYR 40 for 21 to 50 pages, MYR 60 for 51 pages or more.
- 24 This fee is reduced by 50% where the applicant is a natural person.
- 25 This fee is reduced by 50% for online filings.
- 26 Although there is no transmittal fee payable, the applicant must nevertheless pay the postage fee for the transmittal of the copy of the international application to the International Bureau and the International Searching Authority.
- 27 This fee is reduced by 90% where all applicants are also inventors and by 80% where all applicants are also non-profitable institutions and/or organizations. When the fee is payable with relation to an application made by both types of applicant, and all applicants are either also inventors, or non-profitable institutions and/or organizations, the fee is reduced by 80%.
- 28 Plus non-electronic filing fee portion for IAs filed other than by the Office electronic filing system of USD 400, or in the case of filings by small entities or micro entities: USD 200.
- 29 For further details about entitlement to and establishment of "small entity" status and "micro entity" status, refer to 37 CFR § 1.27 and 1.29 (pages R-41 and R-47), respectively, at: [www.uspto.gov/web/offices/pac/mpep/consolidated\\_rules.pdf](http://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf)
- 30 Reductions may apply – for further details refer to the Office's website at: <http://ima.uz/ru/regulatory/tarify-i-poshliny/>
- 31 The fee is reduced by 75% where the applicant, or if there are two or more applicants, each applicant is a natural person and is a national of and resides in a State for which the Austrian Patent Office is an International Searching Authority (in the case of the search fee)/International Preliminary Examining Authority (in the case of the preliminary examination fee).
- 32 Applicable where the applicant is (a) a Chilean university, or (b) a foreign university headquartered in any of the States which benefit, in accordance with the Schedule of Fees under the PCT Regulations, from the 90% reduction of the international filing fee and authenticated by its legal representative, in a simple declaration signed in the presence of a notary, as constituted as a university in accordance with the law of that State, provided that, if there are several applicants, each must satisfy the criterion set out in either sub-item (a) or (b)). For details of applicants entitled to the 90% reduction, refer to: [www.wipo.int/pct/en/fees](http://www.wipo.int/pct/en/fees)
- 33 This fee is reduced by 25% where the applicant, or, if there are two or more applicants, each applicant is a natural person or a legal entity and is a national of and resides in a State which is classified by the World Bank in the group of countries of "low income", "lower middle income" or "upper middle income".
- 34 The search and preliminary examination fees payable to the European Patent Office (EPO) and the Spanish Patent and Trademark Office, and the supplementary search fee in the case of the EPO, are reduced by 75% under certain conditions. For further information, refer to the relevant footnotes in the *PCT Applicant's Guide*, Annexes D (EP and ES) and E (EP and ES) at: <https://www.wipo.int/pct/guide/en/index.html>
- 35 This fee is reduced for applications filed in Japanese, or for applications in respect of which a translation into Japanese has been furnished under PCT Rule 12.3, by applicants who are eligible for fee reductions, such as small or medium-sized enterprises, micro enterprises and academic institutions.  
For further details refer to: [https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet\\_e.pdf](https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet_e.pdf)
- 36 This fee is reduced by 75% where the applicant, or if there are two or more applicants, each applicant is a national of, and has a residence or business domicile in, one of the following States: Cambodia, Colombia, Indonesia, Lao People's Democratic Republic, Malaysia, Mexico, Mongolia, Peru, the Philippines, Sri Lanka, Thailand, Viet Nam.
- 37 Applicable where the applicant is a small entity which refers to any natural or juridical person whose assets are worth not more than one hundred million pesos (P100M); or any entity, agency, office, bureau or unit of the Philippine government including government-owned or controlled corporations, state universities and colleges and government-owned or government-run schools.
- 38 Payable to the International Bureau in Swiss francs.
- 39 This fee applies where a declaration referred to in PCT Article 17(2)(a) has been made by the International Searching Authority because of subject matter referred to in PCT Rule 39.1(iv) (methods of treatment).
- 40 Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
- 41 Payable when the international search report was not issued by the Australian Patent Office.
- 42 Payable when the international search report was established by the Federal Service for Intellectual Property (Rospatent) (Russian Federation).
- 43 In all cases where footnote 42 does not apply.
- 44 Payable when the international search was not carried out by the United States Patent and Trademark Office (USPTO) (provided that the USPTO is a competent International Preliminary Examining Authority in the particular case—refer to *PCT Applicant's Guide*, Annex C (US)).



## Amendments to the PCT Regulations as from 1 July 2016

1

### PCT Rule Changes (1)

#### ■ Amendment to PCT Rules 48 and 94

- ☐ Omission of certain information from publication (Rule 48) or public file access (Rule 94)
- ☐ Only upon reasoned request by the applicant to the IB
- ☐ Information must be omitted from publication/public file access, if
  - it does not obviously serve the purpose of informing the public about the international application,
  - publication of or public access to such information would clearly prejudice the personal or economic interests of any person, and
  - if there is no prevailing public interest to have access to that information

2

## PCT Rule Changes (2)

### ■ Amendment to PCT Rules 48 and 94 (*continued*):

- ☐ Time limit for a request under Rule 48:
  - Completion of technical preparations for international publication (normally, 15 days before the actual date of publication)
- ☐ Time limit for a request under Rule 94:
  - Any time
- ☐ RO, ISA, SISA or IB may draw the applicant's attention to information which it believes would qualify for omission from publication under Rule 48, and suggest to the applicant to make a request under Rule 48
- ☐ IB may also draw the applicant's attention to information which it believes would qualify for omission from public file access under Rule 94, and suggest to the applicant to make a request under Rule 94
- ☐ Where the IB grants a request under Rule 48 or 94, it informs all relevant Offices and Authorities not to give access to that information
- ☐ Effective as from 1 July 2016 for applications filed on or after that date

WIPO PCT  
The International  
Patent System

July 2016  
rule changes-3  
11.03.2016

3

## PCT Rule Changes (3)

### ■ Amendment to PCT Rule 26*bis*.3

- ☐ General Rule: Obligation of the RO to forward to the IB all documents received from the applicant in relation to a request to restore the priority right
- ☐ Exception:
  - RO shall not forward information, upon reasoned request by the applicant or on its own decision, if
    - it does not obviously serve the purpose of informing the public about the international application,
    - publication of or public access to such information would clearly prejudice the personal or economic interests of any person, and
    - if there is no prevailing public interest to have access to that information
- ☐ Effective as from 1 July 2016 for applications filed on or after that date

WIPO PCT  
The International  
Patent System

July 2016  
rule changes-4  
11.03.2016

4

## PCT Rule Changes (4)

### ■ Amendment to PCT Rule 9.2

- ❑ Extension of Rule 9.2 to the IB and SISA to suggest to the applicant to correct the PCT application before publication if it contains certain expressions defined under Rule 9.1
- ❑ Effective as from 1 July 2016 for applications filed on or after that date

July 2016  
rule changes-5  
11.03.2016

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The International  
Patent System

5

## PCT Rule Changes (5)

### ■ Amendment to PCT Rule 82<sup>quater</sup>

- ❑ Extension of *force majeure* provisions to time limits missed due to “general unavailability of electronic communication services”
- ❑ PCT Assembly Understanding:
  - “In adopting the amendments to Rule 82<sup>quater</sup>.1, the Assembly noted that the [Offices and Authorities] should, in considering [such a request], interpret ‘general unavailability of electronic communications’ to apply to outages that affect widespread geographical areas or many individuals, as distinct from localized problems associated with a particular building or single user.”
- ❑ Effective as from 1 July 2016 for applications filed on or after that date, and for applications filed before that date where the “event” occurred on or after that date

July 2016  
rule changes-6  
11.03.2016

WIPO | PCT  
The International  
Patent System

6

## PCT Rule Changes (6)

### ■ Amendment to PCT Rule 92.2(d)

- ❑ Expansion of the accepted languages of communication from the applicant to the International Bureau through ePCT to the particular language of publication (in addition to English and French)
- ❑ Effective as from 1 July 2016 for applications filed on or after that date, and for applications filed before that date where such correspondence is received by the IB on or after that date

July 2016  
rule changes-7  
11.03.2016

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## Amendments to the PCT Regulations as from 1 July 2017

1

### PCT Rule Changes (1)

#### ■ Amendment to PCT Rule 45*bis*.1

- ❑ Extension of the deadline for requesting supplementary international search from 19 to 22 months from the priority date
- ❑ Effective for international applications in respect of which the 19-month time limit for filing a supplementary search request has not yet expired on July 1, 2017

2

## PCT Rule Changes (2)

### ■ Amendment to PCT Rules 12*bis*, 23*bis* and 41

#### ❑ Transmittal of earlier search and/or classification results by ROs to ISAs

- General Rule: ROs forward the search/classification results from priority applications without the applicant's express permission
- Exception:
  - ROs which have notified the IB (before April 14, 2016) of incompatibility of such forwarding with applicable national law are not required to do so
  - Even in cases in which an RO in principle applies the procedure above, they may allow applicants to request, at the time of filing of the PCT application, to not have the earlier search results forwarded to the ISA, if the RO notified the IB accordingly (before April 14, 2016)

#### ❑ Effective as from 1 July 2017 for applications filed on or after that date

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The International  
Patent System

July 2017  
rule changes-3  
24.01.2017

3

## PCT Rule Changes (3)

### ■ Amendment to PCT Rules 86 and 95

- ❑ Obligation for designated Offices to timely send national phase entry and related data to the IB (complements the existing national phase data already provided by a number of offices)
- ❑ Data required to be transmitted:
  - Date national phase entered
  - National application number
  - Number and date of national publication
  - Date of grant, and number and date of national publication as granted
- ❑ Time limit for reporting: 2 months from event (or as soon as reasonably possible thereafter)
- ❑ Objective: visibility of the status of PCT application during the national phase on PATENTSCOPE under the "National phase" tab
- ❑ Effective as from 1 July 2017 for applications in respect of which the acts referred to in Article 22 or Article 39 are performed on or after that date

WIPO PCT  
The International  
Patent System

July 2017  
rule changes-4  
24.01.2017

4



## Amendments to the PCT Regulations as from 1 July 2018

1

### PCT Rule Changes

#### ■ Amendment to the Schedule of Fees

- Clarification that the 90% fee reduction is intended only for persons filing PCT applications in their own right and not those filing PCT applications on behalf of a person or entity which is not eligible for the fee reduction (e.g. the director or employee of a company where the application is made for the benefit of the company)

#### ■ Amendment to PCT Rules 4.1(b)(ii) and 41.2(b)

- Correction of references regarding provisions which entered into force on 1 July 2017 relating to the transmittal of earlier search and/or classification results

2

## Amendments to the PCT Regulations as from 1 July 2019

1

### PCT Rule Changes

#### ■ Amendment to PCT Rule 69.1(a)

- ❑ Allows the IPEA to start the international preliminary examination when:
  - it is in possession of the demand, relevant fees, ISR and written opinion;
  - unless the applicant expressly requests the IPEA to postpone the start of the examination until expiration of the time limit for filing a Chapter II demand (Rule 54*bis*.1(a)) (as opposed to starting examination only once that time limit has expired)
- ❑ Effective for demands made on or after July 1, 2019

2

## Amendments to the PCT Regulations as from 1 July 2020

### Amendments to the PCT Regulations as from 1 July 2020 (1)

- Amendment of PCT Rules 4, 12, 20, 48, 51*bis*, 55 and 82*ter*,  
and new Rules 20.5*bis* and 40*bis*
  - Clarification that, in addition to incorporating missing  
elements and parts, in the case of erroneously filed elements  
or parts, the correct element or part can also be incorporated  
by reference, if contained in an earlier application
  - New legal basis for cases where incorporation by reference  
was not successful or applicable, to replace an erroneously  
filed element or part with the correct element or part  
(impacting the international filing date)
  - Apply to any international application filed on or after  
1 July 2020

## Amendments to the PCT Regulations as from 1 July 2020 (2)

### ■ Amendment of PCT Rule 82<sup>quater</sup>

- ☐ Allows an Office to excuse delays in meeting a time limit due to the unavailability of any permitted electronic means of communication at that Office, such as unforeseen outages or scheduled maintenance
- ☐ Does not apply to the priority period and the time limit for entering the national phase
- ☐ Applies to any time limit fixed in the Regulations that expires on or after 1 July 2020

July 2020  
rule changes-3  
20.04.2020

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The International  
Patent System

## Amendments to the PCT Regulations as from 1 July 2020 (3)

### ■ New PCT Rule 26<sup>quater</sup>

- ☐ Allows for correction or addition, during the international phase, of indications referred to in Rule 4.11 in the request form, namely, indications of the applicant's wish that the PCT application be treated in a designated State as
  - continuation or continuation-in-part of an earlier application
  - patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition
- ☐ Applicants will be able to submit a notice of correction or addition to the IB within 16 months from the priority date

- Applies to any international application filed on or after 1 July 2020

July 2020  
rule changes-4  
20.04.2020

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The International  
Patent System

## Amendments to the PCT Regulations as from 1 July 2020 (4)

### ■ PCT Assembly Understanding

- ❑ In adopting PCT Rule 20.5*bis*, the Assembly agreed that, where a correct element or part had been incorporated by reference under PCT Rule 20.5*bis*(d), the ISA would not need to take into account any erroneously filed element of part which remained in the application
- ❑ In adopting PCT Rule 20.8(a-*bis*), the Assembly agreed that, where an RO could not incorporate a correct element or part because that Office had submitted a notice of incompatibility under this Rule, the RO concerned and the IB should agree to apply PCT Rule 19.4, with the authorization of the applicant
- ❑ Where an applicant had not paid additional fees following an invitation (PCT Rule 40*bis*) (when the ISA had received a notification that a correct element or part had been included in the international application or incorporated by reference only after it had begun to draw up the ISR), the ISA would not need to take into account that correct element or part for the purposes of international search

July 2020  
rule changes-5  
20.04.2020

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The International  
Patent System

## Amendments to the PCT Regulations as from 1 July 2020 (5)

### ■ Amendment of PCT Rules 15, 16, 57 and 96

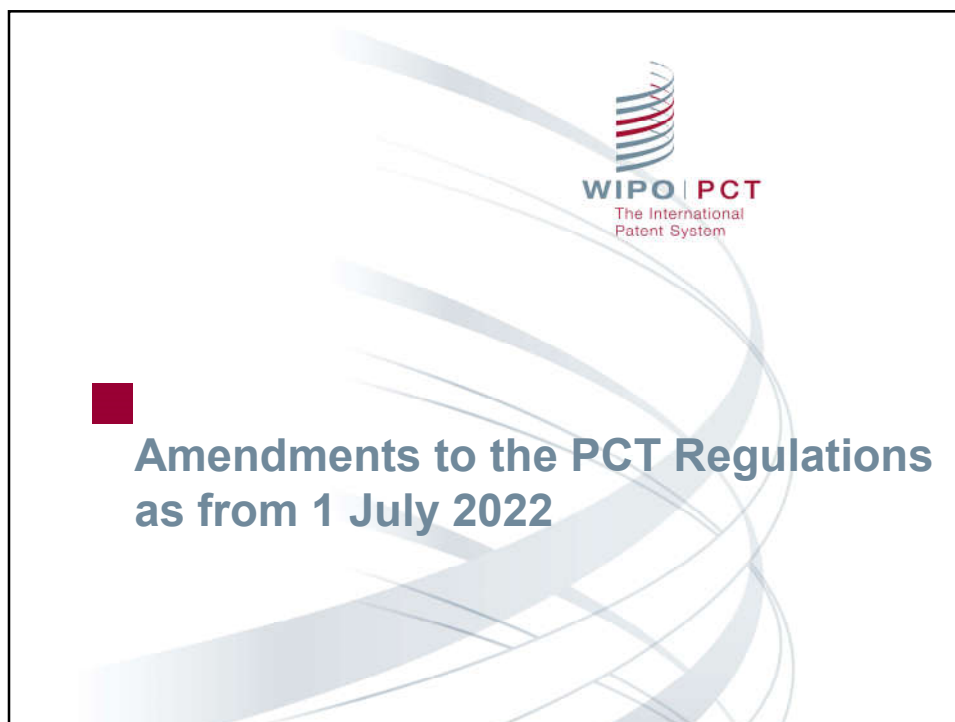
- ❑ Expressly allows the transfer via the IB of fees collected by one Office for the benefit of another Office
- ❑ Apply to any international application for which fees will be transferred by the collecting Office on or after 1 July 2020

### ■ Amendment of PCT Rules 71 and 94

- ❑ Requires the IPEA to copy certain documents from its file to the IB, which the IB would make available to the public on behalf of the elected Office
- ❑ Apply to any document received at or established by the IPEA on or after 1 July 2020

July 2020  
rule changes-6  
20.04.2020

WIPO | PCT  
The International  
Patent System



•1

## PCT Rule changes as of 1 July 2022 (1)

### ■ Amendment of PCT Rules 5, 12, 13~~ter~~, 19.4 and 49

- ☐ ST.26 will replace ST.25 as the standard on sequence listings
- ☐ Relevant changes to the Administration Instructions, including a complete revision of Annex C (replaces WIPO Standard ST.25)
- ☐ All sequence listings must be provided in XML format
- ☐ Language-dependent free text no longer needs to be repeated in the main part of the description
- ☐ Free text may be filed in more than one language
- ☐ Additional mandatory qualifier values for each sequence
- ☐ More sequence types required to be included under ST.26

2022 Rule changes  
01-06-2022

WIPO | PCT  
The International  
Patent System

•2

## PCT Rule changes as of 1 July 2022 (2)

- Amendment of PCT Rules 5, 12, 13~~ter~~, 19.4 and 49 (cont.)
  - Where the language of the free text or the electronic format is not accepted by the receiving Office, the application will be transmitted to RO/IB
- WIPO Sequence desktop tool
  - Enables applicants to author standard-compliant SLs
  - Available for download at <https://www.wipo.int/standards/en/sequence/index.html>
- Amended Rules apply to international applications filed on or after July 1, 2022
- The new Standard should also be used for the filing of national applications as of the same date

2022 Rule changes  
01-06-2022

WIPO | PCT  
The International  
Patent System

•3

## PCT Rule changes as of 1 July 2022 (3)

- Amendment of PCT Rule 82~~quater~~
  - “Epidemic” added as one of the emergencies listed
  - Allowing Offices to waive the requirement to provide evidence in excusing delays under Rule 82~~quater~~.1
  - Authorization for Offices to establish a period of extension for time limits in the case of *general disruptions*
- Amended Rule applies to time limits fixed in the Regulations that expire on or after July 1, 2022

2022 Rule changes  
01-06-2022

WIPO | PCT  
The International  
Patent System

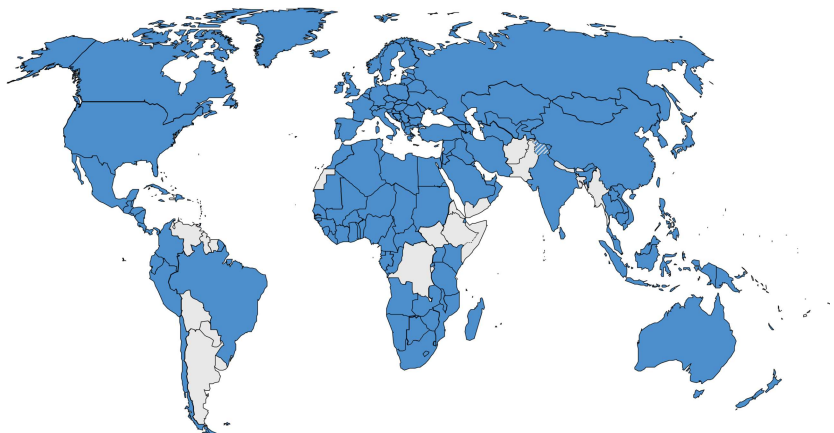
•4

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**WIPO**

WORLD INTELLECTUAL PROPERTY ORGANIZATION

## The PCT now has 156 Contracting States



### Recent Accessions and Ratifications

- [Cabo Verde, April 6, 2022](#)
- [Iraq, January 31, 2022](#)
- [Jamaica, November 10, 2021](#)
- [Samoa, October 2, 2019](#)
- [States bound by the Paris Convention but not the PCT](#)

### Fee Reductions

- [Some applicants who are nationals and residents of countries which meet the necessary criteria are entitled to a 90% reduction of certain PCT fees.](#)

Two-Letter Code	Name of State	Date on Which State Became Bound by the PCT <sup>1</sup>
AE	United Arab Emirates	10 March 1999
AG	Antigua and Barbuda	17 March 2000
AL	Albania	4 October 1995
AM	Armenia <sup>2</sup>	25 December 1991
AO	Angola	27 December 2007
AT	Austria	23 April 1979
AU	Australia	31 March 1980
AZ	Azerbaijan	25 December 1995
BA	Bosnia and Herzegovina	7 September 1996
BB	Barbados	12 March 1985
BE	Belgium	14 December 1981
BF	Burkina Faso	21 March 1989
BG	Bulgaria	21 May 1984
BH	Bahrain <sup>2</sup>	18 March 2007
BJ	Benin	26 February 1987
BN	Brunei Darussalam	24 July 2012
BR	Brazil	9 April 1978
BW	Botswana	30 October 2003
BY	Belarus <sup>2</sup>	25 December 1991
BZ	Belize	17 June 2000
CA	Canada	2 January 1990
CF	Central African Republic	24 January 1978
CG	Congo	24 January 1978

CH	Switzerland	24 January 1978
CI	Côte d'Ivoire	30 April 1991
CL	Chile <sup>2</sup>	2 June 2009
CM	Cameroon	24 January 1978
CN	China <sup>3, 4</sup>	1 January 1994
CO	Colombia	28 February 2001
CR	Costa Rica	3 August 1999
CU	Cuba <sup>2</sup>	16 July 1996
CV	Cabo Verde	6 July 2022
CY	Cyprus	1 April 1998
CZ	Czechia	1 January 1993
DE	Germany	24 January 1978
DJ	Djibouti	23 September 2016
DK	Denmark	1 December 1978
DM	Dominica	7 August 1999
DO	Dominican Republic	28 May 2007
DZ	Algeria <sup>2</sup>	8 March 2000
EC	Ecuador	7 May 2001
EE	Estonia	24 August 1994
EG	Egypt	6 September 2003
ES	Spain	16 November 1989
FI	Finland <sup>5</sup>	1 October 1980
FR	France <sup>2, 6</sup>	25 February 1978
GA	Gabon	24 January 1978
GB	United Kingdom <sup>7</sup>	24 January 1978
GD	Grenada	22 September 1998

GE	Georgia <sup>2</sup>	25 December 1991
GH	Ghana	26 February 1997
GM	Gambia	9 December 1997
GN	Guinea	27 May 1991
GQ	Equatorial Guinea	17 July 2001
GR	Greece	9 October 1990
GT	Guatemala	14 October 2006
GW	Guinea-Bissau	12 December 1997
HN	Honduras	20 June 2006
HR	Croatia	1 July 1998
HU	Hungary <sup>2</sup>	27 June 1980
ID	Indonesia <sup>2</sup>	5 September 1997
IE	Ireland	1 August 1992
IL	Israel	1 June 1996
IN	India <sup>2</sup>	7 December 1998
IQ	Iraq	30 April 2022
IR	Iran (Islamic Republic of)	4 October 2013
IS	Iceland	23 March 1995
IT	Italy	28 March 1985
JM	Jamaica	10 February 2022
JO	Jordan	9 June 2017
JP	Japan	1 October 1978
KE	Kenya	8 June 1994
KG	Kyrgyzstan <sup>2</sup>	25 December 1991
KH	Cambodia	8 December 2016
KM	Comoros	3 April 2005

KN	Saint Kitts and Nevis	27 October 2005
KP	Democratic People's Republic of Korea	8 July 1980
KR	Republic of Korea	10 August 1984
KW	Kuwait	9 September 2016
KZ	Kazakhstan <sup>2</sup>	25 December 1991
LA	Lao People's Democratic Republic <sup>2</sup>	14 June 2006
LC	Saint Lucia <sup>2</sup>	30 August 1996
LI	Liechtenstein	19 March 1980
LK	Sri Lanka	26 February 1982
LR	Liberia	27 August 1994
LS	Lesotho	21 October 1995
LT	Lithuania	5 July 1994
LU	Luxembourg	30 April 1978
LV	Latvia	7 September 1993
LY	Libya	15 September 2005
MA	Morocco	8 October 1999
MC	Monaco	22 June 1979
MD	Republic of Moldova <sup>2</sup>	25 December 1991
ME	Montenegro	3 June 2006
MG	Madagascar	24 January 1978
MK	North Macedonia	10 August 1995
ML	Mali	19 October 1984
MN	Mongolia	27 May 1991
MR	Mauritania	13 April 1983
MT	Malta <sup>2</sup>	1 March 2007

MW	Malawi	24 January 1978
MX	Mexico	1 January 1995
MY	Malaysia <sup>2</sup>	16 August 2006
MZ	Mozambique <sup>2</sup>	18 May 2000
NA	Namibia	1 January 2004
NE	Niger	21 March 1993
NG	Nigeria	8 May 2005
NI	Nicaragua	6 March 2003
NL	Netherlands <sup>8</sup>	10 July 1979
NO	Norway <sup>5</sup>	1 January 1980
NZ	New Zealand	1 December 1992
OM	Oman <sup>2</sup>	26 October 2001
PA	Panama	7 September 2012
PE	Peru	6 June 2009
PG	Papua New Guinea	14 June 2003
PH	Philippines	17 August 2001
PL	Poland <sup>5</sup>	25 December 1990
PT	Portugal	24 November 1992
QA	Qatar <sup>2</sup>	3 August 2011
RO	Romania <sup>2</sup>	23 July 1979
RS	Serbia <sup>9</sup>	1 February 1997
RU	Russian Federation <sup>2</sup>	29 March 1978 <sup>10</sup>
RW	Rwanda	31 August 2011
SA	Saudi Arabia	3 August 2013
SC	Seychelles	7 November 2002

SD	Sudan	16 April 1984
SE	Sweden <sup>5</sup>	17 May 1978
SG	Singapore	23 February 1995
SI	Slovenia	1 March 1994
SK	Slovakia	1 January 1993
SL	Sierra Leone	17 June 1997
SM	San Marino	14 December 2004
SN	Senegal	24 January 1978
ST	Sao Tome and Principe	3 July 2008
SV	El Salvador	17 August 2006
SY	Syrian Arab Republic	26 June 2003
SZ	Eswatini	20 September 1994
TD	Chad	24 January 1978
TG	Togo	24 January 1978
TH	Thailand <sup>2</sup>	24 December 2009
TJ	Tajikistan <sup>2</sup>	25 December 1991
TM	Turkmenistan <sup>2</sup>	25 December 1991
TN	Tunisia <sup>2</sup>	10 December 2001
TR	Türkiye	1 January 1996
TT	Trinidad and Tobago	10 March 1994
TZ	United Republic of Tanzania	14 September 1999
UA	Ukraine <sup>2</sup>	25 December 1991
UG	Uganda	9 February 1995
US	United States of America <sup>11, 12</sup>	24 January 1978
UZ	Uzbekistan <sup>2</sup>	25 December 1991

VC	Saint Vincent and the Grenadines <sup>2</sup>	6 August 2002
VN	Viet Nam	10 March 1993
WS	Samoa <sup>2</sup>	2 January 2020
ZA	South Africa <sup>2</sup>	16 March 1999
ZM	Zambia	15 November 2001
ZW	Zimbabwe	11 June 1997

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1. All PCT Contracting States are bound by Chapter II of the PCT relating to the international preliminary examination.
  2. With the declaration provided for in PCT [Article 64\(5\)](#).
  3. Applies also to Hong Kong, China with effect from 1 July 1997.
  4. Not applicable to Macau, China.
  5. With the declaration provided for in PCT [Article 64\(2\)\(a\)\(ii\)](#) .
  6. Including all Overseas Departments and Territories.
  7. The United Kingdom extended the application of the PCT to the Isle of Man with effect from 29 October 1983, to the territory of Gibraltar with effect from 1 January 2021 and to the territory of the Bailiwick of Guernsey with effect from 23 March 2021.
  8. Ratification for the Kingdom in Europe, the Netherlands Antilles and Aruba. The Netherlands Antilles ceased to exist on 10 October 2010. As from that date, the PCT continues to apply to Curaçao and Sint Maarten. The PCT also continues to apply to the islands of Bonaire, Sint Eustatius and Saba which, with effect from 10 October 2010, have become part of the territory of the Kingdom of the Netherlands in Europe.
  9. Serbia is the continuing State from Serbia and Montenegro as from 3 June 2006.
  10. Date of ratification of the Soviet Union, continued by the Russian Federation as from 25 December 1991.
  11. With the declarations provided for in PCT [Articles 64\(3\)\(a\)](#) and [64\(4\)\(a\)](#).
  12. Extends to all areas for which the United States of America has international responsibility.



## **States Party to the PCT and the Paris Convention and Members of the World Trade Organization<sup>1</sup>**

(status on 6 April 2022)

Two-Letter Code	States/Members	PCT (156)	Paris (179)	WTO <sup>2</sup> (164)
AD	Andorra	–	X	–
AE	United Arab Emirates	X	X	X
AF	Afghanistan	–	X	X
AG	Antigua and Barbuda	X	X	X
AL	Albania	X	X	X
AM	Armenia	X	X	X
AO	Angola	X	X	X
AR	Argentina	–	X	X
AT	Austria	X	X	X
AU	Australia	X	X	X
AZ	Azerbaijan	X	X	–
BA	Bosnia and Herzegovina	X	X	–
BB	Barbados	X	X	X
BD	Bangladesh	–	X	X
BE	Belgium	X	X	X
BF	Burkina Faso	X	X	X
BG	Bulgaria	X	X	X
BH	Bahrain	X	X	X
BI	Burundi	–	X	X
BJ	Benin	X	X	X
BN	Brunei Darussalam	X	X	X
BO	Bolivia (Plurinational State of)	–	X	X
BR	Brazil	X	X	X
BS	Bahamas	–	X	–
BT	Bhutan	–	X	–
BW	Botswana	X	X	X
BY	Belarus	X	X	–
BZ	Belize	X	X	X
CA	Canada	X	X	X

Two-Letter Code	States/Members	PCT (156)	Paris (179)	WTO <sup>2</sup> (164)
CD	Democratic Republic of the Congo	–	X	X
CF	Central African Republic	X	X	X
CG	Congo	X	X	X
CH	Switzerland	X	X	X
CI	Côte d'Ivoire	X	X	X
CL	Chile	X	X	X
CM	Cameroon	X	X	X
CN	China	X <sup>3</sup>	X <sup>3, 4</sup>	X
CO	Colombia	X	X	X
CR	Costa Rica	X	X	X
CU	Cuba	X	X	X
CV	Cabo Verde	X <sup>5</sup>	X <sup>6</sup>	X
CY	Cyprus	X	X	X
CZ	Czechia	X	X	X
DE	Germany	X	X	X
DJ	Djibouti	X	X	X
DK	Denmark	X	X	X
DM	Dominica	X	X	X
DO	Dominican Republic	X	X	X
DZ	Algeria	X	X	–
EC	Ecuador	X	X	X
EE	Estonia	X	X	X
EG	Egypt	X	X	X
ES	Spain	X	X	X
EU	European Union	–	–	X
FI	Finland	X	X	X
FJ	Fiji	–	–	X
FR	France	X	X	X
GA	Gabon	X	X	X

Two-Letter Code	States/Members	PCT (156)	Paris (179)	WTO <sup>2</sup> (164)
GB	United Kingdom	X	X	X
GD	Grenada	X	X	X
GE	Georgia	X	X	X
GH	Ghana	X	X	X
GM	Gambia	X	X	X
GN	Guinea	X	X	X
GQ	Equatorial Guinea	X	X	–
GR	Greece	X	X	X
GT	Guatemala	X	X	X
GW	Guinea–Bissau	X	X	X
GY	Guyana	–	X	X
HK	Hong Kong, China	<u>3</u>	<u>3</u>	X
HN	Honduras	X	X	X
HR	Croatia	X	X	X
HT	Haiti	–	X	X
HU	Hungary	X	X	X
ID	Indonesia	X	X	X
IE	Ireland	X	X	X
IL	Israel	X	X	X
IN	India	X	X	X
IQ	Iraq	X <sup>7</sup>	X	–
IR	Iran (Islamic Republic of)	X	X	–
IS	Iceland	X	X	X
IT	Italy	X	X	X
JM	Jamaica	X	X	X
JO	Jordan	X	X	X
JP	Japan	X	X	X
KE	Kenya	X	X	X
KG	Kyrgyzstan	X	X	X

Two-Letter Code	States/Members	PCT (156)	Paris (179)	WTO <sup>2</sup> (164)
KH	Cambodia	X	X	X
KI	Kiribati	–	X	–
KM	Comoros	X	X	–
KN	Saint Kitts and Nevis	X	X	X
KP	Democratic People's Republic of Korea	X	X	–
KR	Republic of Korea	X	X	X
KW	Kuwait	X	X	X
KZ	Kazakhstan	X	X	X
LA	Lao People's Democratic Republic	X	X	X
LB	Lebanon	–	X	–
LC	Saint Lucia	X	X	X
LI	Liechtenstein	X	X	X
LK	Sri Lanka	X	X	X
LR	Liberia	X	X	X
LS	Lesotho	X	X	X
LT	Lithuania	X	X	X
LU	Luxembourg	X	X	X
LV	Latvia	X	X	X
LY	Libya	X	X	–
MA	Morocco	X	X	X
MC	Monaco	X	X	–
MD	Republic of Moldova	X	X	X
ME	Montenegro	X	X	X
MG	Madagascar	X	X	X
MK	North Macedonia	X	X	X
ML	Mali	X	X	X
MM	Myanmar	–	–	X
MN	Mongolia	X	X	X
MO	Macao, China	–	<u>4</u>	X

Two-Letter Code	States/Members	PCT (156)	Paris (179)	WTO <sup>2</sup> (164)
MR	Mauritania	X	X	X
MT	Malta	X	X	X
MU	Mauritius	–	X	X
MV	Maldives	–	–	X
MW	Malawi	X	X	X
MX	Mexico	X	X	X
MY	Malaysia	X	X	X
MZ	Mozambique	X	X	X
NA	Namibia	X	X	X
NE	Niger	X	X	X
NG	Nigeria	X	X	X
NI	Nicaragua	X	X	X
NL	Netherlands	X	X	X
NO	Norway	X	X	X
NP	Nepal	–	X	X
NZ	New Zealand	X	X	X
OM	Oman	X	X	X
PA	Panama	X	X	X
PE	Peru	X	X	X
PG	Papua New Guinea	X	X	X
PH	Philippines	X	X	X
PK	Pakistan	–	X	X
PL	Poland	X	X	X
PT	Portugal	X	X	X
PY	Paraguay	–	X	X
QA	Qatar	X	X	X
RO	Romania	X	X	X
RS	Serbia	X	X	–
RU	Russian Federation	X	X	X

Two-Letter Code	States/Members	PCT (156)	Paris (179)	WTO <sup>2</sup> (164)
RW	Rwanda	X	X	X
SA	Saudi Arabia	X	X	X
SB	Solomon Islands	–	–	X
SC	Seychelles	X	X	X
SD	Sudan	X	X	–
SE	Sweden	X	X	X
SG	Singapore	X	X	X
SI	Slovenia	X	X	X
SK	Slovakia	X	X	X
SL	Sierra Leone	X	X	X
SM	San Marino	X	X	–
SN	Senegal	X	X	X
SR	Suriname	–	X	X
ST	Sao Tome and Principe	X	X	–
SV	El Salvador	X	X	X
SY	Syrian Arab Republic	X	X	–
SZ	Eswatini	X	X	X
TD	Chad	X	X	X
TG	Togo	X	X	X
TH	Thailand	X	X	X
TJ	Tajikistan	X	X	X
TM	Turkmenistan	X	X	–
TN	Tunisia	X	X	X
TO	Tonga	–	X	X
TR	Türkiye	X	X	X
TT	Trinidad and Tobago	X	X	X
TW <sup>8</sup>	Taiwan Province of China	–	–	X
TZ	United Republic of Tanzania	X	X	X
UA	Ukraine	X	X	X

Two-Letter Code	States/Members	PCT (156)	Paris (179)	WTO <sup>2</sup> (164)
UG	Uganda	X	X	X
US	United States of America	X	X	X
UY	Uruguay	–	X	X
UZ	Uzbekistan	X	X	–
VA	Holy See	–	X	–
VC	Saint Vincent and the Grenadines	X	X	X
VE	Venezuela (Bolivarian Republic of)	–	X	X
VN	Viet Nam	X	X	X
VU	Vanuatu	–	–	X
WS	Samoa	X	X	X
YE	Yemen	–	X	X
ZA	South Africa	X	X	X
ZM	Zambia	X	X	X
ZW	Zimbabwe	X	X	X

- 
1. Under PCT Rule 4.10(a), it is possible to claim in an international application the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property, or in or for any Member of the World Trade Organization (WTO) that is not party to that Convention.
  2. WTO Members cannot necessarily become party to the Paris Convention or the PCT.
  3. China has notified the Director General of WIPO that the Paris Convention and the PCT apply also to Hong Kong, China.
  4. China has notified the Director General of WIPO that the Paris Convention applies also to Macao, China.
  5. Will become bound by the PCT on 6 July 2022.
  6. Will become bound by the Paris Convention on 6 July 2022.
  7. Will become bound by the PCT on 30 April 2022.
  8. Also referred to by the WTO as “Chinese Taipei” or “Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu”.

**WIPO****WORLD INTELLECTUAL PROPERTY ORGANIZATION**

## States bound by the Paris Convention but not the PCT

- [Afghanistan](#)
- [Andorra](#)
- [Argentina](#)
- [Bahamas](#)
- [Bangladesh](#)
- [Bhutan](#)
- [Bolivia \(Plurinational State of\)](#)
- [Burundi](#)
- [Democratic Republic of the Congo](#)
- [Guyana](#)
- [Haiti](#)
- [Holy See](#)
- [Kiribati](#)
- [Lebanon](#)
- [Mauritius](#)
- [Nepal](#)
- [Pakistan](#)
- [Paraguay](#)
- [Suriname](#)
- [Tonga](#)
- [Uruguay](#)
- [Venezuela \(Bolivarian Republic of\)](#)
- [Yemen](#)

**WIPO**

WORLD INTELLECTUAL PROPERTY ORGANIZATION

## **Time Limits for Entering National/Regional Phase under PCT Chapters I and II**

**(in months from priority date)**  
***(status on 7 June 2022)***

Note that detailed information on the excusing of delays in meeting time limits before certain designated/elected Offices is contained in the corresponding National Chapters of the [PCT Applicant's Guide](#).

Designated/Elected Office		Chapter I (under PCT <a href="#">Article 22</a> )	Chapter II (under PCT <a href="#">Article 39(1)</a> )
<a href="#">AE</a>	United Arab Emirates	30	30
<a href="#">AG</a>	Antigua and Barbuda	30	30
<a href="#">AL</a>	Albania <sup>1</sup>	31	31
<a href="#">AM</a>	Armenia <sup>2</sup>	31	31
<a href="#">AO</a>	Angola	30	30
<a href="#">AP</a>	African Regional Intellectual Property Organization <sup>4</sup>	31	31
<a href="#">AT</a>	Austria <sup>1</sup>	30	30
<a href="#">AU</a>	Australia	31	31
<a href="#">AZ</a>	Azerbaijan <sup>2</sup>	30	31
<a href="#">BA</a>	Bosnia and Herzegovina	34	34
<a href="#">BB</a>	Barbados	30	30
<a href="#">BG</a>	Bulgaria <sup>1</sup>	31	31
<a href="#">BH</a>	Bahrain	30	30
<a href="#">BN</a>	Brunei Darussalam	30	30
<a href="#">BR</a>	Brazil	30	30
<a href="#">BW</a>	Botswana <sup>6</sup>	31	31
<a href="#">BY</a>	Belarus <sup>2</sup>	31	31
<a href="#">BZ</a>	Belize	30	30 <sup>7</sup>
<a href="#">CA</a>	Canada	30 <sup>15</sup>	30 <sup>15</sup>
<a href="#">CH</a>	Switzerland <sup>1, 9</sup>	30	30
<a href="#">CL</a>	Chile	30	30
<a href="#">CN</a>	China	30 (32) <sup>8</sup>	30 (32) <sup>8</sup>
<a href="#">CO</a>	Colombia	31	31
<a href="#">CR</a>	Costa Rica	31	31

<a href="#">CU</a>	Cuba	30	30
<a href="#">CZ</a>	Czechia <sup>1</sup>	31	31
<a href="#">DE</a>	Germany <sup>1</sup>	31	31
<a href="#">DJ</a>	Djibouti	30	30
<a href="#">DK</a>	Denmark <sup>1</sup>	31	31
<a href="#">DM</a>	Dominica <sup>3</sup>	30	30
<a href="#">DO</a>	Dominican Republic	30	30
<a href="#">DZ</a>	Algeria	31	31
<a href="#">EA</a>	Eurasian Patent Organization	31	31
<a href="#">EC</a>	Ecuador	31	31
<a href="#">EE</a>	Estonia <sup>1</sup>	31	31
<a href="#">EG</a>	Egypt	30	30
<a href="#">EP</a>	European Patent Organisation <sup>10</sup>	31	31
<a href="#">ES</a>	Spain <sup>1</sup>	30	30
<a href="#">FI</a>	Finland <sup>1</sup>	31	31
<a href="#">GB</a>	United Kingdom <sup>1</sup>	31	31
<a href="#">GD</a>	Grenada <sup>3</sup>	30	30
<a href="#">GE</a>	Georgia	31	31
<a href="#">GH</a>	Ghana <sup>6</sup>	30	30
<a href="#">GM</a>	Gambia <sup>6</sup>	30	31
<a href="#">GT</a>	Guatemala	30	30
<a href="#">HN</a>	Honduras	30	30
<a href="#">HR</a>	Croatia <sup>1</sup>	31	31
<a href="#">HU</a>	Hungary <sup>1</sup>	31	31
<a href="#">ID</a>	Indonesia	31 <sup>5</sup>	31 <sup>5</sup>

<a href="#">IL</a>	Israel	30	30
<a href="#">IN</a>	India	31	31
<a href="#">IQ</a>	Iraq <sup>3</sup>	30	30
<a href="#">IR</a>	Iran (Islamic Republic of)	30	30
<a href="#">IS</a>	Iceland <sup>1</sup>	31	31
<a href="#">IT</a>	Italy <sup>1</sup>	30 <sup>16</sup>	30 <sup>16</sup>
<a href="#">JM</a>	Jamaica	30	30
<a href="#">JO</a>	Jordan	30	30
<a href="#">JP</a>	Japan	30	30
<a href="#">KE</a>	Kenya <sup>6</sup>	30	30
<a href="#">KG</a>	Kyrgyzstan <sup>2</sup>	31	31
<a href="#">KH</a>	Cambodia	30	30
<a href="#">KN</a>	Saint Kitts and Nevis	30	30
<a href="#">KP</a>	Democratic People's Republic of Korea	30	30
<a href="#">KR</a>	Republic of Korea	31	31
<a href="#">KW</a>	Kuwait	30	30
<a href="#">KZ</a>	Kazakhstan <sup>2</sup>	31	31
<a href="#">LA</a>	Lao People's Democratic Republic	31	31
<a href="#">LC</a>	Saint Lucia <sup>3</sup>	30	30
<a href="#">LK</a>	Sri Lanka	30	30
<a href="#">LR</a>	Liberia <sup>6</sup>	30	31
<a href="#">LS</a>	Lesotho <sup>6</sup>	30	31
<a href="#">LU</a>	Luxembourg <sup>1</sup>	20 <sup>11</sup>	30
<a href="#">LY</a>	Libya <sup>3</sup>	30	30
<a href="#">MA</a>	Morocco	31	31
<a href="#">MD</a>	Republic of Moldova	31	31

<a href="#">ME</a>	Montenegro <sup>3</sup>	30	30
<a href="#">MG</a>	Madagascar	30	30
<a href="#">MK</a>	North Macedonia <sup>1</sup>	31	31
<a href="#">MN</a>	Mongolia	31	31
<a href="#">MW</a>	Malawi <sup>6</sup>	30	30
<a href="#">MX</a>	Mexico	30	30
<a href="#">MY</a>	Malaysia	30	30
<a href="#">MZ</a>	Mozambique <sup>6</sup>	31	31
<a href="#">NA</a>	Namibia <sup>6</sup>	31	31
<a href="#">NG</a>	Nigeria	30	30
<a href="#">NI</a>	Nicaragua	30	30
<a href="#">NO</a>	Norway <sup>1</sup>	31	31
<a href="#">NZ</a>	New Zealand	31	31
<a href="#">OA</a>	African Intellectual Property Organization <sup>12</sup>	30	30
<a href="#">OM</a>	Oman	30	30
<a href="#">PA</a>	Panama	30	30
<a href="#">PE</a>	Peru	30	30
<a href="#">PG</a>	Papua New Guinea	31	31
<a href="#">PH</a>	Philippines	30 (31 <sup>8</sup> )	30 (31 <sup>8</sup> )
<a href="#">PL</a>	Poland <sup>1</sup>	30	30
<a href="#">PT</a>	Portugal <sup>1</sup>	30	30
<a href="#">QA</a>	Qatar	30	30
<a href="#">RO</a>	Romania <sup>1</sup>	30	30
<a href="#">RS</a>	Serbia <sup>1</sup>	30 <sup>13</sup>	30 <sup>13</sup>
<a href="#">RU</a>	Russian Federation <sup>2</sup>	31	31
<a href="#">RW</a>		30	30

	Rwanda <sup>3, 6</sup>		
<a href="#">SA</a>	Saudi Arabia	30	30
<a href="#">SC</a>	Seychelles	31	31
<a href="#">SD</a>	Sudan <sup>6</sup>	30	30
<a href="#">SE</a>	Sweden <sup>1</sup>	31	31
<a href="#">SG</a>	Singapore	30 <sup>14</sup>	30 <sup>14</sup>
<a href="#">SK</a>	Slovakia <sup>1</sup>	31	31
<a href="#">SL</a>	Sierra Leone <sup>6</sup>	31	31
<a href="#">ST</a>	Sao Tome and Principe <sup>3, 6</sup>	30	30
<a href="#">SV</a>	El Salvador	30	30
<a href="#">SY</a>	Syrian Arab Republic	31	31
<a href="#">TH</a>	Thailand	30	30
<a href="#">TJ</a>	Tajikistan <sup>2</sup>	30	31
<a href="#">TM</a>	Turkmenistan <sup>2</sup>	30	31
<a href="#">TN</a>	Tunisia	30	30
<a href="#">TR</a>	Türkiye <sup>1</sup>	30 (33 <sup>8</sup> )	30 (33 <sup>8</sup> )
<a href="#">TT</a>	Trinidad and Tobago	30	31
<a href="#">TZ</a>	United Republic of Tanzania <sup>6</sup>	21 <sup>11</sup>	31
<a href="#">UA</a>	Ukraine	31	31
<a href="#">UG</a>	Uganda <sup>6</sup>	30	31
<a href="#">US</a>	United States of America	30	30
<a href="#">UZ</a>	Uzbekistan	31	31
<a href="#">VC</a>	Saint Vincent and the Grenadines	31	31
<a href="#">VN</a>	Viet Nam	31	31
<a href="#">WS</a>	Samoa	31	31
<a href="#">ZA</a>	South Africa	31	31

<a href="#">ZM</a>	Zambia <sup>6</sup>	30	30
<a href="#">ZW</a>	Zimbabwe <sup>6</sup>	30	31

1. If designated/elected for a European patent, see [EP](#) as DO/EO for the applicable time limits.
2. If designated/elected for a Eurasian patent, see [EA](#) as designated/elected Office (DO/EO) for the applicable time limits.
3. In the absence of information from the Office concerned, the time limits shown are those which would normally apply under PCT [Articles 22\(1\)](#) and [39\(1\)\(a\)](#). If the Office decides to apply longer time limits, that information will be published in the [PCT Newsletter](#).
4. [This Office](#) acts as DO/EO for the following State which does not act in the capacity of DO/EO: SZ.
5. This time limit may be extended provided that the applicant pays an additional fee for late entry into the national phase (see [national phase](#) for details).
6. If designated/elected for an ARIPO patent, see [AP](#) as DO/EO for the applicable time limits.
7. May be extended upon written request of the applicant.
8. Time limit applicable if applicant pays an additional fee for late entry into the national phase (see national phase for details: [CA](#), [CN](#), [PH](#), [TR](#)).
9. [This Office](#) acts as DO/EO for the following State which does not act in the capacity of DO/EO: LI.
10. [This Office](#) acts as DO/EO for the following States which do not act in the capacity of DO/EO: BE, CY, FR, GR, IE, LT, LV, MC, MT, NL, SI, SM.
11. This Office has notified the International Bureau of the non-applicability of the 30-month time limit under PCT [Article 22\(1\)](#), as modified with effect from 1 April 2002 – it does not yet apply the 30-month time limit for entering the national phase.
12. [This Office](#) acts as DO/EO for the following States which do not act in the capacity of DO/EO: BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, KM, ML, MR, NE, SN, TD, TG.
13. The time limit may be extended by 30 days if the applicant pays an additional fee for late entry into the [national phase](#).
14. The time limit may be extended by up to 18 months provided the applicant pays the prescribed fee (see [national phase](#) for details).
15. Up to 12 months after the 30-month deadline (30 months from the priority date) the applicant can request reinstatement of rights provided that he/she pays the fee for reinstatement of rights and meets the other requirements outlined in subsection 154(3) of the Canadian Patent Rules for the reinstatement of rights (late entry into the national phase).
16. For international applications filed on or after 1 July 2020.

**WIPO**

WORLD INTELLECTUAL PROPERTY ORGANIZATION

**Types of Protection Available via the PCT in PCT Contracting States****(status on 7 June 2022)**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
AE	United Arab Emirates	X					X		Patent of addition
AG	Antigua and Barbuda	X							Utility model certificates
AL	Albania	X			X		X		
AM	Armenia	X		X					Short-term patents
AO	Angola	X					X		Certificate of addition
AT	Austria	X			X		X	X	Patent of addition
AU	Australia	X							Patent of addition
AZ	Azerbaijan	X		X			X		

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
BA	Bosnia and Herzegovina	X							Consensual patents, extension of EP patent <sup>1</sup>
BB	Barbados	X							
BE	Belgium				X				
BF	Burkina Faso					X	OAPI utility model		OAPI certificate of addition
BG	Bulgaria	X			X		X	X	
BH	Bahrain	X						X	
BJ	Benin					X	OAPI utility model		OAPI certificate of addition
BN	Brunei Darussalam	X							
BR	Brazil	X					X		Certificate of addition
BW	Botswana	X	X				ARIPO utility model	ARIPO utility model	Utility model certificate
BY	Belarus	X		X			X		
BZ	Belize	X					X		

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
CA	Canada	X							
CF	Central African Republic					X	OAPI utility model		OAPI certificate of addition
CG	Congo					X	OAPI utility model		OAPI certificate of addition
CH and LI	Switzerland and Liechtenstein	X			X				
CI	Côte d'Ivoire					X	OAPI utility model		OAPI certificate of addition
CL	Chile	X					X		
CM	Cameroon					X	OAPI utility model		OAPI certificate of addition
CN	China	X					X		
CO	Colombia	X					X		
CR	Costa Rica	X					X		
CU	Cuba	X					X		
CY	Cyprus				X				
CZ	Czechia	X			X		X	X	

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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
DE	Germany	X			X		X	X	
DJ	Djibouti	X							Certificate of addition
DK	Denmark	X			X		X	X	
DM <sup>2</sup>	Dominica	X							
DO	Dominican Republic	X					X		
DZ	Algeria	X							Certificate of addition

A	B	C	D	<b>E</b>	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
EC	Ecuador	X					X		
EE	Estonia	X			X		X	X	
EG	Egypt	X					X		
ES	Spain	X			X		X		

A	B	C	D	E	<b>F</b>	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
FI	Finland	X			X		X	X	
FR	France				X				

A	B	C	D	E	F	<b>G</b>	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
GA	Gabon					X	OAPI utility model		OAPI certificate of addition
GB	United Kingdom	X			X				
GD <sup>2</sup>	Grenada	X							
GE	Georgia	X					X		
GH	Ghana	X	X				ARIPO utility model	ARIPO utility model	Utility certificate
GM	Gambia	X	X				National or ARIPO utility model	ARIPO utility model	
GN	Guinea					X	OAPI utility model		OAPI certificate of addition
GQ	Equatorial Guinea					X	OAPI utility model		OAPI certificate of addition
GR	Greece				X				
GT	Guatemala	X					X		
GW	Guinea-Bissau					X	OAPI utility model		OAPI certificate of addition

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
HN	Honduras	X					X		
HR	Croatia	X			X		X		
HU	Hungary	X			X		X		

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
ID	Indonesia	X							
IE	Ireland				X				
IL	Israel	X							Patent of addition
IN	India	X							Patent of addition
IQ	Iraq	X							Patent of addition
IR	Iran (Islamic Republic of)	X							
IS	Iceland	X			X				
IT	Italy	X <sup>6</sup>			X		X		

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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
JM	Jamaica	X					X	X	
JO	Jordan	X							Patent of addition
JP	Japan	X					X		

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
KE	Kenya	X	X				National or ARIPO utility model	ARIPO utility model	
KG	Kyrgyzstan	X		X			X		
KH	Cambodia	X					X		Validation of EP patent <sup>1</sup>
KM	Comoros					X	OAPI utility model		OAPI certificate of addition
KN	Saint Kitts and Nevis	X							Utility certificate
KP	Democratic People's Republic of Korea	X							Inventor's certificate, petty inventor's certificate, petty patent
KR	Republic of Korea	X					X		
KW	Kuwait	X							
KZ	Kazakhstan	X		X			X		

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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
LA	Lao People's Democratic Republic	X					X		
LC	Saint Lucia	X							
LI (refer to CH)	Liechtenstein								
LK	Sri Lanka	X							
LR	Liberia	X	X				National or ARIPO utility model	ARIPO utility model	
LS	Lesotho	X	X				National or ARIPO utility model	ARIPO utility model	
LT	Lithuania				X				
LU	Luxembourg	X			X				
LV	Latvia				X				
LY	Libya	X							Patent of addition

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
MA	Morocco	X							Validation of EP patent <sup>1</sup>
MC	Monaco				X				
MD	Republic of Moldova	X							Short-term patent, validation of EP patent <sup>1</sup>
ME	Montenegro	X <sup>3</sup>							Extension of EP patent <sup>1</sup>
MG	Madagascar	X							Certificate of addition
MK	North Macedonia	X			X				
ML	Mali					X	OAPI utility model		OAPI certificate of addition
MN	Mongolia	X							
MR	Mauritania					X	OAPI utility model		OAPI certificate of addition
MT	Malta				X				
MW	Malawi	X	X				ARIPO utility model	ARIPO utility model	Patent of addition
MX	Mexico	X					X		
MY	Malaysia	X							Certificates for a utility innovation
MZ	Mozambique	X	X				National or ARIPO utility model	ARIPO utility model	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
NA	Namibia	X	X				ARIPO utility model	ARIPO utility model	
NE	Niger					X	OAPI utility model		OAPI certificate of addition
NG	Nigeria	X							
NI	Nicaragua	X					X		
NL	Netherlands				X				
NO	Norway	X			X				
NZ	New Zealand	X							Patent of addition

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
OM	Oman	X					X		

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
PA	Panama	X					X		Patent of addition
PE	Peru	X					X		
PG	Papua New Guinea	X							
PH	Philippines	X					X		
PL	Poland	X			X		X		
PT	Portugal	X			X		X	X	

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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
QA	Qatar	X							

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
RO	Romania	X			X		X	X	
RS	Serbia	X			X				Patent of addition, petty patent
RU	Russian Federation	X		X			X		
RW	Rwanda	X	X				National or ARIPO utility model	ARIPO utility model	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
SA	Saudi Arabia	X							
SC	Seychelles	X	X <sup>1</sup>				ARIPO utility model <sup>1</sup>	ARIPO utility model <sup>1</sup>	
SD	Sudan	X	X				ARIPO utility model	ARIPO utility model	
SE	Sweden	X			X				
SG	Singapore	X							
SI	Slovenia				X				
SK	Slovakia	X			X		X	X	
SL	Sierra Leone	X	X				National or ARIPO utility model	ARIPO utility model	
SM	San Marino	X <sup>4</sup>			X				
SN	Senegal					X	OAPI utility model		OAPI certificate of addition
ST	Sao Tome and Principe	X	X				ARIPO utility model	ARIPO utility model	
SV	El Salvador	X					X		
SY	Syrian Arab Republic	X							Certificate of addition
SZ	Eswatini		X				ARIPO utility model	ARIPO utility model	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	<b>T</b>	U	V	W	Z
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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
TD	Chad					X	OAPI utility model		OAPI certificate of addition
TG	Togo					X	OAPI utility model		OAPI certificate of addition
TH	Thailand	X							Petty patent
TJ	Tajikistan	X		X					Petty patent
TM	Turkmenistan	X		X					Provisional patent
TN	Tunisia	X							Validation of EP patent <sup>1</sup>
TR	Türkiye	X			X		X		Patent of addition
TT	Trinidad and Tobago	X							Utility certificate
TZ	United Republic of Tanzania	X	X				ARIPO utility model	ARIPO utility model	

A B C D E F G H I J K L M N O P Q R S T U V W Z

Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
UA	Ukraine	X					X		
UG	Uganda	X	X				ARIPO utility model	ARIPO utility model	Utility certificate
US	United States of America	X							
UZ	Uzbekistan	X					X		

A B C D E F G H I J K L M N O P Q R S T U V W Z

Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
VC	Saint Vincent and the Grenadines	X							Utility certificate
VN	Viet Nam	X							"Patent for utility solution"

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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
WS <sup>5</sup>	Samoa	X							Innovation patent

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Two-letter code	Contracting State or Organization	National patent	ARIPO patent (AP)	Eurasian patent (EA)	European patent (EP)	OAPI patent (OA)	Utility model instead of national patent	Utility model in addition to national patent	Other
ZA	South Africa	X							Patent of addition
ZM	Zambia	X	X				National or ARIPO utility model	ARIPO utility model	Patent of addition
ZW	Zimbabwe	X	X				ARIPO utility model	ARIPO utility model	Patent of addition

- For information on the extension or validation of European patents, refer to [www.epo.org/law-practice/legal-texts/extension-validation-system.html](http://www.epo.org/law-practice/legal-texts/extension-validation-system.html).
- Information regarding any other type of national protection is not yet available.
- Applicants wishing to obtain patent protection in Montenegro should enter the regional phase before the European Patent Office (EPO) and seek the extension of the European patent application and the granted European patent to Montenegro, as there is no national phase before the Ministry of Economy, Department for Intellectual Property (Montenegro). Further information: [www.wipo.int/pct/guide/en/gdvol2/annexes/me.pdf](http://www.wipo.int/pct/guide/en/gdvol2/annexes/me.pdf)
- Only for international applications filed before 1 January 2020.

5. Only for international applications filed on or after 2 January 2020.
6. Only for international applications filed on or after 1 July 2020
7. Only for international applications filed on or after 1 January 2022

**WIPO**

WORLD INTELLECTUAL PROPERTY ORGANIZATION

## Offices (or Authorities) which have Notified WIPO of Waiver(s) of the Power of Attorney Requirement under PCT Rule 90.4(b) and/or 90.5(a)(ii)

*(status on 19 January 2021)*

RO = Receiving Office; ISA = International Searching Authority; IPEA = International Preliminary Examining Authority; SISA = International Searching Authority specified for supplementary search; for two-letter codes, see [PCT Applicant's Guide](#)

Two-letter code of Office	Capacity of Office in which waiver was made	Waiver of separate power of attorney (PCT <a href="#">Rule 90.4(d)</a> )?	Waiver of copy of general power of attorney (PCT <a href="#">Rule 90.5(c)</a> )?	Particular instances in which a separate power of attorney and/or a copy of a general power of attorney is required (other than where the agent or the common representative submits any notice of withdrawal referred to in PCT <a href="#">Rules 90bis.1 to 90bis.4</a> )
AT	RO, ISA, SISA, IPEA	Yes	Yes	None
AU	RO, ISA, IPEA	Yes	Yes	Where there is an unresolved dispute about who is the agent representing the applicant(s).
BN	RO	Yes	Yes	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any action after filing; or where it is unclear that an agent or common representative has power to act on behalf of the applicant.
BY	RO	Yes	Yes	Where there is a change in representation, that is, where any action before the Office is performed by an agent or a common representative who was not indicated in the request form at the time of filing.
CA	RO, ISA, IPEA	Yes	Yes	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any action after filing; or where it is unclear that an agent or common representative has power to act on behalf of the applicant.
CH	RO	Yes	Yes	None
CY	RO	Yes	Yes	None
DE	RO	Yes	Yes	<p>If the agent is not a patent attorney or an attorney-at-law authorized to practice in Germany, or a patent attorney or an attorney-at-law of a member State of the European Union, of a contracting party to the Agreement on the European Economic Area, or of Switzerland, authorized to pursue certain professional activities (refer to the Act on the Activities of European Patent Attorneys in Germany and the Act on the Activities of European Lawyers in Germany).</p> <p>In case of reasonable doubts regarding the agent's entitlement to act.</p>

				Also, a separate power of attorney is required in the case of a common representative.
DK	RO	Yes	Yes	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.
EA	RO	Yes	Yes	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.
EP	RO, ISA, SISA, IPEA	Yes	Yes	If necessary in the circumstances of a particular case, for example: (1) where a procedural act is performed by a purported agent who is not the agent of record, unless: – the purported agent belongs to the same office as the agent of record; or – both the purported agent and the agent of record are employees of the applicant (or, if there is more than one applicant, of the common representative). (2) in case of doubt as to whether the agent or common representative is entitled to act.
ES	RO,ISA, IPEA	Yes	Yes	In case of reasonable doubts regarding the agent's entitlement to act. Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.
FI	RO, ISA, SISA, IPEA	Yes	Yes	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form or in the demand form at the time of their filing.
FR	RO	Yes	Yes	If the agent is: – a person indicated in article L.422-5 of the Code of Intellectual Property, – an enterprise or a public institution contractually bound to the applicant, – a specialized professional organization.  In case of reasonable doubt regarding the agent's entitlement to act.  In case of a common representative.
GB	RO	Yes	Yes	Where an agent or common representative, who is not indicated in the request form at the time of filing, performs

				any action after filing; or where it is unclear that an agent or common representative has power to act on behalf of the applicant.
IB	IB	Yes	n.a.	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.
	RO	Yes	Yes	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.
IL	RO, ISA, IPEA	Yes	Yes	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any actions after filing.
IS	RO	Yes	Yes	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.
IT	RO <sup>1</sup>	Yes	Yes	<p>If the agent is not:</p> <ul style="list-style-type: none"> <li>– a patent attorney or an attorney-at-law authorized to practice in Italy (recorded in the pertinent official register or professional roll) or any law firm employing such a lawyer or attorney-at-law;</li> <li>– a patent attorney or an attorney-at-law qualified to practice in another member State of the European Union, authorized to pursue certain professional activities in Italy on a temporary basis (refer to legislative Decree No. 206/2007);</li> </ul> <p>In case of reasonable doubt regarding the agent's entitlement to act;</p> <p>In case of a common representative (separate power of attorney required).</p>
JP	RO, ISA, IPEA	Yes	Yes	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any actions after filing; or in case of doubt as to the agent's entitlement to act.
KG	RO	No	Yes	None
LT	RO	Yes	Yes	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

LV	RO	Yes	Yes	None
MD	RO	Yes	Yes	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.
MT	RO	Yes	Yes	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any action after filing; or in case of doubt as to the agent's entitlement to act.
NL	RO	Yes	Yes	None
NZ	RO	Yes	Yes	Where there is a change in representation, that is, where an applicant is represented by a new agent or representative.
PH	RO	Yes	Yes	Where the Office receives a notice or communication from a sub-agent appointed by the agent or common representative; or the Office receives notices or communications from an agent or common representative who is appointed by the applicant in replacement of, or in addition to the agent or common representative previously appointed by the applicant; or the Office receives a notice or communication from an agent or a common representative submitting the names of additional applicants not named in the request form.
PT	RO	Yes	Yes	If the applicant is not represented by an official industrial property agent.
RU	RO, ISA, SISA, IPEA	Yes	Yes	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any action after filing; or in case of doubt as to the agent's entitlement to act.
SE	RO, ISA, SISA, IPEA	Yes	Yes	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form or in the demand form at the time of their filing.
SG	RO, ISA, SISA, IPEA	Yes	Yes	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any action after filing; or where it is unclear that an agent or common representative has power to act on behalf of the applicant.
TR	RO, ISA,	Yes	Yes	Where there is an unresolved dispute

	SISA, IPEA			about who is the agent representing the applicant(s); or upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.
US	RO, ISA, IPEA	Yes	Yes	Where it is unclear whether a purported agent has the power to act on behalf of the applicant, and for certain changes under PCT <a href="#">Rule 92bis</a> .
XN	ISA, SISA, IPEA	Yes	Yes	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form or in the demand form at the time of their filing.
XV	ISA, SISA, IPEA	Yes	Yes	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form or in the demand form at the time of their filing.

**WIPO**

WORLD INTELLECTUAL PROPERTY ORGANIZATION

# PCT Reservations, Declarations, Notifications and Incompatibilities

(status on 22 October 2020)

States	
PCT Articles	
<a href="#">22(1)</a> Decision of the Assembly of the PCT Union of October 3, 2001 ( <a href="#">PCT/A/30/7</a> , Annex IV)	Luxembourg, United Republic of Tanzania
<a href="#">64(2)(a)(ii)</a>	Finland, Norway, Poland, Sweden
<a href="#">64(3)(a)</a>	United States of America
<a href="#">64(4)(a)</a>	United States of America
<a href="#">64(5)</a>	Algeria, Armenia, Bahrain, Belarus, Chile, Cuba, France, Georgia, Hungary, India, Indonesia, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Malaysia, Malta, Mozambique, Oman, Qatar, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, South Africa, Tajikistan, Thailand, Tunisia, Turkmenistan, Ukraine, Uzbekistan

Offices and Intergovernmental Organizations		
PCT Rules		
<a href="#">4.9(b)</a>	DE	German Patent and Trade Mark Office
	JP	Japan Patent Office
	KR	Korean Intellectual Property Office
<a href="#">20.1(d)</a>	US	United States Patent and Trademark Office (USPTO)
<a href="#">20.8(a)</a> <sup>1, 7</sup>	CU	Cuban Industrial Property Office
	CZ	Industrial Property Office of the Czech Republic
	DE	German Patent and Trade Mark Office
	ID	Directorate General of Intellectual Property (Indonesia)
	KR	Korean Intellectual Property Office
	MX	Mexican Institute of Industrial Property
<a href="#">20.8(a-bis)</a> <sup>5, 7</sup>	CL	National Institute of Industrial Property (Chile)
	CU	Cuban Industrial Property Office
	CZ	Industrial Property Office of the Czech Republic
	DE	German Patent and Trade Mark Office
	EP	European Patent Office (EPO)
	ES	Spanish Patent and Trademark Office
	FR	National Institute of Industrial Property (INPI) (France)
	ID	Directorate General of Intellectual Property (Indonesia)
	KR	Korean Intellectual Property Office
	MX	Mexican Institute of Industrial Property
<a href="#">20.8(b)</a>	CN	China National Intellectual Property Administration (CNIPA)
	CU	Cuban Industrial Property Office
	CZ	Industrial Property Office of the Czech Republic
	DE	German Patent and Trade Mark Office

	ID	Directorate General of Intellectual Property (Indonesia)
	KR	Korean Intellectual Property Office
	MX	Mexican Institute of Industrial Property
	TR	Turkish Patent and Trademark Office (Turkpatent)
<a href="#">20.8(b-bis)<sup>6</sup></a>	CL	National Institute of Industrial Property (Chile)
	CN	China National Intellectual Property Administration (CNIPA)
	CU	Cuban Industrial Property Office
	CZ	Industrial Property Office of the Czech Republic
	DE	German Patent and Trade Mark Office
	EP	European Patent Office (EPO)
	ES	Spanish Patent and Trademark Office
	ID	Directorate General of Intellectual Property (Indonesia)
	KR	Korean Intellectual Property Office
	MX	Mexican Institute of Industrial Property
	TR	Turkish Patent and Trademark Office (Turkpatent)
<a href="#">23bis.2(b)</a>	DE	German Patent and Trade Mark Office
	FI	Finnish Patent and Registration Office (PRH)
	SE	Swedish Intellectual Property Office (PRV)
<a href="#">23bis.2(e)<sup>2</sup></a>	AU	Australian Patent Office
	CZ	Industrial Property Office of the Czech Republic
	FI	Finnish Patent and Registration Office (PRH)
	HU	Hungarian Intellectual Property Office (HIPO)
	IL	Israel Patent Office
	JP	Japan Patent Office
	NO	Norwegian Industrial Property Office
	SE	Swedish Intellectual Property Office (PRV)
	SG	Intellectual Property Office of Singapore

	US	United States Patent and Trademark Office (USPTO)
<a href="#">26.3ter(b)</a>	US	United States Patent and Trademark Office (USPTO)
<a href="#">26.3ter(d)</a>	US	United States Patent and Trademark Office (USPTO)
<a href="#">26bis.3(j)</a> 1, 3, 7	BR	National Institute of Industrial Property (Brazil)
	CO	Superintendence of Industry and Commerce (Colombia)
	CU	Cuban Industrial Property Office
	CZ	Industrial Property Office of the Czech Republic
	DE	German Patent and Trade Mark Office
	DZ	Algerian National Institute of Industrial Property
	GR	Industrial Property Organization (OBI) (Greece)
	ID	Directorate General of Intellectual Property (Indonesia)
	IN	Indian Patent Office
	KR	Korean Intellectual Property Office
	PH	Intellectual Property Office of the Philippines
<a href="#">49.5(l)</a>	re. <a href="#">49.5(c-bis)</a> :	
	BR	National Institute of Industrial Property (Brazil)
	US	United States Patent and Trademark Office (USPTO)
	re. <a href="#">49.5(k)</a> :	
	US	United States Patent and Trademark Office (USPTO)
<a href="#">49.6(f)</a>	CA	Canadian Intellectual Property Office
	CN	China National Intellectual Property Administration (CNIPA)
	DE	German Patent and Trade Mark Office
	IN	Indian Patent Office
	KR	Korean Intellectual Property Office
	LV	Latvian Patent Office
	MX	Mexican Institute of Industrial Property
	NZ	Intellectual Property Office of New Zealand (IPONZ)

	PH	Intellectual Property Office of the Philippines
	PL	Patent Office of the Republic of Poland
<a href="#">49ter.1(g)</a> <sup>3, 4</sup>	BR	National Institute of Industrial Property (Brazil)
	CN	China National Intellectual Property Administration (CNIPA)
	CO	Superintendence of Industry and Commerce (Colombia)
	CU	Cuban Industrial Property Office
	CZ	Industrial Property Office of the Czech Republic
	DE	German Patent and Trade Mark Office
	DZ	Algerian National Institute of Industrial Property
	ID	Directorate General of Intellectual Property (Indonesia)
	IN	Indian Patent Office
	KR	Korean Intellectual Property Office
	LT	State Patent Bureau of the Republic of Lithuania
	MX	Mexican Institute of Industrial Property
	PH	Intellectual Property Office of the Philippines
<a href="#">49ter.2(h)</a> <sup>3</sup>	BR	National Institute of Industrial Property (Brazil)
	CA	Canadian Intellectual Property Office
	CN	China National Intellectual Property Administration (CNIPA)
	CO	Superintendence of Industry and Commerce (Colombia)
	CU	Cuban Industrial Property Office
	CZ	Industrial Property Office of the Czech Republic
	DE	German Patent and Trade Mark Office
	DZ	Algerian National Institute of Industrial Property
	ID	Directorate General of Intellectual Property (Indonesia)
	IN	Indian Patent Office
	KR	Korean Intellectual Property Office

	MX	Mexican Institute of Industrial Property
	PH	Intellectual Property Office of the Philippines
<a href="#">51bis.3(c)</a>	SG	Intellectual Property Office of Singapore
<a href="#">66.1bis(b)</a>	EP	European Patent Office (EPO)

Administrative Instructions under the PCT (AI)		
<a href="#">703(f)</a>	re. <a href="#">Section 703(b)(ii)</a> to <a href="#">(iv)</a> and relevant Sections of <a href="#">Annex F</a> of AI:	
	US	United States Patent and Trademark Office (USPTO)
	re. <a href="#">Section 703(b)(ii)</a> to <a href="#">(iv)</a> insofar as those provisions relate to Sections 5.1 and 5.2.1 of <a href="#">Annex F</a> of AI and Sections 2(d) to (g) of Appendix III of <a href="#">Annex F</a> of AI:	
	JP	Japan Patent Office

1. The Intellectual Property Office (Belgium) has withdrawn its notification of incompatibility with its national law under PCT [Rules 20.8\(a\)](#) and [26bis.3\(j\)](#) as from 1 April 2018.
2. The Swiss Federal Institute of Intellectual Property has withdrawn its notification of incompatibility with its national law under PCT [Rule 23bis.2\(e\)](#) as from 1 January 2019.
3. The Norwegian Industrial Property Office has withdrawn its notification of incompatibility with its national law under PCT [Rules 26bis.3\(j\)](#), [49ter.1\(g\)](#) and [49ter.2\(h\)](#) as from 1 July 2019.
4. The Canadian Intellectual Property Office has withdrawn its notification of incompatibility with its national law under PCT [Rule 49ter.1\(g\)](#) as from 30 October 2019 in respect of international applications having an international filing date on or after 30 October 2019.
5. The Offices (in their capacity as receiving Offices) of the States listed in this table have notified the International Bureau (IB) that new PCT Rules [20.5bis\(a\)\(ii\)](#) and [20.5bis\(d\)](#), are not compatible and/or cannot be considered to be compatible with the national law applied by the Office, or are deemed to have notified the IB of this incompatibility on the basis of a notification made under [PCT Rule 20.8\(a\)](#) that remains in effect.
6. The Offices (in their capacity as designated Offices) of the States listed in this table have notified the International Bureau (IB) that PCT [Rules 20.5bis\(a\)\(ii\)](#) and [20.5bis\(d\)](#), are not compatible and/or cannot be considered to be compatible with the national law applied by the Office, or are deemed to have notified the IB of this incompatibility on the basis of a notification made under [PCT Rule 20.8\(b\)](#) that remains in effect.
7. The Italian Patent and Trademark Office has withdrawn its notification of incompatibility with its national law under PCT [Rule 20.8\(a\)](#), which is also deemed to be extended to PCT [Rule 20.8\(a-bis\)](#), and under PCT [Rule 26bis.3\(j\)](#), as from 1 July 2020.



**Restoration of the right of priority by receiving Offices (RO) and designated Offices (DO) under PCT Rules 26*bis*.3 and 49*ter*.2 (Last updated 1 April 2022)**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
U	V	Z																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
AE	United Arab Emirates	See <a href="#">IB<sup>1</sup></a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
AG	Antigua and Barbuda	See <a href="#">IB<sup>1</sup></a>	Yes	As DO, due care and unintentional	XCD 800
AL	Albania	Yes	Yes	Due care	ALL 7,000
AM	Armenia	Yes	Yes	Unintentional	AMD 10,000
AO	Angola	See <a href="#">IB<sup>1</sup></a>	Please refer to the Office	Please refer to the Office for the applicable criteria and/or any fee payable for such requests	
AP	African Regional Intellectual Property Organization	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests	
AT	Austria	Yes	Yes	Due care and unintentional	As RO, EUR 229 As DO, EUR 269
AU	Australia	Yes	Yes	As RO, due care and unintentional As DO, national law requirements <sup>2</sup>	As RO, AUD 200 As DO, at least AUD 100 <sup>2</sup>
AZ	Azerbaijan	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>
<a href="#">U</a>	<a href="#">V</a>	<a href="#">Z</a>																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
BA	Bosnia and Herzegovina	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
BB	Barbados	See <a href="#">IB<sup>1</sup></a>	Yes	Please refer to the Office	
BE	Belgium	See <a href="#">EP<sup>3</sup></a>	See <a href="#">EP</a>		
BF	Burkina Faso	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
BG	Bulgaria	Yes	Yes	Due care and unintentional	No
BH	Bahrain	Yes	Yes	Due care	No
BJ	Benin	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
BR	Brazil	No	No		
BW	Botswana	Yes	Yes	As RO, please refer to the Office for the applicable criteria As DO, due care	Please refer to the Office for the applicable fee
BY	Belarus	Yes	Yes	Unintentional	BYN 67.20
BZ	Belize	Yes	Yes	Due care and unintentional	BZD 150

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>
<a href="#">U</a>	<a href="#">V</a>	<a href="#">Z</a>																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
CA	Canada	Yes	No	As RO, due care and unintentional	No
CF	Central African Republic	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
CG	Congo	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
CH	Switzerland	Yes	Yes	Due care	CHF 500
CI	Côte d'Ivoire	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
CL	Chile	Yes	Yes	Due care and unintentional	Equivalent in CLP of US dollars <sup>6</sup> 400
CM	Cameroon	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
CN	China	Yes	No	As RO, due care and unintentional	CNY 1,000
CO	Colombia	No	No		
CR	Costa Rica	Yes	Yes	Due care	USD 144
CU	Cuba	No	No		
CY	Cyprus	Yes	See <a href="#">EP</a>	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
CZ	Czechia	No	No		

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>
<a href="#">U</a>	<a href="#">V</a>	<a href="#">Z</a>																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
DE	Germany	No	No		
DJ	Djibouti	Yes	Yes	Due care and unintentional	USD 500
DK	Denmark	Yes	Yes	Due care	DKK 3,000
DM	Dominica	Please refer to the Office	Please refer to the Office	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
DO	Dominican Republic	Yes	Yes	Due care and unintentional	DOP 17,250
DZ	Algeria	No	No		

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
U	V	Z																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
EA	Eurasian Patent Organization	Yes	Yes	As RO, due care and unintentional As DO, unintentional	As RO, no As DO, RUB 16,000
EC	Ecuador	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
EE	Estonia	Yes	Yes	Due care	No
EG	Egypt	Yes	Yes	Due care	EGP 800 (individuals and research institutes), EGP 1,000 (companies <10 employees) and EGP 1,500 (companies >10 employees)
EP	European Patent Organization	Yes	Yes	Due care	EUR 685
ES	Spain	Yes	Yes	Due care	EUR 91.35 (online) EUR 107.46 (on paper)

A	B	C	D	E	<b>F</b>	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
U	V	Z																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
FI	Finland	Yes	Yes	Due care	EUR 450
FR	France	Yes	See <a href="#">EP</a>	Due care	EUR 156

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<b>G</b>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>
<a href="#">U</a>	<a href="#">V</a>	<a href="#">Z</a>																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
GA	Gabon	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
GB	United Kingdom	Yes	Yes	Unintentional	GBP 150
GD	Grenada	Please refer to the Office	Please refer to the Office	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
GE	Georgia	Yes	Yes	Due care and unintentional	USD 60
GH	Ghana	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
GM	Gambia	See <a href="#">AP<sup>7</sup></a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
GN	Guinea	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
GQ	Equatorial Guinea	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
GR	Greece	No	See <a href="#">EP</a>		
GT	Guatemala	See <a href="#">IB<sup>1</sup></a>	Yes	Due care and unintentional	As DO, GTQ 4,000
GW	Guinea-Bissau	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<b><a href="#">H</a></b>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>
<a href="#">U</a>	<a href="#">V</a>	<a href="#">Z</a>																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
HN	Honduras	Yes	Yes	Due care and unintentional	As RO, USD 50 As DO, please refer to the Office for the applicable fee
HR	Croatia	Yes	Yes	Due care	HRK 300
HU	Hungary	Yes	Yes	Due care	No

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
IB	World Intellectual Property Organization	Yes	Not applicable	Due care and unintentional	No
ID	Indonesia	No	No		
IE	Ireland	Yes	See <a href="#">EP</a>	As RO, due care and unintentional	Please refer to the Office for the applicable fee
IL	Israel	Yes	Yes	Due care	No
IN	India	No	No		
IR	Iran (Islamic Republic of)	Yes	Yes	As RO, please refer to the Office for the applicable criteria As DO, due care	Please refer to the Office for the applicable fee
IS	Iceland	Yes	Yes	Due care	ISK 42,500
IT	Italy	Yes	Yes	Due care	EUR 15 (online) EUR 16 (on paper) (in fee stamps)

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>
<a href="#">U</a>	<a href="#">V</a>	<a href="#">Z</a>																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
JM	Jamaica	Yes	Yes	Due care and unintentional	JMD 3,500
JO	Jordan	Yes	Yes	Due care and unintentional	JOD 50 <sup>8</sup> JOD 25 <sup>9</sup>
JP	Japan	Yes	Yes	Due care	No

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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
KE	Kenya	Yes	Yes	Unintentional	USD 50
KG	Kyrgyzstan	Yes	Yes	Due care and unintentional	KGS 3,500
KH	Cambodia	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
KM	Comoros	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
KN	Saint Kitts and Nevis	Yes	Yes	Due care and unintentional	XCD 50
KP	Democratic People's Republic of Korea	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
KR	Republic of Korea	No	No		
KW	Kuwait	See <a href="#">IB<sup>1</sup></a>	Yes	Due care and unintentional	Please refer to the Office for the applicable fee
KZ	Kazakhstan	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<b>L</b>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>
<a href="#">U</a>	<a href="#">V</a>	<a href="#">Z</a>																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
LA	Lao People's Democratic Republic	See <a href="#">IB1</a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
LC	Saint Lucia	See <a href="#">IB1</a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
LI	Liechtenstein	See <a href="#">CH10</a>	See <a href="#">CH11</a>		
LK	Sri Lanka	See <a href="#">IB1</a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
LR	Liberia	Yes	Yes	Due care and unintentional	No
LS	Lesotho	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
LT	Lithuania	Yes	Yes	Due care	EUR 115
LU	Luxembourg	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
LV	Latvia	Yes	See <a href="#">EP</a>	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
LY	Libya	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<b><a href="#">M</a></b>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>
<a href="#">U</a>	<a href="#">V</a>	<a href="#">Z</a>																	

Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
MA	Morocco	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
MC	Monaco	See <a href="#">EP<sup>3</sup></a>	See <a href="#">EP</a>		
MD	Moldova	Yes	Yes	Due care and unintentional	EUR 100
ME	Montenegro	Yes	See <a href="#">ME</a>	Due care	Please refer to the Office for the applicable fee
MG	Madagascar	See <a href="#">IB<sup>1</sup></a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
MK	North Macedonia	Yes	Yes	Due care	MKD 1,000
ML	Mali	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
MN	Mongolia	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
MR	Mauritania	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
MT	Malta	Yes	See <a href="#">EP</a>	As RO, due care and unintentional	AS RO, no
MW	Malawi	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
MX	Mexico	Yes	No	As RO, unintentional	No
MY	Malaysia	Yes	Yes	Unintentional	No
MZ	Mozambique	See <a href="#">AP<sup>7</sup></a>	Yes	Please refer to the Office	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
NA	Namibia	See <a href="#">AP<sup>7</sup></a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
NE	Niger	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
NG	Nigeria	See <a href="#">IB<sup>1</sup></a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
NI	Nicaragua	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
NL	Netherlands	Yes	See <a href="#">EP</a>	As RO, due care	EUR 161
NO	Norway	Yes	Yes	Unintentional	NOK 3,000
NZ	New Zealand	Yes	Yes	Due care and unintentional	No

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
OA	African Intellectual Property Organization	Yes	Yes	Please refer to the Organization for the applicable criteria and/or any fee payable for such requests.	
OM	Oman	Yes	Yes	As RO, due care and unintentional As DO, due care	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
PA	Panama	Yes	Yes	Due care	As RO, USD 480 As DO, please refer to the Office for the applicable fee
PE	Peru	Yes	Yes	Due care	PEN 191.97
PG	Papua New Guinea	Yes	Yes	Due care and unintentional	No
PH	Philippines	No	No		
PL	Poland	Yes	Yes	Due care	PLN 80
PT	Portugal	Yes	Yes	Due care	EUR 161.79 (online) EUR 323.58 (on paper)

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
RO	Romania	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
RS	Serbia	Yes	Yes	Due care	RSD 3,300 <sup>15</sup>
RU	Russian Federation	Yes	Yes	As RO, due care and unintentional As DO, due care	RUB 1,000
RW	Rwanda	Yes	Yes	Due care and unintentional	Please refer to the Office for the applicable fee

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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
SA	Saudi Arabia	Yes	Yes	Due care and unintentional	As RO, USD 534 (276) <sup>16</sup> As DO, SAR 2,000 <sup>15</sup>
SC	Seychelles	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
SD	Sudan	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
SE	Sweden	Yes	Yes	Due care	SEK 1,000
SG	Singapore	Yes	Yes	Due care and unintentional	SGD 250
SI	Slovenia	Yes	See <a href="#">EP</a>	As RO, due care	As RO, EUR 42
SK	Slovakia	Yes	Yes	Due care	EUR 166
SL	Sierra Leone	See <a href="#">AP<sup>7</sup></a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
SM	San Marino	See <a href="#">EP<sup>3</sup></a>	See <a href="#">EP</a>		
SN	Senegal	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
SV	El Salvador	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
SY	Syrian Arab Republic	Yes	Yes	Due care and unintentional	Please refer to the Office for the applicable fee
SZ	Eswatini	See <a href="#">AP<sup>7</sup></a>	See <a href="#">AP<sup>12</sup></a>	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
TD	Chad	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
TG	Togo	See <a href="#">OA<sup>4</sup></a>	See <a href="#">OA<sup>5</sup></a>		
TH	Thailand	Yes	Yes	Due care	No
TJ	Tajikistan	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
TM	Turkmenistan	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
TN	Tunisia	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
TR	Türkiye	Yes	Yes	Due care	As DO, TRY 2,610
TT	Trinidad and Tobago	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
TZ	United Republic of Tanzania	See <a href="#">AP<sup>7</sup></a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
UA	Ukraine	Yes	Yes	Unintentional	UAH 200 or equivalent in EUR or in USD <sup>13</sup>
UG	Uganda	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
US	United States of America	Yes	Yes	Unintentional	USD 2,100 <sup>14</sup>
UZ	Uzbekistan	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
VC	Saint Vincent and the Grenadines	See <a href="#">IB1</a>	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
VN	Viet Nam	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
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Two-letter code	Contracting State or Organization	Does the Office accept requests for the restoration of the right of priority?		If yes, which criteria does the Office apply?	Is there a fee?
		as receiving Office	as designated Office		
ZA	South Africa	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
ZM	Zambia	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	
ZW	Zimbabwe	Yes	Yes	Please refer to the Office for the applicable criteria and/or any fee payable for such requests.	

1. The International Bureau of WIPO ([IB](#)) acts as receiving Office for this State under PCT Rule 19.1(b).
2. For further details, see *PCT Applicant's Guide*, National Chapter ([AU](#)).
3. The European Patent Office ([EP](#)) acts as receiving Office for this State under PCT Rule 19.1(b). Please refer to that Office for the applicable criteria and/or any fee payable for such requests.
4. The African Intellectual Property Organization ([OA](#)) acts as receiving Office for this State under PCT Rule 19.1(b). Please refer to that Organization for the applicable criteria and/or any fee payable for such requests.
5. The African Intellectual Property Organization ([OA](#)) acts as designated Office for this State under PCT Article 4(1)(ii). Please refer to that Organization for the applicable criteria and/or any fee payable for such requests.
6. When calculating the US dollar equivalent amount in CLP, applicants should use the exchange rate fixed by the Central Bank of Chile on the day before the date of payment.
7. The African Regional Intellectual Property Organization ([AP](#)) acts as receiving Office for this State under PCT Rule 19.1(b). Please refer to that Organization for the applicable criteria and/or any fee payable for such requests.
8. This amount is applicable in case of filing by a company or an organization.
9. This amount is applicable in case of filing by an individual.
10. The Swiss Federal Institute of Intellectual Property ([CH](#)) acts as receiving Office for this State under PCT Rule 19.1(b). Please refer to that Office for the applicable criteria and/or any fee payable for such requests.
11. The Swiss Federal Institute of Intellectual Property ([CH](#)) acts as designated Office for this State under PCT Article 4(1)(ii). Please refer to that Office for the applicable criteria and/or any fee payable for such requests.
12. The African Regional Intellectual Property Organization ([AP](#)) acts as designated Office for this State under PCT Article 4(1)(ii). Please refer to that Organization for the applicable criteria and/or any fee payable for such requests.

13. This fee is reduced by 90% where all applicants are also inventors and by 80% where all applicants are also non-profit institutions and/or organizations. When the fee is payable with relation to an application made by both types of applicant, and all applicants are either also inventors, or non-profit institutions and/or organizations, the fee is reduced by 80%.
14. This amount is reduced to USD 1,050 in case of filing by a "small entity" or to USD 525 in case of filing by a "micro entity" (for further details, see *PCT Applicant's Guide*, Annex C ([US](#)) and National Chapter ([US](#))).
15. This amount is reduced by 50% in case of filing by an individual.
16. This amount is applicable in case of filing by an individual.



WORLD INTELLECTUAL PROPERTY ORGANIZATION

## Direct filing of PCT applications with the International Bureau as PCT receiving Office (RO/IB)

Any resident or national of a PCT Contracting State may [file an international application](#) direct with the International Bureau of WIPO as receiving Office, as an alternative to filing with the competent national or regional Office (see [PCT Rule 19.1\(a\)\(iii\)](#)).

### Filing of PCT Applications

- How can an international application be filed with the International Bureau as [PCT receiving Office](#)?
- What [special features](#) have to be taken into account?
- In which [language](#) can an international application be filed with the International Bureau as receiving Office?
- Which are the [competent International Searching Authorities and International Preliminary Examining Authorities](#)?
- Who can act as [agent](#)?
- What [fees](#) are payable?
- What [modes of payment](#) of fees are available?
- Which [address](#) must be used for filing an international application with the International Bureau?
- [Inquiries](#)

### How can an international application be filed with the International Bureau as PCT receiving Office?

International applications may be filed directly with the International Bureau as receiving Office:

- electronically via [ePCT](#), or
  - EPO Online Filing.

In case it is difficult to file with the filing tools mentioned above, direct filings are also possible:

- by [Contingency Upload Service \(FAQs\)](#), or
- by [mail](#), or
- hand-delivery to WIPO's headquarters, or
- by facsimile, provided that the original of the faxed application is furnished within 14 days from the date of the fax transmission.
  - From **1 January 2020**, the International Bureau, also as receiving Office (RO/IB) does not send faxes. Although strongly discouraged and only in emergency situations, applicants are able to file by fax with RO/IB, at: +41 22 338 82 70 or +41 22 338 90 90. Applicants who intend to send a fax to the RO/IB during regular business hours at RO/IB (9.00 to 18.00, Central European Time), should contact the PCT Receiving Office Section of the IB by telephone at +41 22 338 92 22 to inform them that they plan to send a fax. If outside of business hours at the RO/IB, applicants can leave a message on the answering machine.

[PDF](#)

If the international application is filed by means other than ePCT, a special form, which is not mandatory, for use when filing applications and other documents (Form [PCT/RO/198](#)) can be obtained from WIPO, on which applicants may fill in details concerning the number of pages and the nature of documents filed. These indications will be compared with the pages actually received by the International Bureau. The International Bureau will promptly send to the applicant by e-mail (if authorization has been given) or by mail

an acknowledgment of receipt of the international application or other document (Form [PCT/RO/199](#)). Where the international application is sent by facsimile, Form [PCT/RO/199](#) will be sent at the latest on the following working day.

The two-letter code IB will appear in international application numbers accorded by the International Bureau as receiving Office.

International applications or other documents may be filed up to midnight Geneva time and receive the date of the day it was received (irrespective of whether it is filed online, [by contingency upload service](#), by fax, etc.). Please note that the last page must have been received before midnight Geneva time (Central European time); see [Rule 80.4](#).

### **What special features have to be taken into account?**

It is the responsibility of the applicant or the applicant's agent to comply with any applicable national security provisions before filing an international application with the International Bureau as receiving Office.

In the case of filing by fax, where a difference exists between the time in the country from which the international application is transmitted and the time in Geneva, Switzerland (where the International Bureau is located), the operative date is the date in Geneva at the time of receipt of the international application.

### **In which language can an international application be filed with the International Bureau as receiving Office?**

International applications may be filed with the International Bureau as receiving Office in any language. However, the request has to be filed in one of the ten publication languages under the PCT, that is, in Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish. The language-dependent free text of the sequence listing part can be filed in any language and, in addition, the Office accepts English as a second language ([Rule 12.1\(d\)](#)).

If the language in which the international application is filed (in other words, the language used for description and claims) is not accepted by the [International Searching Authority](#) that is to carry out the international search (see [PCT Applicant's Guide, Annex D](#) as to the languages accepted by the various International Searching Authorities), the applicant is required to furnish to the International Bureau as receiving Office, within one month from the date of receipt of the international application by that Office, a translation into a language which is both a language accepted by the International Searching Authority that is to carry out international search and a language of publication (see [PCT Rule 12.3](#)).

If the language in which the international application is filed is accepted by the [International Searching Authority](#) that is to carry out the international search but is not a language of publication (at present, this is the case only where the international application is filed in Dutch and certain Nordic languages), the international application will be published in the language of translation furnished by the applicant and which is accepted by the International Bureau as receiving Office, that is, in Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish (see [PCT Rule 12.4](#)).

### **Which are the competent International Searching Authorities and International Preliminary Examining Authorities?**

The competent Authorities are the same as would have been competent if the international application had been filed with the national Office of, or acting for, a Contracting State of which the applicant is a resident or national (see [PCT Rules 35.3](#) and [59.1\(b\)](#)). This may result in a wider choice of Authorities for international applications filed with the International Bureau as receiving Office if there are two or more applicants from

different Contracting States. The choice of International Searching Authority (see [PCT Applicant's Guide, Annex C](#)) must be indicated in the request and the choice of International Preliminary Examining Authority (see [PCT Applicant's Guide, Annex C](#)) must be indicated in the demand.

### Who can act as agent?

Any person who has the right to practice before the national Office of, or acting for, a Contracting State of which the applicant, or, if there are two or more applicants, any of the applicants, is a resident or national is entitled to practice in respect of the international application before the International Bureau in its capacity as receiving Office (see [PCT Rule 83.1bis](#)).

### What fees are payable?

Fees may be paid in Swiss francs, US dollars, or euro. The amounts payable and applicable reductions are set out in the [PCT Applicant's Guide, Annex C\(1B\)](#).

Reductions to the international filing fee are available for users of [ePCT](#) and applicants from certain [States](#).

### What modes of payment of fees are available?

[Fees](#) may be paid in any of the following ways:

- by credit card (at the time of filing if using ePCT, or subsequently after receiving e-mail from RO/IB with a link to online payment; the following credit cards are accepted for payments in Swiss francs, US dollars or Euro: Diners, Discover, Mastercard and Visa; American Express credit cards are accepted only for payments in Swiss francs)
- by debit from a [current account](#) established with WIPO (Swiss francs only)
- by [PayPal](#) (Swiss francs, US dollars or Euro)
- by bank transfer to WIPO's [bank account](#) (Swiss francs, US dollars or Euro)
- by transfer to WIPO's [postal account](#) (Swiss francs only)

**The International Bureau does not accept payment by check.**

### Which address must be used for filing an international application with the International Bureau?

The following address must be used for the filing of international applications:

International Bureau of WIPO  
PCT Receiving Office Section  
34, chemin des Colombettes  
1211 Geneva 20  
Switzerland

### Inquiries

Please use the following numbers:

- Telephone: +41 22 338 92 22 or +41 22 338 91 11 (switchboard);
- E-mail address: [ro.ib@wipo.int](mailto:ro.ib@wipo.int)



WORLD INTELLECTUAL PROPERTY ORGANIZATION

## FAQ : Implementation of WIPO ST.26

- [General Questions](#)
- [WIPO Sequence Suite](#)
- [PCT filings](#)
- [National/Regional filings](#)

### General Questions

#### **1: What is "big-bang date"?**

The "big bang date" refers to the date on which Offices at the national, regional and international levels should simultaneously implement WIPO Standard ST.26. It has been set as July 1, 2022, but check with your national Office for any specific local details regarding this.

#### **2: Do only new applications which include sequence listings filed on or after July 1, 2022 have to contain an ST.26-compliant XML sequence listing, or is a WIPO ST.26-compliant XML sequence listing required as a follow-on submission for earlier-filed applications?**

Based on recommendations for the transition provisions from WIPO Standard ST.25 to ST.26 presented by the CWS Sequence Listing Task Force, the Committee on WIPO Standards (CWS) reached an agreement on:

- (a) the "big bang" scenario as the option for the transition for all IPOs, meaning that Standard ST.25 no longer applies for international applications filed as of July 1, 2022;
- (b) the filing date as the reference date, **not the priority date**; and
- (c) July 1, 2022 as the transition date (see document [A/62/12](#)).

This means that all applications filed on or after July 1, 2022 disclosing amino acid and nucleotide sequences must contain an ST.26 XML compliant sequence listing. Any sequence listing furnished in respect of any applications filed before that date should still comply with WIPO Standard ST.25, even if the sequence listing is submitted after (for example in amendments or translations for PCT national phase entry).

#### **3: How can the applicant prepare a sequence listing that is ST.26-compliant?**

WIPO provides a desktop tool called "WIPO Sequence" that enables patent applicants to prepare amino acid and nucleotide sequence listings compliant with WIPO Standard ST.26, as part of a national or international patent application. This tool is provided for three operating systems: Windows, Mac OS and Linux. For further information, please refer to the [WIPO Sequence homepage](#).

Applicants are free to use any XML-editing tool they wish to produce the sequence listing as long as it complies with WIPO Standard ST.26 at the time of filing. However, WIPO ST.26 is complicated and it is strongly recommended only to use software specifically designed for this purpose.

**4: If Offices want to publish a sequence listing submitted as a ST.26 XML formatted file, do they need to publish the entire contents of the XML file (including XML schema identifiers), in order to be compliant with filing of original documents at application, or can they 'strip-out' the XML tags, leaving only the sequence listing content (i.e., in a human readable format)?**

This is a decision for the Office, according to their own national law and practice, but the XML format will in most cases be the most useful to patent information users.

For the international publication of a PCT application by the International Bureau, the ST.26-compliant sequence listing in XML format, as filed by the applicant, will be published. Additional information (including the international application number) will be provided as associated metadata on the associated web pages, referring XML files and filenames, not by editing the sequence listing itself.

## WIPO Sequence Suite

### *WIPO Sequence Suite*

#### **5: What is the WIPO Sequence Suite?**

The WIPO Sequence Suite are two associated tools developed by WIPO to support applicants and Offices to adopt use of WIPO Standard ST.26 on or after the implementation date of July 1, 2022. The first is WIPO Sequence: a desktop tool that supports applicants in authoring and validating sequence listing information in order to generate a WIPO ST.26-compliant sequence listing. The second is the WIPO Sequence Validator: a web service which is incorporated into patent Office environments to allow them to check the compliance of filed sequence listings against WIPO Standard ST.26.

#### **6: Will the full validation within WIPO Sequence be to the same standard as the full validation within WIPO Sequence Validator ?**

There are only minor differences between the validation process for the WIPO Sequence and the WIPO Sequence Validator. For example, the desktop tool might respond with an 'Error' where the Validator tool might respond with a 'Warning'. This allows an IP Office to have flexibility in its treatment of sequence listings that have certain errors.

#### **7: Can an applicant import an ST.26 XML file into WIPO Sequence from a storage medium, such as DVD?**

Yes, the desktop tool will allow the user to navigate to any file location/storage medium to retrieve a file for import. For further guidance see the [WIPO Sequence User Manual](#).

#### **8: Can individual sequences be printed once created or imported into a project within WIPO Sequence?**

Yes, there is a print functionality within the desktop tool which supports the printing of sequences. For further guidance see the [WIPO Sequence User Manual](#).

#### **9: Can the WIPO Sequence be used without an internet connection?**

Yes. WIPO Sequence has been implemented as a stand-alone desktop tool, as opposed to a web application so that applicants can work without being connected to the internet. However, in order to ensure that you have the latest version, by invoking the auto-update feature work, it is necessary that you are connected to the internet. Additionally the software architecture also provides the potential for the desktop tool implementation to be deployed as a web application in the future.

**10: What font sets are used by the WIPO Sequence?**

- Default: Roboto-Regular/Roboto-Medium.ttf;
- Arabic: LateefGR-Regular.ttf;
- Chinese: KaigenSerifTC-Regular.ttf/KaigenSerifTC-Bold.ttf;
- Japanese: Ipam.ttf/lpag.ttf; and
- Korean: KaigenSansK-Regular.ttf/KaigenSansK-Medium.ttf.

**11: Where is the list of organisms provided in the WIPO Sequence derived from?**

There are currently two sources for the list of organisms names: the pre-defined list of organisms derived from two industry databases, provided by the International Bureau and local list of custom organisms that are stored in the WIPO Sequence instance by the user.

The pre-defined list of organisms is updated annually and is derived from the scientific names at the species level and at the genus level as listed in the Integrated Taxonomic Information System (ITIS) database and in the International Committee on Taxonomy of Viruses (ICTV) Master Species List.

Finally, the custom organisms which are stored on the local machine will also appear as part of the organisms list shown in the tool. Currently, the names of the custom organisms included in a sequence listings are not shared with the International Bureau. The International Bureau is currently in discussion with the Sequence Listings Task Force about how custom organisms could be incorporated, after review, into the pre-defined list.

**12: From reading the ST.26 Document Type Definition (DTD), it appears that ELEMENT “INSDSeg\_other-seqids” and its child element “INSDSegid” will be added by the Office, so it cannot be generated from the desktop tool. Is this correct?**

Yes, this is correct. While a preferred format for this particular sequence ID is defined in the ST.26 DTD, it is not generated by the tool. In fact, there is a verification rule that ensures that this element is not present in the XML. This field is intended for the use of IP Offices which exchange sequence listings with database providers **only** and not for data communicated between IP Offices. For further details see Annex V of [WIPO Standard ST.26](#).

**Format:**

pat|{office code}|{publication number}|{document kind code}|{Sequence identification number}

where office code is the ST.3 two-letter code of the IP office publishing the patent document, publication number is the publication number of the application or patent, document kind code is the letter codes to distinguish patent documents as defined in ST.16 and Sequence identification number is the number of the sequence in that application or patent.

**Example:**

pat|WO|2013999999|A1|123456

**WIPO Sequence Validator****13: If there are updates to the WIPO Sequence Validator, how does the International Bureau plan to distribute these to the National Offices?**

Currently the International Bureau will contact IP Offices by email to inform them of a new WIPO Sequence Validator release. Offices are encouraged to [inform the International Bureau](#) of their email addresses for correspondence regarding the WIPO Sequence Validator.

**14: Is this the same process for new users of the WIPO Sequence Validator?**

Yes. Offices which have already installed the Validator and new users of the Validator will both have to replace the existing WAR/JAR file when the International Bureau distributes the latest version to them.

If an IPO deploys the service as a WAR, the original configuration settings within the Apache Tomcat configuration file can be reused once the application server is restarted. Equally for the Spring Boot JAR service, configuration can be externalized as a .conf file. Further details are provided in the [WIPO Sequence Validator operations manual](#).

**15: The WIPO Sequence Validator provides two types of validation: 'formality' and 'full'. What are the differences between these two validation types? How shall these validation types be used by Offices?**

The 'formality' validation checks that the file format is in XML format and that it is compliant with the ST.26 Document Type Definition (DTD). The 'full' validation commences with the formality validation check and then also checks compliance with a series of verification rules derived from WIPO ST.26.

Each sequence listing has to go through a full validation but the formalities validation, performed by the Validator, could form a step in the e-filing process to provide prompt feedback to applicants at the time of filing. The full validation check, depending on the size of the sequence listing, could take a significant time so may not be suitable for integration in these e-filing systems. Therefore, the full validation could be conducted later in a batch process by the Offices.

A 'formality' (only) validation may be sufficient for a filing in some cases, however a 'full' validation is almost certainly required to ensure a compliance with WIPO ST.26 rules.

**16: In the WIPO Sequence Validator Operations Manual ([for version 1.1.0 of the tool](#)), it states in the "Validate XML File" use case that the web service client can request 'full' or 'formality' validation. Is the client here the applicant or the IT system requesting the validation?**

Here the 'client' is the Office's IT system as every sequence listing has to go through 'full' validation in order to ensure compliance with WIPO ST.26.

The latest improvement of the Validator Tool version (WAR & JAR) in version 1.1.0 allows an end point to make a call to the Validator web service and receive a response which includes the verification report, instead of providing the client this report in the specified report folder.

**17: In what manner does the International Bureau expect National Offices to inform applicants of the results after verification of filed sequence listings (ST.26 XML files) by the WIPO Sequence Validator, for both the 'formality' validation and the 'full' validation?**

The WIPO Sequence Validator was developed so that all Offices would be able to produce the same verification reports after validation process of the same sequence listing. It is recommended that the verification report provided by the Validator is sent "as is" to the applicant. The WIPO Sequence Validator has been developed with configurable error messages so these can be improved in future versions to be more meaningful to the applicant, not just the Offices, based on any feedback received by the International Bureau.

**18: Does the International Bureau envisage a receiving Office to be responsible for verifying a sequence listing which is part of a PCT application, using the WIPO Sequence Validator tool, or is this expected to be carried out by the International Bureau/International Searching Authority?**

There is no obligation or requirement for a receiving Office to validate a ST.26 sequence listing prior to forwarding the application onto the International Bureau. However it is recommended, where possible, to ensure that the Office's eFiling systems validate these files before they are formally submitted so that the applicant can be warned of potential defects at the earliest moment.

It should be noted that at this stage, there is no requirement for Offices to report back to applicants any problems regarding their sequence listing. If needed, however it is recommended that Offices provide them with the verification report produced by the WIPO Sequence Validator, which should be sent as is.

***19: If the WIPO Sequence Validator reports errors for a sequence listing during a 'full' validation request, are Offices expected to correct the errors on behalf of the applicant by editing the ST.26 XML file?***

Even though it is up to the competent Office, generally Offices would not be expected to edit the sequence listing file.

***20: Has the International Bureau set a continuous improvement process in place for the WIPO Sequence Validator?***

The International Bureau plans to continually improve the Validator as required. Currently, during this development period in 2021, Offices provide their suggestions for improvement which are logged, prioritized and scheduled for implementation. The International Bureau will review this process with Offices and adapt to establish a formal process which should be part of the support model for the WIPO Sequence Suite.

## PCT filings

***21: If applicants do not use the WIPO Sequence to create the ST.26 XML file for the sequence listing, are Offices still obliged to validate the sequence listing, using the WIPO Sequence Validator tool?***

As it is not mandatory for applicants to use WIPO Sequence to generate a compliant sequence listing, it is necessary to validate sequence listings following submission, to ensure they are compliant with WIPO ST.26.

For International applications, according to the PCT Administrative Instructions (see paragraph 27 of Annex C), it is not required for a receiving Office (RO) to validate the sequence listing. However, they may do so if they wish. In any case, the International Searching Authority or the International Preliminary Examining Authority shall check the compliance with WIPO Standard ST.26.

If a receiving Office decides not to validate the received sequence listing and it is found to be non-compliant later by the ISA/IPEA, the applicant may be required to furnish a compliant sequence listing for the purposes of international search or international preliminary examination. The applicant may choose to address the defect by a filing compliant sequence listing as amendments under Article 34 in the international phase. Otherwise, the deficiencies reported may need to be remedied in the national phase, according to the provisions under the respective national laws. Each designated or elected Office can determine the allowable time-period for applicants to provide the WIPO ST.26-compliant sequence listing.

Moreover, if an Office provides automated validation in conjunction with the uploading of the sequence listing XML file to an application filing system, the applicant would be made aware of defects that could potentially be fixed prior to formal filing of the application.

**22: Will the International Bureau update ePCT to allow applicants to upload ST.26 XML file formats for sequence listings? Currently it only accepts WIPO ST.25 format.**

Yes. ePCT will be updated to allow WIPO ST.26 compliant ('.xml') sequence listings to be uploaded from July 1, 2022. As of July 1, 2022, the file format options for the sequence listing part of the description will no longer include \*.app and \*.txt, except for post-filing submission of sequence listings in relation to international applications filed prior to that date. The only accepted format will be \*.xml (it will also be possible to attach a \*.zip file).

The International Bureau is assisting receiving Offices with the modifications to their e-filing software and the technical preparations on their filing servers.

**23: If a sequence listing filed with a new international application contains a formal defect, how long does the applicant have to remedy this?**

In the (unusual) case where the receiving Office invites the applicant to correct a defect in the sequence listing, the usual time limit under [Rule 26.2](#) of two months from the date of the invitation will apply. In other cases, namely, where the receiving Office does not invite for correction, the applicant does not have to remedy the defect in the international phase and may leave the matter to be addressed in the national phase, according to the applicable national laws. Note also that, where the sequence listing furnished at the time of filing is not compliant with WIPO Standard ST.26, the applicant may be required to furnish a compliant sequence listing for the purposes of international search or international preliminary examination.

Details on how to file a corrected or rectified sequence listing are covered under paragraphs 33-36 of Annex C of the PCT Administrative Instructions.

**24: Will the International Bureau be removing the WIPO ST.25 file upload capability when they migrate over to ST.26 file upload capability ('big bang')?**

The ability to attach a WIPO ST.25 file to an application at filing will disappear overnight in ePCT. The sequence listing part of the description must be filed in WIPO ST.26 .xml format. For international applications filed before July 1, 2022, it will continue to be possible, on or after July 1, 2022, to upload in ePCT sequence listings in WIPO ST.25 format as subsequently filed documents, e.g., sequence listings under Rule 13~~ter~~ or as rectifications or amendments. The current documents types in ePCT will continue to be used without any distinction between WIPO Standard ST.25 or ST.26 format.

**25: In paragraph 11 of document [PCT/WG/13/8](#), which contains the amendments to the Regulations under the PCT for implementation of ST.26, it is stated that "in accordance with Rule 89bis.1(a), receiving Offices will continue to be required to permit the filing of international applications on paper". What will happen with the following two cases filed after July 1 2022?**

**(i) an application with the main part of the description, etc., on paper and a sequence listing also on paper (which might be a print-out of ST.26 XML or the like), without physical media on which ST.26 sequence listing file is stored; or**

**(ii) an application with the main part of the description, etc. on paper only, without sequence listing in any form?**

**(In both cases, assume that those applications are, under normal conditions, required to include the sequence listing part under Rule 5.2(a))**

For the accordance of a date of filing, it is sufficient for an applicant to file a description and a set of claims.

For both of the two cases cited above, where the description contains sequences that are supposed to be presented as a separate sequence listing in XML format and the sequences appear only in paper format (whether as a printout of an XML listing or showing the sequences in a different way), the most likely way forward would be for the International Searching Authority (ISA) to request a sequence listing under Rule 13<sup>ter</sup> and leave the question of the lack of a sequence listing in XML format as a matter for possible amendment in the national phase.

For further details on how to handle sequence listings filed on physical media or when the application is filed on paper while the sequence listing is provided in electronic format, please refer to paragraphs 23-25 of Annex C of the PCT Administrative Instructions.

***26: In the case of a missing part being a WIPO ST.26-compliant sequence listing, after filing such an application, can applicants submit a WIPO ST. 26-compliant sequence listing under PCT Rule 20.5 (the international filing date is corrected) or Rule 20.6 (incorporation by reference)?***

The procedures of correction and incorporation by reference also apply to the sequence listing part of the international application. The applicant can submit a sequence listing complying with WIPO Standard ST.26 as a missing part to correct the international application or request it to be incorporated by reference, but it will be up to the receiving Office to decide whether a sequence listing can be incorporated by reference under [PCT Rule 20.6](#), or accepted under PCT Rule 20.5.

Alternatively, provided the sequences were sufficiently disclosed in the description, an applicant may submit a sequence listing for the purposes of the international search under Rule 13<sup>ter</sup> and correct the defect itself in the national phase.

***27: In a case where an applicant furnishes a sequence listing in a proper form and language in response to the invitation by the ISA under Rule 13<sup>ter</sup>.1(a), is the furnished sequence listing ("13<sup>ter</sup> sequence listing") treated only as one not forming part of the application/description (Rule 13<sup>ter</sup>.1(e))?***

That is correct. A Rule 13<sup>ter</sup> listing is not part of the description and considered furnished for the purpose of the international search only.

***(i) While Section 513(e)(ii) of Administrative Instructions provides that a "13<sup>ter</sup> sequence listing" shall be transmitted to the International Bureau, is such a "13<sup>ter</sup> sequence listing", when transmitted to the International Bureau, published as a part of the international publication? Is the "13<sup>ter</sup> sequence listing" transmitted to designated/elected Offices?***

A Rule 13<sup>ter</sup> sequence listing is made available on [PATENTSCOPE](#) in a very similar way to sequence listing that forms part of the application (including rectifications and corrections). It is not formally part of "the international publication" but instead only part of the file that is accessible as of the date of international publication. However it is available to designated Offices in exactly the same manner as a Rule 13<sup>ter</sup> sequence listing is at present.

The International Bureau will be happy to give individual advice to concerned Offices taking into account their specific means of retrieval of national phase documents.

***(ii) Do applicants have an opportunity to incorporate an ST.26 sequence listing into the application/description after the filing? i.e., may applicants furnish an ST.26 sequence listing to complete the missing part or correct an erroneously filed, with or without incorporation by reference (Rules 20.5, 20.5bis, 20.6)? Can applicants amend the description to include the sequence listing part (Article 34(2)(b))?)***

The applicant may have the possibility to introduce a sequence listing into the application either as a "missing part" (which will involve changing the filing date), or under incorporation by reference (provided that the sequence listing was completely contained in the priority application). The applicant may also furnish a sequence listing as an Article 34 amendment in Chapter II where the matter can be considered by an examiner, if the substance of the sequence listing was included in the description as filed.

***(iii) When a ST.26 sequence listing is furnished under Rule 13ter subsequently to the filing of the application, for the purposes of the international search or international preliminary examination, would the date of submission of the ST.26 sequence listing become the international filing date?***

No, because a Rule 13ter listing does not form part of the international application. However, it should be noted that the ST.26 sequence listing must not go beyond the disclosure in the international application as filed and must be accompanied by a statement to that effect, e.g., "I hereby declare that the sequence listing does not go beyond the content of the application as filed". Any such sequence listing shall contain only those sequences that were disclosed in the international application as filed.

***28: A sequence listing is provided in a non-ST.26-compliant format or with language-dependent free text in a language not accepted by the receiving Office (e.g., WIPO Standard ST.25 sequence listing):***

***(i) Shall it be treated as the sequence listing part of the description? If so, does such an application comply with Rule 5.2(a)? Are any corrections required?***

A WIPO Standard ST.25 sequence listing would not satisfy Rule 5.2(a) and, while it may be recognized as the main part of the description if it is filed at the time of filing, would not be a "sequence listing part of the description complying with the Standard provided for in the Administrative Instructions". It cannot be changed into ST.26 format as a correction of formality defect before the receiving Office. Any ST.26 sequence listing provided subsequent to filing would lead to a later international filing date if it is intended to form part of the description, or otherwise may serve for search purposes only under Rule 13ter.

A sequence listing furnished at the time of filing that appears to be compliant with WIPO Standard ST.26 but has incorrect language for the free text should be treated as being a sequence listing part of the description even though there are defects. Where the problem is detected by the receiving Office, the Office may transfer the international application to the receiving Office of the International Bureau (RO/IB) under Rule 19.4 if it is not prepared to deal with that language. The receiving Office (either the original Office or RO/IB) may request a translation of the listing under Rule 12.3 or 12.4, just as would be the case for language defects in the main body of the application. However, since the receiving Office is not required to check the sequence listing, the problem may only be detected by the International Searching Authority. In this case, the most likely solution would be for the ISA to request a sequence listing under Rule 13ter with the correct language free text. National Offices could require translations to be provided formally on national phase entry.

***(ii) For such an application, shall a "13ter sequence listing" (in WIPO ST.26 XML format), furnished in response to invitation by an International Searching Authority, be treated as not forming part of the application/description?***

Yes. The status of the later filed sequence listing would be treated as a sequence listing but not forming part of the application.

***(iii) Is such a "13ter sequence listing" published as a part of the international publication? Is such a "13ter sequence listing" transmitted to Designated/Elected Offices?***

A Rule 13ter listing including a translation would be made available to the public at the same time as the international publication, but not formally be a part of the publication. The Rule 13ter listings, assuming that they have been correctly transmitted to the International Bureau, are made available to designated and elected Offices on PATENTSCOPE. It is up to the individual Offices to decide whether they retrieve them or not.

***29: If an applicant claims priority from an application with a WIPO ST.25 sequence listing, is it necessary to convert that sequence listing to WIPO ST.26 format if the PCT filing date is after July 1, 2022?***

The applicant will need to transform the ST.25 sequence listing filed alongside the priority application to WIPO ST.26 format, and potentially further update it for use as part of the description in the later PCT application filed on or after July 1, 2022. WIPO ST.26 Annex VII provides recommendations on how to transform WIPO ST.25-compliant sequence listings to WIPO ST.26 format without introducing new matter. However, there is no need to convert the sequence listing in the priority document as such. That should remain in the WIPO ST.25 format in which it was originally filed.

## National filings

***30: Where do Offices find out what is expected from each National Office to implement WIPO Standard ST.26? Are there any more detailed requirements on what National Offices need to do with the tools for example?***

Each Office will have their own responsibilities towards their applicants; this is advice provided by the International Bureau.

However, the International Bureau presented a training webinar series for staff in IP Offices and for end users on WIPO Standard ST.26, which was [recorded and published on the WIPO website](#).

Offices can [contact the International Bureau](#) with any further requests for general training.

***31: Do sequence listings need to be filed again when a divisional application is made?***

This is a matter of national law. However taking into account the spirit of an effective transition to WIPO ST.26, it is recommended that the divisional sequence listing be filed in WIPO ST.26 format, on or after July 1, 2022, if a parent application has a sequence listing provided in WIPO ST.25 format.

As this is a decision for the Office, some may decide applicants to be allowed to "carry over" the sequence listing from the parent application to the divisional or request that applicants file a new sequence listing that is WIPO ST.26 compliant. Offices should consider their practice when carrying out their WIPO ST.26 implementation plan during 2021.

***32: Can a non-compliant sequence listing filed with a new application be considered to disclose the subject matter contained within it for the purposes of claiming priority? Also will amendments to the filed non-compliant sequence listing, to provide a WIPO ST.26-compliant file, not constitute added matters?***

This is a matter of Offices' regulation and practices to handle non-compliant applications.

It is recommended that everything in the application be looked at to determine whether 'added matter' has been included. This would need to be considered on a case-by-case basis, as it depends on what was contained in the original description as well as the non-compliant sequence listing. In particular, mandatory qualifier annotations defined in WIPO ST.26 would be the 'sticking point'. If an application is submitted without a formal sequence listing, in order to avoid adding new matter, it should be a requirement that any such features are disclosed elsewhere in the application as filed. In principle, the presentation of a sequence listing in WIPO Standard ST.26 format should not in itself be considered as adding new matter over the presentation of the same sequence listing in WIPO Standard ST.25 format.

If the non-compliant sequence listing is in WIPO ST.25 format, [WIPO ST.26](#) Annex VII should be consulted on how to transform a WIPO ST.25 sequence listing to a WIPO ST.26 sequence listing without adding subject matter.

***33: If the application is filed before July 1, 2022, but without a sequence listing, in which format should the sequence listing be filed as late-filed document if requested after July 1, 2022?***

As the filing date is prior to July 1, 2022 the sequence listing should be filed in WIPO ST.25 format.

For national or regional application, this is a matter of national law. Applicants should consult with the competent Office.



WORLD INTELLECTUAL PROPERTY ORGANIZATION

## Unavailability of Electronic Means of Communication at Offices

In accordance with [PCT Rule 82quater.2\(a\)](#), the Offices listed below have notified the International Bureau that they apply the Rule, and have provided details concerning its application. When specific instances of unavailability of electronic means of communications have taken place, the details of those outages will also be provided here. All times indicated are the local times applicable at the respective Office.

Applicants who did not meet a time limit fixed in the Regulations due to a confirmed unavailability of an electronic means of communication may request excuse of delay in meeting that time limit under [PCT Rule 82quater.2\(a\)](#), in accordance with the applicable conditions announced by the specific Office (for more information, please refer to the information provided through the hyperlink in the two-letter code for the Office concerned).

Office	System	Date of unavailability	Period of unavailability
<a href="#">EP</a>	<a href="#">Online Filing 2.0</a>	27 February 2022 28 February 2022	7:00 p.m. (27 February) to 10:27 a.m. (28 February)
	<a href="#">Online Filing</a> , <a href="#">Online Filing 2.0</a> , <a href="#">Web Form Filing</a> , <a href="#">Online Fee Payment</a> , <a href="#">Mailbox and MyFiles</a> , <a href="#">Espacenet</a> , <a href="#">Open Patent Services (OPS)</a> , <a href="#">The European Patent Register</a>	29 November 2021	3:13 a.m. to 8:35 a.m.
	<a href="#">CMS</a>	26 November 2020 27 November 2020	8:00 a.m. (26 November) to 11:00 a.m. (27 November)
	<a href="#">all online services</a>	26 November 2020 27 November 2020	11:25 p.m. (26 November) to 1:15 a.m. (27 November)
	<a href="#">CMS</a>	23 December 2020	8:20 a.m. to 6:45 p.m.
<a href="#">IB</a>	ePCT	19 October 2022	2:30 a.m. to 6:25 a.m.
	ePCT	12 July 2020 13 July 2020	7:20 a.m. (12 July) to 7:52 a.m. (13 July)
<a href="#">JP</a>	no outage notified		
<a href="#">SE</a>	no outage notified		

# **PCT Applicant's Guide**

## **Introduction to the International Phase**

### **(AG-IP)**

#### **Note:**

- AG-IP, AG-NP and its Annexes are not listed in the REE/IPREE
- for EP, references to the AG-IP Annex are, as a rule, not valid legal basis in a DI answer. For full marks, references need to be given to PCT/EPC Articles/Rules, OJ EPO (e.g., EPO-WIPO Agreement), even though sometimes alternative legal basis may be accepted.

Retrieved from <https://www.wipo.int/pct/en/guide/> on 22 October 2022

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## TABLE OF CONTENTS

<b>PCT APPLICANT'S GUIDE—INTERNATIONAL PHASE</b>	<b>Paragraphs</b>
CHAPTER 1: THIS GUIDE AND ITS ANNEXES . . . . .	1.001 – 1.008
Introduction	
CHAPTER 2: WHAT IS THE PCT? . . . . .	2.001 – 2.002
CHAPTER 3: THE “INTERNATIONAL PHASE” AND THE “NATIONAL PHASE” OF THE PCT PROCEDURE . . . . .	3.001 – 3.005
CHAPTER 4: USEFULNESS OF THE PCT FOR APPLICANTS . . . . .	4.001 – 4.026
Regional Patents via the PCT . . . . .	4.022 – 4.026
CHAPTER 5: FILING AN INTERNATIONAL APPLICATION . . . . .	5.001 – 5.199
General . . . . .	5.001 – 5.014
The Request. . . . .	5.015 – 5.093
<i>Box No. I: Title of Invention</i> . . . . .	5.019
<i>Boxes Nos. II and III: Applicants; Inventors</i> . . . . .	5.020 – 5.039
<i>Box No. IV: Agent or Common Representative</i> . . . . .	5.041 – 5.051
<i>Box No. V: Designation of States</i> . . . . .	5.052 – 5.056A
<i>Box No. VI: Priority Claim and Restoration of the Right of Priority</i> . . . . .	5.057 – 5.071
<i>Box No. VII: International Searching Authority</i> . . . . .	5.072 – 5.073D
<i>Box No. VIII: Declarations</i> . . . . .	5.074 – 5.083A
<i>Box No. IX: Check List</i> . . . . .	5.084 – 5.087
<i>Box No. X: Signature of Applicant or Agent</i> . . . . .	5.088 – 5.091
<i>Notes to the Request Form</i> . . . . .	5.092
<i>Fee Calculation Sheet</i> . . . . .	5.093
The Description . . . . .	5.094 – 5.111
The Claims . . . . .	5.112 – 5.127
The Drawings . . . . .	5.128 – 5.163
The Abstract . . . . .	5.164 – 5.174
Other Formal Requirements . . . . .	5.175 – 5.183
Fees . . . . .	5.184 – 5.199
CHAPTER 6: PROCESSING OF THE INTERNATIONAL APPLICATION BY THE RECEIVING OFFICE . . . . .	6.001 – 6.060
General . . . . .	6.001 – 6.004
International Filing Date . . . . .	6.005 – 6.012
Translation of International Applications . . . . .	6.013 – 6.023
Correction of Defects and Incorporation by Reference of Missing Elements or Parts, or Correct Elements or Parts in case they have been erroneously filed . . . . .	6.024 – 6.056
Record Copy and Search Copy . . . . .	6.057 – 6.060
CHAPTER 7: THE INTERNATIONAL SEARCH PROCEDURE: PROCESSING OF THE INTERNATIONAL APPLICATION BY THE INTERNATIONAL SEARCHING AUTHORITY . . . . .	7.001 – 7.032
General . . . . .	7.001 – 7.004B
Nucleotide and/or Amino Acid Sequence Listings . . . . .	7.005 – 7.012

Limitations on International Search . . . . .	7.013 – 7.014
Unity of Invention . . . . .	7.015 – 7.021
Title and Abstract . . . . .	7.022
International Search Report . . . . .	7.023 – 7.026
Written Opinion of the International Searching Authority . . . . .	7.027 – 7.032
<b>CHAPTER 8: SUPPLEMENTARY INTERNATIONAL SEARCH . . . . .</b>	<b>8.001 – 8.053</b>
General . . . . .	8.001 – 8.005
Supplementary Search Request . . . . .	8.006 – 8.028
<i>Box No. I: Identification of the International Application.</i> . . . . .	8.013 – 8.014
<i>Box No. II: Applicant</i> . . . . .	8.015 – 8.017
<i>Box No. III: Agent or Common Representative</i> . . . . .	8.018 – 8.022
<i>Box No. IV: Basis for Supplementary International Search</i> . . . . .	8.023 – 8.024
<i>Box No. V: Check List</i> . . . . .	8.025
<i>Box No. VI: Signature of Applicant, Agent or Common Representative.</i> . . . . .	8.026
<i>Notes to the Supplementary Search Request Form</i> . . . . .	8.027
<i>Fee Calculation Sheet.</i> . . . . .	8.028
Fees . . . . .	8.029 – 8.032
Processing of the Supplementary Search Request by the International Bureau . . . . .	8.033 – 8.038
Supplementary International Search Procedure. . . . .	8.039 – 8.053
<b>CHAPTER 9: INTERNATIONAL PUBLICATION, AMENDMENT OF CLAIMS, AND OTHER PROCESSING OF THE INTERNATIONAL APPLICATION BY THE INTERNATIONAL BUREAU . . . . .</b>	<b>9.001 – 9.029</b>
General . . . . .	9.001 – 9.003
Amendment of the Claims Under Article 19 . . . . .	9.004 – 9.011
International Publication . . . . .	9.012 – 9.027
Communication of Copies to the Designated Offices . . . . .	9.028 – 9.029
<b>CHAPTER 10: INTERNATIONAL PRELIMINARY EXAMINATION UNDER CHAPTER II OF THE PCT. . . . .</b>	<b>10.001 – 10.083</b>
General . . . . .	10.001 – 10.003
Making a Demand for International Preliminary Examination. . . . .	10.004 – 10.010
Translation of International Application for the Purposes of International Preliminary Examination . . . . .	10.011
The Demand . . . . .	10.012 – 10.034
<i>Box No. I: Identification of the International Application.</i> . . . . .	10.014 – 10.016
<i>Box No. II: Applicant(s)</i> . . . . .	10.017 – 10.018A
<i>Box No. III: Agent or Common Representative</i> . . . . .	10.019 – 10.023
<i>Box No. IV: Basis for International Preliminary Examination (Statement Concerning Amendments and Indication of the Language for the Purposes of International Preliminary Examination)</i> . . . . .	10.024 – 10.028
<i>Box No. V: Election of States</i> . . . . .	10.029
<i>Box No. VI: Check List.</i> . . . . .	10.030
<i>Box No. VII: Signature of Applicant, Agent or Common Representative.</i> . . . . .	10.031 – 10.032
<i>Notes to the Demand Form</i> . . . . .	10.033
<i>Fee Calculation Sheet.</i> . . . . .	10.034
Fees . . . . .	10.035 – 10.043

Processing of the Demand for International Preliminary Examination .	10.044 – 10.050
The International Preliminary Examination . . . . .	10.051 – 10.073
The International Preliminary Report on Patentability (Chapter II of the PCT) . . . . .	10.074 – 10.083
<b>CHAPTER 11: MISCELLANEOUS QUESTIONS CONCERNING THE INTERNATIONAL PHASE . . . . .</b>	<b>11.001 – 11.117</b>
Representation by Agents and Common Representatives . . . . .	11.001 – 11.014
Correspondence to the Applicant . . . . .	11.015 – 11.017
Changes Concerning the Applicant, Inventor, Agent or Common Representative . . . . .	11.018 – 11.022
Death of Applicant or Inventor . . . . .	11.023 – 11.026
Applicant Unavailable or Unwilling to Sign the International Application or Other Documents . . . . .	11.027
Rectification of Obvious Mistakes . . . . .	11.033 – 11.044
Amendments of the Claims, Description and Drawings . . . . .	11.045 – 11.047A
Withdrawals . . . . .	11.048 – 11.061
Computation of Time Limits . . . . .	11.062
Irregularities in the Mail Service . . . . .	11.063 – 11.064
Excuse of Delay in Meeting Time Limits . . . . .	11.065 – 11.065C
<a href="#">Extension of Time Limits . . . . .</a>	<a href="#">11.065D</a>
Filing of Letters, Documents and Papers . . . . .	11.066 – 11.071
Confidentiality of International Applications . . . . .	11.072 – 11.074
References to Deposited Biological Material . . . . .	11.075 – 11.087
Requirements for Sequence Listings . . . . .	11.088
Extension of International Applications to Successor States of Former Contracting States . . . . .	11.089 – 11.093
Licensing indications . . . . .	11.102 – 11.108
Third Party Observations . . . . .	11.109 – 11.117

## INDEX

## ANNEXES

A	List of Contracting States
B	General Information on Contracting States and Intergovernmental Organizations
C	Receiving Offices
D	International Searching Authorities
SISA	International Searching Authorities (Supplementary Search)
E	International Preliminary Examining Authorities
K	Country Names and Two-Letter Codes
L	Deposits of Microorganisms and Other Biological Material:
	– Requirements of Designated and Elected Offices
	– List of Depositary Institutions

## CHAPTER 1

### THIS GUIDE AND ITS ANNEXES

#### INTRODUCTION

1.001. This part of the PCT Applicant's Guide (the *Guide*) consists of general information on the Patent Cooperation Treaty (PCT) intended for those interested in filing international patent applications, in particular, information on the "international phase" of the PCT procedure. This is supplemented by a number of Annexes Containing more detailed information; whenever the word "Annex" followed by a capital letter is used in the *Guide*, it is a reference to an Annex. A second part follows and contains general information on the "national phase" of the PCT procedure, namely the procedure before the designated (or elected) Offices. A designated (or elected) Office is the national or regional Patent Office of or acting for a State party to the PCT (a "Contracting State") that is designated (or elected) in an international application. This National Phase also indicates the requirements to be complied with before each of these Offices in their respective National Chapters. Since 2006, the *Guide* is only available via the Internet at <https://www.wipo.int/pct/>. An e-mail update service is also available which provides users of the *Guide* with a weekly notice informing them which *Guide* information has been updated that week.

1.002. In the text of the *Guide*, "Article" refers to Articles of the PCT, "Rule" refers to the PCT Regulations and "Section" refers to the PCT Administrative Instructions. References to a "paragraph" relate to the texts of either the International or the National Phases of the *Guide*.

1.003. Although the information contained in this *Guide* is fairly comprehensive, it should be borne in mind that it condenses and interprets Rules that are contained in longer, official texts, particularly the PCT itself and the Regulations under the PCT, and it is those texts which apply in the case of any inconsistency with this *Guide*. Consultation of those texts is indispensable for complete information.

1.004. Since the text of the PCT and PCT Regulations is sometimes fairly complex, and since the drafting and prosecution of patent applications is itself a complex matter, prospective applicants, unless they are specialists in patent law themselves, are strongly advised to obtain professional advice from patent attorneys or patent agents, and to use the services of such attorneys or agents.

1.005. Up-to-date versions of the PCT and Regulations may be browsed or downloaded from the PCT Resources page at <https://www.wipo.int/pct/en/texts/index.html>. These texts are also available in Arabic, Chinese, French, German, Italian, Japanese, Portuguese, Russian and Spanish.

Printed brochures of the PCT and Regulations, in many of the above languages, may be ordered as WIPO publication number 274 from the International Bureau at the address given in Annex B (IB), or by e-mail from [publications.mail@wipo.int](mailto:publications.mail@wipo.int). A copy may also be downloaded, free of charge, from the following website: <https://www.wipo.int/publications/en/index.html>. Publication orders should also indicate the language of the required publication. PCT users may consult published international applications on PATENTSCOPE at: <https://www.wipo.int/patentscope/en/>. It is also recommended that they consult the Official Notices (PCT Gazette) which contain notices and information of a general character. Accession of new Contracting States, changes in fees and other information are promptly published therein. A complete collection of Official Notices (PCT Gazette) from 1998 to the present is available in electronic form on the WIPO website at: [https://www.wipo.int/pct/en/official\\_notices/index.html](https://www.wipo.int/pct/en/official_notices/index.html).

1.006. Up-to-date news about the PCT is available from the *PCT Newsletter*, a monthly publication. In addition to matters such as adherence of further States to the PCT and changes in requirements of Offices and Authorities, the *PCT Newsletter* also includes the current list of PCT Contracting States, reports of international meetings concerning the PCT, amendments to the PCT Regulations, changes to PCT forms, statistics relating to the filing of international applications, practical advice for PCT users, information about forthcoming PCT seminars and tables of PCT fees. The *PCT Newsletter* is available on the WIPO website at: <https://www.wipo.int/pct/en/newslett/>. This web page also contains a fully searchable collection of all practical advice published since 1994, plus back issues of the *PCT Newsletter* which are also fully searchable as from the January 1994 issue onwards. In addition to English, excerpts from the *PCT Newsletter*

are also available in Chinese (<https://www.wipo.int/pct/zh/newslett/index.html>), Japanese (<https://www.wipo.int/pct/ja/newslett/index.html>) and Korean (<https://www.wipo.int/pct/ko/newslett/>).

1.007. Those wishing to know the background to the PCT are advised to consult the “Records of the Washington Diplomatic Conference on the Patent Cooperation Treaty, 1970” which is available on the WIPO website at: <https://www.wipo.int/pct/en/texts/washington.html>.

1.008. Further useful material is contained in the Administrative Instructions under the PCT (available at <https://www.wipo.int/pct/en/texts/index.html>), the PCT Receiving Office Guidelines, and the PCT International Search and Preliminary Examination Guidelines (both available at <https://www.wipo.int/pct/en/texts/gdlines.html>).

However, the Administrative Instructions and those Guidelines are mainly addressed to the authorities carrying out the various tasks entrusted to them by the PCT. To the extent that they are of interest to applicants, their contents are duly reflected in the notes to some PCT forms and in the text of this *Guide*.

## CHAPTER 2

### WHAT IS THE PCT?

2.001. The Patent Cooperation Treaty or PCT is a multilateral treaty that was concluded in Washington in 1970 and entered into force in 1978. It is administered by the International Bureau of the World Intellectual Property Organization (WIPO), whose headquarters are in Geneva (Switzerland).

2.002. The PCT facilitates the obtaining of protection for inventions where such protection is sought in any or all of the PCT Contracting States (see Annex A). It provides for the filing of one patent application (“the international application”), with effect in several States, instead of filing several separate national and/or regional patent applications. In addition to designations of PCT Contracting States for the purposes of obtaining national patents and similar titles, an international application includes designations for regional patents in respect of States party to any of the following regional patent treaties: the Protocol on Patents and Industrial Designs within the framework of the African Regional Intellectual Property Organization (ARIPO) (hereinafter referred to as “the ARIPO Harare Protocol”), the Eurasian Patent Convention, the European Patent Convention, and the Agreement establishing the African Intellectual Property Organization (OAPI) (hereinafter referred to as “the OAPI Agreement”). The PCT does not eliminate the necessity of prosecuting the international application in the national phase of processing before the national or regional Offices, but it does facilitate such prosecution in several important respects by virtue of the procedures carried out on all international applications during the international phase of processing. The formalities check, the international search and the optional supplementary international search(es) and the likewise optional international preliminary examination carried out during the international phase, as well as the automatic deferral of national processing which is entailed, give the applicant more time and a better basis for deciding whether and in which countries to further pursue the application.

## CHAPTER 3

### THE “INTERNATIONAL PHASE” AND THE “NATIONAL PHASE” OF THE PCT PROCEDURE

3.001. The PCT procedure consists of two main phases. It begins with the filing of an international application and ends (in the case of a favorable outcome for the applicant) with the grant of a number of national and/or regional patents: hence the terms “international phase” and “national phase.” (The expression “national phase” is used even if the Office before which it takes place is a regional Office.) The expressions “international phase” and “national phase” are not actually used in the PCT, but they are convenient, short expressions which have become customary and are therefore used in this *Guide*.

3.002. The international phase, which is the subject of this part of the *Guide*, consists of five stages. The first three occur automatically for all international applications and the last two are optional. The first three steps consist of the filing of the international application by the applicant and its processing by the “receiving Office” (see Annex C), the establishment of the international search report and written opinion by one of the “International Searching Authorities” (see Annex D), and the publication of the international application together with the international search report by the International Bureau of WIPO (hereinafter referred to as “the International Bureau”). The fourth step includes the establishment of a supplementary international search which may be carried out by one or more of the International Searching Authorities (other than the one that carried out the main international search) resulting in the establishment of a supplementary international search report (see Annex SISA). Hereinafter, reference to the “(main) international search” alone does not include reference to the “supplementary international search”, and reference to “international search report” alone does not include reference to “supplementary international search report”, except where otherwise indicated. The third step includes communication of the published international application and the international search report and, where applicable, the supplementary international search report(s), as well as the international preliminary report on patentability (Chapter I of the PCT), by the International Bureau to the national (or regional) Offices which the applicant wishes to grant him a patent on the basis of his international application (the so-called “designated Offices”). The communication occurs upon request by the designated Office to the International Bureau.

3.003. The optional fifth step involves what is known as international preliminary examination (under Chapter II of the PCT), and is concluded with the establishment of the international preliminary report on patentability (Chapter II of the PCT) by one of the “International Preliminary Examining Authorities” (see Annex E). The international preliminary report on patentability (Chapter II of the PCT) analyzes aspects of the general patentability of the invention. Together with the published international application, the international search report and any supplementary international search report, the international preliminary report on patentability (Chapter II of the PCT) is communicated to the national (or regional) Offices which the applicant wishes to grant him a patent on the basis of his international application (the so-called “elected Offices”). The communication occurs upon request by the elected Office to the International Bureau. International preliminary examination is available subject to certain conditions and qualifications being met; those are discussed in detail in paragraph 10.004.

3.004. On completion of the international phase, further action is required before and in each of the national (or regional) Offices which the applicant wishes to grant him a patent on the basis of his international application. In particular, the applicant has to pay to those Offices the required national (or regional) fees, furnish them with any translations that are required and appoint a representative (patent agent) where required. There are time limits by which those steps must be taken if the application is to proceed in the national phase (see paragraphs 4.014 to 4.016, 5.005 and 5.006 below). If the steps are not taken within the applicable time limit, the effect of the international application may cease in any State where the time limit has not been met. The national (or regional) Offices then examine the application and grant or refuse the national (or regional) patent on the basis of their national laws. (In the PCT and in this *Guide*, any reference to “national law” is also a reference to a regional treaty such as the ARIPO Harare Protocol, the Eurasian Patent Convention, the European Patent Convention and the OAPI Agreement – see paragraph 2.002.) These procedures before the national (or regional) Offices constitute what is usually referred to as the “national phase” of the PCT procedure and are considered in that part of this *Guide*.

3.005. It is up to the applicant to decide whether and when to enter the national phase before each national (or regional) Office. The international phase continues, for any particular State, until entry into the national phase before the national (or regional) Office concerned or until the expiration of the applicable time limit for entering the national phase before that Office. Since the national phase may be

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entered before different Offices at different times, the international application may simultaneously be in the international phase for some States and the national phase for others. Where national phase processing or examination has begun before a particular Office, any actions taken on the international application remaining in the international phase have no effect on the proceedings before that Office.

## CHAPTER 4

### USEFULNESS OF THE PCT FOR APPLICANTS

4.001. Use of the PCT saves effort – time, work – for any person or firm (“the applicant”) seeking protection for an invention in a number of countries.

4.002. Use of the PCT also helps the applicant to make decisions about the prosecution of the application before the various national Patent Offices in the national phase of processing.

4.003. The saving arises primarily from the fact that, under the PCT, the applicant files *one* application – the international application – in *one* place, in *one* language and pays *one* initial set of fees, and that this international application has the effect of a national or regional application, which, without the PCT, he would have to file separately for each country or region.

4.004. The help to the applicant in the national phase prosecution of the application follows from the “advice” he obtains from the international search report, a report which is established for each international application, according to high, internationally regulated standards, by one of the Patent Offices that are highly experienced in examining patent applications and that have been specially appointed to carry out international searches. Those Offices are listed in Annex D (“International Searching Authorities”). Detailed advice may also be obtained from the written opinion established by the International Searching Authority which gives a preliminary non-binding opinion on whether the claimed invention appears to be novel, to involve inventive step and to be industrially applicable.

4.005. If the applicant so requests (see Form PCT/IB/375), a supplementary international search may be carried out, by one or more of the participating International Searching Authorities (see Annex SISA) other than the one which carried out the main international search. The supplementary international search report(s) (see Form PCT/SISA/501), thus obtained will provide the applicant with a more comprehensive overview of the relevant prior art and enable him to better assess his chances of obtaining patent protection for his invention (see Chapter 8).

4.006. If the applicant files a demand under Chapter II, international preliminary examination is carried out on the basis of the international search report and the written opinion of the International Searching Authority, and concludes with the international preliminary report on patentability (Chapter II of the PCT). Offices qualified to prepare such reports are specifically appointed to carry out international preliminary examinations and are listed in Annex E (“International Preliminary Examining Authorities”). Note that those Offices listed in Annex E are the same as those Offices listed in Annex D (“International Searching Authorities”) since, in order to be appointed International Searching Authority, an Office must also hold an appointment as International Preliminary Examining Authority, and *vice versa*. The additional benefit for applicants of filing a demand for international preliminary examination is that it provides the applicant with an opportunity to enter into a dialogue with the examiner at the International Preliminary Examining Authority and to possibly amend the international application in order to influence the content of the international preliminary report on patentability (Chapter II of the PCT).

4.007. The advantages offered by the PCT are given in more detail below.

4.008. By the single act of filing an international application under the PCT, it is possible to secure the very effect that, without the PCT, would require as many filings of separate applications as there are countries or regions in which the applicant seeks protection.

4.009. The filing of an international application takes place in one of the languages accepted by the Office with which the application is filed; for many applicants that will be the language, or one of the languages, used by the national or regional Patent Office of, or acting for, their country.

4.010. The international application is filed in a single place; it is generally filed at the national Patent Office of the applicant's country or at a regional Patent Office acting for the applicant's country, or it may be filed direct with the International Bureau in its capacity as a receiving Office under the PCT.

4.011. There is a prescribed form for the international application. This form must be accepted by all designated Offices for the purposes of the national phase, so that there is no need to comply with a great variety of widely differing formal requirements in the many countries in which protection may be sought.

4.012. The international fees payable in respect of the filing of an international application may be paid at one time, at one Office and in one currency. The costs and possible complications connected

with the payment, on filing, of many fees in many countries, and generally in different currencies, are thus avoided.

4.013. Before the applicant goes to the effort and expense of having translations prepared, paying the national or regional fees and appointing agents in the various countries, his views are able to mature to a greater extent than would be possible without the PCT, not only because he has more time, but also because the international search report, the written opinion of the International Searching Authority, the supplementary international search report(s), and the international preliminary report on patentability (Chapter II of the PCT) constitute a solid basis on which he can judge his chances of obtaining protection. Furthermore, any patents subsequently granted by the designated or elected Offices can be relied on by the applicant to a greater extent than would have been the case without the benefit of the international search report, the written opinion of the International Searching Authority, the supplementary international search report(s), and the international preliminary report on patentability (Chapter II of the PCT). Moreover, because of the longer time the applicant has for making decisions, he is better placed to assess the technical value and economic interest of patent protection and to select the particular countries in which he desires to continue seeking protection for his invention. As a result, substantial savings can be made in both translation and filing costs for those countries which are no longer of interest to the applicant.

4.014. If an international application is filed in a language which is not both a language accepted by the International Searching Authority which is to carry out the international search and a language of publication, it needs to be translated into an appropriate language shortly after filing, but all the translations required by the Offices of or acting for the countries in which the applicant ultimately wishes to obtain protection need to be prepared only much later. Instead of having to be filed within the 12 month priority period, they are generally not required until the expiration of the time limit referred to in paragraph 4.016.

4.015. Fees payable to national or regional Patent Offices similarly become due later than they do without the PCT, and only in the case where the applicant decides to go ahead with the processing of his international application at the national or regional Patent Office. Generally, such national or regional fees must be paid within the same time limit as referred to in paragraph 4.016.

4.016. Since 1 April 2002, the applicable time limit for entering the national phase is 30 months from the priority date (or even later in some cases) for all Offices except those in respect of which the former 20 month time limit remains applicable unless the applicant files a demand for international preliminary examination before the expiration of 19 months from the priority date, in which case the 30 month time limit (or even later in some cases) will also apply. For regular updates on these applicable time limits, refer to the *Official Notices (PCT Gazette)*, the *PCT Newsletter*, and the relevant National Chapters; a cumulative table is also available from WIPO's website at: [https://www.wipo.int/pct/en/texts/time\\_limits.html](https://www.wipo.int/pct/en/texts/time_limits.html).

4.017. An international search report (and any supplementary international search report) which is favorable from the applicant's viewpoint strengthens his position vis-à-vis the various national or regional Patent Offices, and his arguments for the grant of a patent by those Offices are likely to be more convincing.

4.018. This is even more true in the case of a favorable international preliminary report on patentability under either Chapter I or II, which contains far more material on which to base an opinion on the chances of obtaining patents than does an international search report.

4.019. If the international search report and the written opinion of the International Searching Authority are partly favorable and partly unfavorable, the applicant can modify his claims so as to maintain only those which are likely to result in the grant of a patent. If the international search report and the written opinion are unfavorable, and the applicant consequently decides not to proceed any further, he saves the cost of having the application processed in the various countries. The same applies to supplementary international search report(s).

4.020. The preceding paragraph also applies in the case of international preliminary reports on patentability under Chapter II of the PCT.

4.021. Important other advantages resulting from use of the PCT route are referred to in this text. They consist, among other things, in savings in the procedure before the designated Offices (for instance, there is no need to provide each Office with original drawings, or certified copies of the priority application, there is a reduction in national fees in several countries and the European Patent Office, etc.).

## REGIONAL PATENTS VIA THE PCT

4.022. Important additional advantages for applicants wishing to protect their inventions in countries party both to any of the various regional patent treaties (see paragraph 2.002) and to the PCT result from combined use of the PCT system and those regional systems. Not only is the PCT fully compatible with the regional patent systems, but there are possibilities for advantageous combined use of both kinds of system by the applicant, irrespective of the country in which he files. The following paragraphs deal with the combined use of the PCT with the regional patent systems under which patents may be obtained via the PCT, namely, the ARIPO Harare Protocol, the Eurasian Patent Convention, the European Patent Convention and the OAPI Agreement, via the so-called “ARIPO-PCT route,” “Eurasian-PCT route,” “Euro-PCT route” and “OAPI-PCT route.” In the case of the European Patent Convention, it is also possible to obtain patents through combined use of that Convention and the PCT in the States to which a European patent may be extended or where it may be validated – see paragraph 4.026.

4.023. Applicants filing a PCT application and wishing to obtain protection in countries party to any of those regional patent treaties obtain, from their PCT application filed, for example, with the Japan Patent Office (JPO) or with the United States Patent and Trademark Office, the effect of a simultaneous filing with each regional Office concerned for the purposes of obtaining a regional patent. In such a case, before taking any action outside his country, the applicant can safely wait until the results of the PCT search procedure (and, optionally, of the international preliminary examination) are known and also make full use of the extended period (see paragraph 5.005) by the end of which a translation of the PCT application, if it was not filed in one of the official languages of the regional Office (see the various National Chapters), must be submitted and, where required, an agent appointed for the procedure before that Office.

4.024. An applicant may file a PCT application with his own national Office as receiving Office, even at the very end of the priority year, and still obtain an immediate automatic filing effect with each of the regional Offices concerned. A further advantage is that, at the time of filing the PCT application, the applicant pays only one initial set of fees. The four regional designations which are presently possible cover more than 50 PCT Contracting States. If, on the other hand, the applicant chooses to file separate regional patent applications on the basis of his first application with his national Office, he will, by the end of the priority year, have to comply with all the requirements of each of the regional treaties as to formalities, fees and appointment of agents.

4.025. Similar advantages are offered by use of the ARIPO-PCT, Eurasian-PCT, Euro-PCT and OAPI-PCT routes in the reverse direction. In other words, a national of a State party to one of the regional patent treaties or of one of the States to which a European patent may be extended (see paragraph 4.026) may, instead of filing separate patent applications with his regional Office and, for instance, the Japan Patent Office (JPO) and the United States Patent and Trademark Office, choose to file, on the basis of a national application or as a first application, an international application under the PCT containing the designation of all PCT Contracting States for the purposes of obtaining, where applicable, both regional and national patents.

4.026. A further advantage of the Euro-PCT route is the possibility of making use, where available, of the procedure for extension or validation of European patents. Agreements on extending or validating the protection conferred by European patents have been concluded between the European Patent Organisation and some States which are not party to the European Patent Convention. Provided that the international application contains a designation for a national patent of the State concerned and also a designation for a European patent the applicant may avail himself of the Euro-PCT route with a view to extending to or validating in that State a European patent subsequently granted on the basis of the international application (see paragraph 5.054 and Annex B (EP), as well as National Chapter Summary (EP)).

## CHAPTER 5

### FILING AN INTERNATIONAL APPLICATION

#### GENERAL

- Article 2(vii)  
3(1) 5.001. **What is an international application?** An application is “international” when it is filed under and with reference to the PCT. It is the first step towards obtaining a patent in or for a State party to the PCT: “in” such a State when a national patent is desired; “for” such a State when a regional patent (ARIPO, Eurasian, European or OAPI patent) is desired.
- Article 2(i)  
and (ii)  
3(1) 5.002. **What may be the subject of an international application?** An international application must be an application for the protection of an invention. The PCT encompasses the filing of applications for patents for inventions, inventors’ certificates, utility certificates, utility models, and various kinds of patents and certificates of addition (see Article 2(i)). An international application thus cannot validly be filed for certain other forms of industrial property rights which fall outside the scope of “inventions,” such as, for example, purely ornamental designs.
- Article 4(1)(ii)  
11(3)  
64(4)  
Rule 4.9 5.003. **What are the main effects of an international application?** Any international application has two main effects. One of those effects, generally speaking, is the same as that of a national (or regional) application. It occurs on the date accorded as the international filing date (see paragraph 6.005). It is produced in or for the “designated States,” that is, the States in which or for which the applicant wishes to obtain a patent by filing an international application. For the prior art effect of international applications in the United States of America, see National Chapter (US).
- Article 31(1)  
31(4)(a) 5.004. Designated States in respect of which international preliminary examination has been demanded by the applicant are called “elected States” in the terminology of the PCT.
- Article 22(1)  
23(1) 5.005. Subject to what is said in the following paragraph, the other main effect of an international application is that, normally, no designated Office may process or examine the international application prior to the expiration of 30 months from the priority date (for the definition of “priority date”, see paragraph 5.058) and that any fees due to a designated Office and any translation of the international application to be furnished to a designated Office will have to be paid and furnished, respectively, only by the expiration of that 30-month period. In respect of certain designated Offices (currently two), the applicable time limit is the former 20-month time limit (for Luxembourg) or 21-month time limit (for the United Republic of Tanzania), not the 30-month time limit because, due to the incompatibility, for the time being, of the modified PCT provision (PCT Article 22(1)) with the relevant national law, those Offices made a declaration of incompatibility which will remain in effect until it is withdrawn by the respective Offices. Furthermore, certain other designated Offices have fixed time limits expiring even later than 30 months (for more detailed information, see paragraph 4.016 and the National Chapters (Summaries)). This effect of the international application is normally referred to as the effect of “delaying” the patent examination and granting procedure before the national (or regional) Offices.
- Article 39(1)  
40(1) 5.006. If international preliminary examination has been demanded before the expiration of 19 months from the priority date, the delaying effect in respect of any State whose designated Office has notified the International Bureau that the 30 month time limit under Article 22(1), as in force from April 1, 2002, is incompatible with the national law applied by that Office, is 10 months longer, so that any fees due to an elected Office and any translation of the international application will have to be paid and furnished, respectively, only by the expiration of 30 months from the priority date. (For more detailed information see the National Phase and National Chapters. Later time limits apply in some Offices.)
- Article 8  
11(4) 5.007. An international application which has been accorded an international filing date is the equivalent of a “regular national filing” within the meaning of the Paris Convention for the Protection of Industrial Property and, consequently, may be invoked

as the basis of a priority claim in a national, regional or other international application filed subsequently within the time limit and subject to the conditions provided for in that Convention.

Article 10  
Rule 19.1(a)  
19.2

**5.008. Where should an international application be filed?** Annexes B indicate, for each Contracting State, the authorities with which its nationals and residents may, as applicants, file international applications. In the terminology of the PCT, these authorities are called “receiving Offices” (because they receive international applications). They are listed with their full names and addresses, their telephone, facsimile numbers and, where available, their e-mail and/or Internet addresses, in Annexes B, and the requirements of each receiving Office are listed in Annex C. Where there are several applicants who are not all nationals and/or residents of the same Contracting State, any receiving Office of or acting for a Contracting State of which at least one of the applicants is a resident or national is competent to receive an international application filed by those applicants. Alternatively, at the applicant's option, the international application may be filed with the International Bureau as receiving Office, regardless of the Contracting State of which the applicant is a resident or national. If there are two or more applicants, the international application may be filed with the International Bureau as receiving Office if at least one of the applicants is a resident or national of a Contracting State. Residents or nationals of States which are party to the PCT and also to the ARIPO Harare Protocol, to the Eurasian Patent Convention, to the European Patent Convention, or to the OAPI Agreement generally also have the option of filing an international application with the ARIPO Office, the Eurasian Patent Office, the European Patent Office, or the OAPI Office, respectively. Compliance with any national security prescriptions applicable under national law is the applicant's responsibility. As to measures which may be applied by receiving Offices in connection with such prescriptions, see paragraph 6.010.

Article 31(2)(a)  
Rule 18.1  
54

**5.009.** Applicants may have a choice between several receiving Offices, for example, where there are two or more applicants whose States of nationality and residence include more than one Contracting State, or where a sole applicant has nationality and/or residence in more than one Contracting State.

Article 3(2)  
7

**5.010. What are the elements of an international application?** Any international application must contain the following elements: request, description, claim or claims, one or more drawings (where drawings are necessary for the understanding of the invention), and abstract. Detailed information on each is given below.

Section 207(a)

**5.011. What is the order of the elements of the international application?** The elements of the international application must be arranged in the following order: request, description, claim(s), abstract, drawing(s) (if any). [Any sequence listing part of the description must be provided as a separate electronic file \(XML\).](#)

Rule 11.7(a)  
Section 207(b)

**5.012. How must the sheets of an international application be numbered?** All the sheets constituting the international application must be numbered in consecutive Arabic numerals with three series of numbers: the first applying to the request, the second applying to the part consisting of the description, the claim(s) and the abstract (see paragraph 5.106), [and](#) the third applying to the drawings (see paragraph 5.140).

Article 3(4)(i)  
Rule 12.1(a)  
12.1(c)  
[12.1\(d\)](#)  
[12.4 \(a-bis\)](#)  
48.3(b)

**5.013. What language must be used for an international application?** The language in which an international application must be filed depends on the receiving Office. Some receiving Offices allow the applicant to choose between two or more languages. [For any sequence listing part of the description, the language requirements apply only to the language-dependent free text in the sequence listing.](#) The language or languages which may be used for filing an international application, [including the language-dependent free text in any sequence listing](#), with a given receiving Office are indicated in Annex C. If the international application is filed in a language other than Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish (that is, the languages in which international applications may be published – see paragraphs 9.017 to 9.020), or if the language in which the international application is filed is not accepted by the International Searching Authority which is to carry out the international search (see paragraph 7.002 and Annex D), a translation of the international application will need to be furnished for the purposes of international search

and/or international publication. A translation may also be required for the purposes of the supplementary international search if neither the language in which the international application is filed or published nor that in which the translation is furnished for the purposes of the main international search is accepted by the Authority which is to carry out the supplementary international search (see Annex SISA). Furthermore, a translation may also be required for the purposes of the international preliminary examination if the language in which the international application is filed or published is not accepted by the International Preliminary Examining Authority which is to carry out the international preliminary examination (see Annex E). **For any sequence listing part of the description, the translation requirements apply only to the language-dependent free text in the sequence listing.** The requirements in relation to languages and the furnishing of translations are explained in greater detail in paragraphs 6.013 to 6.020, 8.012, 9.017 to 9.019 and 10.011. Those requirements operate, in most cases, in such a way that only one translation would need to be furnished for the purposes of the international phase of processing. All elements of the international application must normally be in the same language, **with the exception of the language-dependent free text in a sequence listing if permitted by the receiving Office.** However, the request must be in a language of publication which the receiving Office accepts for that purpose (see Annex C), and the text matter of the drawings (if any) and the abstract may be in the language in which the international application is to be published (see paragraphs 6.018 and 6.019).

Rule 19.4(a)(ii) 5.014. For the case where an international application is not filed in a language accepted by the receiving Office with which it is filed, see paragraph 6.034.

## THE REQUEST

Rule 3.1 5.015. **What is the form of the request?** Where the international application is  
3.2 filed on paper, the request must be made on a printed form (Form PCT/RO/101)  
3.4 to be filled in with the required indications or be presented as a computer print-out  
4 complying with the Administrative Instructions. A filled-in sample and a blank copy of  
89ter the Form PCT/RO/101 are available from the Internet website address indicated below.  
Section 102 Any prospective applicant may also obtain copies of the printed request  
Form PCT/RO/101, free of charge, from the receiving Office with which he plans to file  
his international application or from the International Bureau. To facilitate preparation of  
the request, the International Bureau has prepared downloadable PDF (portable  
document format) versions on its website. These may be downloaded from  
<https://www.wipo.int/pct/en/forms/> and completed using a computer or printed out and  
filled in using a typewriter. The request, and instructions on how to complete the editable  
version, is also available from that site.

Article 4(1) 5.016. The request contains a petition for the international application to be  
43 processed according to the PCT and must also contain certain indications. It must  
44 contain the title of the invention. It must identify the applicant, (normally) the inventor,  
45 and the agent (if any). The filing of a request constitutes the designation of all  
Contracting States bound by the PCT on the international filing date, for the grant of  
every kind of protection available and for the grant of both regional and national patents.  
Rule 3 The request should also contain, where applicable, a priority claim, an indication of the  
4.1 applicant's choice of competent International Searching Authority and a reference to any  
4.9(a) relevant earlier international, international-type or other search. The request must be  
4.10 signed. Details for the filling in of the request form are given below in respect of each  
4.11 Box of that form. As to the language of the request, see paragraph 5.013.  
4.14bis  
4.15

Section 109 5.017. It is recommended that the applicant indicate his file reference, if any, not  
exceeding 25 characters in length, in the box provided for this purpose on the first sheet  
of the request form. The file reference may be composed either of letters of the Latin  
alphabet or Arabic numerals, or both. The hyphen character ("-") may be used as a  
separator between alphanumeric characters. The receiving Office, International Bureau,  
International Searching Authority and International Preliminary Examining Authority will  
use the file reference in correspondence with the applicant (see also paragraphs 5.105,

10.015 and 11.071 as to the indication of file references on other elements of, or papers relating to, the international application).

Rule 11.9(d) 5.018. **Physical Requirements.** Any text matter in the request must be in characters the capital letters of which are not less than 0.21 cm high.

#### **Box No. I: Title of Invention**

Rule 4.3 5.019. **What are the requirements with respect to the title of the invention?**  
5.1(a) The title of the invention must be short (preferably two to seven words, when in English or translated into English) and precise. The same title must be given by the applicant in Box No. I of the request and at the beginning of the description (see paragraph 5.094).

#### **Boxes Nos. II and III: Applicants; Inventors**

Article 9(1) 5.020. **Who may file an international application?** Any resident or national of a  
9(3) Contracting State may file an international application. Where there are two or more  
Rule 18.1 applicants, at least one of them must be a national or a resident of a Contracting State.  
18.3 The Contracting States are listed in Annex A. As to questions of residence and nationality, see paragraph 5.023.

5.021. *[Deleted]*

Article 9(3) 5.022. In any international application, different applicants may be indicated for the  
Section 203(b) various designated States. Note, however, that where more than one type of protection is available for a Contracting State (see paragraph 5.055 and Annex B), different applicants may not be indicated for different types of protection, furthermore for the national and regional designation of a State, the same applicant or applicants must be indicated.

Rule 18.1 5.023. **How are questions of residence and nationality determined?** The question whether an applicant is a resident or national of a Contracting State depends on the national law of that State and is decided by the receiving Office. In any case, however, possession of a real and effective industrial or commercial establishment in a Contracting State is considered residence in that State, and a legal entity constituted according to the national law of a Contracting State is considered a national of that State. Where a question of the applicant's residence or nationality arises in connection with an international application filed with the International Bureau as receiving Office, the International Bureau will request the national Office of, or acting for, the Contracting State concerned to decide the question and will inform the applicant of such request. The applicant has the opportunity to submit arguments relating to the issue of residence or nationality directly to that national Office, which will decide the question promptly.

Rule 4.5 5.024. **How must the applicant be identified?** The applicant must be identified by the indication of his name and address and by marking next to that indication, the check-box "This person is also inventor" in Box No. II, or "applicant and inventor" in Box No. III, where the applicant is also the inventor or one of the inventors, or the check-box "applicant only" where the applicant is not also the inventor or one of the inventors. Where the applicant is a corporation or other legal entity (that is, not a natural person), the check-box "applicant only" must be marked. Where the applicant is registered with the receiving Office, the number or other indication under which the applicant is so registered may also be indicated in Boxes No. II or III. The applicant's nationality and residence must also be indicated (see paragraph 5.031). For the identification of the inventor, see paragraph 5.035. For later changes in the person, name and address of the applicant, see paragraphs 11.018 to 11.022.

Rule 4.4(a) 5.025. **How must names be indicated in the request?** The names of natural  
4.19(a) persons must be indicated by the family name followed by the given name(s). Academic degrees or titles or other indications which are not part of the person's name must be omitted. The family name should preferably be written in capital letters (see filled-in sample of the request form at the address indicated in paragraph 5.015).

Rule 4.4(b) 5.026. The name of a legal entity must be indicated by its full official designation (preferably in capital letters).

- Rule 4.4(c) 5.027. **How must addresses be indicated in the request?** Addresses must be indicated in such a way as to satisfy the requirements for prompt postal delivery at the address indicated and must consist of all the relevant administrative units up to and including the house number (if any). The address must also include the country.
- Rule 4.4(c) 5.028. **When is the indication of a telephone number, a facsimile number or an e-mail address recommended?** It is recommended that the telephone number, facsimile number and e-mail address of the applicant, named first in the request, be given, if no agent or common representative is indicated in Box No. IV (see paragraphs 5.041 to 5.051). In order to allow rapid and safe receipt of notifications from Offices, it is strongly recommended that an e-mail address is provided to receive notifications.
- 5.029. If an e-mail address is indicated in Box No. II of the request form, the receiving Office, the International Searching Authority (also in its capacity as Authority specified for supplementary search), if they provide such a service, and the International Bureau will send notifications in respect of the international application to the applicant by e-mail, thus avoiding processing or postal delays. Note that, in this case, no paper notifications will usually be sent by postal mail, unless the relevant Office is willing to additionally send such paper notifications. Details of which Authorities will send notifications by e-mail are included in Annex B. If no e-mail address is provided, or if the applicant chooses to receive notifications exclusively by postal mail, by marking the corresponding check-box in Box No. II, or in the cases where the receiving Office or the International Searching Authority (also in its capacity as Authority specified for supplementary search), does not provide for sending notifications by e-mail, notifications will be sent to the given mailing address exclusively by postal mail. It is the applicant's responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked, for any reason, on the recipient's side. Changes to the e-mail address indicated in the request should be requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis* (see paragraphs 11.018 to 11.022).
- Rule 4.4(d) 5.030. **May a special address be given for the sending of correspondence?** Only one address may be indicated for each applicant in Box No. II or III. However, where no agent, or common representative, is indicated in Box No. IV of the request, a special address for correspondence may be indicated in that Box. Where an applicant is indicated in Box No. IV as common representative, an address for correspondence may be indicated in that Box (see paragraphs 5.047 and 5.051) other than the address given for that applicant in Box No. II or III.
- Article 9(1)  
Rule 18  
19 5.031. **Why and how must the nationality and residence of the applicant be indicated in the request?** This information is needed to determine whether the applicant is entitled to file an international application and also to determine the competence of the receiving Office. It must be provided by an indication of the names of the country of which the applicant is a national and of the country of which he is a resident. Where the country of residence is not indicated specifically but a country is indicated in the address, it will be assumed that the country of residence is the country indicated in the address. For the procedure where an international application is filed with a "non-competent" receiving Office, see paragraph 6.035. For the manner of indicating names of countries, see paragraph 5.033.
- Rule 26.2*bis*(b) 5.032. **Must the indications in respect of applicants be provided for all applicants?** If there is more than one applicant, it is advisable that the indications outlined in paragraphs 5.024 to 5.031 are provided in respect of all applicants. However, if the indication of the address, nationality and residence has been provided in respect of at least one applicant who is entitled to file the international application with the receiving Office, the receiving Office will not invite the applicant to furnish the missing indications in respect of any other applicant.
- Section 115 5.033. **How must the names of States be indicated?** The name of any State may be indicated either by the full name of the State or by a short title or two-letter code or any combination thereof. This principle applies for the indication of the names of States in all Boxes of the request where such names must be indicated. Annex K contains a comprehensive list of the short names and two-letter codes accepted for use

in indicating countries, territories and intergovernmental organizations (and their Offices) in documents relating to international applications under the PCT. The list is as set out in WIPO Standard ST.3, which is published in the *WIPO Handbook on Industrial Property Information and Documentation* and available on the Internet site at <https://www.wipo.int/standards/en/pdf/03-03-01.pdf>.

**5.034. Which of several applicants should be named first?** It is recommended that the applicant who will represent all the applicants and to whom notifications are to be sent be named first, since he will be considered to be the common representative of all the applicants if no common agent or common representative is appointed and if that applicant is entitled to file an international application with the receiving Office (see paragraph 5.048). However, if a common agent representing all applicants or a common representative is indicated in Box No. IV of the request, notices will be sent to that common agent or common representative. (See also paragraphs 11.015 to 11.017.)

Article 4(1)(v)  
4(4)  
Rule 4.1(a)(iv)  
4.6

**5.035. When and how must the inventor be identified?** Where the person identified in Box No. II as applicant is also the inventor, it is sufficient to mark the check-box “This person is also inventor.” No repetition of the name and address of the inventor is required in Box No. III. Where the inventor is identified in Box No. III, the check-box “applicant and inventor” must be marked if the inventor is also applicant; the check-box “inventor only” must be marked if the inventor is not also applicant. Where the inventor is not the same for all designated States, see paragraph 5.038. Where the inventor is deceased, see paragraphs 11.023 to 11.026.

Article 4(4)  
Rule 4.1(c)(i)

**5.036.** Where the inventor is not also an applicant, the check-box “inventor only” must be marked and his name and address must be indicated in one of the sub-boxes of Box No. III. The name and address of the inventor may be omitted from the request where the national law of none of the designated States requires that the name of the inventor be furnished at the time of filing a national application. Annexes B indicate what the requirements are for each Contracting State or intergovernmental organization. However, unless special reasons prevent the indication of the name and address of the inventor, it is recommended that it always be included in the request since such information is generally required in the national phase.

Rule 4.4

**5.037.** As regards the indication of the name and address of the inventor, what is said in this respect for the applicant, in paragraphs 5.025 and 5.027, also applies. An indication of the country of which the inventor is a national or resident is not required unless the inventor is also applicant. For later changes in the person, name or address of the inventor, see paragraphs 11.018 and 11.020.

Rule 4.6(c)

**5.038. What must be done if the inventors are not the same for all designated States?** The PCT permits different inventors to be indicated for different designated States where, in this respect, the requirements of the national laws of the designated States are not the same. For the manner of indicating for which designated States the person named is the inventor, see item 1(iii) of the Supplemental Box of the request form (see filled-in sample of the request form at the address indicated in paragraph 5.015). Where, and this is the usual case, all the inventors are the same for all designated States, no special indication in the Supplemental Box is required.

**5.039. How, in the case of several applicants, are the designated States for which they are applicants to be identified?** Details concerning the designation of States in general are given in paragraphs 5.052 to 5.054 below. At the bottom of Box No. II and of each sub-box of Box No. III, there are two check-boxes (see filled-in sample of the request form at the address indicated in paragraph 5.015). One (but only one) of those check-boxes must be marked for the applicant identified in Box No. II and for each further applicant, if any. Neither should be marked if the person identified in any of the sub-boxes of Box No. III is “inventor only.” An explanation of the two check-boxes is given below, separately for Box No. II and Box No. III.

#### Box No. II:

☐ all designated States”

This check-box must be marked where the person identified in Box No. II is and qualifies as applicant for all designated States.

☐ the States indicated in the Supplemental Box"

This check-box must be marked only in special cases where the applicant is not an applicant for all designated States: Where, for example, each of three applicants is applicant for different States, the indication of the States for which the person identified in Box No. II is applicant must be made in the Supplemental Box of the request form (see the explanation given below in relation to the sub-boxes of Box No. III for the other two applicants in such a case). The manner in which the Supplemental Box is to be used is explained in detail in item 1(ii) of the Supplemental Box itself (see filled-in sample of the request form at the address indicated in paragraph 5.015)

### Box No. III:

☐ all designated States"

This check-box must be marked where the person identified in the sub-box as "applicant and inventor" or as "applicant only" is and qualifies as applicant for all designated States.

☐ the States indicated in the Supplemental Box"

This check-box must be marked only in special cases where the applicant is not an applicant for all designated States: Where, for example, each of three applicants is applicant for different States, the indication of the States for which each of the two further applicants identified in a sub-box of Box No. III as "applicant and inventor" or "applicant only" must be made in the Supplemental Box of the request form (see the explanation given above in relation to the sub-boxes of Box No. II for the first applicant). The manner in which the Supplemental Box is to be used is explained in detail in item 1(ii) of the Supplemental Box itself (see filled-in sample of the request form at the address indicated in paragraph 5.015).

5.040. [Deleted]

### Box No. IV: Agent or Common Representative

Article 27(7)  
49  
Rule 2.2  
90.1

5.041. **Does the applicant have to be represented by an agent before the receiving Office, the International Bureau and other International Authorities under the PCT?** Annex C indicates, for each receiving Office, whether the applicant has to be represented by an agent. As already stated (see paragraph 1.004), in view of the importance of careful preparation of the international application and of its proper processing, it is in any case highly advisable for applicants to use the services of a professional patent attorney or patent agent.

Article 49  
Rule 83.1bis  
Section 106

5.042. **Who may be appointed to act as an agent?** Any person who can act as an agent before the Office which acts as receiving Office (see Annex C) may be appointed as an agent for any international application filed with that Office. Where the international application is filed with the International Bureau as receiving Office, any person who has the right to practice before the national (or regional) Office of, or acting for, a Contracting State of which the applicant (or, if there are two or more applicants, any of the applicants) is a resident or national may be appointed as agent (see Annex C). An appointed agent who has the right to represent the applicant before the receiving Office is automatically also entitled to act before the International Bureau, the International Searching Authority and the International Preliminary Examining Authority.

Article 4(1)(iii)  
Rule 4.1(a)(iii)  
4.7  
90.3

5.043. **How is an agent to be appointed?** Subject to paragraph 5.044 an agent may be appointed by designation in Box No. IV of the request (see filled-in sample of the request form at the address indicated in paragraph 5.015) if the international application is signed by the applicant (see also paragraphs 5.088 and 5.089). Otherwise the appointment of the agent must be in a separate document ("power of attorney") signed by the applicant. The indication in Box No. IV of the request or in the power of

attorney must contain the name and address of the agent in the manner indicated in paragraphs 5.025 to 5.028. It is recommended that the agent's telephone number facsimile number and/or e-mail address also be indicated. In order to allow rapid and safe receipt of notifications from Offices, it is strongly recommended that an e-mail address is provided to receive notifications. Where the agent is registered with the receiving Office, the number or other indication under which the agent is so registered may also be indicated. Where there are several applicants, an agent representing all of them may be appointed by designation in the request or by a separate power of attorney or by a combination of both methods, provided that all the applicants have signed either the request or a separate power of attorney. Model powers of attorney are available in editable PDF format on the WIPO website at: <https://www.wipo.int/pct/en/forms/pa/index.htm>. The separate power of attorney must be submitted to the receiving Office or to the International Bureau or, if the appointment was made specifically for the purposes of the procedure before the International Searching Authority or International Preliminary Examining Authority, to the Authority concerned (see paragraph 5.045). Where a general power of attorney authorizes an agent to represent the applicant before the Office which acts as receiving Office, and where that general power includes the filing of international applications, a copy of the general power of attorney originally submitted to the receiving Office must accompany any international application in relation to which the appointment made in it is to be exercised unless this requirement has been waived by the receiving Office concerned (see paragraph 5.044), and reference must be made to that copy in Box No. IX of the request. It is to be noted that general powers of attorney must be deposited with the receiving Office (not with the International Bureau, except where the international application is filed with the International Bureau as receiving Office) or, if the appointment was made specifically for the purposes of the procedure before the International Searching Authority or International Preliminary Examining Authority, with the Authority concerned (see paragraph 5.045).

Rule 90.4(d)  
and (e)  
90.5(c)  
and (d)

5.044. Any receiving Office, International Searching Authority, International Preliminary Examining Authority or the International Bureau may waive the requirement that a separate power of attorney be submitted to it. Any receiving Office, International Searching Authority, or International Preliminary Examining Authority may waive the requirement that a copy of a general power of attorney is attached to the request, the demand or a separate notice. The receiving Office or Authority may waive these requirements in general or only for certain cases. In cases where either waiver is applicable, no separate power of attorney or copy of a general power of attorney needs to be furnished by the applicant. Any such waiver and any conditions relating thereto are published in the *Official Notices (PCT Gazette)* (see also Annexes C, D and E). Please note that a separate power of attorney or a copy of a general power of attorney must, in any event, still be furnished for any case of withdrawal, even if the requirement has been waived for other cases. Any waiver made by a receiving Office only applies in respect of that Office but not necessarily in respect of other Authorities involved in the PCT procedure. Regarding signature requirements, see paragraphs 5.088 to 5.091; for special provisions regarding withdrawals, see paragraphs 11.048 to 11.061.

Rule 90.1(d)(iii)  
90.6(b)

5.045. Further agents may be appointed at any time to represent the applicant either generally or specifically before the International Searching Authority or the International Preliminary Examining Authority, and an agent appointed for general purposes, unless otherwise indicated in the document appointing him, may appoint sub-agents to represent the applicant. The appointment of a new agent is treated as revocation of any former appointment of agents, unless otherwise indicated in the power of attorney appointing the new agent.

Article 27(7)  
Rule 4.7  
90.3

5.046. If representation by an agent before the receiving Office is required (see paragraph 5.041), it is advisable that the agent be appointed by the time the international application is filed to ensure that the international application will be accepted for processing by the receiving Office. The practice of the receiving Office with regard to enforcing the requirement that an agent be appointed is, generally the same as that observed by it in the case of national (or regional) applications. If the appointment of an

agent is not obligatory, an appointment may be made either at the time of filing the international application or later.

**5.047. Is the person who signs the request for a corporate applicant regarded as an agent?** The answer depends on the nature of the authorization to act for the corporate applicant – that is, on whether the person signs on behalf of the corporate applicant or as an appointed agent. If the name of that person is indicated in Box No. IV and the check-box “agent” is marked, the person will be regarded as an agent and a power of attorney may be required. If the corporate applicant is indicated in that Box and the check-box “common representative” is marked, the person who signs will not be regarded as an agent. The mere fact that a person is indicated as part of the address for correspondence to the corporate applicant as common representative (see paragraph 5.051) does not mean that the person will be regarded as an agent.

Rule 2.2bis  
90.2

**5.048. Can one of several applicants represent all of them as a common representative?** If a common agent is not appointed by all the applicants, one of the applicants may be appointed by the other applicants as the common representative of all the applicants (see paragraph 11.005). If neither a common agent nor a common representative is appointed, the first-named applicant who has a right to file an international application with the receiving Office concerned is automatically considered to be the “deemed” common representative of all the applicants (see paragraph 11.006).

**5.049.** A more detailed explanation of the provisions relating to agents and common representatives appears in paragraphs 11.001 to 11.014.

**5.050.** If an e-mail address is indicated, in Box No. IV of the request form, the receiving Office, the International Searching Authority (also in its capacity as Authority specified for supplementary search), if they provide such a service, and the International Bureau will send notifications in respect of the international application to the agent or common representative at the indicated e-mail address, thus avoiding processing or postal delays. Note that, in this case, no paper notifications will usually be sent by postal mail, unless the relevant Office is willing to additionally send such paper notifications. If no e-mail address is provided, or if the agent or common representative chooses to receive notifications exclusively by postal mail, by marking the corresponding check-box in Box No. IV, or in the cases where the receiving Office or the International Searching Authority (also in its capacity as Authority specified for supplementary search), does not provide for sending notifications by e-mail, notifications will be sent to the given mailing address exclusively by postal mail. Where an e-mail address has been provided both in respect of the applicant and in respect of an agent or common representative, e-mail notifications will only be sent to the appointed agent or common representative (see also paragraph 5.029).

Rule 4.4(d)  
Section 108

**5.051. When and how may a special address for correspondence be given?** Correspondence is sent to the appointed agent or common representative, if any. Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II or III, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be the common representative (if there are two or more persons named as applicants) (see paragraphs 5.048 and 11.006). However, if the applicant wishes correspondence to be sent to a different address, in such a case, that address must be indicated in Box No. IV instead of the indication of an agent or common representative. In this case, and only in this case, the last check-box of Box No. IV must be marked (that is, the last check-box must not be marked if either of the check-boxes “agent” or “common representative” in Box No. IV has been marked).

## **Box No. V: Designation of States**

**5.052. What is the designation of States?** The designation of States is the indication of Contracting States in or for which the applicant may seek protection for his invention. For international applications filed after 1 January 2004, the filing of the request automatically constitutes:

Article 4(1)(ii)  
11(1)(iii)(b)  
Rule 4.9(a)

- (i) the designation of all Contracting States that are bound by the Treaty on the international filing date;
- (ii) an indication that the international application is, in respect of each designated State to which Article 43 or 44 applies, for the grant of every kind of protection which is available by way of the designation of that State; and
- (iii) an indication that the international application is, in respect of each designated State to which Article 45(1) applies, for the grant of a regional patent and also, unless Article 45(2) applies, a national patent.

This is also valid where the applicant does not use the request Form PCT/RO/101 issued on 1 January 2004, or thereafter, or where the international filing date is changed to a date either on, or after, 1 January 2004.

Rule 4.9(b)

5.053. As an exception to the automatic and all-inclusive designation of Contracting States, Germany, Japan and the Republic of Korea may be excluded from being designated. The reason for this exception is that these States have notified the International Bureau that the national law applied by their designated Offices contains provisions to the effect that the filing of an international application which contains the designation of that State and which claims the priority of an earlier national application having effect in the same State, has the result that the earlier national application ceases to have effect. Check-boxes can therefore be marked when an applicant wants to avoid undesired loss of the national priority application. Further details relating to this issue, and particular conditions which may apply, are explained in Annex B in respect of these States.

5.054. **Is the procedure for extending or validating a European patent to or in a country having an Extension or Validation Agreement with the European Patent Organisation available through the filing of an international application?** A European patent granted on an international application may, if the necessary conditions are met, be extended to or validated in a State having an Extension or Validation Agreement to that effect with the European Patent Organisation. The procedure is available through the filing of an international application as the filing of the request constitutes the designation of all States, including the designation of the European Patent Office and the designation for a national patent of all States having concluded an Extension or Validation Agreement, and which are also PCT Contracting States. Annex B (EP) contains information as to the States to which European patents may be so extended. Details of the applicable procedure, including the steps to be taken on entering the national phase and fees payable, have been published in the *Official Journal of the European Patent Office* (No. 1-2/1994, pages 75 to 88, No. 11/1997, pages 538 to 542 and 2/2015, A18-A20); see also the National Chapter Summary (EP).

Article 4(1)(ii)

4(3)

43

44

Rule 4.1(b)(iii)

4.11

49bis.1

5.055. **Is it possible to choose a kind of protection other than a patent, and if so how is it done?** As indicated in paragraph 5.052, the filing of the request constitutes the indication that the international application is, in respect of each designated State to which Article 43 or 44 applies, for the grant of every kind of protection which is available by way of the designation of that State. Examples of such kinds of protection are an inventor's certificate, a utility certificate, a utility model, a "petty patent," a patent of addition, a certificate of addition or an inventor's certificate of addition. It is not possible, during the international phase, to indicate the wish to obtain a certain kind of protection for a particular designated Office. Any further choice of the kind of protection sought can only be made at the time of national phase entry before the respective designated Offices. Please note, however, that it is possible to withdraw a certain type of protection in respect of the designation of a State. Annexes B indicate, for each Contracting State, the kinds of protection available.

5.056. **Is it necessary to include any parent information in the international application?** Where, when entering the national phase, a title (patent, certificate, inventor's certificate) of addition is sought, or where the applicant wishes the international application to be treated as an application for a continuation or a continuation-in-part, the applicant may indicate this information and the parent

application or grant following the name of the designated State in the “Supplemental Box” (see item 2 or 3 of that Supplemental Box).

Rule 26*quater*  
Section 317*bis*  
Section 419*bis*

**5.056A. Is it possible to correct or add any indication concerning reference to continuation or continuation-in-part, parent application or grant made in the request form?** The applicant may correct or add to the request any indication referred to in Rule 4.11 by a notice submitted to the International Bureau within a time limit of 16 months from the priority date, provided that any notice which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if the notice reaches the International Bureau before the technical preparations for international publication have been completed. The International Bureau will notify the applicant of any indication corrected or added under Rule 26*quater*.1. If a notice under Rule 26*quater*.1 is submitted by the applicant to the receiving Office, that Office will mark the date of receipt on the notice and transmit it promptly to the International Bureau. The notice shall then be considered to have been received by the International Bureau on the date marked. Where any correction or addition of an indication referred to in Rule 4.11 is not timely received, the International Bureau will inform the applicant that such an indication or correction should be submitted directly to the designated Office or Offices concerned.

#### **Box No. VI: Priority Claim and Restoration of the Right of Priority**

Article 8(1)  
Rule 4.1(b)(i)  
4.10

**5.057. How may the priority of an earlier application be claimed?** Any international application may contain a declaration claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property or in or for a member of the World Trade Organization (WTO) that is not party to that Convention (see [https://www.wipo.int/pct/en/texts/pdf/pct\\_paris\\_wto.pdf](https://www.wipo.int/pct/en/texts/pdf/pct_paris_wto.pdf)). Note that where priority is claimed of an earlier filing in or for a WTO member which is not party to the Paris Convention, a PCT Contracting State that is not a Member of the WTO is not required to recognize the effects of such a priority claim. An earlier regional (ARIPO, Eurasian, European, OAPI or any other similar regional organization providing for the grant of regional patents and where at least one of the countries party to that regional patent treaty is party also to the Paris Convention or the WTO) application or an earlier international application can also serve as a basis for a priority claim. Any priority claim must be made in the request. The priority claim must contain the necessary indications which allow the earlier application to be uniquely identified. If the earlier application was a national application, it must indicate the country in which it was filed, the date on which it was filed and the number under which it was filed. Where the earlier application was a regional application, the priority claim must indicate the Office with which it was filed; only where not all countries party to the regional patent treaty under which the earlier application was filed are also party to the Paris Convention for the Protection of Industrial Property (the Paris Convention) or are also members of the WTO must the priority claim indicate at least one country party to the Paris Convention or at least one member of the WTO for which that earlier regional application was filed. Where the earlier application was an international application, the priority claim must indicate the receiving Office with which it was filed. The two-letter code (see Annex K and paragraph 5.033) may be used for the indication of the country or, where applicable, for the Office of filing. Subject to certain conditions, priority claims may be corrected and added, after the international application has been filed, by a notice submitted to the receiving Office or to the International Bureau (see paragraphs 6.038 to 6.044).

Article 2(xi)

**5.058. What does “priority date” mean?** Where the international application contains a priority claim, “priority date” means the filing date of the application whose priority is claimed. Where the international application does not contain such a claim, “priority date” means the filing date of the international application. Where the international application contains two or more claims, “priority date” means the filing date of the earliest application whose priority is claimed.

Rule 2.4  
80.5

**5.059. What does “priority period” mean?** “Priority period” means the period of 12 months from the filing date of the earlier application whose priority is claimed in the international application. The day of filing of the earlier application is not included in this

period. Subject to what is said below, in order to validly claim priority, an international application must always be filed within the priority period; otherwise, the right of priority will be lost. Note that, in certain cases (see Rules 2.4(b) and 80.5) the priority period may expire on a later day. Note further that, if the international application is filed after the expiration of the priority period but within a certain time limit, it may be possible, under limited circumstances, to request restoration of the right of priority (see paragraphs 5.062 to 5.069; this, however, will not apply to all Contracting States).

Article 8(1), and  
(2)(a)  
11(3)  
11(4)  
Rule 4.10

**5.060. What are the principles governing the right of priority for international applications?** The PCT makes no change to the provisions which govern the right of priority and are contained in Article 4 of the Paris Convention for the Protection of Industrial Property; WTO members are required to apply Paris Convention Article 4 in accordance with Article 2.1 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). Since an international application has the effect in each designated State of a regular national application, it may claim priority from another application, and be used as the basis for a priority claim in a later application, just like any regular national application. So far as PCT procedures are concerned, the priority claim is particularly important because it establishes a priority date for the purposes of computing time limits under the PCT. The validity of a priority claim is not determined during the international phase (although the matter is taken into consideration for the purposes of establishing international preliminary reports on patentability (Chapter I or II of the PCT)). Also, a priority claim would, subject to the possibility of correction (see paragraphs 6.038 to 6.044), for the purposes of the procedure under the PCT, be considered not to have been made if the application, the priority of which is claimed, was not filed either in a country party to the Paris Convention or in a member of the WTO, if the international application were filed more than two months after the expiration of the priority period (see paragraphs 5.062 and 6.038) or if the priority claim did not include the required details concerning the date on which and the country and/or Office, as the case may be, where the earlier application was filed.

Section 110

**5.061. How must dates be indicated in the priority claim?** Each date appearing in the international application or in any correspondence must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year, in that order. In the request, after, below or above that indication, the date should be repeated in parentheses with a two-digit Arabic numeral each for the number of the day and the number of the month, the number of the year must be indicated in four digits, in that order and separated by periods, slants or hyphens, for example: "20 March 2006 (20.03.2006) or 20 March 2006 (20/03/2006) or 20 March 2006 (20-03-2006)."

Rule 26bis.3

**5.062. What are the consequences if the international application is filed after the expiration of the priority period?** Where an international application has an international filing date which is later than the date on which the priority period expired (see paragraph 5.059) but within a period of two months from that date, the priority claim concerned will not be declared void for the purposes of the international phase of the PCT procedure, irrespective of whether the restoration of the right of priority is requested (see below), or whether such a request is accepted or refused by the receiving Office. Where the priority claim in question is the only or the earliest priority claim in the international application, it will continue to serve as the basis to calculate all time limits during the international phase. Note, however, that the fact that the priority claim is retained in the international application does not mean in any way that the validity of such a priority claim in the national phase is assured.

In respect of such a priority claim, the applicant may file a request for the restoration of the right of priority with the receiving Office (see the following paragraphs for the procedure relating to the restoration of the right of priority). Several receiving Offices have, however, notified the International Bureau under Rule 26bis.3(j) of the incompatibility of the provisions governing such requests to restore the right of priority with the national laws applied by those Offices. As a result, those receiving Offices will not apply those provisions and thus do not accept such requests. A list of Offices which will not accept requests under Rule 26bis.3(a) can be found on WIPO's website at [https://www.wipo.int/pct/en/texts/reservations/res\\_incomp.html#R\\_26bis\\_3\\_j](https://www.wipo.int/pct/en/texts/reservations/res_incomp.html#R_26bis_3_j). To the extent that the applicant is aware, before filing the international application, of the need

to file a request for restoration, he should consider filing the international application with a competent receiving Office that does accept such requests. For example, the receiving Office of the International Bureau accepts such requests and is competent for international applications filed by a national or resident of any PCT Contracting State. If the need to file a request to restore only becomes apparent after the international application has already been filed, the applicant may request the receiving Office to transmit the international application to the receiving Office of the International Bureau under Rule 19.4(a)(iii).

Rule 26bis.3(e)

**5.063. What is the time limit for requests for the restoration of the right of priority?** The time limit for complying with the requirements to request the restoration of the right of priority is two months from the date on which the priority period expired. If the receiving Office requires the applicant to provide a declaration or evidence in support of the statement of reasons for failure to timely file the international application (see paragraph 5.064), it will allow the applicant a reasonable time under the circumstances to furnish such documents.

Rule 4.1(c)(v)  
26bis.1(a)  
26bis.3

**5.064. How should a request for the restoration of the right of priority be filed with the receiving Office?** The request form, Box VI, includes an option for the applicant to request restoration of the right of priority and a similar option is included in ePCT. The applicant only needs to add an indication, in the case of multiple priority claims, to clarify in respect of which priority claim restoration is requested. The request to restore the right of priority may also be submitted separately from the request form by way of a letter to the receiving Office.

For the request to restore the right of priority to be successful, the following requirements must be met:

- the international application must contain a priority claim to an earlier application. In addition, this international application must have been filed within two months from the date of the expiration of the priority period. If, the international application does not contain the relevant priority claim at the time of filing, such a claim must be added, in accordance with Rule 26bis.1(a) (see paragraphs 6.038 to 6.040), within two months from the expiration of the priority period (see Rules 26bis.3(c) and (e));
- the request to restore should state the reasons for the failure to file the international application within the priority period. This statement of reasons should be submitted as a separate document and accompany the request for restoration in the request form or may be filed subsequently within the time limit under Rule 26bis.3(e). The statement of reasons should take into consideration the restoration criterion which the applicant seeks to satisfy, from among those applied to such requests by the Office (see Annex C and paragraph 5.065);
- a fee for requesting restoration, if applicable, must be paid (see Annex C for whether a particular receiving Office requires a fee for the restoration of the right of priority) before the expiration of the time limit under Rule 26bis.3(e); the time limit for payment of the fee may be extended for a period of up to two months from the expiration of the time limit under Rule 26bis.3(e) (Rule 26bis.3(d));
- if required by the receiving Office, a declaration or other evidence in support of the statement of reasons should preferably be furnished together with the request to restore but may also be furnished upon invitation by the receiving Office (Rule 26bis.3(f)) (for the applicable time limit, see paragraph 5.063).

Rule 26bis.3(a)  
49ter.1(a)  
and (b)

**5.065. What are the criteria for restoration applied by the receiving Office?** There are two possible criteria for restoration: either the failure to file the international application within the priority period occurred in spite of due care required by the circumstances having been taken or the failure to file the international application within the priority period was unintentional. All Offices to which these Rules are applicable (see paragraph 5.062) must apply at least one of these criteria. If a receiving Office wishes, it may apply both criteria for restoration and leave the choice to the applicant as to which criterion is sought to be applied in a specific case, noting that it would be advantageous for the applicant to obtain a positive finding by the receiving Office on the stricter criterion of “due care” since such a finding would in general be effective in all

designated States, unlike a finding on the less strict “unintentionality” criterion. Furthermore, a receiving Office will be free to apply, upon request of the applicant, first the “due care” criterion and then, if the receiving Office finds that that criterion is not complied with, the “unintentionality” criterion.

Rule 26bis.3(f)

5.066. What needs to be included in the statement of reasons for the request to restore the right of priority and what additional information may be required in support of a request for restoration of the right of priority? The statement of reasons should indicate the reasons for the failure to file the international application within the priority period. It should contain all the relevant facts and circumstances which would allow the receiving Office to determine that the failure to file the international application within the priority period occurred in spite of due care required by the circumstances having been taken or was unintentional. Under Rule 26bis.3(f), the receiving Offices may require that a declaration or other evidence in support of the statement of reasons be furnished or, if some evidence has already been provided, that additional evidence be furnished. When submitting the statement of reasons and possibly any declaration or evidence in support of a request for restoration of the right of priority, the applicant must bear in mind that in general all these documents will be made publicly available by the International Bureau on PATENTSCOPE after the international publication of the international application (see paragraph 5.067 for exceptions). Any private or confidential information which is not necessary for supporting the request itself, should preferably be left out.

Rule 26bis.3(h-bis)

5.067. **Can the applicant request that certain documents relating to a request for the restoration of the right of priority not be transmitted to the International Bureau?** Generally, receiving Offices will forward to the International Bureau all documents submitted in connection with a request for restoration of the right of priority. However, the applicant can make a reasoned request to the receiving Office that certain documents or parts thereof relating to such a request not be forwarded. Receiving Offices may also contact the applicant directly where such documents are noted to invite the applicant to submit a reasoned request for omission. If the receiving Office, upon the applicant's request, finds that any document does not obviously serve the purpose of informing the public about the international application and publication or public access to any such document would clearly prejudice the personal or economic interests of any person and there is no prevailing public interest to have access to that document or part of it, it will not transmit that document or part of it to the International Bureau. Applicants should note that if essential information, necessary for establishing that the criterion for “due care” had been met, is not forwarded and thus not made available to the designated/elected Offices, it is more likely that the applicant's request for restoration of the right of priority will be reviewed during the national phase, and that he will be required to provide equivalent information again to the designated/elected Offices.

Rule 26bis.3(g)

5.068. **Will there be an opportunity for dialogue with the receiving Office should that Office intend to refuse the request?** If the receiving Office intends to refuse the request for restoration of the priority claim, it is required to notify the applicant of its intention. The applicant then has an opportunity to make observations on the intended refusal within a reasonable time limit, specified in the notification of intended refusal (Form PCT/RO/158). Note that this notification may in practice be sent to the applicant together with an invitation to file a declaration or other evidence.

Rule 49ter.1

5.069. **What are the effects of a decision by a receiving Office on designated Offices?** A decision by a receiving Office to restore a right of priority based on the criterion of “due care” will, as a general rule, be effective in all designated Offices, unless the designated Office submitted a notification of incompatibility under Rule 49ter.1(g). A decision by a receiving Office to restore a right of priority based on the criterion of “unintentionality” will be effective only in those designated States the applicable laws of which provided for restoration of the right of priority based on that criterion or on a criterion which, from the viewpoint of applicants, is more favorable than that criterion. A decision by a receiving Office to refuse to restore the right of priority can always be reviewed by a designated Office, unless it has submitted a notification of incompatibility under Rule 49ter.1(g), such that restoration is not possible in that jurisdiction.

In addition, a review of a positive decision may be made by a designated Office in the limited situation where it reasonably doubts that one of the substantive requirements for

restoration was complied with. No review is permitted on purely formal grounds, such as, for example, the ground that the relevant fee in the international phase might not have been paid.

Rule 4.1(c)(ii)  
17.1  
17.2(a)  
Section 411

**5.070. When and to whom must the priority document be furnished?** Before the expiration of 16 months from the priority date (or, where the applicant requests early processing pursuant to Article 23(2), before that request is made), a certified copy of the earlier application (whether it is a national, regional or international application) must be submitted by the applicant either to the International Bureau or to the receiving Office (unless it has already been filed with the receiving Office together with the international application). Any certified copy that reaches the International Bureau after the expiration of 16 months from the priority date, but before the date of international publication of the international application, will be considered to have reached the International Bureau on the last day of that 16 month period. The copy must be certified by the authority with which the earlier application was filed. Where that authority is the same Office as the receiving Office, the applicant may, instead of submitting the certified copy, request the authority, before the expiration of 16 months from the priority date, to prepare and transmit the certified copy to the International Bureau; in that case, the fee usually charged by the Office should be paid when the request for transmittal is made; the easiest solution for the applicant is to make this request at the time of filing the international application, by marking the check-box provided for that purpose in Box No. VI of the request Form PCT/RO/101. Furthermore, where the priority document is available to the International Bureau from a digital library in accordance with Rule 17.1(b-*bis*) and Section 715(a), the applicant may, prior to the date of international publication, request the International Bureau to obtain the priority document from such a digital library (see paragraph 5.070B). The International Bureau will not charge a fee for this service. The easiest solution for the applicant is to make this request with the International Bureau at the time of filing the international application, by marking the check-box provided for that purpose in Box No. VI.

**5.070A. How will I know if my earlier application is available to the PCT System from a digital library?** The only available “digital library” in the PCT system is the WIPO Digital Access Service (DAS). This offers access to earlier applications filed at the receiving Office of the International Bureau and a number of national Offices for use as priority documents. However, unlike some of the bilateral priority document sharing systems between national Offices, the earlier application is only available if the applicant has taken specific steps to make the document available.

**5.070B. What steps must be taken so that the International Bureau can obtain the priority document from a digital library, in particular via DAS?** The procedural steps that the applicant needs to follow so that the earlier application will be available to the International Bureau are set out on the DAS website at the following address: <https://www.wipo.int/das/en/description.html> and on the individual web sites of the participating offices (see the list at [https://www.wipo.int/das/en/participating\\_offices.html](https://www.wipo.int/das/en/participating_offices.html)). Having carried out these steps, the applicant will receive an access code. The applicant should then mark the applicable check-boxes in Box No. VI, and indicate the access code for each specific priority document or submit a written request containing this information to the International Bureau.

**5.070C. What steps must be taken when the earlier application to be made available via DAS is an international application?** Applicants may also claim priority from an international application when filing a patent application at another Office (an Office of Second Filing). If the international application was filed with the receiving Office of the International Bureau, the applicant may send a letter to that Office requesting that the document be made available via DAS, and then request the Office of Second Filing to retrieve that document from DAS. For international applications filed at other receiving Offices, check the list of Offices at [https://www.wipo.int/das/en/participating\\_offices.html](https://www.wipo.int/das/en/participating_offices.html) to see whether a particular participating Office will make international applications, filed at its receiving Office, available to DAS in addition to national applications.

**5.070D.** The International Bureau notifies the applicant of the date on which the priority document was received or obtained. Any designated Office may request a copy

of the priority document from the International Bureau. Provided the applicant has either furnished a certified copy or requested that the priority document be transmitted or obtained and paid the necessary fee as described above, no designated Office may ask the applicant to furnish a certified copy of the earlier application. Where this is not the case and unless the earlier application of which priority is claimed was filed with the designated Office in its capacity as national Office or if the priority document is available to the designated Office from a digital library, any designated Office may disregard the priority claim. The designated Office must first, however, have given the applicant an opportunity to furnish the priority document within a time limit which is reasonable under the circumstances. For the obligation of the applicant to furnish a simple (not certified) copy of the priority document to the designated Offices (including a copy of the priority certificate), see National Phase, paragraph 5.009 and the relevant National Chapters.

Rule 17.2(b) 5.071. For information as to the obtaining of copies of the priority document after international publication, see paragraph 9.023.

### Box No. VII: International Searching Authority

Rule 4.1(b)(iv) 5.072. **Must an applicant indicate a choice of International Searching Authority?** Where two or more International Searching Authorities are competent to carry out the international search, the applicant must indicate the Authority chosen in the appropriate space in Box No. VII. For details on which International Searching Authorities are competent, see Annex C and paragraph 7.002.

Rule 4.1(b)(ii) 5.073. **Can the International Searching Authority be requested to take into account the results of an earlier search?** If the applicant wishes the International Searching Authority, in carrying out the international search, to take into account the results of an earlier international, international-type or national search (Rule 4.12) and has complied with all the requirements under Rule 12*bis*.1, the Authority must, to the extent possible, take into account the results of the earlier search if it was carried out by the same Office as that which is acting as the International Searching Authority (Rule 41.1(i)). However, if the earlier search was carried out by another International Searching Authority or national (or regional) Office, the International Searching Authority may choose whether it takes into account the results of the earlier search (Rule 41.1(ii)). To the extent that the International Searching Authority takes such earlier search results into account, the International Searching Authority must reduce the search fee to the extent and under the conditions provided for in the agreement under Article 16(3)(b) (Rule 16.3). International Searching Authorities are free to decide the extent and conditions for such search fee reductions. For the full texts of the agreements under Article 16(3)(b) see [https://www.wipo.int/pct/en/access/isa\\_ipea\\_agreements.html](https://www.wipo.int/pct/en/access/isa_ipea_agreements.html) (see also paragraph 5.198).

The request form, Continuation of Box No. VII (item 1), includes an option for the applicant to request that the results of an earlier search be taken into consideration by the International Searching Authority and a similar option is included in ePCT. The applicant only needs to check the corresponding box in Continuation of Box No. VII (item 1) and identify the earlier application (whether national, regional or international) in respect of which the earlier search was carried by including the filing date, the filing number and the country of filing.

Rule 12*bis*.1(a) In general, if the applicant has made a request for the results of an earlier search to be taken into account, he should – together with the international application and at the time of filing – provide the receiving Office with a copy of the results of the earlier search. However, the applicant will not need to furnish a copy of the earlier search results in the following cases:

Rule 12*bis*.1(c) – where the earlier search was carried out by the same Authority or Office as that which will act as the International Searching Authority;

Rule 12*bis*.1(b) – where the earlier search was not carried out by the International Searching Authority indicated in Box No. VII of the request form but by the same Office as that which is acting as the receiving Office; in this case, the applicant can request the receiving Office to prepare and transmit the earlier search results

directly to the International Searching Authority by marking the check-box provided in Continuation of Box No. VII (item 1) of the request form. This request may be subject to the payment of a fee;

- Rule 12*bis*.1(d) – where, although the earlier search was not carried out by the receiving Office or the International Searching Authority, a copy of the earlier search results is available to that Office or Authority in a form and manner acceptable to it, for example, from a digital library and the applicant indicated this fact as provided for in Continuation of Box No. VII (item 1) of the request form.

If the applicant wants the results of more than one search to be taken into account, the above-mentioned indications must be specified for each and every earlier search. In addition, where the applicant requests the International Searching Authority to take into account the results of more than one earlier search, the sheet of the request form containing the Continuation of Box No. VII, Use of Earlier Search and Classification Results, should be duplicated as many times as necessary and marked “continuation sheet of item 1 of Continuation of Box No. VII” to allow the applicant to comply with the requirements and provide the required information for each earlier application.

- Rule 4.12  
12*bis*.2 5.073A. **May the International Searching Authority request the applicant to furnish any other documents in connection with an earlier search than those transmitted by the receiving Office?** Unless the applicant has done so already, the International Authority may invite the applicant (Form PCT/ISA/238) to furnish to it a copy of the earlier application, a translation (where required) of that earlier application into a language accepted by the International Searching Authority, a translation (where required) of the results of the earlier search into a language accepted by the International Searching Authority and/or a copy of any document cited in the results of the earlier search. However, the International Searching Authority may not require the applicant to furnish any or some of those documents in the following cases:

- Rule 12*bis*.2(b) – where the earlier search was carried out by the same Authority or Office as that which will act as the International Searching Authority;

- Rule 12*bis*.2(c) – where the applicant marks the check-box provided in Continuation of Box No. VII (item 1) of the request form stating that the international application is the same or substantially the same as the earlier application in respect of which the earlier search was carried out, except that it is filed in a different language, the International Searching Authority may not require a copy of the earlier application or a translation thereof;

- Rule 12*bis*.2(b) – where a copy of the earlier application or of any document cited in the results of the earlier search or a translation of the earlier application or a translation of the results of the earlier search are available to the International Searching Authority in a manner acceptable to it, and if the applicant has indicated so by marking the check-box provided in Continuation of Box No. VII (item 1) of the request form.

- Rule 23*bis*.2(a)  
41.2 5.073B. **Will the receiving Office also transmit the earlier search and classification results to the International Searching Authority where the applicant did not make a request to take into account the results of an earlier search?** Where the international application claims priority of an earlier application and the applicant did not make any indication in item 1 of Continuation of Box No. VII of the request form, the receiving Office is nevertheless required to transmit to the International Searching Authority a copy of the earlier search and classification results (unless such a copy is already available to the International Searching Authority) if the earlier application was filed with the same national or regional Office as that which is acting as receiving Office, and that Office has carried out the search in respect of the earlier application. The receiving Office may transmit a copy of the earlier search and classification results if the earlier application was filed with a different Office but where the results of that earlier search and classification are nevertheless available to the receiving Office. The receiving Office is only obliged to transmit any earlier search and classification results which are available to it at the time of filing of the international application.

- Rule 23*bis*.2(e) Some Offices have notified the International Bureau (see [https://www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](https://www.wipo.int/pct/en/texts/reservations/res_incomp.html)) that the transmission of copies of earlier search and classification results without the authorization of the

applicant is not compatible with their national law. Therefore, where the international application is filed with a receiving Office that has notified the International Bureau accordingly, the applicant may nevertheless authorize the receiving Office to transmit earlier search and classification results to the International Searching Authority by marking the first check-box in item 2.3 of Continuation of Box No. VII of the request form. Only the international applications filed with the following receiving Offices are concerned by this situation: the Australian Patent Office, the Finnish Patent and Registration Office (PRH), the Hungarian Intellectual Property Office (HIPO), the Industrial Property Office (Czechia), the Intellectual Property Office of Singapore, the Israel Patent Office, the Japan Patent Office (JPO), the Norwegian Industrial Property Office, the Swedish Intellectual Property Office (PRV) and the United States Patent and Trademark Office (USPTO).

Where the earlier search concerns an international application and that earlier search was carried out by a different International Searching Authority than the International Searching Authority indicated in Box No. VII of the request form, the applicant may authorize the receiving Office to transmit the earlier search and classification results to the International Searching Authority indicated in Box No. VII of the request form, by marking the second check-box in item 2.3 of Continuation of Box No. VII of the request form.

Rule 23*bis*.2(b)

**5.073C. May the applicant request the receiving Office not to transmit the earlier search results to the International Searching Authority?** Some Offices have notified the International Bureau (see [https://www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](https://www.wipo.int/pct/en/texts/reservations/res_incomp.html)) that they may, upon request of the applicant, decide not to transmit the results of an earlier search to the International Searching Authority. Where the international application is filed with an Office that has notified the International Bureau accordingly, namely, the Finnish Patent and Registration Office (PRH), the German Patent and Trade Mark Office and the Swedish Intellectual Property Office (PRV), the applicant may request the receiving Office not to transmit the earlier search results to the ISA, by marking the check-box in item 2.2 of Continuation of Box No. VII of the request form.

Rule 41.2

**5.073D. Will the International Searching Authority take the results of an earlier search into account if the applicant has not made a request under Rule 4.12?** Where the international application claims the priority of an earlier application in respect of which a search has been carried out by the same Office that acts as International Searching Authority, the Authority is required to take the results of that earlier search into account when carrying out the international search. Where the receiving Office has transmitted to the International Searching Authority a copy of any earlier search or classification results, or where such a copy is otherwise available to it, for example, from a digital library, the International Searching Authority may take those results into account when carrying out the international search.

### Box No. VIII: Declarations

**5.074. What declarations may be referred to in Box No. VIII and included in Boxes Nos. VIII (i) to (v)?** The applicant may, for the purposes of the national law applicable in one or more designated States, include any of the following declarations under Rule 4.17:

- |  |   |
|--|---|
| Rule 4.17(i)<br>51 <i>bis</i> .1(a)(i)     | – Box No. VIII (i): declaration as to the identity of the inventor (This declaration need not be made if the name and address of the inventor are indicated in the request, that is, usually in Boxes No. II and/or III).   |
| Rule 4.17(ii)<br>51 <i>bis</i> .1(a)(ii)   | – Box No. VIII (ii): declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (This declaration does not apply to situations where the applicant's entitlement was acquired only after the international filing date.)          |
| Rule 4.17(iii)<br>51 <i>bis</i> .1(a)(iii) | – Box No. VIII (iii): declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application (This declaration does not apply to situations where the applicant's entitlement was acquired only after the international filing date.) |

Rule 4.17(iv) 51bis.1(a)(iv)	–	Box No. VIII (iv): declaration of inventorship (only for the purposes of the United States of America) (Submitting a declaration of inventorship during the international phase may be advantageous as inventors may be more difficult to be reached when the application enters the national phase).
Rule 4.17(v) 51bis.1(a)(v)	–	Box No. VIII (v): declaration as to non-prejudicial disclosures or exceptions to lack of novelty.
Rule 4.17 51bis.1 51bis.2	5.075.	<b>What is the purpose of those declarations?</b> The purpose of declarations under Rule 4.17 is to enable applicants to comply with some of the national requirements of the designated Offices referred to in Rule 51bis.1 already during the international phase. The national laws of many designated Offices require the applicant to furnish documents or evidence relating to certain matters, for example the applicant's entitlement to apply for or be granted a patent, during the national phase. By submitting declarations under Rule 4.17 during the international phase, the applicant will generally not have to furnish any documents or evidence on the particular subject matter covered by the declaration to any designated Office which has such a requirement. For example, when the applicant furnishes a declaration under Rule 4.17(ii) during the international phase, he does generally not need to submit any further document or evidence relating to the applicant's entitlement to apply for or be granted a patent (for example an assignment document transferring rights from the inventor to the applicant) during the national phase before designated Offices which have such requirements under their national law (see also paragraph 5.081). The PCT does not require that declarations be submitted during the international phase, but if they are, they should be prepared using standardized wording (see paragraphs 5.076 to 5.078). No other declaration(s) may be included in any of Boxes VIII (i) to (v).
Rule 4.17 Section 211 212 213 214 215	5.076.	<b>How must the declarations be presented in the request?</b> Each declaration should be made on the appropriate sheet (Box No. VIII (i) to (v)); a "continuation sheet for declaration" (Continuation of Box No. VIII (i) to (v)) should be used in case any single declaration does not fit on the corresponding sheet. The declarations must be worded using the standardized wording provided for in Sections 211 to 215. Except in respect of the declaration of inventorship for the purposes of the designation of the United States of America (see paragraph 5.077), the applicant must choose those items and elements of the standardized wording that apply and place them in the appropriate order, taking into account the facts of the case, the chronology of events, etc. Detailed guidance on making these declarations is contained in the Notes to the request form. If no declaration is made, none of the declaration sheets should be included in the request.
Rule 4.17(iv) Section 214(a) and (b)	5.077.	The text of the declaration of inventorship for the purposes of the designation of the United States of America only is pre-printed in Box No. VIII (iv) of the request form since that text must be used as set out in Section 214, no parts may be omitted or presented in an order different from that used in the form. When this declaration is furnished after the international filing date, the PCT application number must be added to the declaration in the space provided for this purpose. In addition, when there are several inventors, all inventors must sign and date a complete declaration containing all inventors, even if they do not sign the same (copy of the) declaration, and the name, residence and address must be included for each inventor.
Rule 51bis.2	5.078.	<b>Must the standardized wordings of declarations always be used?</b> The standardized wording should always be used otherwise the designated Offices may require the applicant to furnish a new declaration or further evidence in the national phase. It should be noted, that even if a declaration has not been made using the standardized wording, the International Bureau will nevertheless publish it. It will then be up to each designated Office concerned to determine whether it can accept the declaration or not; in other words, the applicant will not have any guarantee that an Office will accept it. If the circumstances of a particular case are such that the standardized wording under Rule 4.17 is not applicable the applicant should consider complying with the requirement during the national phase.

- Rule 4.17(iv)  
Section 214(a)  
and (b)
- 5.079. **Must a declaration under Rule 4.17 be signed?** Only the declaration of inventorship for the purposes of the designation of the United States of America must be signed and dated by all inventors. No other declaration must be signed.
- Rule 51bis.2
- 5.080. **Do all designated Offices accept declarations made under Rule 4.17 under their national law?** All designated Offices that have special national requirements allowed under the PCT accept such declarations. For more information about which States require the substantive information in each of the declarations, see “Special requirements of the Office” in the corresponding National Chapter (Summary) for the designated Office concerned, and National Phase, paragraphs 5.003 to 5.005.
- Rule 51bis.2
- 5.081. **May the designated Offices require further evidence during the national phase?** Where the declaration in question is one of those referred to in Rule 4.17(i) to (iv), the designated Office may not require any document or evidence relating to the subject matter of such declaration unless it may reasonably doubt the veracity of that declaration. Where the declaration in question is that referred to in Rule 4.17(v), the designated Office may require further documents or evidence, noting that the matter of non-prejudicial disclosures and exceptions to lack of novelty is a substantive matter of patentability. It is to be noted that the fact that a declaration is made does not, of itself, establish the matters declared: those matters remain for determination by the designated Offices in accordance with the applicable national law.
- Rule 48.2(a)(x)  
48.2(b)(iv)
- 5.082. **How do designated Offices receive the declarations relevant to them?** All declarations will be part of the published international application (see paragraph 9.015) and will therefore not be communicated separately to the designated Offices concerned.
- 5.083. **What is the purpose of the check-boxes in Box No. VIII?** The check-boxes in Box No. VIII should be completed by the applicant to allow the receiving Office to verify that the declaration(s) referred to correspond to those made in Boxes No. VIII (i) to (v).
- If the applicant chooses not to make any declaration at the time of filing the international application or if the declarations are not yet available at the time of filing, the request should not include the optional sheets for declarations and nothing should be marked in the check-boxes in Box No. VIII.
- Rule 26ter.1
- 5.083A. **Can a declaration referred to in Rule 4.17 be corrected or added during the international phase?** A declaration may be corrected, or a new (missing) declaration added, by a notice submitted to the International Bureau. For further details, see paragraphs 6.045 to 6.050. It should be noted, however, that a declaration may not be withdrawn once it has been filed.
- Box No. IX: Check List**
- Rule 3.3  
Section 313
- 5.084. **What is the purpose of the check list?** Box No. IX should be completed by the applicant to allow the receiving Office to verify the completeness of the documents constituting and/or accompanying the international application and, in particular, to check whether the international application as filed actually contains the number of sheets in paper form indicated in items (a) to (f).
- 5.085. The actual number of sheets constituting each element of the international application as well as their total should be indicated (for the numbering of sheets, see paragraph 5.012). As for the sheets of the request, they are at least four in number (the “first sheet,” the “second sheet,” the “third sheet” and the “last sheet”). There may be more sheets if one or more optional sheets are used (the “continuation sheet” for Box No. III, the “supplemental sheet,” the “declaration sheet” or the “continuation sheet for declaration”).
- Article 27(2)  
Rule 13bis  
51bis.1  
Section 209
- 5.086. For details on the completion of Box No. IX and on the kinds of items which may need to be filed with the international application, see the Notes to the request form. See also the National Chapters for details concerning certain matters in relation to designated Offices.

Rule 3.3(a)(iii)  
8.2  
Section 201

5.087. The applicant must further indicate in Box No. IX the number of that figure of the drawings (if any) which is suggested to accompany the abstract for publication (see paragraph 5.170) and preferably also the language of filing of the international application.

### **Box No. X: Signature of Applicant or Agent**

Article 14(1)(a)(i)  
Rule 4.1(d)  
4.15  
26.2bis(a)  
51bis.1(a)(vi)  
90.3

5.088. **Who must sign the international application and when?** The international application must be signed in Box No. X of the request by the applicant, or, where there are two or more applicants, by all of them. However, if there is more than one applicant, the receiving Office will not invite the applicant to furnish missing signatures when the request is signed by at least one of the applicants. Note, however, that in this case, any designated Office may in accordance with the applicable national law require the confirmation of the international application by the signature of any applicant for the designated State who has not signed the request. Subject to certain conditions indicated in paragraph 5.089, the request may be signed by the agent instead of the applicant(s).

Rule 2.1  
4.1(d)  
4.15  
90.3  
90.4  
90.5

5.089. **May the international application be signed by an agent?** The international application may be signed by an agent, but in that case the agent must be appointed as such by the applicant in a separate power of attorney signed by the applicant himself. The power of attorney has to be submitted to the receiving Office unless the receiving Office has waived the requirement to furnish a separate power of attorney (see paragraphs 5.041 to 5.051, and 11.001 to 11.014). If there are two or more applicants, the request may be signed by an agent on behalf of all or only some of them; in that case the agent must be appointed as such in one or more powers of attorney signed by the applicants on whose behalf the agent signs the application. Where a power of attorney appointing an agent who signs an international application is missing and the receiving Office requires that a power of attorney be furnished, the signature is treated as missing until the power of attorney is submitted. For the case of a general power of attorney, see paragraphs 5.043 and 11.009.

5.090. **How must the international application be signed?** The signature should be executed indelibly in a dark color, preferably in black ink, so that it will appear clearly in a photocopy. The name of each person signing the international application should be indicated (preferably typewritten) next to the signature. Where the person signs on behalf of a legal entity, the capacity in which that person signs should also be indicated.

Rule 2.3

5.091. **When must or may a seal be used instead of a signature?** In international applications filed with the China National Intellectual Property Administration (CNIPA) as receiving Office, a seal may be used instead of a signature. In the case of international applications filed in English with the Japan Patent Office (JPO) as receiving Office and in respect of which the European Patent Office has been chosen by the applicant as International Searching Authority, a signature must be furnished instead of a seal. In international applications filed with the Korean Intellectual Property Office as receiving Office, a seal may be used instead of a signature.

### **Notes to the Request Form**

5.092. **What are the Notes to the request form?** The Notes to the request form are intended to facilitate the completion of that form. They indicate, in relation to each Box of that form, what indications are required and how they are to be made. The Notes are not required to be submitted with the request, however, and should not be numbered as part of the request.

### **Fee Calculation Sheet**

5.093. **What is the fee calculation sheet?** The fee calculation sheet is intended to help the applicant to calculate the total amount of fees payable to the receiving Office. The sheet is usually annexed to the request form which the applicant obtains from the receiving Office. It is not part of the form and is not counted as a sheet of the request, however, and its use is not mandatory. Nevertheless, it is strongly recommended that the applicant complete the fee calculation sheet and submit it to the receiving Office.

This will help the receiving Office to verify the calculations and identify any errors. Where two or more International Searching Authorities are competent for searching the international application (see paragraph 7.002), the Authority which was chosen by the applicant and indicated in Box No. VII of the request form (see paragraph 5.072) should also be indicated in the fee calculation sheet, together with the amount of the applicable search fee (see paragraph 5.187). See the Notes to the fee calculation sheet for details about completion of the sheet. For information about the payment of fees generally, see paragraphs 5.184 to 5.199.

## THE DESCRIPTION

Article 5  
11(1)(iii)(d)  
Rule 5  
Section 204

5.094. **How must the description be drafted?** The description must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art. It must start with the title of the invention as appearing in Box No. I of the request. Rule 5 contains detailed requirements as to the “manner and order” of the description, which, generally, should be in six parts. Those parts should have the following headings: “Technical Field,” “Background Art,” “Disclosure of Invention,” “Brief Description of Drawings,” “Best Mode for Carrying Out the Invention” or, where appropriate (see paragraph 5.096), “Mode(s) for Carrying Out the Invention,” and “Industrial Applicability.”

5.095. The details required for the disclosure of the invention so that it can be carried out by a person skilled in the art depend on the practice of the national Offices. It is therefore recommended that due account be taken of national practice (for instance in Japan and the United States of America) when the description is drafted. The need to amend the description during the national phase (see paragraph 5.111 below) may thus be avoided.

Rule 5.1(a)(v)

5.096. What is said in paragraph 5.095 applies likewise to the need to indicate the “best mode for carrying out the invention.” If at least one of the designated Offices requires the indication of the “best mode” (for instance, the United States Patent and Trademark Office), that best mode must be indicated in the description.

5.097. A description drafted with due regard to what is said in paragraphs 5.094 to 5.096 will be accepted by all the designated Offices. It might require more care than the drafting of a national patent application, but certainly much less effort than the drafting of multiple applications, which is necessary where the PCT route is not used for filing in several countries.

5.098. The requirement of unity of invention is discussed, in connection with the claims, in paragraphs 5.114 to 5.123.

Rule 5.2  
12.1(d)

Section  
208  
513  
Annex C of the  
Administrative  
Instructions

5.099. **What special requirements apply to the sequence listing part of the description?** Where the international application contains disclosure of a nucleotide and/or amino acid sequence [required to be included in a sequence listing pursuant to Annex C of the Administrative Instructions](#), the description must contain a [sequence listing part of the description](#) which complies with the standard provided for in Annex C (WIPO Standard ST.26). Under WIPO Standard ST.26, the [sequence listing must be filed in XML format](#). Any language-dependent free text in the sequence listing must be provided in a language accepted for that purpose by the receiving Office. If permitted by the receiving Office, the same language-dependent free text may be provided in two languages within the same sequence listing, English and another language (see Annex C of the PCT Applicant's Guide for the requirements of each receiving Office). For further information relating to nucleotide and/or amino acid sequence listings, including those filed for the purposes of international search, see below and paragraphs 7.005 to 7.012.

Rule 19.4(a)(ii-bis)  
Section 208  
702  
Annex C and F of the  
Administrative  
Instructions

5.100. **How to best file an international application containing a sequence listing?** An international application containing a sequence listing [is best filed in electronic form, since the sequence listing must be filed in electronic form in XML format](#). The application [should](#) be filed in an electronic document format and/or by a means of transmittal accepted by the receiving Office for the purposes of filing international applications in electronic form (Annex F). [Any receiving Office that does not accept the](#)

filing of sequence listings in XML format will transmit the international application to the International Bureau as receiving Office under Rule 19.4. The sequence listing must be prepared in accordance with Annex C of the Administrative Instructions (compliant with WIPO Standard ST.26), generated preferably using the WIPO Sequence software (see paragraph 5.104). Applicants are strongly discouraged from filing international applications with the main body on paper and the sequence listing separately in electronic form. For international applications filed on paper, the sequence listing in XML format must accompany the international application (e.g., on an electronic carrier).

Section 707  
Annex C of the  
Administrative  
Instructions

**5.101. How is the fee for filing sequence listings calculated?** No page fees are payable for any sequence listing filed in XML format in accordance with WIPO Standard ST.26.

Annex C of the  
Administrative  
Instructions

**5.102. What happens if a separate electronic file appearing to be a disclosure of sequences is filed in a format other than XML?** As explained in paragraphs 5.099 and 5.100, any sequence listing part of the description must be filed in XML complying with WIPO Standard ST.26. If at the time of filing the applicant included a separate electronic file disclosing sequences in a format other than XML (e.g., in PDF or ST.25 TXT), the receiving Office will invite the applicant to confirm whether the applicant wishes to add the content as sheets to the main part of the description. If this is the applicant's intention, the applicant must confirm to the receiving Office that the content of the file should form part of the description and if the file is not in the format accepted for the main part of the description, resubmit the content in such a format (e.g., PDF). Some receiving Offices may convert the file into the acceptable format directly and ask the applicant to confirm. Any sheets added to the main part of the description will be taken into account in the calculation of the international filing fee. The applicant may later amend the description (under Article 34 or at the time of national phase entry) to include a sequence listing part of the description complying with WIPO Standard ST.26. If the applicant fails to confirm or pay any applicable fee for sheets in excess of 30, the content of the file originally submitted will be disregarded and will not form part of the international application.

Rule 19.4(a)(ii-bis)

**5.103. Do all receiving Offices accept the filing of sequence listings in electronic format?** Receiving Offices which are prepared to accept the filing of international applications in electronic format are indicated in Annex C. Any receiving Office which does not accept sequence listings filed in XML format will transmit the international application to the International Bureau as receiving Office under Rule 19.4.

**5.104. Does the International Bureau recommend any software for the preparation of sequence listings in electronic format?** To ensure compliance with the prescribed standard, sequence listings should be created using WIPO Sequence (available for download from WIPO website at: <https://www.wipo.int/standards/en/sequence/index.html>).

Rule 11  
Section 109

**5.105. What are the physical requirements for the description?** Rule 11 lists the physical requirements which have to be met by an international application. The paper must be of A4 size, white and durable. The minimum margins must be 2 cm on the top, the bottom and the right side of the sheet, and 2.5 cm on the left side of the sheet. The margins should not exceed 3 cm on the bottom and the right side of the sheet and 4 cm on the top and the left side of the sheet. The margins must be completely blank, except that a file reference not exceeding 25 characters in length may be placed by the applicant in the left-hand corner of the top margin within 1.5 cm from the top of the sheet. The file reference may be composed either of letters of the Latin alphabet or Arabic numerals, or both. The hyphen character ("–") may be used as a separator between alphanumeric characters. Any text matter in the description must be in characters the capital letters of which are not less than 0.28 cm.

Rule 11.7  
11.8  
11.9  
Section 207

**5.106. How should the pages and lines be numbered?** The page number must be centered at the top or bottom of the sheet, but not in the 2 cm margin (that is, a page number, if at the top of the sheet, must be below the 2 cm margin, and if at the bottom of the sheet, above the 2 cm margin). It is strongly recommended that every fifth line of each sheet be numbered in the right half of the left margin. The description must be typewritten or printed. The typing must be 1½ spaced and in dark indelible color so

as to permit direct reproduction. The capital letters of the characters must be a minimum of 0.28 cm high.

Rule 11.9(b)  
11.10(b)

**5.107. How are chemical or mathematical formulae to be represented?** The description, the claims and the abstract may contain chemical or mathematical formulae. Such formulae may be written by hand or drawn if necessary but it is recommended that appropriate drafting aids or materials such as stencils or transfers be used. For practical reasons formulae may be grouped together on one or more sheets in the description and paginated with it. It is recommended in such cases that each formula be designated by a reference sign and the description should contain references to such formulae whenever necessary. Chemical or mathematical formulae may also be grouped together and be placed after the claims as drawings. In such a case, the chemical or mathematical formulae must be drawn to comply with the requirements for drawings and the sheets must be numbered as drawing sheets (see paragraph 5.157).

Rule 11.9(b)  
11.9(d)  
11.13(h)

**5.108.** Chemical or mathematical formulae must employ symbols in general use and must be drawn in such a way that they are completely unambiguous. Numerals, letters and signs which are not typed must be legible and identical in form in the various formulae, irrespective of the element of the international application in which they appear. Chemical or mathematical formulae appearing in the text of the international application must have symbols the capital letters of which are at least 0.28 cm high. Where they appear on sheets of drawings, these symbols must be at least 0.32 cm high. All mathematical symbols used in a formula which appear in a description or on sheets of drawings should be explained in the description, unless their significance is clear from the context. In any case, the mathematical symbols used may be collated in a list.

Rule 11.10(c)  
and(d)

**5.109. How are tables to be represented?** For the sake of convenience, tables may be grouped together in one or more sheets of the description and paginated with it. If two or more tables are necessary, each should be identified by a Roman numeral (independently of the pagination of the description or drawings or of the figure numbering) or by a capital letter, or by a title indicating its contents, or by some other means. Each line and column in a table should begin with an entry explaining what it represents and, if necessary, the units used. As far as possible, all tables should be set out upright on the sheets. Where the tables cannot be presented satisfactorily in an upright position, they may be placed sideways, with the top of the tables on the left-hand side of the sheet.

Rule 91

**5.110. How can obvious mistakes in the description be rectified?** The procedure for rectification of obvious mistakes is explained in paragraphs 11.033 to 11.044. The omission of an entire sheet of the description cannot be rectified without affecting the international filing date (see paragraphs 6.025 and 6.026). Changes other than the rectification of obvious mistakes are considered amendments (see paragraph 5.111).

Article 28  
34(2)(b)  
41(1)

Rule 52  
78

**5.111. Can the description be amended during the international phase?** The description can be amended during the international phase only if the applicant files a demand for international preliminary examination (see paragraph 10.001). The description can also be amended during the national phase before each designated or elected Office (see National Phase). Different provisions apply to amendment of the claims in the international phase – see paragraph 5.127.

## THE CLAIMS

Article 6  
11(1)(iii)(e)  
Rule 6.1  
6.2  
6.3  
6.4

**5.112. How must claims be drafted?** The claim or claims must “define the matter for which protection is sought.” Claims must be clear and concise. They must be fully supported by the description. Rule 6 contains detailed requirements as to the number and numbering of claims, the extent to which any claim may refer to other parts of the international application, the manner of claiming, and dependent claims. As to the manner of claiming, the claims must, whenever appropriate, be in two distinct parts; namely, the statement of the prior art and the statement of the features for which protection is sought (“the characterizing portion”).

Rule 6.4(a)

5.113. In principle, under the PCT, any dependent claim which refers to more than one other claim (“multiple dependent claim”) must refer to such claims in the alternative only, and multiple dependent claims cannot serve as a basis for any other multiple dependent claim. However, the national laws of most Contracting States permit a manner of claiming which is different from that provided for in the preceding sentence, and the use of that different manner of claiming is in principle also permitted under the PCT. For the purposes of those designated States where that different manner of claiming is not permitted, the applicant must decide which drafting style to adopt. If that different manner of claiming is used, amendments may need to be made to the claims during the national phase in those States which do not permit it. Moreover, the national Offices of such States, when they act as International Searching Authorities, may indicate under Article 17(2)(b) that a meaningful search could not be carried out if that different manner of claiming is used (see paragraph 7.014).

Article 3(4)(iii)  
Rule 13  
45bis.6(a)

5.114. **What is meant by the requirement of “unity of invention”?** An international application should be drafted so that the claims relate to only one invention or to a group of inventions so linked as to form a single general inventive concept. This principle is laid down in Article 3(4)(iii) and Rule 13. Observance of this requirement is checked by neither the receiving Office nor the International Bureau, but it is checked by, and is important to the procedure before, the International Searching Authority (see paragraphs 7.015 to 7.021), the Authority specified for supplementary search (see paragraph 8.044) and the International Preliminary Examining Authority (see paragraph 10.072), and may be relevant in the national phase before the designated and elected Offices. Since separate searches and examinations are required for distinctly different inventions, additional fees are required if the international search or international preliminary examination is to cover two or more inventions (or groups of inventions linked as just described). (For how the issue of unity of invention affects the supplementary international search, see paragraph 8.043.)

Rule 13.2  
13.3  
Section 206

5.115. **How is the requirement of unity of invention satisfied?** Unity of invention is present only when there is a “technical relationship” among the claimed inventions involving one or more of the same or corresponding “special technical features.” The expression “special technical features” means those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. The determination whether a group of inventions is so linked as to form a single inventive concept is made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim. An initial determination of unity of invention based on the assumption that the claims avoid the prior art will be made before the prior art search but may be reconsidered on the basis of the results of the search. Annex B of the Administrative Instructions contains detailed criteria governing the determination whether an international application complies with the requirement of unity of invention under Rule 13. The following paragraphs set out a summary of some of the more important criteria discussed in that Annex. Illustrations of three particular situations are explained in detail below:

- (i) combinations of different categories of claims (for example – product, process, use, and apparatus or means),
- (ii) so-called “Markush practice” and
- (iii) the case of intermediate and final products.

5.116. **May different categories of claims be combined in an international application?** The method for determining unity of invention contained in Rule 13 is construed as permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application:

- (i) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product, or
- (ii) in addition to an independent claim for a given process, an independent claim for an apparatus or means specifically designed for carrying out the said process, or

- (iii) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product and an independent claim for an apparatus or means specifically designed for carrying out the said process,

it being understood that a process is specially adapted for the manufacture of a product if it inherently results in the product and that an apparatus or means is specifically designed for carrying out a process if the contribution over the prior art of the apparatus or means corresponds to the contribution the process makes over the prior art.

5.117. An apparatus or means is considered to be “specifically designed for carrying out” a claimed process if the contribution over the prior art of the apparatus or means corresponds to the contribution the process makes over the prior art. Consequently, it would not be sufficient that the apparatus or means is merely capable of being used in carrying out the claimed process.

5.118. **What is permitted under the “Markush Practice”?** Rule 13.2 also governs the “Markush practice” wherein a single claim defines alternatives of an invention – a common drafting practice for inventions in the chemical field. In this special situation, the requirement of a technical interrelationship and the same or corresponding special technical features as defined in Rule 13.2, is considered to be met when the alternatives are of a similar nature.

5.119. When the Markush grouping is for alternatives of chemical compounds, they are regarded as being of a similar nature where the following criteria are fulfilled:

- (i) all alternatives have a common property or activity, and
- (ii) (a) a common structure is present – that is, a significant structural element is shared by all of the alternatives, or  
(b) in cases where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds in the art to which the invention pertains.

5.120. When dealing with alternatives, if it can be shown that at least one Markush alternative is not novel over the prior art, the question of unity of invention will be reconsidered by the examiner. Reconsideration does not necessarily imply that an objection of lack of unity will be raised.

5.121. **Can both intermediate and final products be claimed?** The situation involving intermediate and final products is also governed by Rule 13.2. The term “intermediate” is intended to mean intermediate or starting products. Such products have the ability to be used to produce final products through a physical or chemical change in which the intermediate loses its identity. Unity of invention should be considered to be present in the context of intermediate and final products where the following two conditions are fulfilled:

- (i) the intermediate and final products have the same essential structural element, in that:
  - (a) the basic chemical structures of the intermediate and the final products are the same, or
  - (b) the chemical structures of the two products are technically closely interrelated, the intermediate incorporating an essential structural element into the final product, and
- (ii) the intermediate and final products are technically interrelated, this meaning that the final product is manufactured directly from the intermediate or is separated from it by a small number of intermediates all containing the same essential structural element.

5.122. Unity of invention may also be considered to be present between intermediate and final products of which the structures are not known – for example, as between an intermediate having a known structure and a final product the structure of which is not known, or as between an intermediate of unknown structure and a final product of unknown structure. In order to satisfy unity in such cases, there must be

sufficient evidence to lead one to conclude that the intermediate and final products are technically closely interrelated as, for example, when the intermediate contains the same essential element as the final product or incorporates an essential element into the final product.

- Article 2(x)  
27(1)  
Rule 13
- 5.123. An international application which complies with the unity of invention requirements laid down in Rule 13 must be accepted by all the designated and elected Offices, since Article 27(1) does not allow any national law (as defined in Article 2(x)) to require compliance with requirements relating to the contents of the international application different from or additional to those provided for in the PCT.
- Rule 11  
11.4(a)
- 5.124. **What are the physical requirements for the claims?** The physical requirements are the same as those for the description as outlined in paragraph 5.105. Note that the claims must commence on a new sheet.
- Rule 11.10(c)
- 5.125. **May claims include tables?** The claims may include tables if this is desirable in view of the subject matter involved. In this case, the tables must be included in the text of the relevant claim; they may not be annexed to the claims nor may reference be made to tables contained in the description (see paragraph 5.109).
- Rule 91
- 5.126. **How can obvious mistakes in the claims be rectified?** The procedure for rectification of obvious mistakes is explained in paragraphs 11.033 to 11.044. The omission of an entire sheet of the claims cannot be rectified without affecting the international filing date (see paragraphs 6.025 and 6.026). It is recommended that a request for the rectification of obvious mistakes in the claims be made only if the mistake is liable to affect the international search; otherwise, the rectification should be made by amending the claims (see paragraph 5.127).
- Article 19  
28  
34(2)(b)  
41(1)
- 5.127. **Can the claims be amended during the international phase?** Yes, the claims may be amended under Article 19 on receipt of the international search report (see paragraphs 9.004 to 9.011); they may also be amended during international preliminary examination if the applicant has filed a demand (see paragraphs 10.024 and 10.067) and during the national phase.

## THE DRAWINGS

- Article 3(2)  
7  
Rule 7.1
- 5.128. **When is the inclusion of drawings required in the international application?** The international application must contain drawings when they are necessary for the understanding of the invention. Moreover where, without drawings being actually necessary for the understanding of the invention, the nature of the invention admits of illustration by drawings, the applicant may include such drawings and any designated Office may require the applicant to file such drawings during the national phase.
- Rule 7.1
- 5.129. Perspectives, exploded views, sections and cross-sections, and details on a different scale are all considered to be drawings. Drawings also cover flow sheets and diagrams, such as functional diagrams and graphic representations of a given phenomenon which express the relationship between two or more parameters.
- Rule 11.10
- 5.130. Where chemical or mathematical formulae and tables are included in the description, claims or abstract, they are not considered to be drawings and are thus not subject to the same requirements as drawings (see paragraphs 5.131 to 5.133). However, such graphic forms may be submitted as drawings, in which case they are subject to the same requirements as drawings.
- Rule 11.10  
11.11  
11.13
- 5.131. **How must the drawings be presented?** Drawings must be presented on one or more separate sheets. They may not be included in the description, the claims or the abstract. They may not contain text matter, except a single word or words when absolutely indispensable. Rules 11.10 to 11.13 contain detailed requirements as to further physical requirements of drawings. Any drawing meeting those requirements must be accepted in the national phase by the designated Offices. Drawings newly executed according to national standards may not be required during the national phase if the drawings filed with the international application comply with Rule 11. A file

reference may be indicated on each sheet of the drawings as for the description (see paragraph 5.105).

- Rule 11.2(a) 5.132. The drawings must be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset and microfilming, in any number of copies.
- Rule 11.2(a)-(c)  
11.3  
11.5  
11.6(c)  
11.12 5.133. Drawings must be on sheets of A4 paper (29.7 cm x 21 cm) which must be flexible, strong, white, smooth, non-shiny and durable. The sheets must be free from creases and cracks; they must not be folded. Each sheet must be reasonably free from erasures and must be free from alterations, overwriting and interlineations. Only one side of each sheet may be used. The usable surface of sheets must not exceed 26.2 cm x 17.0 cm. The sheets must not contain frames around the usable surface. The minimum margins which must be observed are: top and left side: 2.5 cm; right side: 1.5 cm; bottom: 1.0 cm.
- Rule 11.10(d)  
11.13(j) 5.134. **Should figures of drawings be arranged in a particular manner?** All the figures constituting the drawings must be grouped together on a sheet or sheets without waste of space, but clearly separated from each other. However, figures should not be separated by lines.
- Rule 11.10(d)  
11.13(j) 5.135. As far as possible, all figures of the drawings should be set out upright on the sheets. Where the drawings cannot be presented satisfactorily in an upright position, they may be placed sideways, with the tops of the drawings on the left-hand side of the sheet. Thus, a figure which is broader than it is high, may be set out so that the bottom of the figure lies parallel to and along the right-hand side of the sheet. In this case, if other figures are drawn on the same sheet, they should be set out in the same way, so that all the figures on a single sheet lie in the same position. Similar considerations apply to tables and chemical and mathematical formulae (see paragraphs 5.107 and 5.109).
- 5.136. The drawings should contain as many figures as may be necessary to adequately show the claimed invention. The views may be plan, elevation, section, or perspective views; detail views of portions or elements, on a larger scale if necessary, may be used. Exploded views, with the separated parts of the same figure embraced by a bracket, to show the relationship or order of assembly of various parts, are permissible. One figure should not be placed upon or within the outline of another figure.
- 5.137. Where an invention concerns improvements to details of existing devices and machines, a general figure may be desirable to indicate where on the device or machine the improvement is situated, in order to ensure that the drawings are readily understood. If, for example, the invention relates to the fixing of an elastic diaphragm in a diaphragm pump, a figure – generally the first – may represent the entire pump, as improved by the invention, the details of which will then be given in the other figures. On the other hand, it would be unnecessary to represent the entire machine comprising this diaphragm, for example the automobile in which the diaphragm pump circulates the fuel.
- 5.138. It is sufficient to choose the views which are the most representative and contain the minimum of hidden parts, so that the object is completely and unambiguously defined by means of the smallest possible number of views. To this end, it is sometimes sufficient to replace the various views of an object by a single perspective view. The simplest view compatible with the desired result should be chosen.
- Rule 11.13(i) 5.139. Where figures on two or more sheets form in effect a single complete figure, the figures on the several sheets must be so arranged that the complete figure can be assembled without concealing any part of any of the figures appearing on the various sheets. Partial figures drawn on separate sheets must always be capable of being linked edge to edge, that is to say, no partial figure may contain parts of another partial figure. A very long figure may be divided into several parts placed one above the other on a single sheet. However, the relationship between the different parts must be clear and unambiguous. It is therefore recommended that a smaller scale figure be included showing the whole formed by the partial figures and indicating the positions of the parts shown.

Rule 11.7  
Section 207(b)

**5.140. How must drawings be numbered?** All sheets of drawings must be numbered in the center of either the top or the bottom of each sheet but not in the margin (as for the sheets of the description – see paragraph 5.106) in numbers larger than those used as reference signs in order to avoid confusion with the latter. For drawings, a separate series of numbers is to be used (see paragraph 5.012). The number of each sheet of the drawings must consist of two Arabic numerals separated by an oblique stroke, the first being the sheet number and the second being the total number of sheets of drawings. For example, “2/5” would be used for the second sheet of drawings where there are five sheets in all and “1/1” would be used in the case of a single sheet.

Rule 11.13(k)  
49.5(f)

**5.141.** Different figures on the sheets of drawings must be numbered in Arabic numerals consecutively and independently of the numbering of the sheets and, if possible, in the order in which they appear. The numbers of the figures should be preceded by the expression “Fig.,” whatever the language of the international application. Where a single figure is sufficient to illustrate the claimed invention, it should not be numbered and the abbreviation “Fig.” should not appear. Numbers and letters identifying the figures must be simple and clear and may not be used in association with brackets, circles, or inverted commas, except as regards partial figures intended to form one complete figure, irrespective of whether they appear on one or several sheets. In this case the complete figure may be identified by the same number followed by a capital letter (for example, Fig. 7B).

**5.142.** The different figures should preferably be set out, as far as possible, on each sheet in ascending numerical order from left to right and from top to bottom. If one of two figures illustrates on a larger scale a detail from the other, each figure should be numbered separately, and if possible, consecutively.

Rule 11.13

**5.143. How should drawings be executed?** The drawings must be executed in durable, black, uniformly thick and well-defined lines and strokes. In all cases, the thickness of the lines and strokes must take into account the scale, nature, execution and perfect legibility of the drawing and of the reproductions. All lines in the drawings must, ordinarily, be drawn with the aid of a drafting instrument, except those which by their nature do not permit the use of such instruments, for example, irregular diagrams, ornamental structures and curved reference lines (see paragraph 5.145).

**5.144. May lines of different thicknesses be used in the same drawing?** Lines and strokes of different thicknesses may be used in the same drawing where different thicknesses have a different meaning. One could, for instance, use:

- a continuous thick line for edging and outlining views and cross-sections;
- a continuous thin line for reference lines (see paragraph 5.145 for further details), hatching, outlining parts of adjoining elements, fictitious lines of intersection of surfaces connected by curved or rounded edges;
- a continuous thin line drawn freehand for delimiting views, part sections or interrupted views;
- a thin broken line made up of short dashes for hidden edges and contours;
- a dot-dash thin line for axes and planes of symmetry, extreme positions of movable elements, in front of a cross-section;
- a thin line terminating in two thick lines for outlines of cross-sections.

**5.145. How should reference lines be shown?** Reference lines (also referred to as leading lines), that is, lines between the reference signs (for example, reference numerals) and the details referred to, may be straight or curved and should be as short as possible. They must originate in the immediate proximity of the reference sign and extend to the feature indicated. Reference lines for certain reference signs may be omitted. Reference signs of this type, which are not connected to anything, will then indicate the surface or cross-section on which they are placed. In such cases the reference sign may be underlined to make it quite clear that the line has not been left out by mistake. Reference lines must be executed in the same way as other lines in the drawing (see paragraph 5.143).

5.146. Arrows may be used at the end of the reference lines provided that their meaning is clear. They may indicate a number of points:

- (i) a freestanding arrow indicates the entire section towards which it points;
- (ii) an arrow touching a line indicates the surface shown by the line looking along the direction of the arrow;
- (iii) arrows may also be used in appropriate cases to show the direction of movement.

Rule 11.13(b)

5.147. **How are cross-sections to be represented?** In making and representing cross-sections, certain conditions must be observed with regard to the indication and identification of the figures concerned and how they are to be represented, as more fully explained in paragraphs 5.148 and 5.149.

5.148. Where a figure is a cross-section on another figure, the latter should indicate the position of the section and may indicate the viewing direction by arrows at each end. In addition, in order to allow each sectional figure to be quickly identified, especially where several cross-sections are made on the same figure, each end of the cross-section line should be marked on the diagram with the same single Arabic or Roman numeral which identifies the figure in which the section is illustrated. A cross-section represents that part of an object which is situated on a cutting surface. In industrial drawings, the cross-section is that part of the object which is behind the cutting surface from the point of view of the person looking at it. Cutting surfaces are generally plane surfaces and if they are not, they must be defined precisely. Cross-sections must always follow the cutting surface, whatever it may be.

5.149. A cross-section must be set out and drawn in the same manner as a normal view whose parts in cross-section are hatched with regularly spaced parallel oblique strokes, the space between strokes being chosen on the basis of the total area to be hatched. Hatching should not impede the clear reading of the reference signs and reference lines. Consequently, if it is not possible to place reference signs outside the hatched area, the hatching may be broken off wherever reference signs are inserted. Certain types of hatching may be given a specific meaning. The hatching should be at a substantial angle to the surrounding axes or principal lines, preferably 45°. The various parts of a cross-section of the same item should be hatched in the same manner. The hatching of juxtaposed different elements should be angled in a different way. In the case of large areas, hatching can be confined to an edging drawn around the inside of the outline of the area to be hatched.

Rule 11.13(c)

5.150. **What should be the scale of figures of the drawings?** The scale of the figure should be such that all the essential details can be clearly distinguished in a linear reduction in size to two-thirds. In exceptional cases, where required, the scale of the drawing may be graphically represented. Indications such as “actual size” or “scale ½” on the drawings or in the description, are not permitted, since these lose their meaning with reproduction in different format.

Rule 11.13(g)

5.151. Each element of each figure must be in proportion to each of the other elements in the figure, except where the use of a different proportion is indispensable for the clarity of the figure. As a preferred alternative to a difference in proportion within one figure for the purpose of achieving the necessary clarity, a supplementary figure should be added giving a larger scale illustration of the element of the initial figure. In such cases, it is recommended that the enlarged element shown in the second figure be surrounded by a finely drawn or “dot-dash” circle in the first figure pinpointing its location without obscuring the figure.

Rule 11.13(e)

5.152. **How should numbers, letters, reference signs and like indications be presented and applied to drawings?** Numbers, letters and reference signs and any other data given on the sheets of drawings, such as the numbering of figures, and of the sheets of the drawings, acceptable text matter, graduations on scales, etc., must be simple and clear, and not used in association with any brackets, inverted commas, circles or outlines whatsoever. Signs indicating minutes, seconds or degrees are permitted. Numbers, letters and reference signs should be laid out in the same direction as the diagram so as to avoid having to rotate the sheet. Such numbers, letters and

reference signs should not be so placed in the closed and complex parts of the drawings as to interfere with a thorough comprehension of the same, and therefore should rarely cross or mingle with the lines. As a general rule, numbers, letters and reference signs should be placed as closely as possible to the part in question.

- Rule 11.13(h) 5.153. A minimum size of 0.32 cm is required for all numbers and letters used on the drawings so that their reduction in size to two-thirds remains easily legible. The Latin alphabet should normally be used for letters. The Greek alphabet is to be accepted, however, where it is customarily used, for example, to indicate angles, wavelengths, etc.
- Rule 11.13(l) 5.154. Reference signs are to be used in a manner which is consistent as between the description, claims and drawings. In particular, reference signs not mentioned in the description must not appear in the drawings, and *vice versa*. Features of a drawing should not be designated by a reference sign in cases where the feature itself has not been described. This situation may arise as a result of amendments to the description involving the deletion of pages or whole paragraphs. One solution would be to delete reference signs on the drawing which have been deleted in the description. Where for any reason a figure is deleted, all reference signs relating solely to that figure appearing in the description and claims should also be deleted.
- Rule 11.13(m) 5.155. The same features, when denoted by reference signs, must, throughout the international application, be denoted by the same signs. However, where several variants or embodiments of a claimed invention are described, each with reference to a particular figure, and where each variant contains features whose function is the same or basically the same, the features may, if this is indicated in the description, be identified by reference numbers made up of the number of the figure to which it relates followed by the number of the feature, which is the same for all variants, so that a single number is formed. For example, the common feature “15” would be indicated by “115” in Fig. 1, while the corresponding feature would be indicated by “215” in Fig. 2, thereby allowing the individual feature and the figure on which it is to be considered to be indicated at the same time. Complex cases involving many pages of drawings may be made easier to read if, when the individual variants or embodiments are described with reference to particular groups of figures, the common reference sign is prefixed by the number of the particular variant or embodiment to which it relates; however, this should, if used, be explained in the description.
- Rule 11.11 5.156. **May drawings contain text matter?** The drawings must not contain text matter, except a single word or words when absolutely indispensable, such as “water”, “steam”, “open”, “closed”, “section on AB” and in the case of electric circuits and block schematic or flow sheet diagrams, a few short catch words indispensable for understanding. Significant amounts of text matter should be avoided in the drawings as this can cause difficulties not only in understanding but also in translation. Any words used must be so placed that if translated, they may be pasted over without interfering with any lines of the drawings.
- Rule 10.1(d) and (e) 5.157. **May symbols be used in drawings?** Known devices may be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art provided no further detail is essential for understanding the subject matter of the claimed invention. Other signs and symbols may be used provided that they are not likely to be confused with existing conventional symbols, that they are readily identifiable, that is, simple, and providing that they are clearly explained in the text of the description. Different types of hatching may also have different conventional meanings as regards the nature of a material seen in cross-section.
- 5.158. **Is the use of shading permitted?** The use of shading in figures is allowed provided this assists in their understanding and is not so extensive as to impede legibility. Shading may, for instance, be used to indicate the shape of spherical, cylindrical, conical elements, etc. Flat parts may also be lightly shaded. Such shading is allowed in the case of parts shown in perspective but not for cross-sections. Only spaced lines may be used for shading, not fully blacked out areas. These lines must be thin, as few in number as possible and they must contrast with the rest of the drawings.
- 5.159. **May a photograph or color drawing be presented?** The PCT makes no provision for photographs or color drawings. Nevertheless, they may be submitted

where it is impossible to present in a black and white drawing what is to be shown (for instance, crystalline structures). Where, exceptionally, photographs and/or color drawings are submitted, they must be on sheets of A4 size and respect the minimum margins (see paragraph 5.133). While the receiving Office will not necessarily require replacement sheets where photographs and/or color drawings are submitted, for international publication purposes, all images will be converted to black and white (not greyscale). As a result, details may be lost which could impact the disclosure of the invention in the international application and affect the processing of the international application in the international and the national phase. The filing software accepted by some receiving Offices allows for the specific indication that photographs and/or color drawings are filed as part of the international application. Such indications will trigger a notice on the front page of the published international application to indicate that the original drawings are available on PATENTSCOPE, which may assist national phase processing in Offices where color drawings are accepted. However, it will not overcome the need to provide true black and white drawings to other Offices when required, representing the color images without adding subject matter.

Rule 11.13(n)

**5.160. May a list of reference signs used in the drawings be included in the description?** In the case of international applications dealing with complex subjects and incorporating a large number of drawings, a separate sheet listing all reference signs may be included at the end of the description as a part thereof. This list may take whatever form is appropriate and contain all the reference signs together with the designation of the features which they denote. This method could have the advantage of allowing an easier reference to the meaning of the various reference signs employed and understanding of the drawings.

Rule 91

**5.161. How can obvious mistakes in the drawings be rectified?** The procedure for rectification of obvious mistakes is explained in paragraphs 11.033 to 11.044. The omission of an entire sheet of drawings cannot be rectified without affecting the international filing date (see paragraphs 6.025(i)(b) and 6.026). Changes other than the rectification of obvious mistakes are considered amendments (see paragraph 5.162).

Article 28  
34(2)(b)  
41(1)

**5.162. Can the drawings be amended during the international phase?** The drawings can be amended during the international phase only if the applicant files a demand for international preliminary examination (see paragraph 10.001). The drawings can also be amended during the national phase.

**5.163.** As regards the figure or, exceptionally, figures to accompany the abstract, see paragraph 5.171.

## THE ABSTRACT

Article 3(3)  
Rule 8.3

**5.164. What is the use of the abstract?** The abstract serves as a scanning tool for the purposes of searching in the particular art and especially assists the scientist, engineer or researcher in formulating an opinion on whether there is a need to consult the international application itself. It merely serves the purpose of technical information and cannot be taken into account for any other purpose, particularly not for the purpose of interpreting the scope of the protection sought.

Rule 8.1(a)

**5.165. What content should the abstract normally contain?** The abstract should consist of a summary of the disclosure as contained in the description, the claims, and any drawings. It should indicate the technical field to which the invention pertains and should be drafted in a way which allows a clear understanding of the technical problem, the gist of the solution to that problem through the invention, and the principal use or uses of the invention. Where applicable, it should also contain the chemical formula which, among all the formulae contained in the international application, best characterizes the invention. The abstract should be primarily related to what is new in the art to which the invention pertains. WIPO Standard ST.12/A provides more detailed guidance in this respect.

**5.166.** If the invention is in the nature of a modification to an apparatus, process, product or composition, the abstract should be directed to the technical disclosure of the modification. If the invention is of a basic nature, the entire technical disclosure may be

new in the art and the abstract should be directed to the entire disclosure. If an international application relating to a product, particularly a compound or composition, also contains significant disclosure of its method of preparation or use, this matter should also be abstracted. If the disclosure involves alternatives, the abstract should deal with the preferred alternative and identify the others if this can be done succinctly; if this cannot be done, it should mention that they exist and whether they differ substantially from the preferred alternative.

5.167. Where applicable, and provided the international application contains the information, the abstract should include at least the following: (1) if the invention is a machine, apparatus, or system, its organization and operation; (2) if the invention is an article, its method of making; (3) if the invention is a chemical compound, its identity and preparation; (4) if the invention is a mixture, its ingredients; (5) if the invention is a process, the steps. Extensive mechanical and design details of apparatus should not be given.

Rule 8.1(a)(ii)

5.168. With regard particularly to chemical inventions for compounds or compositions, the general nature of the compound or composition should be given as well as the use thereof, for example, "the compounds are of the class of alkyl benzene sulfonyl ureas, useful as oral anti-diabetics." Exemplification of a class should be by a typical example. For processes, the type of reaction, reagents and process conditions should be stated, generally illustrated by a single example. Wherever applicable, the chemical formula should be given which, among all the formulae contained in the international application, best characterizes the invention.

Rule 8.1(c)

5.169. The abstract must not contain statements on the alleged merits or value of the claimed invention or on its speculative application.

Rule 8.1(b)

5.169A. **How long should the abstract be?** The abstract must be as concise as the disclosure permits. Phrases should not be used which can be implied, such as "This disclosure concerns", "The invention defined by this disclosure" and "This invention relates to". If it is drafted in English, it should preferably be in the range of 50 to 150 words. The same applies to the translation in English if the abstract is drafted in a language other than English.

In order to provide guidance to applicants in preparing abstracts when they are drafted in languages other than English, the International Bureau has analyzed the abstracts of past international applications. That analysis shows that, on average, if the abstract drafted in one of the following languages of publication falls into the corresponding range of number of words or characters, when it is translated into English, that translation will likely be within the range of 50 to 150 words: Arabic, 35 to 110 words; Chinese, 80 to 240 characters; French, 50 to 150 words; German, 40 to 120 words; Japanese, 100 to 300 characters; Korean, 30 to 130 words; Portuguese, 50 to 150 words; Russian, 35 to 110 words; and Spanish, 50 to 150 words.

Rule 3.3(a)(iii)  
8.2

5.170. **When should a figure be suggested to accompany the abstract?** Where the international application contains drawings, the applicant should indicate, in the check list of the request, the number of the figure in the drawings which the applicant suggests should be published with the abstract.

5.171. The figure illustrating the abstract must be the figure which best characterizes the claimed invention and must be chosen from the drawings accompanying the international application. Only one figure should generally be indicated. The abstract may exceptionally be illustrated by more than one figure where necessary information cannot be otherwise conveyed. A figure containing significant amounts of text matter should be avoided as text can be difficult to read when reduced to the size of the front page drawing to accompany the abstract. In addition, large amounts of text in the figure to accompany the abstract can impede the understanding of the invention given that translated text in a figure is placed below or at the side of the drawing. If none of the figures is found useful for the understanding of the abstract, no figure need be indicated in the check list. The figure or figures that will accompany the abstract at the time the international application is published may not be included in the abstract.

- Rule 8.1(d) 5.171A. **Should the abstract contain reference signs?** The abstract should be clear and easy to understand. Where the international application contains drawings, each main technical feature mentioned in the abstract and illustrated by a drawing should be followed by a reference sign, placed between parentheses. The reference numerals used in the abstract must correspond to those indicated in the relevant figures.
- Section 207  
Rule 11 5.172. **How must the abstract be presented?** The abstract must be presented on a separate sheet which must appear after the claims and be numbered accordingly (see paragraph 5.012). It must comply with the same physical requirements as those applicable for the description (see paragraph 5.105).
- Article 14(1)(a)(iv)  
and (b)  
Rule 26.2  
38.2  
38.3 5.173. **What happens if the abstract is missing or defective?** Where the receiving Office finds that the abstract is missing, it invites the applicant to furnish it within a time limit of two months from the date of the invitation to correct. The international application can be considered withdrawn if no abstract is furnished to the receiving Office within the time limit fixed. Where the receiving Office has not invited the applicant to furnish an abstract, the International Searching Authority establishes one. The same applies where the abstract does not comply with the requirements outlined in the preceding paragraphs (see also paragraph 7.022). Where the abstract is established by the International Searching Authority, the applicant may submit comments on it within one month from the date of mailing of the international search report.
- Rule 38.3 5.174. **Can an abstract be corrected even if the International Searching Authority has already approved it?** The applicant is entitled, until the expiration of one month from the date of mailing of the international search report, to submit to the International Searching Authority proposed modifications of the abstract. It will be up to the Authority to decide whether to modify the abstract accordingly.

## OTHER FORMAL REQUIREMENTS

- Article 21(6)  
Rule 9 5.175. **What other formal requirements does the international application have to meet?** The international application may not contain matter contrary to morality or public order, disparaging statements or obviously irrelevant or unnecessary matter.
- When the receiving Office, the International Searching Authority, the Authority specified for supplementary search or the International Bureau note lack of compliance with the prescriptions of Rule 9, the Office or Authority may suggest that the applicant correct his international application accordingly. For the procedure to correct a defect under Rule 9, see paragraph 6.052.
- Rule 10 5.176. There are certain requirements as to the technical terminology and signs to be used (metric system, etc.). They are specified in Rule 10. The use of such prescribed technical terminology will be accepted by all designated Offices.
- Article 3(4)(ii)  
14(1)(a)(v)  
Rule 11 5.177. The international application must comply with certain physical requirements, such as requirements concerning fitness for reproduction, the paper to be used, the manner of writing (generally typewritten or printed), etc. The details are spelled out in Rule 11. They are, in general, very similar to the requirements applied by the major Patent Offices for national applications (and by the Eurasian Patent Office and the European Patent Office for Eurasian and European patent applications, respectively).
- Rule 4.16 5.178. Where any name or address is written in characters other than those of the Latin alphabet (for example, Chinese, Cyrillic or Japanese), it must be transliterated or translated into English. For details, see Rule 4.16.
- Rule 11.1(a)  
and (b)  
21 5.179. **In how many copies must an international application be filed?** An international application, and, where applicable, a translation of the international application, must be filed in one, two or three copies, depending on the requirements of the receiving Office. Annex C contains the relevant information. See also Rule 21.
- Article 12  
Rule 21.1  
22.1(a)  
23.1(a) 5.180. It is to be noted that there must eventually be three copies of every international application: one is kept by the receiving Office (the “home copy”), one is transmitted by the receiving Office to, and is kept by, the International Bureau (the

- Section 305 “record copy”), and one is transmitted by the receiving Office to, and kept by, the International Searching Authority (the “search copy”). If less than the required number of copies is filed by the applicant (see paragraph 5.179), the receiving Office is responsible for preparing the additional copies and may charge a fee to the applicant.
- Rule 12 5.181. Where the international application was filed in a language which is  
12.3 accepted by the receiving Office but not by the International Searching Authority which  
21.1 is to carry out the international search, the applicant has to furnish a translation of the  
22.1(a) international application (see paragraphs 6.013 to 6.020 for details). In that case, the  
23.1(a) receiving Office forwards a copy of the international application in the language of filing  
Section 305bis (the “record copy”) to the International Bureau, a copy (the “search copy”) to the  
International Searching Authority and retains one copy (the “home copy”). When the  
receiving Office receives the translation of the international application, it forwards one  
copy to the International Bureau (the “record copy – translation (Rule 12.3)”), keeps one  
copy for its files (the “home copy – translation (Rule 12.3)”) and forwards the third copy,  
together with a copy of the request (the “search copy – translation (Rule 12.3)”) to the  
International Searching Authority. If the translation is filed by the applicant in fewer than  
the required number of copies (see paragraph 5.179), the receiving Office is responsible  
for preparing the additional copies and may charge a fee to the applicant.
- Rule 12.4 5.182. Where the international application was filed in a language which is  
21.1 accepted by the receiving Office and by the International Searching Authority which is  
22.1(a) to carry out the international search but which is not also in a language of publication,  
Section 305bis the applicant has to furnish a translation of the international application (see  
paragraphs 6.013 to 6.023 for details). In that case, the receiving Office forwards a copy  
of the international application in the language of filing (the “record copy”) to the  
International Bureau, a copy (the “search copy”) to the International Searching Authority  
and retains one copy (the “home copy”). When the receiving Office receives the  
translation of the international application, it forwards one copy to the International  
Bureau (the “record copy – translation (Rule 12.4)”) and keeps one copy for its files (the  
“home copy – translation (Rule 12.4)”). No copy of the translation of the international  
application will therefore be forwarded to the International Searching Authority by the  
receiving Office. If the translation is filed by the applicant in fewer than the required  
number of copies (see paragraph 5.179), the receiving Office is responsible for  
preparing the additional copy and may charge a fee to the applicant.
- Rule 62.1(i) 5.183. Where the International Preliminary Examining Authority is not part of the  
Section 420 same national Office or intergovernmental organization as the International Searching  
Authority, the International Bureau will, promptly upon receipt of the international search  
report or, if the demand was received after the international search report, promptly upon  
receipt of the demand, send a copy of the international application and the international  
search report together with a copy of the written opinion of the International Searching  
Authority to the International Preliminary Examining Authority. Where neither the  
language in which the international application was filed nor the language in which the  
international application is published is accepted by the International Preliminary  
Examining Authority that is to carry out the international preliminary examination, the  
applicant must furnish with the demand a translation of the international application into  
a language which is both a language accepted by that Authority and a language of  
publication. No such translation is required where the International Searching Authority  
and the International Preliminary Examining Authority are part of the same national  
Office or intergovernmental organization. In cases where, instead of the international  
search report, a declaration under Article 17(2)(a) was issued, references in the  
preceding sentences to the international search report shall be considered references  
to the said declaration.

## FEES

- Article 3(4)(iv) 5.184. **What fees are due in respect of an international application?** There are  
three kinds of fee which must be paid in connection with every international application.
- Rule 14 (i) The “transmittal fee” is fixed by, and accrues to, the receiving Office for the  
performance of its tasks in connection with the receipt and checking of the

- international application, and for the transmittal of copies of it to the International Bureau and the International Searching Authority.
- Rule 16.1 (ii) The “search fee” is fixed by, and accrues to the benefit of, the International Searching Authority for the carrying out of the international search and the establishment of the international search report and the written opinion of the International Searching Authority.
- Rule 15.1  
96 (iii) The “international filing fee” is fixed in the Schedule of Fees annexed to the PCT Regulations and accrues to the International Bureau for the performance of various tasks, including the publication of the international application and, where applicable, the issuance on behalf of the International Searching Authority of the international preliminary report on patentability (Chapter I of the PCT) and the communication of various notifications to the applicant, the receiving Office, the International Searching Authority, the International Preliminary Examining Authority, and the designated and elected Offices.
- Rule 14.1(a)  
15.1  
16.1(b) 5.185. **To whom are the fees payable?** All three kinds of fee referred to in paragraph 5.184 are payable to the receiving Office with which the international application is filed. The receiving Office then transfers the international filing fee to the International Bureau and the search fee to the International Searching Authority or, in accordance with Annex G of the Administrative Instructions, to the International Bureau for further transfer to the beneficiary Office.
- Rule 14.1(b)  
15.2  
16.1(b) 5.186. **What is the currency in which the fees are payable?** Generally, the fees referred to in paragraph 5.184 are payable in the currency of the country in which the receiving Office is located. Complete information on this question is contained in Annex C and, for the search fee, in Annex D.
- Rule 14.1(b)  
15.2  
16.1(a) 5.187. **What are the amounts of the fees?** Annex C and, for the search fee, Annex D indicate the amounts of the fees referred to in paragraph 5.184. Where the applicant has the choice between two or more International Searching Authorities (see paragraph 7.002), the amount of the search fee depends on which International Searching Authority is chosen and indicated in Box No. VII of the request form (see paragraphs 5.072 and 5.093) and in the fee calculation sheet (see paragraph 5.093).
- 5.188. **What fee reductions are available?** An applicant who is a natural person and who is a national of and resides in a State that is listed as being a State whose per capita gross domestic product is below 25,000 US dollars (according to the most recent 10-year average per capita gross domestic product figures at constant 2005 US dollars values published by the United Nations), and whose nationals and residents who are natural persons have filed less than 10 international applications per year (per million population) or less than 50 international applications per year (in absolute numbers) according to the most recent five-year average yearly filing figures published by the International Bureau is entitled, in accordance with the Schedule of Fees, item 5, to a reduction of 90% of the international filing fee. In addition, an applicant who qualifies for the 90% reduction in the international filing fee will not have to pay the transmittal fee in respect of an international application filed with the International Bureau as receiving Office. The same applies (i.e. the 90% reduction in the international filing fee and no transmittal fee to be paid if filing is made with the International Bureau as receiving Office) for an applicant, whether a natural person or not, who is a national of and resides in a State that is listed as being classified by the United Nations as a least developed country. (For a list of States whose nationals and residents are eligible for the fee reduction, see [https://www.wipo.int/pct/en/fees/fee\\_reduction\\_july.pdf](https://www.wipo.int/pct/en/fees/fee_reduction_july.pdf)). However, it should be noted that the applicant is only entitled to the reduction if, at the time of filing the international application, the applicant is or all applicants are the true and only owner(s) of the application and under no obligation to assign, grant, convey or license the rights in the invention to another party which is not eligible for the fee reduction. If there are several applicants, each must satisfy one or the other of the above-mentioned criteria. If the applicant is or all applicants are entitled to the reduction, this reduction applies on the basis of the indications of name, nationality and residence given in Boxes Nos. II and III of the request, without a need for a specific request to be made. The fee reduction will be available even if one or more of the applicants are not from

PCT Contracting States, provided that each of them satisfies the above-mentioned criteria and that at least one of them is a national or resident of a PCT Contracting State and thus is entitled to file an international application. Information about PCT Contracting States whose nationals and residents are entitled to a reduction of 90% of the international filing fee, is contained in Annex C and, in particular Annex C(IB). As far as other States are concerned, inquiries should be addressed to the International Bureau. It is to be noted that, if both the reduction for electronic filing of an international application and the 90% reduction of the international filing fee are applicable, the 90% reduction is calculated after the reduction for electronic filing of an international application.

Rule 89bis  
89ter  
Section 702  
707

5.189. An applicant who files an international application is entitled to a reduction in the international filing fee provided that the international application is filed in electronic form with a receiving Office which is prepared to accept the filing of international applications in electronic form and in compliance with Part 7 and Annex F of the Administrative Instructions or the basic common standard.

The reduction is 100 Swiss francs or the equivalent where the request and the text of the description, claims and abstract are not in character coded format, 200 Swiss francs or the equivalent where the request is in character coded format and the text of the description, claims and abstract is not in character coded format and is 300 Swiss francs or the equivalent where the request and the text of the description, claims and abstract are in character coded format.

5.190. The international search fee as well as the preliminary examination fee payable to the Austrian Patent Office, the European Patent Office (EPO) and the Spanish Patent and Trademark Office, are reduced by 75% under certain conditions (see Annexes D and E).

Rule 14  
15.3  
16.1(f)

5.191. **When are the fees due?** All fees referred to in paragraph 5.184 may be paid at the same time, and, if they are paid upon filing of the international application with the receiving Office, no problem can arise. However, all fees can be paid as much as one month from the date of receipt of the international application by the receiving Office. The dates on which payments are deemed to have been received are determined by the receiving Office. The latter applies the same Rules as are applied in the case of payments for national applications.

Rule 15.3  
16.1(f)

5.192. **What happens if the amounts of the fees are changed?** Where the amount of the international filing fee or of the search fee, in the currency in which the fee is payable, changes, the new amount must be paid as from the date of its entry into force. However, where the amount of any such fee changes between the date on which the international application was received and the date of payment, the amount payable is the amount applicable on the date of receipt of the international application. This system allows the applicant to pay all the fees for the international application, within the one month period, on the basis of the amounts applicable on the date on which the application was filed with the receiving Office.

Rule 16bis.1  
16bis.2

5.193. **What happens if the fees are not paid or not paid in full?** Where, within the time they are due, the applicant has not paid any or all of the fees, the receiving Office invites the applicant to pay the missing amount, together with a late payment fee, within a time limit of one month from the date of the invitation. If the applicant pays the amount (including the late payment fee) specified in the invitation, the deficiency in payment has no consequences for the international application. The amount of the late payment fee is 50% of the missing amount or, if that 50% is less than the transmittal fee, an amount equal to the transmittal fee; but the amount of the late payment fee may not exceed the amount of 50% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets (see Annex C).

5.194. Where, within the time by which they are due, the applicant has not paid any or all of the fees, any payment relating to the missing amount must be considered to have been received within the time by which those fees are due, if the payment is

received by the receiving Office before that Office sends the invitation, referred to in the preceding paragraph, to pay the missing amount.

Article 14(3)  
Rule 16*bis*.1(c)  
27.1  
29.1  
Section 321

5.195. If the transmittal fee, the international filing fee and the search fee are not paid in the prescribed currency and within the prescribed time limits, including the time limit set in the invitation from the receiving Office to pay the missing amount together with the late payment fee (see paragraph 5.193), the international application is considered withdrawn, and the receiving Office promptly informs the applicant accordingly. However, any payment must be considered to have been received before the expiration of the applicable time limit if it is received by the receiving Office before that Office makes the applicable declaration, under Article 14(3), that the international application is considered withdrawn.

5.196. If the amounts paid do not cover the transmittal fee (if applicable), the international filing fee and the search fee (if applicable), the moneys paid will be allocated as specified by the applicant or, in the absence of such specification, as prescribed by the Administrative Instructions by the receiving Office, which promptly notifies the applicant accordingly.

Rule 15.4  
16.2

5.197. **In what cases are fees refunded?** There is no Rule under the PCT concerning the possibility of asking for a refund of the transmittal fee. The search fee and the international filing fee are refunded where, due to prescriptions concerning national security, the international application is not treated as such, or where the receiving Office refuses to accord an international filing date to the international application under Article 11(1). Such refusal occurs, generally speaking, where the international application is defective in certain respects (see paragraph 6.005). The receiving Office will also refund the international filing fee or the search fee to the applicant if the international application is withdrawn or considered withdrawn before the transmittal of the record copy to the International Bureau or the transmittal of the search copy to the International Searching Authority, as the case may be.

Rule 16.3  
41.1

5.198. Most International Searching Authorities will refund part or all of the search fee if the international application is withdrawn or considered withdrawn after transmittal of the search copy but before the start of the international search (see Annex D). Where the International Searching Authority must, under Rule 41.1(i), or may, under Rule 41.1(ii), take into account the results of the earlier search when carrying out the international search (see also paragraph 5.073), in accordance with Rule 16.3, the International Searching Authority must refund the search fee to the extent and under the conditions provided for in the agreement under Article 16(3)(b). International Searching Authorities are free to decide the extent and conditions for such search fee reductions.

5.199. For refunds or reductions of fees in the national phase, see National Phase, paragraph 4.007 and National Chapters (Summaries).

## CHAPTER 6

### PROCESSING OF THE INTERNATIONAL APPLICATION BY THE RECEIVING OFFICE

#### GENERAL

6.001. **What are the main procedural steps at the receiving Office?** The main procedural steps that any international application goes through at the receiving Office are the following:

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|---|---|
| Article 10  | (i) the international application and the related fees are received by the receiving Office;  |
| Article 11(1)<br>14(1)(a)                                 | (ii) the international application is checked by the receiving Office to determine whether it meets the requirements prescribed by the PCT as to the language, form and contents of international applications (the checks performed by the receiving Office are of a formal nature and do not go into the substance of the invention);                                 |
| Article 11(2)(a)<br>14(1)(b)<br>Rule 20.1<br>20.3<br>26.1 | (iii) where the checks made by the receiving Office show that the international application does not meet certain requirements as to fees, language, form and contents, that Office invites the applicant to furnish the necessary corrections;   |
| Article 11(1)<br>11(2)(b)<br>Rule 20.2                    | (iv) where – possibly after correction (see paragraphs 6.024 to 6.053) – the checks made by the receiving Office show that the international application meets the requirements prescribed for that purpose by the PCT, an international filing date is accorded to the international application by the receiving Office;  |
| Article 12<br>Rule 22<br>23                               | (v) copies of the international application, its translation, where applicable, and other related documents are transmitted by the receiving Office to the International Searching Authority and to the International Bureau so that they may carry out the procedural steps for which they are responsible in the further processing of the international application. |

6.002. *[Deleted]*

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|-----------|--|
| Rule 92.4 | 6.003. <b>How does the international application reach the receiving Office?</b> The international application may be deposited with or mailed to the receiving Office. It may also be filed by other means of rapid communication, notably by facsimile machine, provided that the receiving Office places such facilities at the disposal of applicants and that the original is furnished within 14 days, if so required by the receiving Office (see Annexes B). The requirements in relation to filing the international application and any subsequent documents by facsimile machine are explained in more detail in paragraphs 11.067 to 11.070. |
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|------------|---|
| Article 30 | 6.004. <b>Is the international application treated as confidential by the receiving Office?</b> Yes, it is. Third parties are not permitted to have access to the international application, unless requested or authorized by the applicant, before the date of international publication. Designated Offices are, however, permitted to publish the fact that they have been designated, together with a limited amount of bibliographic data. For further details as to confidentiality, see Article 30 and paragraphs 11.072 to 11.074. |
|------------|---|

#### INTERNATIONAL FILING DATE

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| Article 11(1)<br>Rule 20.1<br>20.2 | 6.005. <b>What are the conditions that must be fulfilled for the international application to be entitled to an international filing date?</b> The receiving Office must accord an “international filing date” to the international application if it finds that the following conditions are fulfilled: |
|------------------------------------|--|

- (i) the applicant does not obviously lack, for reasons of residence or nationality, the right to file an international application with the receiving Office (see paragraphs 5.008, 5.020 and 5.023);
- (ii) the international application is in the prescribed language (see paragraph 6.006);

- (iii) the international application contains at least the following elements:
  - (a) an indication that it is intended as an international application,
  - (b) a request which constitutes the designation of a Contracting State bound by the PCT on the international filing date (under Rule 4.9(a) – see paragraph 5.052),
  - (c) the name of the applicant (for this purpose it is sufficient if the name of the applicant is indicated in a way which allows his identity to be established, even if the name is misspelled, or the given names are not fully indicated, or, in the case of legal entities, the indication of the name is abbreviated or incomplete),
  - (d) a part which on the face of it appears to be a description,
  - (e) a part which on the face of it appears to be a claim or claims.

Article 11(1)(ii)  
and (iii)  
Rule 12.1  
20.1(c)  
and (d)

6.006. For the purposes of according an international filing date, the requirement that the international application be in a prescribed language is met, in most receiving Offices, if the description and claims (but not necessarily the other elements of the international application) are in a language accepted by the receiving Office under Rule 12.1(a) and (c) (see Rule 20.1(c) and paragraph 5.013). If any of the other elements of the international application are not in a language accepted by the receiving Office, they may be corrected later without affecting the international filing date (see paragraphs 6.032 and 6.034). A translation will need to be furnished by the applicant in respect of any international application which is filed in a language which is not a language accepted by the International Searching Authority which is to carry out the international search and/or a language of publication; (see paragraphs 6.013 to 6.020). In certain Offices, however, Rule 20.1(c) is incompatible with the applicable national law. For as long as that incompatibility continues, that Rule will not apply for those Offices; all elements of an international application filed with those Offices as receiving Office must therefore comply with the language requirements of Rule 12.1 before an international filing date can be accorded (see Annex C for details).

6.007. *[Deleted]*

Article 11(1)  
11(2)(b)  
Rule 20.1  
20.2

6.008. **What date is accorded as the international filing date?** The reply to this question depends on whether the requirements for according an international filing date (see paragraph 6.005) were fulfilled on the date on which the international application was received by the receiving Office, or, pursuant to Rule 20.6, considered to have been received (see paragraph 6.026 to 6.031), or – following correction of defects in relation to those requirements – on a later date. The international filing date will, in the former case, be the date on which the international application was received by the receiving Office and, in the latter case, the date on which the correction was received by the receiving Office. Naturally, any correction has to comply with some conditions; in particular it has to be filed within a certain time limit. More is said about this in paragraph 6.025. Where all the sheets pertaining to the same international application are not received on the same day by the receiving Office, see paragraph 6.026.

Article 11(3)  
11(4)  
14(3)  
Rule 27

6.009. **Does non-payment, incomplete payment or late payment of fees influence the international filing date?** No, it does not, however, those defects will eventually lead the receiving Office to declare that the international application is considered withdrawn (see paragraphs 5.195 and 5.196). Although an international application which has not been accorded an international filing date and an international application which is considered withdrawn are both excluded from further processing in the international phase, an international application which fulfills the requirements necessary for it to be accorded an international filing date may be invoked as a priority application under the Paris Convention for the Protection of Industrial Property (if the conditions laid down by that Convention are fulfilled) even where the international application is considered withdrawn under the PCT (for non-payment of fees or other reasons).

Article 27(8)  
Rule 22.1  
Section 330

6.010. **Can the receiving Office refuse to treat an international application as such for reasons of national security?** Each Contracting State is free to apply measures deemed necessary for the preservation of its national security. For example,

each receiving Office has the right not to treat an international application as such and not to transmit the record copy to the International Bureau and the search copy to the International Searching Authority. Compliance with national security prescriptions where the international application is filed with the International Bureau as receiving Office will not be checked by the International Bureau; such compliance is the applicant's responsibility. Where an international filing date has been accorded but national security considerations prevent transmittal of the record copy, the receiving Office must so declare to the International Bureau before the expiration of 13, or at the latest 17, months from the priority date.

Rule 20.2  
20.4(i)  
20.5(c)  
20.5bis(c)  
22.1  
29.1(ii)

**6.011. How does the applicant know whether his application has been accorded an international filing date or that his application is not treated as an international application or is considered to have been withdrawn?** Where the receiving Office accords an international filing date to the international application, it promptly notifies the applicant of that date and of the international application number; where it decides that the international application is not to be treated as an international application (because of a negative determination for lack of compliance with Article 11, or because national security considerations prevent it from being treated as such) or is to be considered withdrawn, it promptly notifies the applicant accordingly.

Article 14(4)  
Rule 29.3  
29.4  
30.1  
82ter.1  
Section 312

**6.012. Can an international filing date once accorded be “taken away”?** If, after having accorded an international filing date, the receiving Office finds that it should not have accorded it, the international application is considered withdrawn and the receiving Office so declares and promptly notifies the applicant. If the International Bureau or the International Searching Authority finds that an international filing date should not have been accorded, it calls the relevant facts to the attention of the receiving Office. However, such a finding may validly occur only during the four months following the international filing date and must be preceded by a notification to the applicant of the intention to make the declaration which should, where applicable, also include an invitation to confirm the incorporation of missing elements in accordance with Rule 20.6(a). The applicant has the right to submit arguments within two months from the notification or, where applicable, confirm the incorporation by reference of missing elements. For the rectification of errors made by the receiving Office in according the international filing date, see Rule 82ter.1 and the National Phase, paragraph 6.028.

## TRANSLATION OF INTERNATIONAL APPLICATIONS

Rule 12.1

**6.013. When is a translation of the international application required?** Every receiving Office must accept, for the purpose of filing international applications, at least one language which is both a language of publication and a language accepted by the International Searching Authority, or, if applicable, by at least one of the International Searching Authorities, competent for the international searching of international applications filed with that receiving Office. In addition, any receiving Office may accept one or more other languages for the purpose of filing international applications. A translation of the international application is required when the language in which the international application is filed is a language which is not a language of publication and/or a language accepted by the International Searching Authority which is to carry out the international search.

Rule 12.3

**6.014. What are the translation requirements if the international application is filed in a language which is not accepted by the International Searching Authority?** Where the language in which the international application is filed is not accepted by the International Searching Authority that is to carry out the international search, the applicant must furnish, to the receiving Office, a translation of the international application into a language which is both a language accepted by that Authority and a language of publication. Moreover, unless the international application was filed in a language of publication (see paragraph 9.017), the language into which the international application is translated must also be a language in which international applications may be filed with the receiving Office concerned. [For any sequence listing part of the description, a translation of the language-dependent free text in the sequence listing may be required if not already provided in a language accepted by the International Searching Authority as filed. The translation must be provided in a new](#)

sequence listing containing the language-dependent free text in the accepted language. The applicant may either replace the language-dependent free text with the translation or if permitted by the receiving Office, add the translation such that the new sequence listing contains the language-dependent free text in two languages (one must be English). (Concerning translation of the request, see paragraph 6.019).

6.015. The translation of the international application must be furnished to the receiving Office within one month from the date on which the international application was received by that Office. Where, by the time the receiving Office notifies the applicant of the international application number and international filing date, the applicant has not furnished the required translation, the receiving Office will, preferably together with that notification, invite the applicant to furnish the required translation either within the time limit of one month from the date on which the international application was received by the receiving Office, or, in the event that the required translation is not furnished within that time limit, to furnish it and to pay, where applicable, the late furnishing fee (see paragraph 6.017), within one month from the date of the invitation or two months from the date of receipt of the international application by the receiving Office, whichever expires later.

6.016. Where the receiving Office has sent to the applicant an invitation to furnish the translation and, where applicable, pay the late furnishing fee, and the applicant has not done so within the applicable time limit, the international application will be considered withdrawn and the receiving Office will so declare. However, any translation and any payment which are received by the receiving Office before that Office makes the declaration that the international application is considered withdrawn, and before the expiration of 15 months from the priority date, will be considered to have been received before the expiration of the applicable time limit.

Rule 12.3(e)

6.017. The late furnishing fee which any receiving Office may collect for translations which are furnished after the expiration of the time limit of one month from the date on which the international application is received by the receiving Office, is equal to 25% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

Rule 26.3ter(a)

6.018. **What are the translation requirements if the abstract or text matter in the drawings of the international application are in a language which is different from the language of the description and claims?** If the abstract or text matter in the drawings of the international application is in a language which is different from the language of the description and claims, then the receiving Office will invite the applicant to furnish a translation of the abstract or the text matter of the drawings into the language in which the international application is to be published. However, no such invitation will be issued if the abstract or text matter in the drawings is in the language in which the international application is to be published, or if a translation of the international application is required because the language in which the international application was filed is not accepted by the International Searching Authority which is to perform the international search.

Rule 12.1(c)  
26.3ter(c)

6.019. **What are the translation requirements if the request is in a language which is not a language of publication accepted by the receiving Office for the purpose of filing the request?** Whatever the language in which the description and claims are filed, the request must always be filed in a language of publication accepted by the receiving Office for the purposes of filing the request. If the request is in a language which does not fulfill this requirement, the receiving Office invites the applicant to file a translation that complies with it.

Rule 12.4  
48.3

6.020. **What are the translation requirements if the international application is filed in a language which is accepted by the International Searching Authority, but is not a language of publication?** If the international application is filed in a language which is not a language of publication but is a language accepted by the International Searching Authority which is to carry out the international search, the applicant must furnish to the receiving Office a translation of the international application into a language of publication which the receiving Office accepts for that purpose. For

any sequence listing part of the description, a translation of the language-dependent free text in the sequence listing may be required if not already provided in a language of publication as filed and no translation was required under Rule 12.3(a) for the purposes of the international search. The translation must be provided in a new sequence listing containing the language-dependent free text in a language of publication. The applicant may either replace the language-dependent free text with the translation or if permitted by the receiving Office, add the translation such that the new sequence listing contains the language-dependent free text in two languages (one must be English). (Concerning the translation of the request, see paragraph 6.019).

6.021. The translation of the international application must be furnished to the receiving Office within 14 months from the priority date. Where the applicant has not furnished the required translation within the applicable time limit, the receiving Office will invite the applicant to furnish the required translation, and to pay, where applicable, the late furnishing fee (see paragraph 6.023), within 16 months from the priority date.

6.022. Where the receiving Office has sent to the applicant an invitation to furnish the translation and, where applicable, pay the late furnishing fee, and the applicant has not done so within the applicable time limit, the international application will be considered withdrawn and the receiving Office will so declare. However, any translation and any payment which are received by the receiving Office before that Office makes the declaration that the international application is considered withdrawn, and before the expiration of 17 months from the priority date, will be considered to have been received before the expiration of the applicable time limit.

6.023. The late furnishing fee which any receiving Office may collect for translations which are furnished after the expiration of the time limit of 14 months from the priority date, is equal to 25% of the international filing fee referred to in item 1 of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

### **CORRECTION OF DEFECTS AND INCORPORATION BY REFERENCE OF MISSING ELEMENTS OR PARTS, OR CORRECT ELEMENTS OR PARTS IN CASE THEY HAVE BEEN ERRONEOUSLY FILED**

6.024. **What defects in the international application may be corrected and within what time limits?** The following paragraphs attempt to give general answers to those questions in the characteristic cases of possible defects.

6.025. What defects influence the international filing date?

- (i) Where the receiving Office finds that the international application does not comply with the requirements for according an international filing date – in other words:

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|-------------------------------|---|
| Article 11(1)(i)              | (a) that the applicant obviously lacks, for reasons of residence and nationality, the right to file an international application with the receiving Office (but see also paragraphs 6.035 and 6.036);                       |
| Article 11(1)(iii)(a)         | (b) that the international application does not contain an indication that it is intended as an international application;  |
| Article 11(1)(iii)(b)         | (c) that the international application does not contain a request which constitutes the designation of all Contracting States bound by the PCT on the international filing date (under Rule 4.9(a) – see paragraph 5.052);  |
| Article 11(1)(iii)(c)         | (d) that the international application does not contain the name of the applicant or does not contain at least the minimum indications concerning the name of the applicant which are indicated in paragraph 6.005(iii)(c); |
| Article 11(1)(iii)(d) and (e) | (e) that the international application does not contain a part which, on the face of it, appears to be a description and a part which, on the face of it, appears to be a claim or claims;                                  |

Article 11(1)(ii)  
Rule 19.4  
20.3  
20.6  
20.7

the receiving Office invites the applicant to correct the defect. The time limit for filing the correction is two months from the date of the invitation to correct. If the correction is made within the time limit, the date of receipt of the correction becomes the international filing date; otherwise, the application is not treated as an international application (but

see also paragraphs 6.035 and 6.036 in relation to the applicant's residence and nationality, and paragraphs 6.013 to 6.020 for applications filed in a language which is accepted by the receiving Office but which is not both a language accepted by the International Searching Authority which is to carry out international searching, and a language of publication). Where the defect concerns item (i)(e) above, the receiving Office will invite the applicant to confirm in accordance with Rule 20.6 that the missing element concerned was incorporated by reference under Rule 4.18 (see paragraphs 6.027 to 6.031), in which case it may be possible to retain the earlier date as the international filing date. Where the required elements of the international application are not in a language accepted by the receiving Office, that Office will transmit the international application to the International Bureau as receiving Office under Rule 19.4 (noting that the International Bureau as receiving Office is prepared to accept international applications filed in any language; see paragraph 6.034 and Annex C).

Article 14(2)  
Rule 20.5  
20.5bis  
20.7

- (ii) Where the receiving Office finds that parts of the description, claims, all drawings or parts thereof are, or appear to be, missing or that the description, claims, parts of the description or claims, all drawings or parts thereof are or appear to be erroneously filed, it notifies the applicant accordingly and invites the applicant to correct the defect or else, where appropriate, to confirm in accordance with Rule 20.6 that the missing part or correct element or part was incorporated by reference under Rule 4.18 (see paragraph 6.027 to 6.031 for details). The time limit for furnishing such missing parts or correct elements or parts is two months from the date of the invitation. If there is no such invitation and if the applicant notices and wishes to correct the defect on his own initiative, this is also permitted within a time limit of two months from the date on which papers were first received by the receiving Office. If the missing parts or correct elements or parts are furnished within that time limit, the date of their receipt becomes the international filing date, unless the applicant is able to confirm in accordance with Rule 20.6 that the missing part or correct element or part concerned was incorporated by reference under Rule 4.18 (see paragraphs 6.027 to 6.031), in which case it may be possible to retain the earlier date as the international filing date. Where missing drawings referred to in the international application are not furnished within the time limit, any references to drawings in the international application are considered non-existent and the international filing date remains as originally accorded. However, where the international filing date is corrected to a later date, any priority claim will be considered void, for the purposes of the procedure under the PCT, if the accorded international filing date falls outside the two month period after the expiration of the priority period of the priority claim concerned (see paragraphs 5.060 and 6.038).

Rule 20.5(e)  
20.5bis(e)

- (iii) Where the international filing date has been corrected, the applicant may, in a notice submitted to the receiving Office within one month from the date of mailing of the notification of later submitted elements or parts (Form PCT/RO/126), request that the missing part or the correct element or part be disregarded in order to preserve the date on which papers were first received as the international filing date and, where applicable, to retain the priority claim (Rule 20.5(e) or 20.5bis(e)). The applicant will be notified of the decision made by the receiving Office on whether the international filing date has been restored (Form PCT/RO/129).

Rule 20.3(b)  
20.5(b),  
(c) and (d)  
20.5bis(b),  
(c) and (d)  
20.7

**6.026. What happens if all sheets of the international application are not received on the same day?** The receipt of further sheets after an invitation to correct has been sent under Article 11(2)(a) or 14(2) (see paragraph 6.025) generally results in the date of receipt of those further sheets being accorded as the international filing date, provided that they are received within the applicable time limit under Rule 20.7, and unless the applicant is able to include these later submitted sheets by way of incorporation by reference (see paragraphs 6.027 to 6.031). If no invitation to correct has been sent but all the sheets relating to the same purported international application (apart from the abstract) are not received on the same day by the receiving Office, and the applicant has not confirmed the incorporation by reference of those later submitted sheets, the Office corrects the request by marking on it the date on which the papers

completing the international application were received, and that later date is accorded as the international filing date, provided that the later sheets were received within two months from the date on which sheets were first received. Each sheet is marked with the date on which it was actually received. In case those later submitted sheets are to correct erroneously filed sheets, and the applicant has not confirmed the incorporation by reference of those later submitted sheets, the erroneously filed sheets concerned are removed from the application. The absence or late receipt of the abstract does not, of itself, result in correction of the date marked on the request or in the according of a later international filing date.

Rule 19.4(a)(iii)  
20.3  
20.5  
20.5bis  
20.8

**6.027. Can missing or correct pages be added to an international application without affecting the international filing date?** This is possible under certain circumstances, but the resulting international filing date will not be recognized in some Contracting States (see paragraph 6.031). Under Rule 4.18, where an element of the international application referred to in Article 11(1)(iii)(d) or (e) or a part of the description, claims or drawings referred to in Rule 20.5(a), or an element or part of the description, claims or drawings referred to in Rule 20.5bis(a) is not otherwise contained in the international application but is completely contained in the earlier application of which priority is claimed on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, it is possible to incorporate by reference these missing or correct elements or parts into the international application. Such incorporation by reference will have the effect that the elements or parts which have been incorporated by reference will be considered to have been received on the date on which one or more elements referred to in Article 11(1)(iii) were first received. As a result, the international filing date would remain the date when one or more elements referred to in Article 11(1)(iii) were first received (provided that all other Article 11 requirements for the according of a filing date are met). These procedures do not apply to missing pages if the receiving Office has notified the International Bureau under Rule 20.8(a) that any of Rules 20.3(a)(ii) and (b)(ii), 20.5(a)(ii) and (d), and 20.6 are not compatible with its national law. Moreover, these procedures do not apply to correct pages if the receiving Office has notified the International Bureau under Rule 20.8(a-bis) that any of Rules 20.5bis(a)(ii) and (d) are not compatible with its national law. Such a receiving Office will therefore neither invite nor accept a confirmation of the incorporation by reference. Instead, the receiving Office would apply the above described correction procedure (paragraph 6.025). A list of Offices which have notified the International Bureau under Rule 20.8(a) and/or 20.8(a-bis) and which will therefore not accept the incorporation by reference of missing or correct elements or parts can be found on WIPO's website at [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html). If the need to incorporate certain missing or correct elements or parts becomes apparent after the international application has been filed, the applicant may request the receiving Office to transmit the international application to the receiving Office of the International Bureau under Rule 19.4(a)(iii), which does accept the incorporation by reference of missing or correct elements or parts.

Rule 4.18  
20.6

**6.028. How should missing or correct elements or parts be incorporated by reference into the international application?** A statement of incorporation by reference referred to in Rule 4.18 must have been included in the international application on the date when one or more elements referred to in Article 11(1)(iii) are first received by the receiving Office. Such a statement is automatically included if Form PCT/RO/101 is used in paper or electronically. If such a statement was not contained in the request at the time of filing, it can only be added to the request if it was otherwise contained in, or submitted with, the international application on the date of filing. Furthermore, one or several priority claims to earlier applications which completely contain the missing or correct element or part must have been made in the international application at the time of filing. Adding such priority claims under Rule 26bis.1(a) would not be sufficient. If these requirements have been met, the applicant should confirm the incorporation by reference by way of a written notice to the receiving Office within the time limit indicated below. Such notice should be accompanied by:

- a sheet or sheets embodying the entire element or part as contained in the earlier application;
- where the applicant has not already complied with the requirements of Rule 17.1(a), (b) or *b-bis*, a copy of the earlier application as filed;
- where Rule 20.6(a)(iii) applies, a translation or translations of the earlier application; and
- in the case of a missing or correct part, an indication as to where the part is contained in the earlier application and, where applicable, in any translation of the earlier application.

Rule 20.7

**6.029. What is the time limit for confirming the incorporation by reference of missing or correct elements or parts?** Where no invitation by the receiving Office has been sent to submit missing or correct elements or parts (Form PCT/RO/103 or PCT/RO/107), the time limit to confirm is two months from the date on which papers were first received by the receiving Office. Where such an invitation has been issued, the time limit to confirm is two months from the date of mailing of this invitation. If this time limit expires after the expiration of 12 months from the filing date of the earliest application, the priority of which is claimed, the receiving Office will draw this circumstance to the attention of the applicant (as a warning that, if the missing or correct elements or parts are not confirmed to have been incorporated by reference and the international filing date is thus corrected to a date after the expiration of the priority period, the correction of the international filing date may result in the loss of the right of priority; the same applies, even if the missing or correct elements or parts are confirmed to have been incorporated by reference, with regard to those States which do not apply the provisions concerning incorporation by reference (see paragraph 6.031)). For missing elements, where the applicant has neither submitted a correction under Article 11(2) nor a notice under Rule 20.6(a) confirming the incorporation by reference of missing elements referred to in Article 11(1)(iii)(d) or (e) prior to the expiration of this two month time limit, any such correction or notice received by the receiving Office after the expiration of that time limit, but before it has sent a notification under Rule 20.4(i) (Form PCT/RO/104) to the applicant, is considered to have been received within the time limit (Rule 20.7(b)).

Rule 20.5*bis*(d)  
Section 309(b)(iv)

**6.029A What happens to the erroneously filed element or part if the incorporation by reference of the correct element or part is confirmed?** Where a correct element or part is considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office under Rule 20.6(b), the erroneously filed element or part concerned will remain in the application. The receiving Office will mark those erroneously filed sheets as “ERRONEOUSLY FILED (RULE 20.5*bis*)” and move those sheets to the end of the corresponding element of the purported international application. The receiving Office will transmit the erroneously filed sheets to the International Bureau and they will be published as part of the international application.

Rule 20.3(b)(i)  
20.4  
20.5(c)  
20.5(e)  
20.5*bis*(c)  
20.5*bis*(e)

**6.030. What are the consequences if the requirements for the incorporation by reference are not complied with?** If not all of the requirements for the incorporation by reference are fulfilled (for example, if a missing or correct element or part is not entirely contained in the earlier application), the international application will be assigned a later international filing date (the date of receipt of the missing or correct element or part, to the extent that all other requirements of Article 11(1) are complied with on that date) (see paragraphs 6.025 and 6.026). The applicant may, however, request that the missing part or correct element or part be disregarded, in accordance with Rule 20.5(e) or 20.5*bis*(e) (see paragraph 6.025(iii)). In this case, the international filing date will be reinstated and the missing part or correct element or part will be considered not to have been submitted.

Rule 20.8(c)  
82*ter*.1

**6.031. What are the effects of the successful incorporation of missing or correct elements or parts on designated or elected Offices?** In most Contracting States, the elements or parts will be treated as if they had actually been contained in the international application as originally filed. Designated and elected Offices may, to a limited extent, review decisions by receiving Offices which have allowed incorporation

by reference (Rule 82*ter*.1(b)). If the designated or elected Office finds that: the applicant did not comply with the obligation to furnish a priority document; the statement of incorporation was missing or not submitted with the request; no written notice confirming incorporation by reference was submitted; no required translation was furnished; or the element or part in question was not completely contained in the priority document; then the designated or elected Office may treat the international application as if the international filing date had been accorded on the basis of the date on which the sheets containing the missing or correct elements or parts were submitted, but only after giving the applicant the opportunity to make observations on this outcome and/or to request that, at least, the missing parts or the correct elements or parts which had been furnished be disregarded, in accordance with Rule 82*ter*.1(d).

However, those designated Offices which have submitted notifications of incompatibility under Rule 20.8(b) and/or (b-*bis*), may treat the international application as if the international filing date had been accorded on the basis of the date on which the sheets containing the missing or correct elements or parts, as the case may be, were submitted, but also only after having given the applicant the opportunity to make observations on this outcome and/or to request that, at least, the missing parts or the correct elements or parts which had been furnished be disregarded, pursuant to Rule 20.8(c).

**6.032. What defects do not influence the international filing date?** Where the receiving Office finds that:

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|---|--|
| Article 14(1)(a)(i)<br>Rule 2.3<br>4.1(d)<br>4.15   | (i) the international application is not signed (or, in the cases referred to in paragraph 5.091, does not bear a seal; see also paragraph 11.027 for cases where an applicant refuses to sign or cannot be found or reached);   |
| Article 14(1)(a)(ii)<br>Rule 4.4<br>4.5   | (ii) the international application does not contain the name of the applicant presented in the prescribed way (other than those referred to in paragraph 6.005(iii)(c), for which case see paragraph 6.025(i)(d)), or the prescribed indications in respect of at least one of the applicants – these indications are specified in Rules 4.4 and 4.5; they include, in particular, the applicant's address, residence and nationality;   |
| Article 14(1)(a)(iii)<br>Rule 4.3   | (iii) the international application does not contain a title (that is, a title for the claimed invention);   |
| Article 14(1)(a)(iv)<br>Rule 8  | (iv) the international application does not contain an abstract;   |
| Article 14(1)(a)(v)<br>Rule 11<br>26.3  | (v) the international application and, where applicable, the translation of the international application, does not comply, to the extent provided for in the Regulations, with the prescribed physical requirements (the physical requirements are specified in detail in Rule 11; compliance with them must be checked only to the extent that such compliance is necessary for the purpose of reasonably uniform international publication, and no international application will be considered withdrawn for lack of such compliance if it complies to the extent necessary for the purpose of reasonably uniform international publication);  |
| Article 3(4)(i)<br>Rule 12.1<br>26.3 <i>ter</i> (a)   | (vi) any element of the international application, other than the description and claims, is not in an admitted language (see paragraphs 5.013, 6.005(ii) and 6.006);  |
| Article 14(1)(b)<br>Rule 26.1<br>26.2<br>26.2 <i>bis</i> (b)<br>26.3 <i>ter</i> (b)<br>26.5<br>29.1 | the receiving Office invites the applicant to correct the defect (however, regarding international applications which are filed in a language which is accepted by the receiving Office but require translation, see paragraphs 6.013 to 6.020). The time limit for filing the correction is two months from the date of the invitation. If the correction is made within the time limit (including any extension – see paragraph 6.037), the international filing date remains the date on which the international application was received by the receiving Office; otherwise, the international application is considered withdrawn. In certain Offices, however, the provisions of Rule 26.3 <i>ter</i> (a) for correction of elements not in an accepted language are incompatible with the applicable national law. For as long as that incompatibility continues, that Rule will not apply for those Offices; all elements of an international application filed with those Offices as receiving Office must therefore comply with the language requirements of Rule 12.1 before an |

international filing date can be accorded (see also paragraph 6.006 and see Annex C for details).

6.033. [Deleted]

Rule 19.4(a)(ii),  
(b) and (c)

6.034. **What happens if the application is filed in a language which is not accepted by the receiving Office?** If the international application is filed in a language which is not a language accepted by the national (or regional) Office with which it is filed, but is in a language accepted by the International Bureau as receiving Office, that international application will be considered to have been received by that Office on behalf of the International Bureau as receiving Office. In fact, the International Bureau as receiving Office accepts international applications filed in any language (see Annex C). In such a case, the international application will be date-stamped by the national (or regional) Office concerned and promptly transmitted to the International Bureau (unless this is prevented by national security prescriptions). That transmittal may be subjected to the payment of a fee equal to the transmittal fee (see paragraph 5.184(i) and Annex C), but other fees paid will be refunded by the national (or regional) Office to the applicant and the applicable fees will then have to be paid to the International Bureau as receiving Office (see Annex C). The international application so transmitted will be considered to have been received by the International Bureau as receiving Office on the date on which it was received by the national (or regional) Office, except that, for the purposes of calculating the time limits for paying the fees due on filing the international application to the competent receiving Office, the date of receipt of the international application is considered to be the date on which the international application was actually received by the International Bureau as receiving Office.

Rule 19.4(a)(i),  
(b) and (c)

6.035. **What happens if the applicant is a resident or national of a Contracting State but files the application with a “non-competent” receiving Office?** If the international application is erroneously filed with a national (or regional) Office which acts as a receiving Office under the Treaty by an applicant who is a resident or national of a Contracting State, but that Office is not competent under Rule 19.1 or 19.2 (having regard to the applicant's residence and nationality) to receive the international application, the international application will be considered to have been received by the Office with which it was filed on behalf of the International Bureau as receiving Office (see paragraphs 5.008 and 5.009). In such a case, the international application will be date-stamped by the national (or regional) Office concerned and promptly transmitted to the International Bureau (unless this is prevented by national security prescriptions). That transmittal may be subjected by the national Office to the payment of a fee equal to the transmittal fee (see paragraph 5.184(i) and Annex C), but other fees paid will be refunded by the national Office to the applicant and the applicable fees will then have to be paid to the International Bureau as receiving Office (see Annex C (IB)). The international application so transmitted will be considered to have been received by the International Bureau as receiving Office on the date on which it was received by the national (or regional) Office, except that, for the purposes of calculating the time limits for paying the fees due on filing the international application, the date of receipt of the international application is considered to be the date on which the international application was actually received by the International Bureau as receiving Office.

Article 11(1)(i)  
14(1)(a)(iii)  
Rule 4.5  
Section 329

6.036. **May the applicant correct indications of residence and nationality?** If the indications of the applicant's residence and nationality as stated in the request do not support the applicant's right to file an international application (see paragraphs 5.020, 5.023 and 6.005(i)), that is, if the applicant appears not to be (or, where there are two or more applicants, none of the applicants appears to be) a resident or national of a Contracting State, there is *prima facie* a defect under Article 11(1)(i) and the receiving Office issues an invitation accordingly to correct that defect (see paragraph 6.025(i)(a)). In such a case, it may be that the applicant is able to show that he had, on the date on which the international application was actually received by the receiving Office, the right to file an international application with that receiving Office. In those circumstances, the applicant should submit evidence to the receiving Office accordingly, together with a proposed correction of the indications concerning his residence and/or nationality. If the receiving Office is satisfied, on the basis of that evidence, of the applicant's right to file the international application, the invitation to

correct the defect under Article 11(1)(i) will be considered to be an invitation to correct a defect under Article 14(1)(a)(ii) and Rule 4.5 in the prescribed indications concerning the applicant's residence and/or nationality, and the indications may be corrected accordingly. If such a correction is made, no defect will be considered to exist under Article 11(1)(i), and the defect will thus not prevent the accordance of the actual date of receipt of the international application as the international filing date. Note, however, that the United States Patent and Trademark Office as receiving Office has stated that it will not apply the procedure outlined above.

Rule 26.2

6.037. **Can time limits to correct certain defects be extended?** The time limit of two months for the correction of defects under Article 14(1) (see paragraph 6.032) may be extended by the receiving Office. The receiving Office may extend the time limit *ex officio* or at the request of the applicant at any time – even after the time limit fixed in the invitation has expired – before a decision is taken on whether the applicant has submitted the correction within the time limit and whether or not the international application so corrected is to be considered withdrawn. On the other hand, the time limits fixed by the receiving Office for the correction of defects under Article 11 or Article 14(2) (see paragraph 6.025) and for the payment of missing or underpaid fees under Rule 16*bis* (see paragraphs 5.193 and 5.195) may not be extended.

Rule 26*bis*.1(a)  
26*bis*.2(b)  
91

6.038. **Can defects in priority claims be corrected?** Any defective priority claim may be corrected and any missing priority claim added by a notice which may be submitted to the receiving Office or the International Bureau. The time limit for correcting or adding a priority claim is 16 months from the priority date or, where the correction or addition would cause a change in the priority date, 16 months from the priority date as so changed, whichever 16 month period expires first, provided that a notice correcting or adding a priority claim may in any event be submitted until the expiration of four months from the international filing date. If a correction of a priority claim is received before the receiving Office or the International Bureau, as the case may be, declares the priority claim void (see paragraph 6.043) and not later than one month after the expiration of the applicable time limit, it is considered to have been received before the expiration of that time limit. To correct a priority claim, any indication relating to that priority claim may be changed, added or deleted. It should be noted that an obvious mistake in priority claims may be rectified under Rule 91 within a time limit of 26 months from the priority date provided that the rectification of the mistake would not cause a change in the earliest priority date.

6.039. Where the applicant has made a request for early publication of the international application, any notice to correct or add a priority claim received by the receiving Office or the International Bureau after that request was made will be considered not to have been submitted, unless that request is withdrawn before the technical preparations for international publication have been completed.

Rule 26*bis*.1(c)

6.040. Where the correction or addition of a priority claim causes a change in the priority date, any time limit which is computed from the previously applicable priority date and which has not already expired will be computed from the priority date as so changed.

Rule 26*bis*.2

6.041. **Can the applicant be invited to correct defects in a priority claim?** Where the receiving Office or, if the receiving Office fails to do so, the International Bureau, finds in relation to a priority claim that;

- (i) the international application has an international filing date which is later than the date on which the priority period expired and that no request for restoration of the right of priority has been submitted;
- (ii) the priority claim does not comply with the requirements of Rule 4.10 (see paragraph 5.057); or
- (iii) any indication in a priority claim is not the same as the corresponding indication appearing in the priority document;

the receiving Office or the International Bureau, as the case may be, will invite the applicant to correct the priority claim.

- Rule 26bis.2(a)  
26bis.3 6.042. Where the defect consists of the fact that the filing date of the international application is outside the priority period but is within two months from the date on which the priority period expired, the receiving Office also informs the applicant of the possibility of submitting a request for the restoration of the right of priority in accordance with Rule 26bis.3 (see paragraphs 5.062 to 5.069), except where the receiving Office has notified the International Bureau under Rule 26bis.3(j) of the incompatibility of Rule 26bis.3(a) to (i) with the national law applied by that Office.
- Rule 26bis.2(c) 6.043. If the applicant fails to respond to an invitation from the receiving Office or the International Bureau to correct a priority claim before the expiration of the time limit for doing so, that priority claim will, for the purposes of the procedure under the Treaty, be considered void and the receiving Office or the International Bureau, as the case may be, will so declare and inform the applicant accordingly. However, a priority claim will not be considered void only because the indication of the number of the earlier application is missing, an indication in the priority claim is not the same as the corresponding indication appearing in the priority document, or the international application has an international filing date which is later than the date on which the priority period expired, provided that the international filing date is within two months of that date.
- Rule 26bis.2(d)  
26bis.2(e) 6.044. Where the receiving Office or the International Bureau has made a declaration that a priority claim will be considered void, for the purposes of the procedure under the PCT, or where the priority claim has only not been considered void because Rule 26bis.2(c) applies (see last sentence of paragraph 6.043), the International Bureau will publish, together with the international application, information concerning the priority claim, as well as any information submitted by the applicant concerning such priority claim which is received by the International Bureau prior to the completion of the technical preparations for international publication. Where the applicant wishes to correct or add a priority claim but the time limit to do so under Rule 26bis.1 has expired, the applicant may, prior to the expiration of 30 months from the priority date and subject to the payment of a special fee (see Section 113(c) of the Administrative Instructions), request the International Bureau to publish information concerning the matter.
- Rule 26ter.1 6.045. **Can defects in declarations referred to in Rule 4.17 be corrected? Can declarations be added?** Any defective declaration may be corrected and any new (missing) declaration may be added by a notice submitted to the International Bureau by the applicant, either in response to an invitation to correct (see paragraph 6.046) or on his own initiative. The time limit for correcting or adding a declaration is 16 months from the priority date. Any correction or addition which is received by the International Bureau after that time limit is considered to have been received on the last day of the time limit if it reaches the International Bureau before the technical preparations for international publication have been completed.
- Rule 26ter.2(a) 6.046. **Which are the defects in declarations made under Rule 4.17 in respect of which the applicant may be invited to submit a correction?** Where the receiving Office or the International Bureau finds that any declaration contained in the request appears to be defective or incomplete, the receiving Office or the International Bureau, as the case may be, may invite the applicant to correct the declaration within the time limit referred to in paragraph 6.045. The kinds of defects which may give rise to an invitation are, for example, the fact that a declaration does not contain the standardized wording as prescribed, or that the blank spaces have not been filled in with names, dates, etc., furthermore, in respect of the declaration of inventorship for the purposes of the designation of the United States of America, that it is not signed as prescribed.
- Section 216  
317 6.047. **How should a correction or addition of a declaration referred to in Rule 4.17 be presented?** Any correction or addition of a declaration must be made by way of a notice consisting of the corrected or added declaration itself accompanied by a letter explaining the correction or addition. Such notice should be submitted directly to the International Bureau in all cases, even if that notice is in response to an invitation issued by the receiving Office. Any notice nevertheless submitted to the receiving Office will be date stamped by that Office and transmitted to the International Bureau.

- Section 214(c) 6.048. In the case of a corrected declaration, the applicant must submit a replacement sheet, using the relevant Box (amongst Boxes Nos. VIII (i) to (v)). In the case of an added declaration, the applicant may either use the relevant sub-box mentioned above or a blank sheet of paper. Any corrected or added declaration of inventorship for the purposes of the designation of the United States of America should be signed and dated by the inventor and should be entitled "Supplemental declaration of inventorship (Rules 4.17(iv) and 51*bis*.1(a)(iv))".
- Rule 48.2(b)(iv) 6.049. **What happens when the applicant fails to correct a declaration referred to in Rule 4.17?** The International Bureau will publish declarations, either as originally filed, or as corrected, whether or not they comply with Rule 4.17. Furthermore, an indication about the fact that declarations were made will be included in the front page of the published international application.
- Rule 26*ter*.1  
Section 419(c) 6.050. **What happens where the International Bureau receives a correction or addition of a declaration referred to in Rule 4.17 after the applicable time limit?** Where the International Bureau receives a correction or addition of a declaration after the applicable time limit (see paragraph 6.045), it will notify the applicant accordingly. It does not publish that declaration, or communicate that declaration to the designated Office(s), but informs the applicant that any such declaration should be submitted directly by him to the designated Office(s) concerned. In the case of a declaration of inventorship signed by at least one of the inventors, the International Bureau will return the declaration to the applicant.
- Rule 28 6.051. **Is the receiving Office the only authority which may note any of the above defects during the international phase?** If, in the opinion of the International Bureau, the international application is not signed as provided in the Regulations by at least one of the applicants, or does not contain the name of the applicant presented in the prescribed way, or the prescribed indications in respect of at least one of the applicants, or does not comply to the extent provided in the Regulations with the prescribed physical requirements, the International Bureau, brings such defects to the attention of the receiving Office. Unless that Office believes that there is no defect, it must then invite the applicant to correct it, within a time limit of two months from the date of the invitation (see paragraph 6.032).
- Rule 26.4  
92.1 6.052. **How should a correction be presented?** The correction must generally be filed in the form of one or more replacement sheets incorporating the correction and accompanied by a letter. The letter accompanying a replacement sheet must explain the differences between the replacement sheet and the one it replaces. Correction by letter without replacement sheets is possible only for corrections of the request where the correction is of such a nature that it can be transferred from the letter to the request or other part of the record copy without any adverse effect on the clarity and the direct reproducibility of the sheet onto which the correction is to be transferred. As to the signature and other requirements of such letters, see Rule 92.1.
- 6.053. **Does a correction entail the payment of a fee?** Both the request for and the making of any correction are free of charge. There is also no fee for the extension of a time limit for correction (see paragraph 6.037).
- 6.054. **Can the applicant appeal or file a petition against an unfavorable decision of the receiving Office?** The PCT does not expressly provide for any appeal or petition during the international phase. However, practice has shown that receiving Offices reconsider their decisions on petition, and that some national courts or appeal boards have accepted appeals against decisions taken by national (or regional) Offices in their capacity as receiving Offices. However, the latter possibility, even where the applicant is successful in obtaining a revision of the decision of the receiving Office in [the applicant's](#) favor, may remain without effect in the States designated in the international application, particularly when the applicant has not performed the acts required under Article 22(1), 39(1)(a) or 25 within the applicable time limit.
- Article 25  
Rule 29.1  
51 6.055. The PCT provides for the review by designated Offices of any decision of the receiving Office refusing to accord an international filing date or declaring that the international application is considered withdrawn. (For details of the procedure,

including the time limit for requesting such review, see National Phase, paragraphs 6.018 to 6.021.)

Article 24(2)  
48(2)  
Rule 82*bis*

**6.056. Can failure to meet a time limit in the proceedings before the receiving Office or a delay in furnishing documents to that Office be excused?** The PCT provides that any Contracting State must, as far as that State is concerned, excuse, for reasons allowed by the national law, any delay in meeting any time limit. Moreover, any Contracting State may, as far as it is concerned, excuse for other reasons any delay in meeting any time limit. Finally, any designated Office may maintain the effect of an international application (see paragraphs 5.003 to 5.007), even where the decision of the receiving Office to the effect that the international application, or the designation of the State concerned, is considered withdrawn is found to be correct. (For details, see National Phase, paragraph 6.021.)

## RECORD COPY AND SEARCH COPY

Article 12(2)  
12(3)  
22(1)  
24(1)(ii)  
and (iii)  
Rule 22.1  
22.3

**6.057. How does the record copy reach the International Bureau? What are the consequences if it does not reach the International Bureau within the prescribed time limit?** The record copy (see paragraph 5.180), which incidentally is, for the purposes of the procedure under the PCT, considered the true copy of the international application, must reach the International Bureau in time because, if the record copy has not been received by that Bureau within the prescribed time limit, the international application is considered withdrawn. However, no international application is considered withdrawn in such a case without the applicant having been informed beforehand (see paragraph 6.058). Failure to transmit the record copy does not relieve the applicant of the obligation to enter the national phase before the designated Offices within the applicable time limit (see National Phase, paragraphs 6.022 to 6.027).

Rule 20.2(c)  
22.1(e)

**6.058. How does the International Bureau monitor the receipt of the record copy?** The International Bureau, once informed by the receiving Office of the international application number and of the international filing date, monitors the receipt of the record copy. If the International Bureau has not received the record copy within 13 months from the priority date, it urges the receiving Office to send it. If, one month later, the record copy has still not been received, the International Bureau notifies the applicant of the fact. The applicant can then ask the receiving Office either to transmit the record copy or to issue – and this must be done free of charge – a certified copy of the international application which he can himself transmit to the International Bureau. Only after the expiration of three months from the above-mentioned notification from the International Bureau to the applicant may the International Bureau make the finding that no record copy has been received within the prescribed time limit. Thus the applicant will always have been warned and offered the possibility of taking care of the transmittal of the record copy himself before any loss of rights can occur. The certification of a copy of the international application must be made free of charge in such a case, and may be refused only in certain cases (for instance where national security considerations prevent the international application from being treated as such; for details, see Rule 22.1(e)).

Article 12(1)  
Rule 12.1(c)  
23.1  
25.1

**6.059. How does the search copy reach the International Searching Authority?** The search copy (see paragraph 5.180) is transmitted by the receiving Office to the International Searching Authority. The search copy is only transmitted if the international search fee has been fully paid to the receiving Office (see paragraphs 5.184(ii), 5.193, 5.195 and 5.198), and, where the international application was filed in a language not accepted by the International Searching Authority, only after the required translation has been furnished (see paragraph 5.181). Therefore, it is in the applicant's interests to pay the search fee promptly, and, where applicable, furnish the translation promptly, in order to avoid any delay in establishment of the international search report. The International Searching Authority notifies the International Bureau, the applicant and the receiving Office of the fact and date of receipt of the search copy.

Rule 21.2

**6.060. Can the applicant obtain certified copies of the international application?** On payment of a fee, the receiving Office must furnish to the applicant, at his request, certified copies of the international application as filed and of any corrections to it. The certified copy of the international application is the priority document where

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the applicant claims the priority of that international application. For copies of priority documents referred to in the international application, see paragraph 5.070.

## CHAPTER 7

### THE INTERNATIONAL SEARCH PROCEDURE: PROCESSING OF THE INTERNATIONAL APPLICATION BY THE INTERNATIONAL SEARCHING AUTHORITY

#### GENERAL

Article 15  
18  
Rule 43  
43bis.1

**7.001. What are the main procedural steps before the International Searching Authority?** The main procedural steps that any international application goes through before the International Searching Authority are the following:

- (i) conducting the international search,
- (ii) preparing the international search report, and
- (iii) establishing a written opinion.

Article 16  
Rule 4.14bis  
35

**7.002. Which International Searching Authority is competent?** Each receiving Office (except the International Bureau as receiving Office – see paragraph 5.008) specifies one or more International Searching Authorities as competent to carry out international searches on international applications filed with it. For some receiving Offices, different International Searching Authorities are competent depending on the language in which the international application is filed or, where the international application is filed in a language accepted by the receiving Office but not by the International Searching Authority, translated. Where several International Searching Authorities are specified as competent by the receiving Office, the applicant may choose between them (subject to any such language restriction). Annex C indicates the International Searching Authority or Authorities specified as competent by each receiving Office, and the languages in which international applications filed with that Office are accepted for international search by those Authorities. Where the international application is filed with the International Bureau as receiving Office, the competent International Searching Authority (or Authorities) is that (or are those) which would have been competent if the international application had been filed with a competent national (or regional) Office as receiving Office. All of the languages accepted for search by each International Searching Authority are set out in Annex D. Where two or more International Searching Authorities are competent to carry out the international search, the applicant must indicate the Authority of his choice in the request form (see paragraph 5.072) and should also indicate it in the fee calculation sheet (see paragraphs 5.093 and 5.187). Finally, within the framework of the respective agreements relating to the functioning of certain Offices as International Searching Authorities, these Authorities may provide for limitations of their competence in respect of certain international applications. The consolidated texts of these Agreements are available on the WIPO website at the following address: [https://www.wipo.int/pct/en/access/isa\\_ipea\\_agreements.html](https://www.wipo.int/pct/en/access/isa_ipea_agreements.html). For more detailed information, see Annex D.

**7.002A. May the applicant submit comments on earlier search results to the Authority that shall carry out the international search?** Where an international application claims the priority of an earlier application in relation to which a search had already been carried out by the same Office that acts as International Searching Authority, some International Searching Authorities have indicated that they would, when carrying out the international search, consider comments made by applicants in response to the earlier search results relating to the priority application. Applicants who wish to have such comments taken into account should submit them to the receiving Office together with the international application, typically by checking Box No. IX of the request, sub-box “Other”, and indicating “Informal comments on earlier search results”. These informal comments would then be transmitted to the International Searching Authority and the International Bureau together with the search copy and the record copy. Informal comments on earlier search results will be published on PATENTSCOPE (For information on which International Searching Authorities offer this service, see Annex D.)

Article 15(4)  
Rule 33

**7.003. What is the purpose of the international search?** The purpose of the international search is to discover relevant prior art. “Prior art” consists of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations); it is “relevant” in respect of the international application if it can help determine whether or not the claimed invention is new, whether or not it involves an inventive step (in other words, whether it is or is not obvious), and whether the making available to the public occurred prior to the international filing date (for further details, see Rule 33). The international search is made on the basis of the claims, with due regard to the description and the drawings (if any) contained in the international application. The results of the international search are set out in the international search report (see paragraphs 7.023 to 7.026).

Article 15(4)  
Rule 34.1

**7.004. What documents are searched by the International Searching Authority?** The International Searching Authority must endeavor to discover as much of the relevant prior art as its facilities permit, and it must in any case consult the so-called “minimum documentation.” Roughly stated, the latter comprises the published patent documents issued after 1919 by France, by Germany from 1920 to 1945 and by the Federal Republic of Germany since 1945, by Japan (for International Searching Authorities other than the Japan Patent Office (JPO), only those documents for which English abstracts are generally available), by the People's Republic of China (for International Searching Authorities other than the China National Intellectual Property Administration (CNIPA), only those documents for which English abstracts are generally available), by the Republic of Korea (for International Searching Authorities other than the Korean Intellectual Property Office, only those documents for which English abstracts are generally available), by the former Soviet Union and now by the Russian Federation (for International Searching Authorities other than the Federal Service for Intellectual Property (Rospatent) (Russian Federation) only those documents for which English abstracts are generally available), by Switzerland (except documents in Italian), by the United Kingdom, by the United States of America, by the African Intellectual Property Organization (OAPI), by the African Regional Intellectual Property Organization (ARIPO), by the Eurasian Patent Office and by the European Patent Office; published international (PCT) applications; and, from various dates, about 135 technical periodicals. It is emphasized, however, that, where the International Searching Authority has more than the “minimum documentation” at its disposal, it is obliged also to consult that additional documentation to the extent permitted by its facilities.

Rule 20.5  
20.5bis

**7.004A. What if the international application contains later submitted missing parts or correct elements or parts?** The international search will usually be carried out on the basis of the application containing the missing parts or the correct elements or parts. In the case of incorporation by reference of correct elements or parts, although the erroneously filed elements or parts remain in the international application as per Rule 20.5bis(d), they will not have to be considered for the purpose of international search.

Rule 20.5(c), (d)  
20.5bis(c), (d)  
40bis.1

**7.004B.** However, if the inclusion or incorporation by reference of missing parts or correct elements or parts is notified to the International Searching Authority only after it has begun to draw up the international search report, it may invite the applicant to pay an additional fee for that purpose. The invitation will invite the applicant to pay the additional fee within one month from the date of the invitation and indicate the amount of the fee to be paid. The applicant will then have to pay this additional fee directly to the International Searching Authority. If the additional fee is not paid within the time limit, the International Searching Authority will draw up the international search report and the written opinion without taking into account the missing parts or correct elements or parts.

## NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTINGS

Rule 5.2  
13ter.1  
Section 208  
513(a)

**7.005. What special requirements apply during the international search to a nucleotide and/or amino acid sequence listing?** Where the International Searching Authority finds that an international application contains disclosure of one or more nucleotide and/or amino acid sequences [required to be included in a sequence listing pursuant to Annex C of the Administrative Instructions](#) and that the [sequence listing](#)

complying with the [prescribed](#) standard (see paragraph 5.099) [in a language accepted by that Authority](#) has not already been furnished (either as part of the international application or [filed subsequently](#) for the purposes of international search), that Authority may invite the applicant to furnish a listing complying with this standard [or containing a translation of the language-dependent free text in a language accepted by that Authority](#) and, if applicable, to pay a late furnishing fee. The listing required by the International Searching Authority is for the purpose of carrying out the international search; the application of the requirements of national law in relation to disclosure of inventions involving a sequence listing is a matter for the national phase of processing.

7.006. [\[Deleted\]](#)

7.007. [\[Deleted\]](#)

7.008. **Does the International Bureau recommend any software for the preparation of sequence listings in electronic format?** The sequence listing should be created [using WIPO Sequence](#) (see paragraph 5.104).

Annex F,  
Appendix IV, 2.(f) of  
the Administrative  
Instructions

7.009. The diskette or any other electronic carrier that is acceptable to the competent International Searching Authority must have a label permanently affixed thereto on which has been typed, or hand-printed in block capitals, the name of the applicant, the title of the invention, a reference number, the date on which the data were recorded, the computer operating system and the name of the competent Authority. If the diskette or any other electronic carrier that is acceptable to the competent Authority is submitted after the date of filing of an application, the labels must also include the filing date of the application and the application number.

Rule 13ter.1(a)  
13ter.1(b)  
13ter.1(c)  
13ter.1(d)

7.010. **What is the procedure for furnishing a sequence listing upon invitation?** An invitation from the International Searching Authority to furnish a sequence listing complying with the standard provided for in Annex C to the Administrative Instructions (see paragraphs 7.005 to 7.008) [or containing a translation of the language-dependent free text](#), will specify a time limit for response to the invitation. The furnishing of a sequence listing in response to the invitation may be subjected by the International Searching Authority to the payment of a late furnishing fee. The amount of the late furnishing fee shall be determined by the International Searching Authority but shall not exceed 25% of the international filing fee referred to in item 1 of the Schedule of Fees (excluding any fee paid for each sheet of the international application in excess of 30). Any sequence listing furnished by the applicant must be accompanied by a statement to the effect that the listing does not go beyond the disclosure in the international application as filed. If the applicant does not comply within that time limit, the search undertaken by the International Searching Authority may be restricted (see paragraph 7.013).

Rule 13ter.1(e)

7.011. **Does a sequence listing furnished to the International Searching Authority form part of the international application?** [Any](#) sequence listing furnished separately to the International Searching Authority under Rule 13ter is used only for the purposes of the international search and does not form part of the international application. Nevertheless, once the international application has been published, any such sequence listing will be made available for public inspection by the International Bureau on PATENTSCOPE (<https://www.wipo.int/patentscope/en/>). [The applicant may later amend the description \(under Article 34 or at the time of national phase entry\) to include a sequence listing part of the description complying with WIPO Standard ST.26.](#)

Rule 13ter.2  
[49.5\(a-bis\)](#)

7.012. **Will a sequence listing furnished to the International Searching Authority also meet any requirements of the International Preliminary Examining Authority or, in the national phase, of a designated Office?** The same requirements in relation to sequence listings for the purposes of international search apply during international preliminary examination (see paragraph 10.063). The International Preliminary Examining Authority may, for example, invite the applicant to furnish to it a sequence listing complying with the standard provided for in Annex C of the Administrative Instructions [or containing a translation of the language-dependent free text in a language accepted by that Authority](#) for the purposes of international preliminary examination. Concerning designated Offices, no designated Office may require the

applicant to furnish to it a sequence listing other than a sequence listing complying with the standard provided for in Annex C of the Administrative Instructions. If a designated Office finds that a sequence listing does not comply with the [prescribed](#) standard and/or [does not contain language-dependent free text in a language accepted by the Office](#), it may invite the applicant to furnish a listing [or a translation](#) complying with those requirements (see National Chapters).

## LIMITATIONS ON INTERNATIONAL SEARCH

Article 17(2)(a)(i)  
and (b)  
Rule 13ter.1(d)  
39.1

**7.013. May the International Searching Authority refuse to search certain subject matter?** The International Searching Authority is not required to perform an international search on claims which relate to any of the following subject matter: (i) scientific and mathematical theories, (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes, (iii) schemes, Rules or methods of doing business, performing purely mental acts or playing games, (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods, (v) mere presentation of information, and (vi) computer programs to the extent that the Authority is not equipped to search prior art concerning such programs. However, certain International Searching Authorities do, in practice, search these fields to varying extents – for example, several International Searching Authorities search subject matter which is normally searched under the national (or regional) procedure (for details, see Annex D). In addition, the International Searching Authority is not required to search the international application, to the extent that a meaningful search cannot be carried out, in certain cases where a sequence listing is not furnished in accordance with the prescribed standard or [is not available to it in an accepted language](#) (see paragraphs 7.005 to 7.012). If the International Searching Authority is not required to search any of the claims, it may declare that it will not establish an international search report. It should, nevertheless, be noted that the lack of an international search report in such a case does not, in itself, have any influence on the validity of the international application, the processing of which, including its communication to the designated Offices, continues. In respect of the possibility for the International Searching Authority to limit its competence, see paragraph 7.002.

Article 17(2)(a)(ii)  
and (b)  
Rule 6.4(a)

**7.014. May the International Searching Authority refuse to search international applications which are unclear or have other defects?** If the International Searching Authority considers that the description, the claims or the drawings fail to comply with the prescribed requirements to such an extent that a meaningful search cannot be carried out, it may declare that it will not establish a search report (such a declaration may also be made in respect of some of the claims only). This may in particular occur where the description or the claims are unclear. The lack of an international search report does not, of itself, have any influence on the validity of the international application, the processing of which, including its communication to the designated Offices, continues. Where only some of the claims are found to be “unsearchable,” the International Searching Authority will not search them but will search the rest of the international application; as a result, it will then establish a partial search report in relation to the searched claims. This partial search report also contains a declaration under Article 17(2)(b) that certain claims were found unsearchable. The same may apply in the case of multiple dependent claims which do not comply with the manner of drafting provided for in the second and third sentences of Rule 6.4(a) (see paragraph 5.113).

## UNITY OF INVENTION

Article 17(3)(a)  
Rule 13

**7.015. What is the purpose of the requirement of “unity of invention”?** The search fee (see paragraph 5.184(ii) and Annex D) is intended to compensate the International Searching Authority for carrying out an international search on the international application, but only where the international application meets the requirement of “unity of invention.” That means that the international application must relate to only one invention or must relate to a group of inventions which are so linked

as to form a single general inventive concept. The requirement of unity of invention is explained in detail in paragraphs 5.114 to 5.123.

Article 17(3)(a)  
Rule 13  
40.1  
40.2(a)  
and (b)  
40.2(e)

**7.016. What happens where the International Searching Authority considers that the international application does not meet the requirement of unity of invention?** If the International Searching Authority finds that the international application does not meet the requirement of unity of invention, it invites the applicant to pay additional fees, specifying the reasons for its finding and indicating the number of additional fees to be paid. The invitation will also invite the applicant to pay, where applicable, and will indicate the amount of, the protest fee as referred to in Rule 40.2(e). Such additional fees are payable directly to the International Searching Authority within one month from the date of the invitation. Annex D indicates the amount of the additional search fee per additional invention charged by each International Searching Authority.

**7.017.** When the International Searching Authority invites the applicant to pay additional fees, it may annex to the invitation the results of a partial international search limited to the invention first mentioned in the claims (the relevant claims are identified in the invitation). The results of such a partial search will be included in the international search report when it is established, together with the results of the search of any further invention for which the applicant pays additional fees within the time limit fixed in the invitation.

Article 17(3)(a)  
Rule 13

**7.018.** The International Searching Authority establishes the international search report in any case on those parts of the international application which relate to the “main invention,” that is, the invention – or group of inventions so linked as to form a single general inventive concept – first mentioned in the claims. Moreover, the International Searching Authority establishes the international search report also on those parts of the international application which relate to any invention – or any group of inventions so linked as to form a single general inventive concept – in respect of which the applicant has paid the additional fee within the time limit fixed in the invitation.

Rule 40.2(c)  
and (d)

**7.019. May the applicant protest against payment of the additional fees?** Yes, any applicant may pay the additional fee under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the number of the required additional fees is excessive. Any such protest is examined by a review body constituted in the framework of the International Searching Authority, and a decision is taken on it. To the extent that the applicant's protest is found to be justified, the additional fee is totally or partly reimbursed. At the request of the applicant, the texts of both the protest and the decision on it are notified to the designated Offices together with the international search report.

Rule 40.1  
40.2(e)

**7.020.** Where the applicant pays additional fees under protest, the International Searching Authority may also require the applicant to pay a fee for the examination of the protest (“protest fee”). Details of the protest fee, if any, charged by the International Searching Authorities appear in Annex D. Where the applicant has not, within one month from the date of the invitation to pay additional fees, paid any required protest fee, the protest shall be considered not to have been made and the International Searching Authority shall so declare.

Article 17(3)(b)

**7.021. What happens if the applicant does not pay the additional fees as invited?** Where, within the prescribed time limit, the applicant does not pay all the additional fees indicated by the International Searching Authority, but pays only some of them, or does not pay any additional fee at all, certain parts of the international application are not searched by that Authority. The lack of an international search report in respect of those parts of the international application does not, of itself, have any influence on the validity of the international application, the processing of which, including its communication to the designated Offices, continues in respect of all claims. Nevertheless, the national law of any designated State may provide that such unsearched parts of the international application will be considered withdrawn as far as that State is concerned unless a special fee is paid by the applicant to its national Office. There are only a few Offices which apply such provisions. Details of special fees are given in the respective National Chapters.

## TITLE AND ABSTRACT

Rule 37  
38  
44.2

**7.022. What happens if the International Searching Authority finds that the title of the invention or the abstract is missing or defective?** In such cases, and in certain circumstances, it is the International Searching Authority which eventually establishes an appropriate title or abstract. For details, see Rules 37, 38 and 44.2, and paragraph 5.173.

## INTERNATIONAL SEARCH REPORT

Article 18(1)  
Rule 42

**7.023. When must the international search report be established?** The international search report must be established within three months from the receipt of the search copy by the International Searching Authority (see paragraph 6.059) or nine months from the priority date, whichever time limit expires later.

Rule 43

**7.024. What are the contents of the international search report?** The international search report contains, among other things, the citation of the documents considered relevant, the classification of the subject matter of the invention (according to the International Patent Classification) and an indication of the fields searched (those fields being identified by a reference to their classification) as well as any electronic data base searched (including, where practicable, the search terms used). Citations of particular relevance must be indicated specially. Citations which are not relevant to all the claims must be indicated in relation to the claim or claims to which they are relevant. If only certain passages of the document cited are relevant or particularly relevant, they must be identified, for example by an indication of the page on which, or the column or lines in which, the passage appears. It is important to note that an international search report must not contain any expression of opinion, reasoning, argument or explanation of any kind whatsoever. For full details, see Rule 43.

Article 18(2)  
Rule 44.1

**7.025. How do the applicant and the International Bureau receive the international search report?** The International Searching Authority transmits, on the same day, one copy of the international search report (or, where none is established, a declaration to that effect – see paragraphs 7.013 and 7.014) and the written opinion established by it to the applicant and to the International Bureau. The latter publishes the international search report with the published international application (see paragraph 9.015) and sends a copy to the designated Offices.

**7.025A. May the applicant respond to the international search report?** The Regulations do not specifically provide for an opportunity for the applicant to respond to the international search report, except that after receipt of the report, the applicant is entitled, under Article 19, to one opportunity to amend the claims of the international application (see paragraphs 9.004 to 9.011). For the possibility to respond to the written opinion of the International Searching Authority, see paragraph 7.030.

Article 20(3)  
Rule 44.3

**7.026. How can the applicant obtain copies of the documents cited in the international search report?** The applicant can obtain copies of the documents cited in the international search report by requesting them from the International Searching Authority. Certain International Searching Authorities, however, transmit such copies automatically without extra charge to the applicant, together with the international search report. Annex D indicates those International Searching Authorities and indicates for the other Authorities the fees charged for furnishing copies on request.

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

Rule 43bis.1(a)

**7.027. What is the written opinion of the International Searching Authority?** The International Searching Authority will establish, at the same time that it establishes the international search report or the declaration referred to in Article 17(2)(a), a preliminary and nonbinding written opinion on the questions whether the claimed invention appears to be novel, to involve an inventive step and to be industrially applicable, very similar in scope to the written opinion established by the International Preliminary Examining Authority during international preliminary examination.

- Rule 44.1 7.028. The relevant date for determining prior art for the purposes of establishing the written opinion is the international filing date or, where priority of an earlier application is claimed, the priority date – this date is different from that used in establishing the international search report but is consistent with the date used in international preliminary examination. The written opinion of the International Searching Authority is established in the language in which the international search report is established, and is communicated to the applicant and to the International Bureau together with the international search report or the declaration referred to in Article 17(2)(a) (see paragraph 7.025). The written opinion, unless it is not yet available to the International Bureau, is also made publicly available on PATENTSCOPE on the same day that the international application is published.
- Article 18(1)  
Rule 42 7.029. **When must the written opinion be established?** The International Searching Authority must, as a rule, establish the international search report and the written opinion within three months from the receipt of the search copy sent to it by the receiving Office or within nine months from the priority date, whichever time limit expires later.
- 7.030. **May the applicant respond to the written opinion of the International Searching Authority?** Even though no special provisions are included in the Regulations providing for the applicant to comment on the written opinion of the International Searching Authority, in accordance with the decision of the PCT Assembly, applicants may submit comments on an informal basis to the International Bureau. The purpose of such informal comments is to give the applicant an opportunity to rebut the written opinion of the International Searching Authority in the event that international preliminary examination is not requested. There is no maximum word count for informal comments. When submitting informal comments to the International Bureau, they should be clearly identified as such. Informal comments will be made publicly available on PATENTSCOPE as from the date of international publication. It is recommended to submit informal comments before the expiration of 28 months from the priority date, so that they will be available to designated Offices upon entry into the national phase. Any informal comments received after 30 months from the priority date will only be kept in the file of the International Bureau and not be transmitted to the designated Offices. As far as the language of the informal comments is concerned, it is the practice of the International Bureau to accept and communicate to designated Offices informal comments in any language. Any formal response to the written opinion of the International Searching Authority must be submitted directly to the International Preliminary Examining Authority under Article 34 as part of the procedure under Chapter II. If a demand is filed, informal comments submitted under Chapter I will not be forwarded to the designated Offices, however they will still be made available to the public on PATENTSCOPE.
- Rule 44bis 7.031. **What is the relationship between the written opinion of the International Searching Authority and the international preliminary report on patentability (IPRP) (Chapter I)?** If no international preliminary examination report has been or will be established, the written opinion of the International Searching Authority will form the basis for the issuance by the International Bureau, on behalf of the International Searching Authority, of the international preliminary report on patentability (IPRP) (Chapter I) which will be communicated to all designated Offices, together with any informal comments submitted by the applicant. The international preliminary report on patentability (Chapter I) is made available on PATENTSCOPE for public inspection after the expiration of 30 months from the priority date.
- Rule 43bis.1(c)  
66.1bis 7.032. If a demand for international preliminary examination is filed in respect of an international application, the written opinion which has been established by the International Searching Authority will, in general, be used by the International Preliminary Examining Authority as its own first written opinion, unless the International Preliminary Examining Authority notifies the International Bureau to the contrary.

## CHAPTER 8

### SUPPLEMENTARY INTERNATIONAL SEARCH

#### GENERAL

Rule 45bis

8.001. **What is supplementary international search?** Supplementary international search permits the applicant to request, in addition to the international search carried out under Article 15(1) (the “main international search”, as explained in Chapter 7), one or more supplementary international searches each to be carried out by an International Authority (the “Authority specified for supplementary search”) other than the International Searching Authority that carries out the main international search.

8.002. **What are the benefits of supplementary international search for the applicant?** Requesting supplementary international search reduces the risk of new prior art being cited in the national phase. The increasing diversity of prior art in different languages and different technical fields means that the Authority carrying out the main international search is not always capable of discovering all of the relevant prior art. Requesting one or more supplementary international searches, during this early phase of the patent prosecution, expands both the linguistic and technical scope of the search. In addition, it may also be possible to have the supplementary search carried out in a State where they are likely to enter the national phase later on.

Rule 45bis.1(e)  
45bis.9(b)

8.003. **Which authorities can be requested to carry out a supplementary international search?** Only an International Searching Authority that has stated its preparedness to carry out supplementary international searches (see Annex SISA) and which is not the International Searching Authority that carried out the main international search, can be requested to carry out a supplementary international search.

Rule 45bis.9(a)  
and (c)

8.004. **Does each Authority offer the same supplementary international search service?** The Authorities prepared to offer supplementary international searches may specify any limitations and conditions on this service in their agreement with the International Bureau (see [https://www.wipo.int/pct/en/access/isa\\_ipea\\_agreements.html](https://www.wipo.int/pct/en/access/isa_ipea_agreements.html)). These limitations may include limitations as to the subject matter for which supplementary searches will be carried out, beyond those limitations that can be evoked in respect of the main international search (see paragraphs 7.013 and 7.014), and limitations as to the total number of supplementary international searches which will be carried out in a given period (see Annex SISA).

Rule 45bis.1(a)  
45bis.1(e)(i)

8.005. **When should the request for a supplementary search be filed?** In many cases, requests for supplementary search will be filed once the applicant has received the main international search report. In any event, the applicant must file a request for a supplementary international search prior to the expiration of 22 months from the priority date. If the request is received after the expiration of this time limit, it will be considered not to have been submitted and there are no provisions to extend this time limit.

#### SUPPLEMENTARY SEARCH REQUEST

Rule 45bis.1(b)  
Section 102(f)  
and (g)

8.006. **How should a supplementary search request be filed?** To facilitate preparation of the supplementary search request, the International Bureau has made available Form PCT/IB/375 “Supplementary Search Request” in PDF editable format on WIPO’s website (instructions on how to complete and save the editable form are also available at: <https://www.wipo.int/pct/en/forms/instructions.htm>). This form should be completed in accordance with indications in the Notes attached to the form. While use of this form is optional, it is highly recommended. It is further recommended to submit the form to the International Bureau through ePCT.

Rule 45bis.1(a)

8.007. If the applicant wishes more than one supplementary international search to be carried out, a separate request, preferably using Form PCT/IB/375, should be submitted for each supplementary international search requested.

- Rule 45bis.1(b)  
45bis.4(e) 8.008. **Where should a supplementary search request be filed?** A supplementary search request must be filed with the International Bureau and not with the Authority specified for supplementary search. The International Bureau will transmit the request to the Authority specified for supplementary search once it has verified that all formal requirements have been complied with.
- Rule 92.2(d)  
Section 104 8.009. **In which language should the supplementary search request be filed?** The supplementary search request should be filed in either English or French.
- Rule 92.2(d)  
Section 104 8.010. **What is the language of correspondence with the International Bureau in connection with supplementary international search?** Any correspondence between the applicant and the International Bureau should be in English or French, at the choice of the applicant, provided that it is in the same language as the international application – if the latter was filed in English or French. However, communications from the applicant to the International Bureau via ePCT may also be in the language of publication of the international application.
- Rule 45bis.1(b)(ii) 8.011. **How should the Authority specified for supplementary search be identified?** The Authority specified for supplementary search should be identified, by an indication of the name or two-letter code of the Authority at the top of the first sheet of the supplementary search request form.
- Rule 13ter.1  
45bis.1(c) 8.012. **Which documents, other than the supplementary search request must be submitted?** Where neither the language in which the international application was filed, nor the language in which a translation (if any) has been furnished for the purposes of main international search or international publication, is accepted by the Authority specified for supplementary search, a translation of the international application into a language which is accepted by that Authority must be submitted together with the request. Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences [required to be included in a sequence listing pursuant to Annex C of the Administrative Instructions](#), the applicant, if so required, should furnish a copy of the sequence listing (complying with the [prescribed standard in a language accepted by that Authority](#)) to the International Bureau together with the supplementary search request.

#### **Box No. I: Identification of the International Application**

- Rule 45bis.1(b)(i)  
Section 109  
110 8.013. **How should the international application be identified?** The applicant should clearly identify the international application by its international application number, international filing date (for the date format, see paragraph 5.061) and title, as provided for in Box No. I. If a new title has been established by the International Searching Authority, that title should be indicated.
- 8.014. Where the international application claims the priority of several earlier applications, the filing date of the earliest application, whose priority is claimed, should be indicated as the priority date. A file reference not exceeding 25 characters may also be indicated, if desired by the applicant (see paragraph 5.017).

#### **Box No. II: Applicant**

- Rule 45bis.1(b)(i) 8.015. **How should the applicant be identified?** The applicant should be identified by the indication of his name and address in Box No. II. The requirements for the indication of the name and address of the applicant are the same as those for the request form (PCT/RO/101) (see paragraphs 5.025 to 5.034).
- 8.016. Where there are two or more applicants, only one needs to be indicated for the purposes of requesting supplementary search. It is recommended that the applicant who will represent all the applicants, and to whom notifications are to be sent, be indicated. If an agent or a common representative is indicated in Box No. III of the request, notices will be sent to that agent or common representative (see also paragraphs 11.015 to 11.017).
- Rule 4.4(c) 8.017. **How can the applicant receive notifications via e-mail?** If an e-mail address is indicated in Box No. II of the supplementary search request form, the International Bureau, and the Authority specified for supplementary search, if it provides

such a service, will send notifications in respect of the international application to the applicant by e-mail, thus avoiding processing or postal delays. In this case, no paper notifications will usually be sent by postal mail, unless the Authority specified for supplementary search is willing to additionally send such paper notifications. Where the agent or common representative has also provided an e-mail address, e-mail notifications will only be sent to the appointed agent or common representative (see paragraph 8.018). Note that not all Authorities will send such notifications by e-mail (see Annex B). If no e-mail address is provided, or if the applicant chooses to receive notifications exclusively by postal mail, by marking the corresponding check-box in Box No. II, or in the cases where the Authority specified for supplementary search does not provide for sending notifications by e-mail, notifications will be sent to the given mailing address exclusively by postal mail. It is the applicant's responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked, for any reason, on the recipient's side. Changes to the e-mail address indicated should be requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis*.

### **Box No. III: Agent or Common Representative**

Rule 45*bis*.1(b)(i)  
90.1  
90.2  
90.4  
90.5

8.018. **How is an agent appointed for the purposes of the procedure before the Authority specified for supplementary search?** The appointment of an agent to represent the applicant for the purposes of all procedures during the international phase, including the procedure before the Authority specified for supplementary search, may be made in Box No. IV of the request form (PCT/RO/101) or in a separate power of attorney submitted to the receiving Office (see also paragraphs 5.041 to 5.046 and 11.001 to 11.014).

8.019. Where, however, an agent is to be appointed specifically for the purposes of the procedure before the Authority specified for supplementary search, this should be indicated in Box No. III of the supplementary search request form and the form signed by the applicant.

8.020. The appointment of an agent may also be made in a separate power of attorney signed by the applicant. The indications in Box No. III or in a separate power of attorney must include the name and address of the agent (see paragraphs 5.025 to 5.029). It is recommended that the agent's telephone number, facsimile number and/or e-mail address also be indicated. It is also recommended that where an agent is registered with the Office, that is acting as the Authority specified for supplementary search, the number or other indication under which the agent is so registered should be included. Model powers of attorney are available in editable PDF format on the WIPO website. Any separate power of attorney must be submitted to the Authority specified for supplementary search if the appointment was made specifically for the purposes of the procedure before that Authority. Where a general power of attorney authorizes an agent to represent the applicant before the Office, which acts as the Authority specified for supplementary search, and the appointment was made specifically for the purposes of the procedure before that Authority, the general power of attorney must be deposited with the said Authority. The Authority specified for supplementary search may waive the requirement that a separate power of attorney or a copy of the general power of attorney be submitted to it (see Annex SISA).

Rule 4.4(c)

8.021. **How can an agent receive notifications via e-mail?** If an e-mail address is indicated in Box No. III, the International Bureau, and the Authority specified for supplementary search if it provides such a service, will send notifications to the agent or common representative at the indicated e-mail address, thus avoiding processing or postal delays (see paragraph 8.017). In this case, no paper notifications will usually be sent by postal mail, unless the Authority specified for supplementary search is willing to additionally send such paper notifications. If no e-mail address is provided, or if the agent or common representative chooses to receive notifications exclusively by postal mail, by marking the corresponding check-box in Box No. III, or in the cases where the Authority specified for supplementary search does not provide for sending notifications by e-mail, notifications will be sent to the given mailing address exclusively by postal mail.

Section 108

**8.022. What is the address for correspondence?** Where an agent is appointed specifically for the purposes of the procedure before the Authority specified for supplementary search, all notifications issued by that Authority will be addressed only to that agent. Otherwise, correspondence will be sent to the agent appointed previously or to the common representative, as the case may be. However, where no agent or common representative is appointed and the applicant wishes correspondence to be sent to a different address other than that indicated in Box No. II, he may indicate that address in Box No. III. In such cases, the last check-box of Box No. III must be marked. However, the last check-box must not be marked if either of the check-boxes “agent” or “common representative” in Box No. III has been marked.

#### **Box No. IV: Basis for Supplementary International Search**

Rule 45bis.1(b)(iii)

**8.023. Where should the language, for the purposes of supplementary international search, be indicated?** The applicant should indicate the language, for the purposes of supplementary international search, in Box No. IV and whether that language is that of the international application as originally filed, or of any translation furnished to the receiving Office under Rule 12.3 or 12.4. Where neither the language in which the international application was filed, nor the language in which a translation (if any) has been furnished under Rule 12.3 or 12.4, is accepted by the Authority specified for supplementary search, a translation of the international application, into a language, which is accepted by that Authority, must be furnished together with the request. In such cases, the last check-box concerning language should be marked. Where more than one of the above applies, the applicant may indicate, which language version is to form the basis of the supplementary international search, by marking the corresponding check-box.

Rule 45bis.1(d)  
45bis.5(d)

**8.024. When and how may the applicant select certain inventions to be searched?** Where the International Searching Authority has found that the international application does not comply with the requirement of unity of invention, the applicant may choose, among the several inventions, which invention he wishes to be searched by the Authority specified for supplementary search. If he wishes to limit the supplementary international search to an invention, other than the main invention referred to in Article 17(3)(a), he may indicate this wish by marking the last check-box in Box No. IV of the supplementary search request form, and state the corresponding numbers of the claims relating to this invention in the space provided. Where the international search report is available to the Authority specified for supplementary search before it starts the supplementary international search, it may, however, exclude from the search any claims which were not the subject of the main international search.

#### **Box No. V: Check List**

**8.025. What is the purpose of the check list?** Box No. V should be completed by the applicant to allow the International Bureau to verify the completeness of the documents accompanying the supplementary search request and, in particular, to check whether a translation of the international application and a sequence listing, where indicated in the respective check-boxes, are actually received.

#### **Box No. VI: Signature of Applicant, Agent or Common Representative**

Rule 90.3(a)  
92.1

**8.026. Who must sign the supplementary search request?** The supplementary search request must be signed by one of the applicants or by the appointed agent. It should be noted, however, that additional signatures may be required for withdrawal of the supplementary search request (see paragraphs 11.048 to 11.061).

#### **Notes to the Supplementary Search Request Form**

**8.027. What are the Notes to the supplementary search request form?** The Notes to the supplementary search request form are intended to facilitate the completion of that form. They indicate, in relation to each Box of that form, what indications are required and how they are to be made. The Notes are not required to be submitted with the supplementary search request.

## Fee Calculation Sheet

8.028. **What is the fee calculation sheet?** The fee calculation sheet is intended to help the applicant calculate the total amount of fees payable to the International Bureau. The sheet is usually annexed to the supplementary search request form (see 8.006). It is strongly recommended that the applicant complete the fee calculation sheet and submit it to the International Bureau. This will help the International Bureau to verify the fee calculations and identify any errors. The Notes to the fee calculation sheet provide details about completion of the sheet. For more information about the payment of fees generally, see paragraphs 5.184 to 5.199.

## FEES

Rule 45bis.2(a)  
45bis.3(a)

8.029. **Which fees must be paid by the applicant?** Two fees must be paid for supplementary international search: (i) the supplementary search fee for the benefit of the Authority specified for supplementary search; and (ii) the supplementary search handling fee for the benefit of the International Bureau. The supplementary search fee charged by each Authority varies and is fixed by the Authority in its agreement with the International Bureau (see: [https://www.wipo.int/pct/en/access/isa\\_ipea\\_agreements.html](https://www.wipo.int/pct/en/access/isa_ipea_agreements.html) and Annex SISA). The supplementary search handling fee is fixed by the PCT Assembly and listed in the Schedule of Fees annexed to the PCT Regulations.

8.029A. **Is any fee reduction available?** An applicant is entitled, in accordance with the Schedule of Fees, item 5, to a reduction of 90% of the supplementary search handling fee if he is a natural person and a national of and resides in a State that is listed as being a State whose per capita gross domestic product is below 25,000 US dollars (according to the most recent 10-year average per capita gross domestic product figures at constant 2005 US dollars values published by the United Nations), and whose nationals and residents who are natural persons have filed less than 10 international applications per year (per million population) or less than 50 international applications per year (in absolute numbers) according to the most recent 5-year average yearly filing figures published by the International Bureau or if he is, whether a natural person or not, a national of and resides in a State that is listed as being classified by the United Nations as a least developed country. (For a list of States whose nationals and residents are eligible for the fee reduction, see [https://www.wipo.int/pct/en/fees/fee\\_reduction\\_july.pdf](https://www.wipo.int/pct/en/fees/fee_reduction_july.pdf)). However, it should be noted that the applicant is only entitled to the reduction if, at the time of filing the supplementary search request, the applicant is or all applicants are, the true and only owner(s) of the application and under no obligation to assign, grant, convey or license the rights in the invention to another party which is not eligible for the fee reduction. If there are several applicants, each must satisfy one or the other of the above-mentioned criteria. If the applicant is or all applicants are entitled to the reduction of the supplementary search handling fee, this reduction applies on the basis of the indications of name, nationality and residence given in Box No. II of the supplementary search request, without the need for a specific request to be made.

Rule 45bis.2(b)  
and (c)  
45bis.3(b)  
and (c)  
45bis.4(c)  
and (d)

8.030. **When must the applicable fees be paid?** Both the supplementary search fee and the supplementary search handling fee must be paid to the International Bureau within one month from the date of receipt of the supplementary search request. If they are not paid in full within that time limit, a late payment fee will become due (see Form PCT/IB/377). If the fees remain unpaid, the International Bureau will consider the request not to have been submitted.

8.031. **In which currencies may fees for supplementary international search be paid?** Payment of fees will only be accepted in Swiss francs. The amount payable is the amount applicable on the date of payment.

Rule 45bis.2(d)  
45bis.3(d)  
and (e)

8.032. **Can fees already paid be refunded in some circumstances?** If, before the International Bureau has transmitted the relevant documents to the Authority specified for supplementary search, the international application is withdrawn or considered withdrawn, or the supplementary search request is withdrawn or considered

not to have been submitted, the International Bureau will refund both the supplementary search fee and the supplementary search handling fee to the applicant. If, before the Authority specified for supplementary search has started the search, the supplementary search request is considered not to have been submitted, that Authority will refund the supplementary search fee to the applicant in accordance with its agreement with the International Bureau (see paragraph 8.029).

## PROCESSING OF THE SUPPLEMENTARY SEARCH REQUEST BY THE INTERNATIONAL BUREAU

- Rule 45bis.1(e) 8.033. **What does the International Bureau check upon receipt of the supplementary search request?** Following receipt of the supplementary search request, the International Bureau will check whether the request was received within the prescribed time limit, that is, before the expiration of 22 months from the priority date. It will verify whether the Authority specified is competent to carry out the search, that is, an International Authority which is prepared to offer supplementary international searches and which is not the International Searching Authority that carried out the main international search. If these requirements have not been complied with, it will declare the supplementary search request not to have been submitted, and will notify the applicant accordingly using Form PCT/IB/379 (see also paragraphs 8.003 to 8.005).
- Rule 45bis.4(a) 8.034. **What happens if there are other defects in the supplementary search request?** The International Bureau will then check whether the supplementary search request has clearly indicated the name and address of at least one applicant and of the agent (if any), the title of the invention, the international filing date and the international application number. It will also verify whether a translation of the international application is needed to carry out the supplementary international search, and where necessary, whether that translation has been furnished. If any of these requirements have not been complied with, it will invite the applicant to correct these defects within one month from the date of the invitation using Form PCT/IB/378 (see also paragraphs 8.013 to 8.016, 8.018 to 8.020, and 8.023).
- Rule 45bis.4(b) and (c) 8.035. **What happens if the fees are not paid or not paid in full?** The International Bureau will also check whether the supplementary search fee and the supplementary search handling fee have been paid in full. If not, and the one month time limit has not expired, it will invite the applicant to pay the amount required to cover those fees using Form PCT/IB/376. If the one month time limit has already expired, the International Bureau will issue Form PCT/IB/377 inviting the applicant to pay the amount required, together with a late payment fee equal to 50% of the supplementary search handling fee, within one month from the date of the invitation (see also paragraphs 8.029 and 8.030).
- Rule 45bis.4(d) 8.036. If the applicant fails to correct these defects, or does not pay the fees in full, before the expiration of the respective time limit, the supplementary search request will be considered not to have been submitted, and the International Bureau will make a declaration to this effect and notify the applicant accordingly using Form PCT/IB/379.
- Rule 45bis.4(e) 8.037. **When will the International Bureau transmit the relevant documents to the Authority specified for supplementary search?** Once the International Bureau finds that all of the preceding requirements (see paragraphs 8.033 to 8.035) have been complied with, it will transmit the relevant documents (see paragraph 8.038) to the Authority specified for supplementary search, promptly after it receives the international search report, or after the expiration of 17 months from the priority date, whichever occurs first. If some documents are still not available to it at the above time, it will promptly transmit them once they are available.
- Rule 45bis.4(e) and (f) 8.038. **Which documents are transmitted by the International Bureau to the Authority specified for supplementary search?** The International Bureau will transmit to the Authority specified for supplementary search a copy of each of the following, where applicable: (i) the supplementary search request, (ii) the international application, (iii) any sequence listing furnished therewith, (iv) any translation furnished which is to be used as the basis for the supplementary international search, (v) the international search report and the written opinion (including an English translation), (vi)

any invitation by the International Searching Authority to pay additional fees concerning unity of invention, and (vii) any protest by the applicant against the opinion of the International Searching Authority concerning unity of invention, and the decision thereon by the same Authority.

## SUPPLEMENTARY INTERNATIONAL SEARCH PROCEDURE

- Rule 45bis.5(a) 8.039. **When will the Authority start work on the supplementary international search?** On receipt of the relevant documents from the International Bureau, the Authority specified for supplementary search should promptly begin its work (see paragraph 8.037). However, if on receipt of the relevant documents, the international search report and written opinion are not yet available, the Authority may postpone the start of the search until it receives these documents. Work on the supplementary international search must, however, commence promptly after the expiration of 22 months from the priority date, regardless of the lateness of the international search report and written opinion. The absence of those documents will be noted on the international search report.
- Rule 13ter.1  
45bis.4(e)  
45bis.5(c) 8.040. **Which documents may the applicant submit directly to the Authority specified for supplementary search?** The applicant should furnish all the required documents to the International Bureau with the supplementary search request (see paragraph 8.012), and the International Bureau will transmit these, together with all other relevant documents, to the Authority specified for supplementary search (see paragraph 8.038). Any amendments filed under Article 19 or 34 will not be taken into account. If, however, the applicant did not submit a copy of the sequence listing **complying with the prescribed standard in a language accepted by that Authority** to the International Bureau, together with the request for supplementary search (see paragraph 8.012), **the applicant** will be invited by the Authority specified for supplementary search to submit such a copy to the said Authority. Failure to comply with this requirement may result in that Authority only carrying out the supplementary international search to the extent that a meaningful search can be carried out without the sequence listing (see also paragraphs 7.005 to 7.012 for more relevant information).
- Rule 45bis.5(g)  
and (h)  
45bis.5 8.041. **What are the consequences if the Authority finds that carrying out the supplementary international search is excluded by a limitation or condition?** If the Authority specified for supplementary search finds that carrying out the search is entirely excluded by a limitation or condition set out in its Agreement with the International Bureau (see [https://www.wipo.int/pct/en/access/isa\\_ipea\\_agreements.html](https://www.wipo.int/pct/en/access/isa_ipea_agreements.html)), other than a limitation under Article 17(2), it will declare that the supplementary search request be considered not to have been submitted, and promptly notify the applicant and the International Bureau accordingly. If, however, the Authority finds that carrying out the search is not entirely excluded, it may restrict the search to certain claims only and will indicate this fact in the supplementary international search report.
- Article 17(2)(a)  
Rule 45bis.5 8.042. **May the Authority refuse to search certain claims?** In certain circumstances the Authority is not obliged to conduct a supplementary search on some or all of the claims in the international application. These include subject matter that the Authority would not search in a main international search and claims which have not been searched by the main searching Authority. If the Authority specified for supplementary search finds that it is not obliged to search any of the claims, it will declare that no supplementary international search report will be established (see paragraph 8.048) and promptly notify the applicant and the International Bureau accordingly.
- Rule 45bis.5(f) 8.043. **What is the scope of the supplementary international search?** The supplementary international search shall cover at least the documentation indicated for that purpose in the Agreement between the International Authority acting as the Authority specified for supplementary search and the International Bureau (see [https://www.wipo.int/pct/en/access/isa\\_ipea\\_agreements.html](https://www.wipo.int/pct/en/access/isa_ipea_agreements.html)). For some Authorities this may comprise all PCT documentation plus other patent and technical documents held by that Authority, while others will focus specifically on documentation in certain languages (see Annex SISA).

- Rule 13  
45bis.5(e) 8.044. **What will happen where the main International Searching Authority finds that the international application does not comply with the requirement of unity of invention?** If the main International Searching Authority finds that the international application does not comply with the requirement of unity of invention and the applicant did not pay any additional search fees, the Authority specified for supplementary search is not obliged to carry out any supplementary search on claims which have not been searched by the main International Searching Authority. The requirements for unity of invention are set out in detail in paragraphs 5.114 to 5.123. The Authority specified for supplementary search is not, however, obliged to agree with the main International Searching Authority and may make its own finding on unity of invention.
- Rule 45bis.6(a)  
and (c) 8.045. **What will happen where the Authority specified for supplementary search considers that the international application does not comply with the requirement of unity of invention?** If the Authority specified for supplementary search finds that the international application does not comply with the requirement of unity of invention (the requirements for unity of invention are set out in detail in paragraphs 5.114 to 5.123) it will not invite the applicant to pay additional fees, as the International Searching Authority does in the main international search. Instead, it will establish the supplementary international search report on those parts of the international application which relate to the invention first mentioned in the claims ("main invention"), and notify the applicant of its opinion that the international application does not comply with the requirement of unity of invention and specify the reasons for that opinion. The applicant may, within one month from the date of the notification, request the Authority to review its opinion, subject to the payment of any review fee (see Annex SISA). The review fee will be refunded in full, where the opinion is found to be unjustified (see paragraph 8.046) and a revised supplementary international search report will be issued, where appropriate.
- Rule 45bis.6(d)  
and (e) 8.046. **What will happen when the applicant requests a review of the opinion of the Authority on unity of invention?** If the applicant requests a review of the opinion of the Authority specified for supplementary search that the international application does not comply with the requirement of unity of invention and pays any required review fee, the Authority will review its opinion on unity of invention. The review may not be carried out only by the person who made the decision which is the subject of the review. The result of the review will be notified to the applicant. If the opinion is found to be entirely unjustified, the Authority will establish the supplementary international search report on all parts of the international application and refund the review fee to the applicant. If the opinion is found to be partially unjustified, and the Authority still considers that the international application does not comply with the requirement of unity of invention, it will establish a corrected supplementary international search report where necessary. Independent of the review, the applicant may always request that the text of both the request for review and the decision thereon be communicated to the designated Offices together with the supplementary international search report.
- Rule 45bis.7(a) 8.047. **When is the supplementary international search report established?** The supplementary international search report must be established within 28 months from the priority date using Form PCT/SISA/501.
- Rule 45bis.7(a) 8.048. **What happens when the Authority specified for supplementary search declares that no supplementary international search report will be established?** A declaration that no supplementary international search report will be established must be made within 28 months from the priority date using Form PCT/SISA/502 (see paragraphs 8.003 and 8.004).
- Rule 45bis.7(d)  
and (e) 8.049. **What does the supplementary international search report contain?** The supplementary international search report is generally similar in contents and appearance to the main international search report (see paragraph 7.024). It does not, however, contain comments on the title of the invention or the abstract, nor does it contain the classification of the subject matter. Further, it does not repeat relevant prior art documents which have already been cited in the international search report, unless this is necessary because of new relevance when read in conjunction with other

documents discovered during the supplementary international search. On occasion, the supplementary international search report may contain more detailed explanations concerning citations of documents than those in the main international search report. This is due to the fact that, unlike the main international search, no written opinion is established with the supplementary international search report, and these additional details are helpful for a full understanding of the prior art. Furthermore, it may contain additional comments on the scope of the supplementary search which has been conducted. This is of particular relevance when the supplementary search has been carried out without the benefit of the main international search report.

Article 20(3)  
Rule 44.3  
45bis.7

**8.050. How can the applicant obtain copies of the documents cited in the supplementary international search report?** Many Authorities which have stated their preparedness to carry out supplementary international search transmit such copies automatically, without extra charge to the applicant, together with the supplementary international search report. Annex SISA indicates whether an Authority charges a fee for furnishing copies of these documents.

Article 20(1)  
Rule 45bis.8  
47.1(d)

**8.051. How is the supplementary international search report transmitted?** The Authority specified for supplementary search will, on the same day, transmit one copy of the supplementary international search report (or, the declaration that no supplementary international search report will be established) to the International Bureau and one copy to the applicant. The International Bureau will include the supplementary international search report in its communication to each designated Office, as if it were part of the international search report, unless the designated Office has waived this requirement.

Rule 45bis.8(b)  
and (c)  
Section 420(b)

**8.052. Is a copy of the supplementary international search report sent to the International Preliminary Examining Authority?** Where the applicant files a demand for international preliminary examination, and the International Preliminary Examining Authority is not the same Authority as that specified for supplementary search, the International Bureau will, promptly on receipt of the supplementary international search report, transmit a copy of said report to the International Preliminary Examining Authority. The report, together with the international search report, will all be taken into account by that Authority during the process of international preliminary examination. Note, however, if that Authority has already begun to draw up the international preliminary examination report, it need not take into account the supplementary international search report for the purposes of that report.

Article 20(3)  
Rule 44.3  
94.1(b)

**8.053. Will the supplementary international search report be published?** The supplementary international search report is not published per se nor as part of the international publication. Nevertheless, once the international application has been published, and the supplementary international search report has been received, it is made available for public inspection by the International Bureau on PATENTSCOPE (<https://www.wipo.int/patentscope/en/>).

## CHAPTER 9

INTERNATIONAL PUBLICATION, AMENDMENT OF  
CLAIMS, AND OTHER PROCESSING OF THE  
INTERNATIONAL APPLICATION BY THE  
INTERNATIONAL BUREAU

## GENERAL

9.001. **What are the main procedural steps at the International Bureau?** The main procedural steps that any international application goes through at the International Bureau are the following:

- |   |   |
|---|---|
| Rule 22.1<br>24.2                             | (i) the International Bureau monitors the receipt of the record copy of the international application and notifies the fact, and the date of receipt, to the applicant and the authorities concerned; for details, see paragraph 9.002;   |
| Article 19<br>Rule 46                         | (ii) the applicant may amend the claims of the international application under Article 19 by means of a communication addressed to the International Bureau; for details, see paragraphs 9.004 to 9.011;  |
| Article 21<br>Rule 48                         | (iii) the international application is published by the International Bureau (such publication usually takes place just after the expiration of 18 months from the priority date); for details, see paragraphs 9.012 to 9.024;  |
| Article 20<br>Rule 43bis<br>44<br>47          | (iv) copies of the international application, the international search report and the written opinion of the International Searching Authority (in the form of the international preliminary report on patentability (Chapter I of the PCT) (see (v) and (vi) below) pertaining to it are transmitted by the International Bureau to the designated Offices; for details, see paragraphs 9.028 and 9.029;   |
| Rule 44bis                                    | (v) where a preliminary examination report (international preliminary report on patentability (Chapter II of the PCT)) has not been established, the International Bureau issues an international preliminary report on patentability (Chapter I of the PCT) (see paragraph 7.031);   |
| Rule 44bis.2<br>44bis.3                       | (vi) copies of that report are transmitted by the International Bureau to the applicant, and to the designated Offices in accordance with Rule 93bis, but not before the expiration of 30 months from the priority date; the International Bureau may also if so requested by any designated State, transmit a copy of a translation into English of the international preliminary report on patentability (Chapter I of the PCT) to any interested designated Office and to the applicant at the same time as it communicates the report to that Office; |
| Article 36<br>Rule 70<br>71<br>72<br>73<br>74 | (vii) where a demand for international preliminary examination has been filed, the International Bureau notifies the elected Offices, transmits the international preliminary report on patentability (Chapter II of the PCT) and related documents to them and makes a translation of that report into English (if required by any elected Office); for further details, see paragraphs 10.006, 10.045, 10.078 10.079 and 10.079A.   |

Rule 24.2  
47.1(a-bis)  
93bis.1

9.002. **When and to whom does the International Bureau notify its receipt of the record copy of the international application? When are designated Offices notified?** How the International Bureau receives the record copy and how it monitors that receipt is explained in paragraphs 6.057 and 6.058. The record copy of the international application should normally reach the International Bureau before the expiration of 13 months from the priority date. After receiving the record copy, the International Bureau notifies the applicant, the receiving Office and the International Searching Authority (unless it has informed the International Bureau that it wishes not to be so notified) of the fact and of the date of receipt of the record copy. All those notifications are effected promptly after the International Bureau's receipt of the record copy.

Rule 24.2(a)  
53.7  
90bis.2

**9.003. What should be done by the applicant when he receives the notification of receipt of the record copy?** The notification sent to the applicant (Form PCT/IB/301) contains the list of the designated Offices. This notification will allow the applicant to check whether the fact that certain designations (DE, JP and/or KR) were specifically excluded in the request, and/or any subsequent withdrawal of designations have been properly reflected. The applicant may wish to withdraw the designation of any designated State at this point, or at any time prior to the expiration of 30 months from the priority date.

## AMENDMENT OF THE CLAIMS UNDER ARTICLE 19

Article 19(1)  
Rule 46  
49.5(a)(ii)  
49.5(c)  
49.5(c-bis)

**9.004. When and how may the claims of the international application be amended in the international phase?** The applicant is entitled, under Article 19, to one opportunity to amend the claims of the international application in the international phase. (Further opportunities to amend the claims, and also the description and the drawings, are available during the international phase under Article 34 if, and only if, the applicant files a demand for international preliminary examination – see paragraphs 9.011, 10.024 to 10.028, and 10.067 to 10.071). Any amendment to the claims under Article 19 must be filed with the International Bureau – not with the receiving Office or the International Searching Authority. The amendments must be in the language in which the international application is published (Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish – see paragraphs 9.017 to 9.019). The opportunity to make amendments under Article 19 is available after the applicant has received the international search report and the written opinion of the International Search Authority, and remains available until the end of 16 months from the priority date or two months after the transmittal (that is, the date of mailing) of that report and opinion, whichever expires later. Amendments received by the International Bureau after the time limit are still accepted if they have been received before the technical preparations for international publication have been completed. Amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2)(a), that no international search report would be established. However, it should be noted that, where an international search report has been established but nevertheless also contains, in Box No. II, a declaration under Article 17(2)(b) that certain claims were found unsearchable, either because they relate to subject matter not required to be searched by the Authority or because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that a meaningful international search could not be carried out, amendments under Article 19 are allowed in relation to the claims that were searched (see paragraph 7.014). Upon entry into the national phase, if the claims have been amended under Article 19, a translation of both the claims as filed and as amended (in the form of a translation of the complete set of claims furnished under Rule 46.5(a) in replacement of all the claims originally filed and any statement may have to be furnished to the designated/elected Offices (see National Chapters (Summaries)). (As to amendments in the national phase, see paragraphs 5.111, 5.127 and 5.162, the National Phase and National Chapters.) The submission of Article 19 amendments should comprise:

- (i) a complete set of claims in replacement of the claims originally filed (see paragraph 9.005)
- (ii) a letter which must indicate the differences between the claims as filed and those as amended plus the basis for the amendments (see paragraphs 9.005-9.006A)
- (iii) an optional statement under Article 19 (see paragraphs 9.007-9.008)

Rule 6.1  
46.5  
Section 205

**9.005.** When filing amendments to the claims under Article 19, the applicant is required to file a sheet or sheets containing a complete set of claims in replacement of the claims originally filed. The replacement sheet or sheets must be accompanied by a letter drawing attention to the differences between the claims as filed and the claims as amended. It must also indicate the basis for the amendment to the claims with specific references to particular parts of the application (description, claims, drawings) as originally filed (see paragraph 9.006). Where an amendment results in the cancellation

of an entire sheet of the international application as originally filed, the amendment (that is, the cancellation) is evidenced only by the letter addressed to the International Bureau. Amendments may consist in the cancellation of one or more entire claims, in the addition of one or more new claims, or in the amendment of the text of one or more of the claims as filed. All the claims appearing on a replacement sheet must be numbered in Arabic numerals (corresponding to the order of the claims). Where a claim is cancelled, no renumbering of the other claims is required. However, where the applicant does renumber claims, they must be renumbered consecutively.

Rule 46.5  
Section 205

**9.006. What should the accompanying letter contain?** The letter, which must accompany the replacement sheets containing amendments to the claims, must indicate firstly the differences between the claims as filed and those as amended and secondly the basis for the amendments in the application as filed. This should be done by stating, in connection with each claim appearing in the international application, whether:

- (i) the claim is unchanged,
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed, etc.

The replacement sheets containing the amended claims should not, however, contain marked-up text; they should contain clean text only. This should be followed by an indication of the basis for the amendments in the application as filed. The basis for the amendments has to be indicated so that the examiner may, by consulting those precise references in the application, assess whether the amendments contain subject-matter which extends beyond the disclosure of the application as filed. Therefore, non-specific indications such as “see the description as filed” or “see the claims as filed” are generally not considered sufficient for an indication of the basis for the amendment.

Example:

“Claim 1 amended; claims 2 to 7 unchanged; claims 8 and 9 amended; claims 10 to 14 cancelled; claims 15 to 17 unchanged; new claim 18 added.

- (i) Basis for the amendment: Claim 1 has been amended at lines 4 and 11 to 14 and now indicates that the filter comprises a periodic backwashing means serially coupled to a first and second chamber. The basis for this amendment can be found in original claims 2 and 4 as filed.
- (ii) Basis for the amendment: Concerning amended claims 8 and 9, the indication of ‘quick-fire piston’ is in paragraph Nos. 2 and 19 in the description as filed.
- (iii) Basis for the amendment: Claim 18 is new, the indication is in drawing No. III of the original application.”

Rule 92.2(d)

**9.006A. What happens where the international application is not in the same language as the accompanying letter?** The accompanying letter should be furnished in English or French. References may, however, be made to the international application in the language of the international application where to do so will facilitate the work of the examiner in finding the reference, for example:

- (i) Basis for the amendment: Concerning amended claim 2, the indication of “請求項1に基づくパーキングアシストシステム” is in paragraph Nos. 23, 46 and 85 in the description as filed.

Article 19(1)  
Rule 46.4  
48.2(a)(vi)

**9.007. What is a statement accompanying an amendment?** Any amendment may be accompanied by a brief statement by the applicant explaining the amendment and indicating any impact it might have on the description and the drawings. Such a statement is published together with the international application itself (see paragraphs 9.012 to 9.024). Statements not referring to a specific amendment are not permitted. The statement must not exceed 500 words if in English or when translated into English. It may not contain disparaging comments on the international search report

or on the relevance of any of the citations contained in that report. References to certain citations in the report may be made only in connection with an amendment made to a specific claim. The statement must be in the language in which the international application is published (see paragraphs 9.017 and 9.018).

Rule 46.4(a)  
48.2(a)(vi)

9.008. A statement explaining the amendment is not to be confused with and must be clearly distinguished from the letter indicating the differences between the claims as filed and those as amended and the basis for the amendment (see paragraph 9.006). It is also distinct from the statement concerning amendments which must be included in a demand for international preliminary examination (see paragraphs 10.024 to 10.027). It must therefore be identified as such by a heading "Statement under Article 19(1)." Where the statement does not comply with the requirements, it is neither published by the International Bureau nor communicated to the designated Offices.

Article 19(2)  
and (3)  
Rule 66.2(a)(iv)  
70.2(c)

9.009. **May the amended claims include new matter?** The PCT provides that amendments are not to go beyond the disclosure in the international application as filed. This requirement is not directly enforceable during Chapter I of the international phase, but failure to comply with it may have adverse consequences for the applicant during the international preliminary examination and in the national phase (see paragraphs 10.070 and 11.047 below).

Rule 46.5(b)  
70.2(c-bis)

9.009A. **What happens where the replacement sheets were not accompanied by a letter?** The PCT requires that replacement sheets filed with Article 19 amendments must be accompanied by a letter indicating the basis for the amendment to the claims (see paragraph 9.006). Substantive compliance with this requirement is not checked during the international phase unless the applicant requests international preliminary examination but failure to comply with it may have adverse consequences for the applicant during international preliminary examination and in the national phase (see also paragraph 11.047A below).

Rule 53.9(a)(i)  
55.3  
62.1  
62.2

9.010. **Should a copy of amendments under Article 19 be filed with the International Preliminary Examining Authority?** If the applicant submits a demand for international preliminary examination, he should file a copy of the amendments to the claims under Article 19, the letter which accompanied the amended claims and the statement under Article 19(1) (if any) with the International Preliminary Examining Authority with the demand (if the amendment has already been filed) or at the same time as he files the amendment with the International Bureau (if the amendment is filed after the demand). Where the International Preliminary Examining Authority requires a translation of the international application under Rule 55.2, the applicant should also furnish a translation of any amendments made under Article 19 and any letter that accompanied the amendments if he wishes those amendments to be taken into account for international preliminary examination. The International Bureau transmits a copy of any amendment, accompanying letter and any statement under Article 19 received prior to the filing of the demand to the International Preliminary Examining Authority unless that Authority indicates that it has already received a copy. If an amendment, the accompanying letter and any statement under Article 19 are received after the demand has been filed, the International Bureau transmits a copy to the International Preliminary Examining Authority in any event, but timely filing of a copy of these documents by the applicant direct with that Authority ensures that the international preliminary examination will proceed without undue delay or uncertainty. See paragraphs 10.024 to 10.028 in connection with the demand form.

Article 34(2)(b)  
Rule 48.2(f)  
66.1(b)

9.011. **In what circumstances should the claims be amended under Article 19?** Since any amendments of the claims under Article 19 are published with the international application (see paragraph 9.015), such amendment may be useful to the applicant if there is a reason to better define the scope of the claims for the purposes of provisional protection in those designated States whose national law provides for such protection (see paragraph 9.024). It is to be noted that, where international preliminary examination takes place, the applicant has the right under Article 34(2)(b) to file amendments to the claims (as well as to the description and the drawings) with the International Preliminary Examining Authority, regardless of whether or not he has filed amendments to the claims under Article 19 with the International Bureau (see paragraphs 10.024, 10.028, 10.067 to 10.071, and 11.045 to 11.047). There is

therefore normally no need to amend the claims under Article 19 where a demand for international preliminary examination is filed, unless there is a particular reason related to provisional protection or otherwise for amending the claims before international publication.

## INTERNATIONAL PUBLICATION

**9.012. When and how is the international application published by the International Bureau?** International applications are published by the International Bureau except in any of the following cases:

- |               |  |
|---------------|--|
| Rule 20.4     | (i) if the international application is not accorded an international filing date by the receiving Office (see paragraphs 6.005 to 6.012);   |
| Article 21(5) | (ii) if the international application is considered withdrawn before the technical preparations for publication have been completed;   |
| Article 21(5) | (iii) if the international application is withdrawn by the applicant (see paragraphs 11.048 and 11.049) before the technical preparations for publication have been completed;   |
| Article 64(3) | (iv) if the only designated State remaining at the time of the completion of the technical preparations for publication, is the United States of America (since the United States of America made a declaration under Article 64(3)(a)), unless any of the exceptions specified in Article 64(3)(c) applies. |

Article 21(2)  
Rule 48.4  
Section 113

**9.013. When does international publication take place?** International publication takes place promptly after the expiration of 18 months from the priority date. However, when the applicant asks the International Bureau to publish his international application earlier, the International Bureau does so. If the applicant asks for early publication and the international search report, or the declaration referred to in Article 17(2)(a), is not available for publication with the international application, a special fee, the amount of which is indicated in Annex B (IB), is payable to the International Bureau. Normally, international publication takes place every Thursday except when the International Bureau is closed for business. In such cases, the publication date will be announced in the *PCT Newsletter*.

**9.014. When are the technical preparations for international publication completed?** The technical preparations for publication are completed by the 15th day prior to the date of publication. However, any change that should be taken into consideration for publication on a specific publication date, should reach the International Bureau at least one day before the 15-day time limit to allow the International Bureau to process the change. The last day for receipt of such changes will therefore always be on Tuesday at midnight (Central European time (CET)), i.e. 16 days before the publication date when publication falls on a Thursday (or 17 days before the publication date when publication exceptionally takes place on a Friday because the International Bureau is closed for business on a Thursday).

Article 21(3)  
Rule 48.1  
48.2(a), (f), (g)  
and (h)  
Section 404  
406(b)

**9.015. What constitutes international publication?** Publication of international applications filed under the PCT takes place wholly in electronic form. The published international application will include any declaration filed under Rule 4.17 and, if available at the time of publication, the international search report or declaration by the International Searching Authority to the effect that no international search report will be established, and also any amendment, including any statement, under Article 19. Where the time limit for amending the claims has not expired at the time of the completion of the technical preparations for publication, the international application is published with an annotation accordingly, and any amendment received within the time limit is published later. Similarly, if the international search report or declaration by the International Searching Authority is not available, the international application is published with an annotation accordingly and the report or declaration is published separately after it has been received by the International Bureau. Each published international application is assigned an international publication number consisting of the code WO followed by an indication of the year and a serial number (for example,

WO 2004/123456). For further details governing international publication, see Article 21 and Rule 48.

Rule 86.1(i)  
Section 407(b)

9.016. On the same date the international application is published, the bibliographic data, the title of the invention, the abstract and a characteristic drawing (if any) of each published international application are made available on PATENTSCOPE.

Rule 26.4  
48.2(l)

9.016A. **Can the applicant request that certain information be omitted from international publication?** The applicant can make a reasoned request to the International Bureau to omit certain information from publication. He should preferably use form PCT/IB/384 for such a request, accompanied by replacement sheets from which the relevant information has been omitted, except for cases where the omission of information would result in the omission of an entire sheet, and an accompanying letter drawing attention to the differences between the replaced sheet(s) and the replacement sheet(s). In his request, the applicant must also explain why the information does not obviously serve the purpose of informing the public about the international application, that the publication of such information would clearly prejudice the personal or economic interests of a person and that there is no prevailing public interest to have access to that information. The request for omission of information from publication must be received by the International Bureau prior to the completion of technical preparations for international publication (see paragraph 9.014).

If the International Bureau finds that the reasoned request satisfies all of the above-mentioned criteria, it will omit that information from international publication (and/or public file access, see paragraph 11.073A) and inform the applicant of its decision (form PCT/IB/385). If the International Bureau decides not to omit the requested information from international publication, it will inform the applicant accordingly (form PCT/IB/386).

Where the International Bureau has omitted information from international publication, and that information is also contained in the file of the international application held by the receiving Office, the International Searching Authority, the Authority specified for supplementary search or the Preliminary Examining Authority, the International Bureau will also promptly notify that Office or Authority accordingly, so that they do not make that information publicly available either.

Article 21(4)  
Rule 45.1  
48.3  
Section 406bis

9.017. **In what language is the international application published?** If the international application is filed in Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish, it is published in the language in which it was filed. Where the language of publication is Arabic, Chinese, French, German, Japanese, Korean, Portuguese, Russian or Spanish, the International Bureau prepares English translations of the title of the invention, the abstract and the international search report (or the declaration referred to in paragraph 7.014) and includes the translations in the published international application. Where the applicant wishes to propose an English translation of the title of the invention, she/he may furnish the suggested translation to the International Bureau before the expiration of 14 months from the priority date. The International Bureau shall, to the extent possible, take the suggested translation into account in the preparation of the translation. The International Bureau also prepares, where applicable, French translations of the title and the abstract. The title and abstract are published on PATENTSCOPE.

Rule 48.3(b)

9.018. If the international application is filed in a language which is a language other than Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish and is a language accepted by the International Searching Authority for international search, the applicant must furnish a translation of the international application into a language of publication accepted by the receiving Office for that purpose. The international application will be published in that language of translation only (see paragraphs 6.020 to 6.023).

9.019. If the international application is filed in a language which is neither a language of publication (Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish) nor a language accepted by the International

Searching Authority for international search, it is published in the language of the translation furnished by the applicant (see paragraphs 6.013 to 6.020).

Rule 86.2(a)

9.020. The bibliographic data, titles and abstracts, and any figure which appears on the front page of each published international application are published in English and in French on PATENTSCOPE.

Rule 86.1(i)  
86.4

9.021. **How can copies of the published international application be obtained?** In addition to downloading the published international application from the WIPO website anyone may obtain a copy of the published international application by ordering it from the International Bureau, preferably referring to its international publication number (if available).

Rule 86.1(i)  
86.4

9.022. **How can the published international application in electronic form be accessed?** The published international application in electronic form is available on PATENTSCOPE.

Rule 4.10(b)  
17.2(c)

9.023. **How can copies of the priority document be obtained?** Third parties who wish to receive a copy of the priority document may apply to the Office with which the earlier application was filed, to certain designated Offices or to the International Bureau. The International Bureau makes copies of priority documents, after international publication of the international application available on PATENTSCOPE, or on paper upon request and subject to reimbursement of the cost. However, the International Bureau does not furnish such copies if, prior to the international publication, the international application was withdrawn, or the relevant priority claim was withdrawn or was considered not to have been made, or the relevant declaration of the priority claim was cancelled.

Article 21(5)  
Rule 90bis.1(c)

9.023A. **How can international publication be prevented?** The applicant may prevent international publication by withdrawing the international application, provided that the applicant submits a notice of withdrawal and that the notice of withdrawal reaches the International Bureau before the completion of technical preparations for that publication (see paragraph 9.014). It is strongly recommended to send the notice of withdrawal directly to the International Bureau through ePCT (signing in with strong authentication at <https://pct.wipo.int/ePCT>), preferably using the corresponding Action. Using an ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and will prevent publication if submitted before the completion of technical preparations for international publication. In the rare situation where ePCT cannot be used, an alternative document upload system is available at <https://www.wipo.int/pct/en/epct/contingencyupload.html>. The notice of withdrawal may state that the withdrawal is to be effective only on the condition that international publication can still be prevented. In such a case the withdrawal is not effective if this condition cannot be met – that is, if the technical preparations for international publication have already been completed. The same effect may possibly be achieved if, for example through non-payment of the applicable fees, the international application is considered withdrawn and the receiving Office so declares (Form PCT/RO/117). Issuance of this declaration by the receiving Office alone, however, will not prevent international publication unless the declaration is also received by the International Bureau before completion of technical preparations for international publication (Rule 29.1(v)).

International publication may be postponed by withdrawing the priority claim as outlined in paragraphs 11.056 and 11.057.

Article 29

9.024. **What are the legal effects of international publication?** Article 29 has the effect of ensuring, with certain qualifications, that provisional protection is available after the international publication of an international application in the same way as it is after national publication of unexamined national applications. The qualifications are such as to enable Contracting States to make such protection conditional on the furnishing of translations (in some circumstances), on the expiration of 18 months from the priority date, and/or on receipt by the designated Office of a copy of the international application as published under the PCT. For further details, see Article 29. Annexes B indicate what the position is in each Contracting State.

Rule 94

**9.025. Can access be gained at the International Bureau to the file of an international application?** For international applications filed before 1 July 1998, the applicant or any person authorized by the applicant may, subject to reimbursement of the cost of the service, obtain copies from the International Bureau of any document contained in its file. For international applications filed on or after 1 July 1998, the International Bureau makes certain documents in its file available on PATENTSCOPE together with the published international application. In addition, it will, at the request of any person but not before the international publication of the international application and subject to Article 38, furnish, upon reimbursement of the cost of the service, copies of any document contained in its file, except for information which has been omitted from international publication or public file access following a reasoned request by the applicant (see paragraphs 11.072 to 11.074 for details concerning the confidentiality of international applications).

**9.026. [Deleted]**

Rule 94.1(c)

**9.027.** Concerning access to the international preliminary report on patentability (Chapter II of the PCT), the International Bureau, if so requested by an elected Office, makes copies of that report available on PATENTSCOPE to third parties on behalf of that Office, but not before the expiration of 30 months from the priority date. A number of elected Offices have made this request to the International Bureau, see [www.wipo.int/pct/en/texts/access\\_iper.html](http://www.wipo.int/pct/en/texts/access_iper.html). Similarly, the International Bureau also makes related documents received from the International Preliminary Examining Authority under PCT Rule 71.1(b) available on PATENTSCOPE (see paragraph 10.079A).

## COMMUNICATION OF COPIES TO THE DESIGNATED OFFICES

Article 20(1)(a)  
22(1)Rule 47.1(a)  
47.2  
47.3  
93bis

**9.028. How and when do the designated Offices receive copies of the international application?** Subject to what is said in this paragraph and in paragraph 9.029, the International Bureau communicates a copy of the international application in the language in which the international application is published, to each designated Office upon their request and at the time specified by that Office, pursuant to Rule 93bis, but not prior to the international publication. Where the language in which the international application is published is different from the language in which it was filed, the International Bureau will furnish to any designated Office, upon the request of that Office, a copy of that application in the language in which it was filed. In practice, the communication is effected by sending a copy of the published international application (for details concerning the contents of published international applications, see paragraph 9.015). The International Bureau also sends, promptly after the expiration of 19 months from the priority date in respect of designated Offices which do not apply the 30 month time limit, and again promptly after the expiration of 28 months from the priority date in respect of designated Offices which do apply the 30 month time limit, a notice (Form PCT/IB/308 (First Notice) (*19 months*) and Form PCT/IB/308 (Second and Supplementary Notice) (*28 months*)) to the applicant informing him of the Offices to which the communication has been effected and of the date of such communication. The notices must be accepted by all designated Offices as conclusive evidence that the communication has duly taken place on the date specified in the notices. On receiving the notices, the applicant knows that he does not have to send a copy of the international application to any of the designated Offices indicated on them as having been sent the communication.

Article 13  
23(2)  
40(2)Rule 31  
47.4  
61.2(d)

**9.029.** A copy of the international application (albeit without the international search report) is communicated by the International Bureau, prior to the communication referred to in the preceding paragraphs, to any designated Office which so requests; this transmittal may not be done before the expiration of one year from the priority date. It should be noted that, to date, no national or regional Office has asked for a copy of all the international applications designating it to be the subject of such an early communication. If he wishes, the applicant may at any time transmit, or ask the International Bureau to transmit, a copy of his international application to any designated Office. Such special transmittal by the International Bureau requires the payment of a fee, the amount of which is indicated in Annex B (IB). Further details are to be found in

Article 13 and Rule 31. It is to be noted that transmittal in this way does not, unless expressly requested by the applicant, entitle the designated Office to start its processing of the international application. If, however, the applicant makes an express request to a designated or elected Office (under Article 23(2) or 40(2), respectively) for early commencement of national processing, the International Bureau then promptly effects the communication to the Office concerned upon request by the applicant or the designated or elected Office.

## CHAPTER 10

### INTERNATIONAL PRELIMINARY EXAMINATION UNDER CHAPTER II OF THE PCT

#### GENERAL

Article 31(1)  
31(4)(a)  
32(1)  
33(1)  
Rule 53.7

10.001. **What is international preliminary examination?** International preliminary examination of an international application may be requested under Chapter II of the PCT to obtain “a preliminary and non-binding opinion on the questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), and to be industrially applicable” (Article 33(1)). It is carried out by an “International Preliminary Examining Authority” at the request – called “demand” – of the applicant, for use before the “elected” Offices, that is, the designated Offices which are elected by the applicant for that purpose, (note that the filing of a demand constitutes the election of all Contracting States which are designated and bound by Chapter II of the Treaty). Not every applicant who has the right to file an international application has the right to demand international preliminary examination; the following paragraphs explain who may make a demand.

Article 39(1)  
40(1)  
64(2)(a)(i)  
and (ii)

10.002. **What are the main effects of the international preliminary examination?** Since the criteria on which the international preliminary examination is based (see paragraph 10.001) correspond to internationally accepted criteria for patentability, the international preliminary report on patentability (Chapter II of the PCT) gives the applicant the opportunity to evaluate the chances of obtaining patents in elected Offices before incurring the expense and trouble of entering the national phase. Moreover, the fact that the carrying out of such an examination has been demanded has the result that the national phase in each elected State is normally delayed until the expiration of 30 months from the priority date (longer times apply in some elected Offices), provided that the demand is submitted before the expiration of 19 months from the priority date (Note, however, that the 30-month time limit applies in any case, to all but two designated Offices even if they have not been elected within the 19-month time limit; see paragraph 5.005 for details). For further details, see paragraph 10.010, and also the National Chapters, (Summaries).

Article 38  
Rule 94

10.003. With the exception of the fact that a demand has been filed and the names of those designated States for which a notice of withdrawal has been submitted to the International Bureau or to the International Preliminary Examining Authority are available on PATENTSCOPE, the international preliminary examination procedure remains confidential between the applicant, the International Preliminary Examining Authority and the International Bureau. In respect of international applications filed before 1 July 1998, a copy of the international preliminary examination report, when it has been established, is sent by the International Bureau to each elected Office as well as the applicant, but is not available from the International Preliminary Examining Authority or the International Bureau to any other persons or Offices. In respect of international applications filed on or after 1 July 1998, copies of all documents contained in the file of the International Preliminary Examining Authority, except for information which has been omitted from international publication or public access following a reasoned request by the applicant (see paragraphs 9.016A and 11.073A), may be obtained by third parties via those elected Offices whose national law provides for access to the files of national applications (see also paragraphs 10.080 and 10.081, and 11.072 to 11.074). Concerning the availability of the international preliminary examination report and related documents from the International Bureau, see paragraph 9.027.

#### MAKING A DEMAND FOR INTERNATIONAL PRELIMINARY EXAMINATION

Article 31(2)(a)  
Rule 18.1  
54

10.004. **On what conditions may a demand for international preliminary examination be submitted?** There are two conditions which have to be fulfilled for a demand to be submitted. First, the applicant – or, if there are two or more applicants, at least one of them – must be a resident or a national of a Contracting State bound by Chapter II of the PCT. Second, the international application must have been filed with

the receiving Office of, or acting for, a Contracting State bound by Chapter II. Annexes A and B indicate whether or not each Contracting State is bound by Chapter II. Potential applicants who have residence and/or nationality in more than one Contracting State, and thus generally have a choice of receiving Office, should therefore file the international application with a receiving Office of or acting for a Contracting State bound by Chapter II if they wish to take advantage later of the international preliminary examination procedure. However, it should be noted that the right to make a demand may be lost if, following a change in the applicants named in the international application, there is no longer, at the time the demand is made, at least one applicant who is a resident or national of a Contracting State bound by Chapter II. The concepts of residence and nationality are defined in Rule 18.1 (see paragraph 5.023). If the applicant does not have the right to make a demand, the demand is considered not to have been submitted.

Article 31(4)  
64(1)  
Rule 53.7  
90bis.4

**10.005. Which States may be elected?** In relation to demands for international preliminary examination filed on, or after, 1 January 2004, all Contracting States which are designated in the international application and are bound by Chapter II of the PCT are elected. The printed demand form (available on the WIPO website at: [https://www.wipo.int/pct/en/forms/demand/ed\\_demand.pdf](https://www.wipo.int/pct/en/forms/demand/ed_demand.pdf)) contains a pre-printed statement that the filing of the demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the Treaty (see paragraph 10.029). Please note that States whose designation has been withdrawn cannot subsequently be elected. If the applicant does not wish to elect a particular State, the election of that State may be withdrawn after a demand has been filed. It should be also noted that withdrawal of the designation of a State which has been elected shall entail withdrawal of the corresponding election.

Article 31(3)  
31(6)(a)  
32(2)  
Rule 59

**10.006. Where should the demand for international preliminary examination be submitted?** The demand must be made separately from the international application, and be submitted directly to an International Preliminary Examining Authority which is competent to carry out international preliminary examination on the international application concerned. Each receiving Office (except the International Bureau as receiving Office – see paragraph 5.008) specifies one or more International Preliminary Examining Authorities as competent to carry out international preliminary examination on international applications filed with it. In addition, different International Preliminary Examining Authorities may be competent in relation to an international application depending on the language in which the international application was filed and on which International Searching Authority carried out the international search. Where several International Preliminary Examining Authorities are competent in relation to a particular international application, having regard to which receiving Office the international application was filed with and the language of the international application, the applicant may choose between them. Where the international application is filed with the International Bureau as receiving Office, the competent International Preliminary Examining Authority (or Authorities) is that (or are those) which would have been competent if the international application had been filed with a competent national (or regional) Office as receiving Office. The International Preliminary Examining Authority or Authorities competent for international applications filed with each national (or regional) Office acting as receiving Office, and the languages accepted for international preliminary examination by each International Preliminary Examining Authority, may be ascertained by consulting Annexes C and E. Finally, within the framework of the respective agreements relating to the functioning of certain Offices as International Preliminary Examining Authorities, these Authorities may provide for limitations of their competence in respect of certain international applications. The consolidated texts of these Agreements are available on the WIPO website at the following address: [https://www.wipo.int/pct/en/access/isa\\_ipea\\_agreements.html](https://www.wipo.int/pct/en/access/isa_ipea_agreements.html). For more detailed information, see Annex E.

Rule 59.3(a),  
(b) and (e)

**10.007.** If a demand is submitted to a receiving Office, an International Searching Authority, an International Preliminary Examining Authority which is not competent for the international preliminary examination of the international application, or the International Bureau, that Office or that Authority or the International Bureau, as the case may be, will mark on it the date of receipt, which will be considered to be the date on

which the demand was received on behalf of the competent International Preliminary Examining Authority.

Rule 59.3(c)  
and (f)

10.008. When a demand is filed with a receiving Office, an International Searching Authority, or an International Preliminary Examining Authority which is not competent for the international preliminary examination of the international application, that Office or Authority may send the demand either directly to the competent International Preliminary Examining Authority, or to the International Bureau which will in turn forward the demand to the competent International Preliminary Examining Authority.

Rule 59.3(c)  
and (d)

10.009. If two or more International Preliminary Examining Authorities are competent, the applicant will be invited, by the Office or Authority to which the demand was submitted, or by the International Bureau, as the case may be, to indicate, within the time limit applicable under Rule 54*bis*.1(a), or within 15 days from the date of the invitation whichever is later, the competent International Preliminary Examining Authority to which the demand should be transmitted. Where the applicant furnishes that indication, the demand will promptly be transmitted to the competent International Preliminary Examining Authority. Where no indication is so furnished, the demand will be considered not to have been submitted, and the Office or Authority to which the demand was submitted, or the International Bureau, as the case may, will declare that the demand is considered not to have been submitted.

Article 39(1)  
Rule 54*bis*.1(a)  
69.1(a)(iii)  
69.2

10.010. **At what stage of the procedure should the demand for international preliminary examination be submitted?** A demand may be submitted at any time prior to the expiration of the following time limits, whichever expires later:

- (i) three months from the date of transmittal to the applicant of the international search report and the written opinion of the International Searching Authority, or of the declaration, referred to in Article 17(2)(a) that no international search report will be established; or
- (ii) 22 months from the priority date.

In addition, in respect of some Offices (see paragraph 5.005), in order to secure the full effect of the demand – including the delaying of the national phase until 30 months from the priority date – it must be submitted before the expiration of 19 months from the priority date. Since international preliminary examination will normally not start before the international search report and the written opinion of the International Searching Authority are available (see paragraphs 10.051 to 10.055), the applicant will normally wish to take that report and opinion into account before deciding whether to proceed further on his quest for patent protection. Note, however, that the 19 month time limit will expire regardless of whether the establishment of the international search report and the written opinion of the International Searching Authority are delayed. On the other hand, the length of time available for the international preliminary examination depends on the earliest possible submission of the demand after the international search report and the written opinion of the International Searching Authority are available, since the international preliminary report on patentability (Chapter II of the PCT) must in most cases be established before the expiration of 28 months from the priority date, or six months from the time provided for the start of the international preliminary examination, or six months from the date of receipt by the International Preliminary Examining Authority of the translation furnished by the applicant, if applicable, whichever period expires last (see paragraph 10.074). The more time available for the international preliminary examination, the better will be the result and quality which can be expected. Therefore, a demand should be filed as soon as possible after the applicant's evaluation of the international search report and the written opinion of the International Searching Authority has shown that it is worthwhile to pursue the international application further.

## TRANSLATION OF INTERNATIONAL APPLICATION FOR THE PURPOSES OF INTERNATIONAL PRELIMINARY EXAMINATION

Rule 55.2

10.011. **What happens if the international application was filed or published in a language which is not accepted by the International Preliminary Examining Authority?** Where neither the language in which the international application was filed

nor the language in which the international application is published is accepted by the International Preliminary Examining Authority that is to carry out the international preliminary examination, the applicant must furnish with the demand a translation of the international application into a language which is both a language accepted by that Authority, and a language of publication. No such translation is required where the International Searching Authority and the International Preliminary Examining Authority are part of the same national Office or intergovernmental organization, in which case the international preliminary examination will be carried out on the basis of the translation furnished for the purposes of the international search (see paragraphs 6.014 to 6.017). Details about the languages accepted for international preliminary examination by the various International Preliminary Examining Authorities appear in Annex E. See paragraph 9.010 in connection with the need to file a translation of amendments under Article 19.

## THE DEMAND

Article 31(3)  
Rule 53  
Section 102(b)  
and (i)

**10.012. What requirements as to form, contents and language must the demand for international preliminary examination comply with?** The demand must either be made on a printed form to be filled in with the required indications or be presented as a computer print-out complying with the Administrative Instructions. To facilitate preparation of the demand, the International Bureau has prepared downloadable PDF (portable document format) versions on its website at <https://www.wipo.int/pct/en/forms/>. The editable PDF version of the form (PCT/IPEA/401) may be completed using a computer or printed out and filled in using a typewriter. The demand, and instructions on how to complete the editable version, is available in Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian and Spanish.

Sample filled-in forms are also available from the above website address. Copies of forms may also be obtained, free of charge, from the receiving Office or the International Preliminary Examining Authority.

The demand may also be filed online by using the ePCT service (signing in with strong authentication at <https://pct.wipo.int/ePCT>).

Rule 53  
55.1

**10.013.** The completed demand must identify the applicant and the international application to which it relates. The demand contains a petition that the international application be the subject of international preliminary examination. The filing of the demand constitutes the automatic election of all Contracting States which are designated and which are bound by Chapter II of the PCT – see paragraph 10.029 and the sample filled-in demand form, at the addresses indicated in paragraph 10.012). It must, where applicable, contain a statement concerning amendments, on the basis of which the international preliminary examination will start (see paragraphs 10.025 and 10.026) and an indication of the language in which international preliminary examination will be carried out. The demand must be in the language of the international application or, if the international application has been filed in a language other than the language in which it is published, in the language of publication. However, where a translation of the international application is required because the International Preliminary Examining Authority accepts neither the language in which the international application is filed nor the language in which the international application is published (see paragraphs 5.013 and 10.011), the demand must be in the language of that translation. The demand must be signed (see paragraphs 10.031, 10.032 and 11.027). Details for the filling in of the demand form are given below in respect of each Box of that form. Where more than one International Preliminary Examining Authority is competent in relation to the international application (see paragraph 10.006), the Authority chosen by the applicant, and with which the demand is filed, should be identified, preferably by an indication of the name or two-letter code of the Authority (see Annex K), at the top of the first sheet of the demand form in the space provided for that purpose.

### Box No. I: Identification of the International Application

Rule 53.6

**10.014. What are the requirements with respect to the identification of the international application?** The international application must be identified by its international application number, filing date and title. If the international application number is not known to the applicant at the time of filing of the demand, the name of the receiving Office with which the international application was filed must be indicated. The title of the invention must be the same as that which appears in the published international application (that is, the same as that indicated in the request, unless it was modified by the International Searching Authority – see paragraph 7.022).

**10.015.** It is recommended that the applicant indicate his file reference, if any, not exceeding 25 characters in length, in the box provided for this purpose on the first sheet of the demand form (see paragraphs 5.017 and 5.105 in relation to the request and the description).

**10.016.** Indication of the priority date on the demand is not mandatory, but is recommended since it will assist the International Preliminary Examining Authority to ascertain promptly whether or not the demand was filed before the expiration of 19 months from the priority date.

#### **Box No. II: Applicant(s)**

Article 31(2)  
Rule 453.4  
53.5  
54.1  
54.2  
60.1(a-bis)

**10.017. Who may file a demand for international preliminary examination? What indications are required?** If there is a sole applicant, he must be a resident or national of a Contracting State bound by Chapter II of the PCT. If there are two or more applicants, it is sufficient that one of them be a resident or national of a Contracting State bound by Chapter II, regardless of the elected State(s) for which each applicant is indicated. The detailed requirements for the various indications required in connection with each applicant (full names and addresses, telephone, facsimile and/or e-mail address, nationality and residence) are the same as those required under Rule 4 in connection with the request (see paragraphs 5.023 to 5.034). Where the applicant is registered with the International Preliminary Examining Authority, the number or other indication under which the applicant is so registered may also be indicated in Box No. II. Note that any inventor who is not also an applicant is not indicated in the demand. Where a question of the applicant's residence or nationality arises, the International Preliminary Examining Authority will request the receiving Office or, where the international application was filed with the International Bureau as receiving Office, the national Office of, or acting for, the Contracting State concerned to decide the question and will inform the applicant of such request. The applicant has the opportunity to submit arguments relating to the issue of residence or nationality directly to the Office concerned, which will decide the question promptly.

Rule 92bis.1

**10.018. Who should be indicated if there has been a change in the name or person of the applicant?** If the recording of a change in the name or person has been requested under Rule 92bis.1 before the demand was filed (see paragraphs 11.018 to 11.022), it is the applicant(s) on record at the time when the demand is filed who must be indicated in the demand.

**10.018A. How can the applicant receive notifications via e-mail?** If an e-mail address is indicated in Box No. II of the demand form, the International Bureau, and the International Preliminary Examining Authority, if it provides such a service, will send notifications to the applicant by e-mail, thus avoiding processing or postal delays. Where the agent or common representative has also indicated an e-mail address, e-mail notifications will only be sent to the appointed agent or common representative (see paragraph 10.022). Note that not all Authorities will send such notifications by e-mail (see Annex B). If no e-mail address is provided, or if the applicant chooses to receive notifications exclusively by postal mail, by marking the corresponding check-box in Box No. II, or in the cases where the International Preliminary Examining Authority does not provide for sending notifications by e-mail, notifications will be sent to the given mailing address exclusively by postal mail. It is the applicant's responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked, for any reason, on the recipient's side. Changes to the e-mail address indicated should be

requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis*.

### **Box No. III: Agent or Common Representative**

10.019. **Does the applicant have to be represented by an agent before the International Preliminary Examining Authority?** No, the applicant is not obliged to be represented by an agent, but he may be, and in most cases it is highly advisable for him to be represented (see paragraph 1.004).

10.020. **May the applicant be represented by an agent before the International Preliminary Examining Authority?** Yes, he may. He may be represented by the agent who represented him for the filing of the international application (if any) or by another agent having the right to practice before the receiving Office with which the international application was filed (see Annex C). He may also be represented by an agent appointed specifically for the purposes of the international preliminary examination procedure and chosen from among those persons who have the right, according to the Rules applicable in the national or regional Office acting as International Preliminary Examining Authority, to practice before that Office (see National Chapters, (Summaries)). See paragraphs 11.001 to 11.014 for more information about representation.

10.021. **When and how may an agent be appointed for the purposes of the procedure concerning the international preliminary examination?** If an agent has already been appointed for the filing of the international application, that agent may also represent the applicant for the purposes of the international preliminary examination procedure and may sign the demand on behalf of the applicant. Alternatively, a different agent or an additional agent may be designated in the demand for international preliminary examination or in a separate power of attorney. The detailed requirements for the various indications required in connection with each agent (full names and addresses, telephone, facsimile, e-mail address(es)) are the same as those required under Rule 4 in connection with the request (see paragraph 5.043). Where the agent is registered with the International Preliminary Examining Authority, the number or other indication under which the agent is so registered may also be indicated in Box No. III. Further information about the manner of appointing agents, including sub-agents, appears in paragraphs 11.001 to 11.014.

10.021A. **How can an agent (or common representative) receive notifications via e-mail?** If an e-mail address is indicated in Box No. III, the International Bureau, and the International Preliminary Examining Authority if it provides such a service, will send notifications to that address by e-mail, thus avoiding processing or postal delays (see paragraph 10.018A). If no e-mail address is provided, or if the agent or common representative chooses to receive notifications exclusively by postal mail, by marking the corresponding check-box in Box No. III, or in the cases where the International Preliminary Examining Authority does not provide for sending notifications by e-mail, notifications will be sent to the given mailing address exclusively by postal mail.

10.022. **May the applicants be represented by a common representative?** The provisions relating to common representatives which apply at earlier stages (see paragraph 5.048) continue to be applicable during the international preliminary examination procedure. That is, if no common agent is appointed, one of the applicants may be appointed by the other applicants as the common representative of all the applicants, and if neither a common agent nor a common representative is appointed, the applicant named first in the request who is entitled to file an international application with the receiving Office concerned will be considered to be the common representative ("deemed common representative") (see paragraph 11.006). A separate power of attorney must be filed with the International Preliminary Examining Authority, the International Bureau or the receiving Office, if the person appointed at the time the demand is filed signs the demand on behalf of the applicant. However, the receiving Office, the International Bureau or the International Preliminary Examining Authority may waive the requirement that a separate power of attorney be filed. For further details see Annexes B (IB), C and E.

Article 49  
Rule 2.2  
90.1(a)  
and (c)

Rule 53.2(a)(ii)  
53.5  
90

Rule 2.2*bis*  
90.2  
90.4

**10.023. What other provisions apply to agents and common representatives during the international preliminary examination procedure?** The same general provisions apply to agents and common representatives during the international preliminary examination as apply during other stages of the international phase (for example, in relation to their legal position and revocation and renunciation of appointments – see paragraphs 11.001 to 11.014).

**Box No. IV: Basis for International Preliminary Examination (Statement Concerning Amendments and Indication of the Language for the Purposes of International Preliminary Examination)**

Article 34(2)(b)  
Rule 66.1(b)  
and (d)

**10.024. Can the applicant amend the claims, the description and the drawings before and during the international preliminary examination?** The applicant has the right, under Article 34(2)(b), to amend the claims, the description and the drawings before the start of the international preliminary examination and also during the examination, if time permits, until the preparation of the international preliminary report on patentability (Chapter II of the PCT). (As far as the claims are concerned, this is in fact the second opportunity to amend them before the international preliminary examination starts; the first opportunity is offered by the possibility of submitting amendments under Article 19 to the International Bureau as described in paragraphs 9.004 to 9.009, and 9.011.) For further details concerning amendments under Article 34(2)(b), see paragraphs 10.028, 10.067 to 10.071, 11.045 to 11.047.

Rule 53.2(a)(iv)  
53.9

**10.025. What is the purpose of indicating the basis for international preliminary examination? Do the statement concerning amendments and the indication of the language for the purposes of the international preliminary examination have to be filled in?**

- (i) The statement concerning amendments should be completed, since it enables the International Preliminary Examining Authority to identify those documents which will serve as the basis for the start of the international preliminary examination with a view to starting it as soon as possible. However, failure to complete the statement or to complete it correctly is not fatal to the application. In particular, if no amendments have been filed under Article 19 or Article 34 and if the applicant does not wish to file such amendments at the time when he files the demand, the result will simply be that the international preliminary examination will start on the basis of the international application as originally filed. The applicant will not be precluded from making amendments at a later stage of the international preliminary examination, provided that they reach the International Preliminary Examining Authority in sufficient time to be taken into account. On the other hand, if there have been amendments but they are not indicated, or if the applicant wishes later to file amendments but does not so indicate, the start of the international preliminary examination may be delayed or the applicant may find that there is insufficient time at a later stage to have his intended amendments taken into account.
- (ii) Completing the indication of the language for the purposes of the international preliminary examination and its associated check-boxes helps the International Preliminary Examining Authority determine quickly, with a view to starting international preliminary examination as soon as possible, whether the demand and the international application are in a language accepted by that Authority, or whether a translation of the international application is required. Completing the indication also helps the International Preliminary Examining Authority decide whether any amendments filed with the demand (see paragraph (i) above) are in the appropriate language.

**10.026. How should the statement concerning amendments be completed?** If amendments to the claims have been made under Article 19 (see paragraphs 9.004 to 9.009) prior to the filing of the demand, the statement must indicate whether, for the purposes of the international preliminary examination, the applicant wishes the amendments to be taken into account (in which case a copy of the amendments should be filed with the demand) or to be considered as reversed by an amendment under Article 34. If no amendments under Article 19 have been made but the time limit for

filing such amendments (see paragraph 9.004) has not expired at the time when the demand is filed, the statement may, if the applicant so chooses, indicate that the applicant wishes the start of the international preliminary examination to be postponed (see paragraph 10.054). If any amendments under Article 34 are submitted with the demand, the statement must so indicate. A more detailed explanation is given below for each of the check-boxes in Box No. IV.

- "1. The applicant wishes the international preliminary examination to start on the basis of:

☐ the international application as originally filed"

This check-box should be marked either where the applicant has not made any amendments under Article 19 and does not intend at the time of filing the demand to file any amendments, or where the applicant has already made amendments under Article 19 but is no longer interested in pursuing them.

"the description ☐ as originally filed

☐ as amended under Article 34

the claims ☐ as originally filed

☐ as amended under Article 19

☐ as amended under Article 34

the drawings ☐ as originally filed

☐ as amended under Article 34"

Rule 60.1(g)  
69.1(e)

These check-boxes should be marked only where the applicant wishes amendments to be taken into account for the start of the international preliminary examination. Where the applicant wishes amendments which have previously been made under Article 19 to be taken into account, a copy of the amendments, and any statement accompanying such amendments, should be attached to the demand. If a check-box is marked but the demand is not accompanied by the documents referred to, the start of international preliminary examination will be delayed until the International Preliminary Examining Authority receives them. Amendments under Article 34 should be submitted with, and attached to, the demand. The applicant should also indicate, by marking the appropriate check-box(es), which parts of the international application are so amended.

Rule 53.9(a)(ii)

- "2. The applicant wishes any amendments to the claims made under Article 19 to be considered as reversed."

This check-box should be marked only where the applicant, after having previously made amendments under Article 19, no longer wishes them to be considered for international preliminary examination. Marking this check-box will have the effect that those amendments will be considered as reversed by an amendment under Article 34.

- "3. Where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant requests the IPEA to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d)."

This check-box should be marked only where, at the time when the demand is filed, the time limit for filing amendments under Article 19 has not expired (see paragraph 9.004) and the applicant intends to file such amendments after filing the demand. In practice, this situation is only likely to arise if the demand is filed before the international search

report is available. If this check-box is marked but the applicant later decides not to file amendments under Article 19, he should send a notice to the International Preliminary Examining Authority that he does not wish to file such amendments and the international preliminary examination will then start.

- “4. The applicant expressly requests to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54*bis*.1(a).”

This check-box should be marked if the applicant wishes to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54*bis*.1(a). Otherwise, where the International Searching Authority and the International Preliminary Examining Authority are not the same Authority, the examination will commence once the International Preliminary Examining Authority is in possession of the required fees, the international search report, or a notice of the declaration under Article 17(2)(a) and the written opinion of the International Searching Authority.

10.027. **May several check-boxes be marked in Box No. IV?** Yes – for example, under item (1), two or three check-boxes may be marked if the applicant has already filed amendments to the claims under Article 19 and wishes those amendments to be taken into account along with further amendments under Article 34 to the description and/or drawings (and possibly further amendments to the already amended claims).

Rule 66.1(b)  
66.4*bis*

10.028. **May the applicant make amendments during the international preliminary examination in addition to any amendments mentioned in Box No. IV?** Yes, the applicant is not precluded from later making amendments, or further amendments, during the course of the international preliminary examination (see paragraphs 10.067 to 10.071), regardless of what appears in the statement concerning amendments, and in this sense the statement is not binding on the applicant or on the conduct of the international preliminary examination. For example, the applicant may choose to file amendments under Article 34 at a later stage which supersede amendments previously made under Article 19, even though the statement indicates that those previous amendments should be taken into account. However, the information contained in the statement is used by the International Preliminary Examining Authority to determine when, and on what basis, the international preliminary examination is to start (see paragraphs 10.051 to 10.055). Moreover, amendments or arguments need not be taken into account by the International Preliminary Examining Authority for the purposes of the international preliminary report on patentability (Chapter II of the PCT) if they are received after the Authority has begun to draw up that report (see paragraph 10.068). Since the time available for international preliminary examination is limited, it is in the applicant's interests to be as definite as possible, at the time of filing the demand, as to what should form the basis of the international preliminary examination. If the applicant intends to file amendments under Article 34 but is not in a position to submit them with the demand, that intention should preferably be mentioned in a letter filed with the demand. It is to be noted that since, under Rule 66.1*bis*, the written opinion of the International Searching Authority will in the majority of cases be considered to be the written opinion of the International Preliminary Examining Authority, if amendments under Article 34 are not filed together with the demand, the International Preliminary Examining Authority might, shortly after the expiration of the time limit under Rule 54*bis*.1(a), start to draw up the international preliminary report on patentability (Chapter II of the PCT).

#### Box No. V: Election of States

Rule 53.7

10.029. **Which States may be elected?** The making of a demand on, or after, 1 January 2004 has the effect of electing all States which have been designated and which are bound by Chapter II of the PCT.

#### Box No. VI: Check List

10.030. **What is the purpose of the Check List?** The Check List in Box No. VI should be completed by the applicant to allow the International Preliminary Examining Authority to verify the completeness of the documents filed with the demand. Of

particular importance in the Check List are the indications relating to amendments referred to in the statement concerning amendments. The indications given in the Check List should correspond with the indications given in Box No. IV.

### **Box No. VII: Signature of Applicant, Agent or Common Representative**

Rule 53.4  
53.8  
60.1(a-ter)  
90.3

10.031. **Who must sign the demand?** The demand must be signed by the applicant or, if there is more than one applicant, by all the applicants making the demand – that is, the applicants for the States which are elected. However, an agent or common representative may sign the demand on behalf of the applicant or applicants who appointed him. The demand may be signed on behalf of all the applicants by an appointed common agent or common representative, or by the applicant who is considered to be the common representative (“deemed common representative”) if no common agent or common representative has been appointed (see paragraph 11.006). However, if the signature(s) of one or more applicants is missing, the International Preliminary Examining Authority will not invite the applicants to furnish the missing signature(s) provided that at least one of the applicants has signed the demand. Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicants by all of them (Rule 90*bis*.5), or by any agent or common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney (Rule 90*bis*.4(a)).

Rule 2.3

10.032. **When must or may a seal be used instead of a signature?** In the demand or other papers filed with the China National Intellectual Property Administration (CNIPA) as International Preliminary Examining Authority, a seal may be used instead of a signature. In the case of a demand or other papers filed in English with the European Patent Office as International Preliminary Examining Authority in respect of international applications filed with the Japan Patent Office (JPO) as receiving Office, a signature must be furnished instead of a seal. In the demand or other papers filed with the Korean Intellectual Property Office as International Preliminary Examining Authority, a seal may be used instead of a signature (see paragraph 5.091 in respect of the request).

### **Notes to the Demand Form**

10.033. **What are the Notes to the demand form?** The Notes to the demand form (see the WIPO website at: [https://www.wipo.int/pct/en/forms/demand/ed\\_demand.pdf](https://www.wipo.int/pct/en/forms/demand/ed_demand.pdf)) are intended to facilitate the completion of that form. They indicate, in relation to each Box of the form, what indications are required and how they are to be made. The Notes are not required to be filed with the demand.

### **Fee Calculation Sheet**

10.034. **What is the fee calculation sheet?** The fee calculation sheet is intended to help the applicant calculate the total amount of fees payable to the International Preliminary Examining Authority. The sheet is usually annexed to the printed demand form which the applicant obtains from the receiving Office or the International Preliminary Examining Authority. It is not part of the form, however, and its use is not mandatory. Nevertheless, it is strongly recommended that the applicant complete the fee calculation sheet and submit it to the International Preliminary Examining Authority. This will help the International Preliminary Examining Authority verify the calculations and identify any errors. See the Notes to the fee calculation sheet at the WIPO Internet address in paragraph 10.033 for details about completion of the sheet. For further information about the payment of fees, see paragraphs 10.035 to 10.043.

### **FEES**

Article 31(5)

10.035. **What fees are payable in respect of a demand for international preliminary examination?** There are two kinds of fees which have to be paid in connection with the demand:

- Rule 58.1(a) and (c) (i) the “preliminary examination fee,” which is fixed by and accrues to the International Preliminary Examining Authority, mainly for carrying out the international preliminary examination and for establishing the international preliminary report on patentability (Chapter II of the PCT);
- Rule 57.1 (ii) the “handling fee,” which is fixed in the Schedule of Fees to the PCT Regulations and accrues to the International Bureau for carrying out various tasks, including, where required, the translation of the international preliminary report on patentability (Chapter II of the PCT) into English (see paragraph 10.039).
- 10.036. **Is any fee payable for effecting an election?** There is no “election fee”. The only fees payable for filing a demand are those specified in paragraph 10.035.
- Rule 57.1 58.1(c) 10.037. **To whom are these fees payable?** The preliminary examination fee and the handling fee are payable to the International Preliminary Examining Authority, which forwards the handling fee to the International Bureau.
- Rule 57.2(b) 58.1(c) 10.038. **In what currency are these fees payable?** Generally, the preliminary examination fee and the handling fee are payable in the currency or one of the currencies prescribed by the International Preliminary Examining Authority. Complete information on this question is contained in Annex E.
- Rule 57.2(a) 57.3 58.1(b) 10.039. **What are the amounts of these fees?** Annex E indicates the amounts of the preliminary examination fee and the handling fee payable to each International Preliminary Examining Authority.
- 10.040. **What fee reductions are available?** A reduction of the preliminary examination fee charged by the Austrian Patent Office, the European Patent Office and the Spanish Patent and Trademark Office may be available to applicants from certain States – see Annexes E for further details.
- 10.041. An applicant is entitled, in accordance with the Schedule of Fees, item 5, to a reduction of 90% of the handling fee if he is a natural person and a national of and resides in a State that is listed as being a State whose per capita gross domestic product is below 25,000 US dollars (according to the most recent 10-year average per capita gross domestic product figures at constant 2005 US dollars values published by the United Nations), and whose nationals and residents who are natural persons have filed less than 10 international applications per year (per million population) or less than 50 international applications per year (in absolute numbers) according to the most recent 5-year average yearly filing figures published by the International Bureau or if he is, whether a natural person or not, a national of and resides in a State that is listed as being classified by the United Nations as a least developed country. (For a list of States whose nationals and residents are eligible for the fee reduction, see [https://www.wipo.int/pct/en/fees/fee\\_reduction\\_july.pdf](https://www.wipo.int/pct/en/fees/fee_reduction_july.pdf)). However, it should be noted that the applicant is only entitled to the reduction of the handling fee if, at the time of filing the demand, the applicant is or all applicants are the true and only owners of the application and under no obligation to assign, grant, convey or license the rights in the invention to another party which is not eligible for the fee reduction, as outlined above. If there are several applicants, each must satisfy one or the other of the above-mentioned criteria. If the applicant is or all applicants are entitled to the reduction of the handling fee, this reduction applies on the basis of the indications of name, nationality and residence given in Box No. II of the demand, without the need for a specific request to be made.
- Rule 57.3 58.1(b) 10.042. **When are these fees due?** The preliminary examination fee and the handling fee must be paid within one month from the date on which the demand was submitted or 22 months from the priority date, whichever expires later, provided that, where the demand was transmitted to the competent International Preliminary Examining Authority under Rule 59.3, the handling fee must be paid within one month from the date of receipt by that Authority or 22 months from the priority date, whichever expires later. As to the consequences of non-payment or late payment of these fees, see paragraph 10.047.

Rule 54.4  
57.4  
58.3

10.043. **In what cases are these fees refunded?** The International Preliminary Examining Authority will refund the handling fee if the demand is withdrawn before being sent to the International Bureau or if the demand is considered not to have been submitted because none of the applicants had the right to file a demand (see paragraph 10.004). Each International Preliminary Examining Authority decides at its discretion whether it will refund the preliminary examination fee, or any part thereof, in other circumstances. Details are indicated in Annex E.

## PROCESSING OF THE DEMAND FOR INTERNATIONAL PRELIMINARY EXAMINATION

Rule 60.1(a)  
61.1

10.044. **What happens to the demand for international preliminary examination once it has been received?** The International Preliminary Examining Authority promptly notifies the applicant of the date of receipt of the demand, and then examines the demand to ascertain whether it meets all the requirements. If it does not, the International Preliminary Examining Authority invites the applicant to comply. For full details on the correction of defects in the demand, see Rule 60.1 and paragraphs 10.047 to 10.049, and paragraph 10.050.

Article 31(7)  
Rule 61.1(a)  
61.2  
61.3  
61.4  
Section 431

10.045. The International Preliminary Examining Authority sends the demand or a copy thereof to the International Bureau. The International Bureau then notifies Offices of their election and informs the applicant that it has done so. For full details, see Rules 61.2 and 61.3. In addition, the International Bureau, promptly after the filing of the demand but not before the international publication, publishes information on the WIPO website at: <https://www.wipo.int/patentscope/en/> on the demand and the elected States concerned, as provided in the Administrative Instructions.

Article 31(2)(a)  
Rule 61.1(b)  
Section 614

10.046. **What action can the applicant take if the indications on the demand form do not support the applicant's right to file the demand?** If the indications of the applicant's residence and nationality given in Box No. II of the demand form do not support the applicant's right to file a demand with the International Preliminary Examining Authority concerned (see paragraph 10.004), the International Preliminary Examining Authority notifies the applicant that the demand is considered not to have been submitted. It may happen, however, that those indications were incorrectly stated or that the applicant in fact had a residence and/or nationality supporting the applicant's right to file the demand. In such a case, evidence should immediately be submitted indicating that, in fact, the applicant had, on the date on which the demand was received by the International Preliminary Examining Authority, the right to file the demand with that Authority. If that evidence is to the satisfaction of the Authority, it will then regard the requirements of Article 31(2)(a) as having been fulfilled on the date of actual receipt of the demand, and the indications in the demand can be corrected.

10.047. **Can defects in the demand for international preliminary examination, non-compliance with certain language requirements, and non-payment of certain fees be corrected, and if so how? What are the consequences?** If the International Preliminary Examining Authority finds that:

- Article 31(3)  
Rule 53  
55.1  
Rule 57.3
- (i) the demand does not meet the requirements as to form, contents and languages (see paragraph 10.012),
- (ii) the handling fee was not paid within one month from the date on which the demand was submitted or, where the demand was transmitted to the competent International Preliminary Examining Authority under Rule 59.3, within one month from the date of receipt by that Authority, or was not paid in the prescribed currency (see paragraphs 10.035 and 10.038), or
- Rule 58.1(b)  
58bis  
60.1(b)
- (iii) the preliminary examination fee was not paid within one month from the date on which the demand was submitted or, where the demand was transmitted to the competent International Preliminary Examining Authority under Rule 59.3, within one month from the date of receipt by that Authority, or was not paid in the prescribed currency (fixed by the International Preliminary Examining Authority – see paragraphs 10.035 and 10.038), it invites the applicant to correct the defect(s) and comply with the requirements and/or to pay the required fee(s). In

the case of defects as to form or language, the invitation specifies a time limit of at least one month from the date of the invitation, which time limit may be extended by the International Preliminary Examining Authority at any time before a decision is taken. In the case of defects as to fee payment, the invitation specifies a time limit of one month from the date of the invitation; a late payment fee may also be required; no extension of this time limit is available. However, any payment must be considered to have been received before the expiration of the applicable time limit if it is received by the International Preliminary Examining Authority before the expiration of the time limit for paying the fee(s) or, where an invitation to pay missing fees has been sent, before that Authority makes the declaration that the demand is considered not to have been made.

- Rule 60.1(b)  
61.1(b) 10.048. There is no adverse consequence for the applicant, other than possibly delaying the start of the international preliminary examination (see paragraph 10.050), if he complies with the invitation within the time limit so specified (including any extensions, where applicable), except where the defect was that the demand did not permit the international application to be identified. In the latter case, the demand is considered to have been received on the date on which the required correction to it is received, and the International Preliminary Examining Authority informs the applicant of that date.
- Rule 60.1(c)  
61.1(b) 10.049. If, after the expiration of the time limit specified (including any extensions), a signature (of at least one applicant), or other required indication (in respect of one applicant who has the right according to Rule 54.2 to make a demand) is still lacking the demand is considered not to have been submitted and the International Preliminary Examining Authority will so declare.
- Article 39(1)(a) 10.050. Where the demand is considered to have been received, as described in paragraph 10.048, on a date later than that on which it was actually submitted, the effect of postponing the commencement of the national phase (see paragraph 10.002 above) is lost if that later date is after the expiration of 19 months from the priority date. This is, however, only relevant in respect of any State whose designated Office has notified the International Bureau that the 30 month time limit under Article 22(1), as in force from April 1, 2002, is incompatible with the national law applied by that Office. The effect of postponing the commencement of the national phase is also lost where the demand is considered not to have been submitted (see paragraph 10.049).

## THE INTERNATIONAL PRELIMINARY EXAMINATION

- Rule 69.1(a) 10.051. **When does the international preliminary examination start?** Subject to the exceptions mentioned in paragraphs 10.052 to 10.055, the International Preliminary Examining Authority starts the international preliminary examination when it is in possession of the demand, the amount due (in full) for the handling fee and the preliminary examination fee, including, where applicable, the late payment fee under Rule 58*bis*.2, and of either the international search report and the written opinion established under Rule 43*bis*.1 or a declaration by the International Searching Authority that no international search report will be established and the written opinion established under Rule 43*bis*.1, unless the applicant expressly requests to postpone the start of the international preliminary examination until the expiration of the expiration of the applicable time limit under Rule 54*bis*.1(a).
- Rule 69.1(b) 10.052. If the competent International Preliminary Examining Authority is part of the same (national or regional) Office as the competent International Searching Authority, the international preliminary examination may, if the Office wishes and except where the applicant has requested that the international preliminary examination be postponed (see paragraph 10.054), start at the same time as the international search (often called a “telescoped” procedure since the international search and international preliminary examination partly overlap).
- Rule 53.9(a)(i)  
62  
69.1(c) 10.053. Where the statement concerning amendments made in the demand contains an indication that amendments under Article 19 are to be taken into account, the International Preliminary Examining Authority will not start the international preliminary examination before it has received a copy of the amendments concerned and the accompanying letter. Therefore, a copy of those amendments and

accompanying letter should be attached to the demand by the applicant in order to allow as much time as possible for the international preliminary examination (see paragraphs 9.010, 10.025 and 10.026). The International Bureau will, in any event, send a copy of those amendments and accompanying letter to the International Preliminary Examining Authority unless that Authority has indicated that it has already received them (see paragraph 9.010), but waiting for those copies to be sent may delay the start of the international preliminary examination.

Rule 53.9(b)  
69.1(d)

10.054. Where the statement concerning amendments contains an indication that the start of the international preliminary examination is to be postponed (see paragraph 10.026), the International Preliminary Examining Authority will not start the international preliminary examination before whichever of the following occurs first:

- (i) it has received a copy of any amendments under Article 19;
- (ii) it has received a notice from the applicant that he does not wish to make amendments under Article 19; or
- (iii) the expiration of the applicable time limit under Rule 46.1.

Therefore, where the applicant gives such an indication in the demand, he should ensure that the International Preliminary Examining Authority is informed promptly of any amendments or of any decision on his part not to file amendments, in order to gain the maximum time possible for the international preliminary examination procedure.

Rule 53.9(c)  
55.2  
55.3(a), (b)  
(c) and (d)  
69.1(e)

10.055. Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (see paragraph 10.026), but no such amendments are, in fact, submitted with the demand, the International Preliminary Examining Authority will not start the international preliminary examination before it has received the amendments or before it has invited the applicant to file them and the time limit fixed in that invitation has expired, whichever occurs first. Where the international application was not filed in the language of publication, any amendments under Article 34 and any accompanying letter (as well as any letter accompanying Article 19 amendments) must be in the language of publication. Where the international preliminary examination is carried out on the basis of a translation of the international application (see paragraph 10.011), any such amendments, and any amendments under Article 19 which are to be taken into account, and any letter that accompanied such amendments must be in the language of that translation. Where such amendments have been or are filed in another language, a translation of the amendments into the language in which the international preliminary examination is carried out must also be furnished (see also paragraph 11.046). If the amendments or accompanying letter are not in the required language, the International Preliminary Examining Authority will invite the applicant to furnish them within a reasonable time limit. If the applicant fails to furnish the amendments and/or the accompanying letter within the time limit set in the invitation, the International Preliminary Examining Authority will not take the amendments into consideration for the purposes of the international preliminary examination.

Rule 66.7

10.056. **May the International Preliminary Examining Authority ask for the priority document and a translation of it?** If the International Preliminary Examining Authority needs a copy of an application the priority of which is claimed in the international application ("the priority document") and the International Bureau already has the priority document in its possession (see paragraph 5.070), the International Bureau furnishes a copy of it to the Authority on request. Should the applicant have failed to provide the priority document under Rule 17.1, the international preliminary report on patentability (Chapter II of the PCT) may be established as if the priority had not been claimed, but no elected Office may later disregard the priority claim under those circumstances before giving the applicant an opportunity to furnish the priority document within a time limit which is reasonable under the circumstances. Where the priority document is in a language other than the language or one of the languages indicated for the International Preliminary Examining Authority in Annex E, and that Authority is of the opinion that the validity of the priority claim is relevant for the formulation of the opinion on whether the claimed invention appears to be novel, to involve an inventive step and to be industrially applicable, the Authority may invite the applicant to furnish to it a translation in that language. The applicant must comply with that invitation within

two months from its date; otherwise, the international preliminary report on patentability (Chapter II of the PCT) may be established as if the priority had not been claimed.

- Article 33(1) 10.057. **What is the purpose of the international preliminary examination?** As already stated in paragraph 10.001, the purpose of the international preliminary examination is to formulate an opinion – which is “preliminary” (since a final opinion will be formulated only in the national phase by the national or regional Patent Office or by a competent national or regional court) and “non-binding” (on anyone, including elected Offices) – on whether the claimed invention appears (i) to be novel, (ii) to involve an inventive step (to be non-obvious), and (iii) to be industrially applicable. While there is not a fully uniform approach to these criteria in national laws, their application under the PCT during the international preliminary examination procedure is such that the international preliminary report on patentability (Chapter II of the PCT) gives a good idea of the likely results in the national phase.
- Article 33(2)  
Rule 64 10.058. For the purposes of the international preliminary examination, a claimed invention is considered novel if it is not anticipated by the prior art. Rule 64 defines “prior art” for the purposes of the examination.
- Article 33(3)  
Rule 65 10.059. For the purposes of the international preliminary examination, a claimed invention is considered to involve an inventive step if, having regard to the prior art as defined in the Regulations (see paragraph 10.058), it is not, at the prescribed relevant date, obvious to a person skilled in the art. For further details, see Rule 65.
- Article 33(4) 10.060. For the purposes of the international preliminary examination, a claimed invention is considered industrially applicable if, according to its nature, it can be made or used (in the technological sense) in any kind of industry.
- Rule 66.1  
66.4bis 10.061. **What documents form the basis of the international preliminary examination?** The international preliminary examination is based on the claims, the description and the drawings comprised in the international application. Amendments to the claims under Article 19 made before the demand was filed are taken into account unless they are superseded by a subsequent amendment under Article 34 (see paragraph 10.028) or considered as reversed by an amendment under Article 34 (see paragraph 10.026). Amendments made after the demand is filed, whether under Article 19 or under Article 34, are also taken into account for the purposes of the international preliminary examination, except that they need not be taken into account for the purposes of a written opinion of the International Preliminary Examining Authority or the international preliminary report on patentability (Chapter II of the PCT) if they are received after the International Preliminary Examining Authority has begun to draw up that opinion or report. As to the allowability of amendments in general, see paragraph 11.047.
- Rule 66.2(a)(vi) 10.062. **What happens if no international search report has been established in respect of certain claims?** Claims relating to inventions in respect of which no international search report has been established (see paragraphs 7.013 to 7.021) need not be the subject of international preliminary examination and any written opinion of the International Preliminary Examining Authority, as well as the international preliminary report on patentability (Chapter II of the PCT), will so indicate.
- Rule 66.1ter 10.062A. **Does the International Preliminary Examining Authority carry out any additional search?** The International Preliminary Examining Authority normally carries out a top-up search to discover any documents referred to in Rule 64, which have been published or have become available to the Authority for search subsequent to the date on which the international search report was established, unless where it considers that this would serve no useful purpose, for example, where it finds that the international application, in its entirety, relates to subject matter on which it is not required to carry out an international preliminary examination. The international preliminary examination report indicates whether a top-up search was carried out. When establishing the international preliminary examination report, the Authority may include results of the top-up search.
- Rule 13ter.2 10.063. **What special requirements apply during the international preliminary examination to nucleotide and/or amino acid sequence listings?** Where the

International Preliminary Examining Authority finds that an international application contains disclosure of a nucleotide and/or amino acid sequence [required to be included in a sequence listing pursuant to Annex C of the Administrative Instructions](#) and that a [sequence listing](#) complying with the [prescribed](#) standard (see paragraph 5.099) [in a language accepted by that Authority](#) has not already been furnished (as part of the international application or for the purposes of international preliminary examination, as the case may be), that Authority may invite the applicant to furnish a sequence listing complying with this standard [or containing a translation of the language-dependent free text](#). The listings required by the International Preliminary Examining Authority are for the purposes of carrying out the international preliminary examination. National law requirements, in relation to disclosure of inventions involving sequence listings, are a matter for the national phase of processing.

- Rule 66.2      10.064.      **What matters concerning the international application may be the subject of comment by the International Preliminary Examining Authority?** The International Preliminary Examining Authority notifies the applicant in a “written opinion” if it considers that
- Article 34(4)(a)(i)  
35(3)(a)  
Rule 66.2(a)(i)  
67      (i) the international application relates to subject matter on which it is not required to carry out an international preliminary examination, and decides not to carry out such an examination (this situation being the same as the one described in paragraph 7.013 in relation to the international search),
  - Article 34(4)(a)(ii)  
Rule 66.2(a)(i)      (ii) the description, the claims or the drawings are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on the novelty, inventive step (non-obviousness) or industrial applicability of the claimed invention (this situation being the same as the one described in paragraph 7.014 in relation to the international search),
  - Rule 66.2(a)(ii)      (iii) the international preliminary report on patentability (Chapter II of the PCT) should be “negative” (see paragraph 10.075) in respect of any of the claims because the invention claimed therein does not appear to be novel, does not appear to involve an inventive step (be non-obvious), or does not appear to be industrially applicable,
  - Rule 66.2(a)(iv)      (iv) any amendment goes beyond the disclosure in the international application as filed (see paragraphs 10.070 and 11.047),
  - Rule 66.2(a)(v)      (v) the international preliminary report on patentability (Chapter II of the PCT) should be accompanied by (unfavorable) observations on the clarity of the claims, the description and the drawings, or on the question of the claims being fully supported by the description,
  - Rule 66.2(a)(vi)      (vi) a claim relates to an invention in respect of which no international search report has been established (see paragraphs 7.013 to 7.021) and the International Preliminary Examining Authority has decided not to carry out the international preliminary examination in respect of that claim,
  - Rule 66.2(a)(vii)      (vii) a nucleotide and/or amino acid sequence listing is not available to it in such a form [and language](#) that a meaningful international preliminary examination can be carried out (similarly to paragraph 5.099 in relation to the international search),
  - Rule 66.2(a)      (viii) the national law applied by the national Office which acts as the International Preliminary Examining Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the second and third sentences of Rule 6.4(a) (this situation being the same as the one described in paragraphs 5.113 and 7.014 in relation to the international search).
  - Rule 66.2(a)(iii)      10.065.      The Authority also proceeds as indicated in paragraph 10.064 where it notices some defect in the form or contents of the international application. Where observance of the unity of invention requirement (see paragraphs 5.114 to 5.123) is in question, see paragraph 10.072.
  - Rule 66.2  
66.4(a)      10.066.      **What is a “written opinion”?** A “written opinion” is a notification, issued by the International Preliminary Examining Authority to the applicant, which indicates

any comments by the Authority on the matters mentioned in paragraph 10.064. The written opinion must fully state the reasons for it, must invite the applicant to submit a written reply and must fix a time limit for the reply (usually two months, but extendible at the applicant's request – for more details, see Rule 66.2(d)). There may be no written opinion if the Authority has no such comments to make (in which case the Authority will proceed directly to the issuance of the international preliminary report on patentability (Chapter II of the PCT)). The Authority may issue one or more additional written opinions if time permits, particularly if the applicant makes a prompt and serious attempt to address the Authority's comments by argument or amendment.

Article 34(2)(a)  
and (d)  
Rule 66.2(b), (c)  
and (d)  
66.3  
66.4  
66.5  
66.6  
66.8

**10.067. How may the applicant react to a written opinion by the International Preliminary Examining Authority? May the applicant amend the international application at this stage?** The applicant may ask for further clarifications from the International Preliminary Examining Authority and may himself give clarifications to it, since the PCT expressly provides that the applicant has a right to communicate orally, by telephone or personally, or in writing with the Authority (Article 34(2)(a); see also Rule 66.6). More specifically, where the applicant receives a written opinion from the Authority on any of the matters referred to in paragraphs 10.064 and 10.065, he may respond to that written opinion (see Article 34(2)(d)). The response may consist of amendments and/or arguments. Any change – other than the rectification of obvious mistakes (see paragraphs 11.033 to 11.044) – in the claims, the description or the drawings (including cancellation of claims, omission of passages in the description or omission of certain drawings) is considered an amendment. For the form of amendments, see paragraph 10.071. If the International Preliminary Examining Authority issues one or more additional written opinions, the applicant's reaction possibilities are the same as in the case of the first written opinion. The applicant may request the International Preliminary Examining Authority to give him one or more additional opportunities to submit amendments or arguments if sufficient time remains.

Rule 66.4bis

**10.068. Will amendments and arguments always be taken into account?** Amendments and arguments submitted will be taken into account if they are received in sufficient time. In view of the limited time available for international preliminary examination, however, it is in the applicant's interest to reply as soon as possible to any written opinion. Amendments or arguments need not be taken into account by the International Preliminary Examining Authority for the purposes of a written opinion or the international preliminary report on patentability (Chapter II of the PCT) if they are received after the Authority has begun to draw up that opinion or report.

**10.069.** It should be noted that the International Preliminary Examining Authority cannot force the applicant to make any change in the international application. In other words the applicant may disregard any opinion of the said Authority, either wholly or in part. Such an attitude may lead to an unfavorable or less favorable international preliminary report on patentability (Chapter II of the PCT), but the applicant may prefer such a report (in the hope that he will overcome, in the national phase, any difficulties that it may cause him) to a change which he does not believe in.

Article 34(2)(b)  
Rule 70.2(c)

**10.070. May amendments include new matter in the international application?** As for amendments under Article 19 (see paragraph 9.009), amendments under Article 34(2)(b) may not go beyond the disclosure in the international application as filed. If the International Preliminary Examining Authority considers that any amendments do not comply with this requirement, it will comment accordingly in any written opinion and in the international preliminary report on patentability (Chapter II of the PCT), and the report will be established as if such amendment had not been made (see also paragraph 11.047).

Rule 11.14  
46.5  
55.3  
66.8  
70.2(c-bis)

**10.071. What must be done to effect amendments to the international application before the International Preliminary Examining Authority?** The applicant must submit a replacement sheet for every sheet which, on account of an amendment, differs from the sheet previously filed. The amendment must be submitted with an accompanying letter which explains the difference between the replaced sheet and the replacement sheet and which preferably explains the reasons for the amendment. In addition, the letter must indicate the basis for the amendment in the application as filed. The basis for the amendment must always refer to the application

(description, claims, drawings) as originally filed, even if multiple amendments were made during the international phase. When filing amendments to the claims, a complete set of claims in replacement of the claims as originally filed (or previously amended under Article 19) shall be submitted. For an example of how the basis for the amendment should be indicated, see paragraph 9.006. For the consequences of not furnishing an accompanying letter with the replacement sheets, see paragraph 11.047A. Where the amendment consists in the deletion of passages or in minor alterations or additions, the alterations or additions may be made on a copy of the relevant sheet of the international application, provided that the clarity and direct reproducibility of that sheet are not adversely affected. No replacement sheet is required where the amendment results in the cancellation of an entire sheet; such an amendment may be communicated in a letter which preferably explains the reasons for the amendment. For amendments to the claims, see also paragraphs 9.005 and 9.006 in relation to the international search, which apply *mutatis mutandis*. Where the international application was not filed in the language of publication, any amendments under Article 34 and any accompanying letter (as well as any letter accompanying Article 19 amendments) must be in the language of publication. Where the international preliminary examination is carried out on the basis of a translation of the international application (see paragraphs 10.011, 10.054 and 10.055), any amendments under Article 34 and any amendments under Article 19, which are to be taken into account, and any accompanying letter must be in the language of that translation. Where such amendments have been or are filed in another language, a translation of the amendments into the language in which the international preliminary examination is carried out must also be furnished (see paragraphs 5.013, 10.011 and 11.046). No fee is payable in respect of filing any amendments under Article 34(2)(b). If the amendments or accompanying letter are not in the required language, the International Preliminary Examining Authority will invite the applicant to furnish them within a reasonable time limit. If the applicant fails to furnish the amendments and/or the accompanying letter within the time limit set in the invitation, the International Preliminary Examining Authority shall not take such amendments into account for the purposes of the international preliminary examination.

Rule 68  
70.13

**10.072. What happens where the International Preliminary Examining Authority finds that “unity of invention” is lacking?** If the International Preliminary Examining Authority considers that the international application does not comply with the unity of invention requirement (see paragraphs 5.114 to 5.123 for the notion of “unity of invention”), it may choose between two courses of action: it may carry out the international preliminary examination on the entire international application and express its views on the lack of unity of invention in the international preliminary report on patentability (Chapter II of the PCT), or it may invite the applicant, at his option, either to restrict the claims so that they meet the requirement (in which case the Authority must specify at least one possibility of restriction) or to pay additional fees (since the preliminary examination fee is calculated to cover cases where unity of invention exists). If the applicant chooses to restrict the claims as required, the examination is carried out on the claims as restricted. If the applicant chooses to pay the additional fees, the international preliminary examination is carried out on the claims for the main invention and those claims in respect of which additional fees were paid, and the report will indicate that such additional fees have been paid. The additional fees may be paid under protest, in which case procedures similar to those explained in relation to the international search apply (see paragraphs 7.019 and 7.020). If the applicant neither restricts the claims nor pays additional fees, the examination is carried out on the main invention as identified by the International Preliminary Examining Authority or the applicant, or in cases of doubt as defined in Rule 68.5 (namely, the invention first mentioned in the claims is considered to be the main invention).

Article 34(3)

**10.073.** A finding of lack of unity of invention may continue to be important during the national phase. Any elected Office which agrees with the finding of lack of unity may, during the national procedure, require the applicant to restrict the claims or to divide the application into a number of divisional applications, or to pay special fees in order to maintain those parts of the international application which do not relate to the main invention (for further details, see Article 34(3)).

**THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (CHAPTER II OF THE PCT)**

Article 35(1)  
Rule 69.2

**10.074. When must the international preliminary report on patentability (Chapter II of the PCT) be established?** The time limit for establishment of the international preliminary report on patentability (Chapter II of the PCT) is whichever of the following which expires last: 28 months from the priority date; six months from the time provided under Rule 69.1 for the start of the international preliminary examination; or six months from the date of receipt by the International Preliminary Examining Authority of the translation furnished under Rule 55.2 (see paragraphs 10.051 to 10.055). Thus, under normal circumstances, the applicant receives the report, at the latest, two months before national processing at the elected Offices may start. This ensures that he has time to consider whether, and in which elected Offices, he wants to enter the national phase and to prepare the necessary action (for details, see National Phase).

Article 35(1)  
and (2)  
Rule 70  
Section 604

**10.075. What are the form and contents of the international preliminary report on patentability (Chapter II of the PCT)?** The international preliminary report on patentability (Chapter II of the PCT) contains, among other things, a statement (in the form of a simple “yes” or “no”), in relation to each claim which has been examined, on whether the claim appears to satisfy the criteria of novelty, inventive step (non-obviousness) and industrial applicability. The statement is, where appropriate, accompanied by the citation of relevant documents together with concise explanations pointing out the criteria to which the cited documents are applicable and giving reasons for the International Preliminary Examining Authority's conclusions. Other matters which may be included in the report are listed in paragraphs 10.064 and 10.065. The report also includes an indication whether any additional relevant documents had been discovered during a top-up search, states the date on which a top-up search was made or else states that no such top-up search was made (see paragraph 10.062A). Where applicable, the report also includes remarks relating to the question of unity of invention (see paragraph 10.072). For more details, see Article 35(1) and (2), Rule 70 and Section 604.

Rule 70.2(c-bis)  
and (e)  
70.16

**10.076. How are amendments to the international application referred to in the international preliminary report on patentability (Chapter II of the PCT)?** The international preliminary report on patentability (Chapter II of the PCT) identifies the basis on which it is established – that is, whether, and if so, which, amendments have been taken into account. If amendments were made either under Article 19 and/or Article 34, but the applicant failed to submit the required accompanying letter to the International Bureau or the International Preliminary Examining Authority, the report may be established as if the amendments concerned had not been made and the report shall so indicate. The following are attached as “annexes” to the international preliminary report on patentability (Chapter II of the PCT): replacement sheets containing amendments under Article 19 and/or Article 34, which have been taken into account, and any accompanying letters, and replacement sheets containing rectifications of obvious mistakes, and accompanying letter authorized under Rule 91. Where a rectification of an obvious mistake is not taken into consideration because it has reached the International Preliminary Examining Authority only after it has begun to draw-up the report and, as a result, was not taken into account, the report shall so indicate and the sheets relating to the rectification will be annexed to the report. Amendments under Article 19 which have been considered as reversed by an amendment under Article 34 (see paragraph 10.026) or which have been superseded by later replacement sheets, or amendments resulting in the cancellation of entire sheets, are not annexed to the report, nor are the letters which accompany such replacement sheets. However, if the International Preliminary Examining Authority considers that the superseding or reversing amendment goes beyond the original disclosure, each superseded or reversed replacement sheet and any letter relating to such sheets are nevertheless annexed to the report. Similarly, if the applicant failed to submit, together with the superseding or reversing amendments, the required accompanying letter, indicating the basis of the amendment in the application as filed, and where, as a result, the report is established as if the superseding or reversing amendments had not been made, each

such superseded or reversed replacement sheet and any letter relating to such sheets are nevertheless annexed to the report.

Article 35(2)

**10.077. May the international preliminary report on patentability (Chapter II of the PCT) express a view on the patentability of the invention?** No, it may not. Article 35(2) expressly states that “the international preliminary examination report shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law.” It should be noted that, in this context, “national law” includes regional patent treaties (the ARIPO Harare Protocol, the Eurasian Patent Convention, the European Patent Convention and the OAPI Agreement).

Rule 70.17  
72  
74

**10.078. In what language is the international preliminary report on patentability (Chapter II of the PCT) established? Are translations prepared?** The international preliminary report on patentability (Chapter II of the PCT) and any annexes are established in the language in which the international application is published – see paragraphs 9.017 to 9.020) – except where the international preliminary examination is carried out on the basis of a translation (see paragraphs 5.013, 10.011 and 10.013), in which case the international preliminary report on patentability (Chapter II of the PCT) and annexes are established in the language of that translation. Each elected State may require that the report, if it is not in (one of) the official language(s) of its national Office, be translated into English. If this is the case, the translation of the body of the report is prepared by the International Bureau, which transmits copies to the applicant and to each interested elected Office. If any elected Office requires a translation of annexes to the report, the preparation and furnishing of that translation is the responsibility of the applicant.

Article 36(1)  
36(3)(a)  
Rule 71.1  
73.2  
93bis

**10.079. How do the applicant, the International Bureau and the elected Offices receive the international preliminary report on patentability (Chapter II of the PCT) and, where applicable, its translation?** The International Preliminary Examining Authority transmits, on the same day, copies of the international preliminary report on patentability (Chapter II of the PCT) (and any annexes – see paragraph 10.076) to the applicant and the International Bureau. The latter transmits copies of the report (including any annexes) to the elected Offices, as well as a translation into English of the body of the report where that is required by any elected Office in accordance with Rule 93bis; a translation of any annexes, if required, must be prepared and sent to the elected Offices concerned by the applicant himself (see paragraph 10.078 and the National Phase). If, in the opinion of the applicant, there are errors in the translation of the international preliminary report on patentability (Chapter II of the PCT), he may send written observations on such errors to any interested elected Office and must send a copy of such observations to the International Bureau. As far as comments on the content of the international preliminary report on patentability (Chapter II of the PCT) itself are concerned, they should be addressed to the elected Offices during the national phase.

Rule 71.1(b)  
Section 602bis

**10.079A. Are any other documents in the file of the International Preliminary Examining Authority transmitted to the International Bureau?** The International Preliminary Examining Authority also transmits a copy of the following documents to the International Bureau which will communicate a copy to the elected Offices at the same time as it transmits a copy of the international preliminary report on patentability:

- any written opinion issued by the Authority;
- any replacement sheet containing amendments under Article 34 and any letter accompanying the amendments, including any such amendments and letters that have been superseded;
- any letter containing arguments that the applicant submitted to the Authority under PCT Rule 66.3 (see paragraph 10.067);
- any invitation to restrict claims or pay additional fees issued by the Authority;

- any protest against the invitation to restrict the claims or pay additional fees and the decision thereon, regardless whether or not the applicant has so requested in accordance with Rule 68.3(c); and
- any other document in its file that it wishes to transmit.

These documents will be transmitted to the International Bureau at any time after they have become available, but generally not later than the time of transmittal of the international preliminary examination report. It should be noted that any International Preliminary Examining Authority may decide to postpone the transmittal of the aforementioned documents until such time as it is technically prepared to do so.

Article 36(3)(a)  
38(1)  
Rule 71.1(b)  
73.2(a)  
94.1  
94.2  
94.3

**10.080. Are the international preliminary report on patentability (Chapter II of the PCT) and any other documents from the file of the international preliminary examination accessible to persons other than the applicant and the elected Offices?** The report and related documents from the file of the international preliminary examination are not published by the International Bureau. According to Article 36(3)(a), the International Bureau communicates the report to elected Offices. As of 1 January 2004, however, if so requested by an elected Office (details of such requests are published in the Official Notices (PCT Gazette)), the International Bureau will make available on PATENTSCOPE at: <https://www.wipo.int/patentscope/en/> the international preliminary report on patentability (Chapter II of the PCT), although, not before the expiration of 30 months from the priority date. Similarly, according to the amendments to Rules 71.1(b) and 94.1(c), which entered into force on 1 July 2020, any other document received at or established by the International Preliminary Examining Authority on or after 1 July 2020 will be made available on PATENTSCOPE after 30 months from the priority date (see paragraph 10.079A). The International Preliminary Examining Authority may not, unless requested or authorized by the applicant, give copies to anyone other than the applicant and the International Bureau. Once the international preliminary report on patentability (Chapter II of the PCT) becomes part of the file in the elected Office, however, the national law applicable by that Office applies as to access to that report and the international preliminary examination file by persons other than the applicant, as indicated in paragraph 11.072.

**10.081. [Deleted]**

Article 36(4)  
Rule 71.2

**10.082. How can the applicant obtain copies of the documents cited in the international preliminary report on patentability (Chapter II of the PCT)?** The applicant may obtain copies of those documents cited in the international preliminary report on patentability (Chapter II of the PCT) which were not cited in the international search report by requesting them from the International Preliminary Examining Authority. Annex E indicates the fees charged by such Authorities for furnishing copies on request.

**10.083. What is the effect and usefulness of the international preliminary report on patentability (Chapter II of the PCT) in the national phase?** Since the international preliminary report on patentability (Chapter II of the PCT) contains an opinion on the compliance of the international application with internationally accepted criteria of novelty, inventive step (non-obviousness) and industrial applicability, it provides the applicant with a strong basis on which to evaluate the chances of obtaining patents in the various Offices in the national phase. While the international preliminary report on patentability (Chapter II of the PCT) is not binding on elected Offices, it carries considerable weight with them, and a favorable report will assist the prosecution of the application before the elected Offices. An elected Office which is the same national or regional Office as that which carried out the international preliminary examination as International Preliminary Examining Authority under the PCT will generally proceed rapidly to the grant of a patent in the national phase if the international preliminary report on patentability (Chapter II of the PCT) is favorable to the international application.

## CHAPTER 11

MISCELLANEOUS QUESTIONS CONCERNING  
THE INTERNATIONAL PHASE

## REPRESENTATION BY AGENTS AND COMMON REPRESENTATIVES

Rule 90.1

**11.001. For what purposes may an agent be appointed?** The applicant may appoint an agent or agents to represent him before the receiving Office, the International Bureau, the International Searching Authority, any Authority specified for supplementary search and the International Preliminary Examining Authority – that is, for the purposes of the international phase generally. The applicant may also appoint an agent or agents to represent him specifically before the International Searching Authority, any Authority specified for supplementary search or before the International Preliminary Examining Authority. Agents appointed for the purposes of the international application during the international phase will not be automatically regarded as agents by national Offices during the national phase; other agents may thus have to be appointed for the purposes of the national phase before each of the various designated Offices (see National Chapters, (Summaries)).

Article 49  
Rule 83.1*bis*  
90.1

**11.002. Who may be appointed as an agent?** A person may be appointed as agent for the international phase generally if he has the right to practice before the Office with which the international application is filed. Where the international application is filed with the International Bureau as receiving Office (see paragraph 5.008), any person who has the right to practice before the national (or regional) Office of, or acting for, a Contracting State of which the applicant (or, if there are two or more applicants, any of the applicants) is a resident or national (see Annex C) may be appointed as agent. A person may be appointed as agent to represent the applicant specifically before the International Searching Authority, before any Authority specified for supplementary search, or before the International Preliminary Examining Authority if he has the right to practice before the Office or intergovernmental organization which acts as that Authority. The right to practice before an Office or organization is governed by the national law applied by the Office or organization concerned.

**11.003. Are all applicants required to have the same agent?** Each applicant is free to appoint his own agent. Ordinarily, however, it will be convenient for all of two or more applicants to appoint the same person to represent all of them as their “common agent” (or to appoint a number of common agents – for example, the partners in the firm of patent attorneys or patent agents which acts for the applicant).

Rule 90.1(d)

**11.004. Can an agent appoint a sub-agent?** Any agent who has been appointed to represent the applicant for the international phase in general may appoint a sub-agent to represent the applicant, unless there is an indication otherwise in the document by which the original agent was appointed. Sub-agents may be appointed to represent the applicant either generally or before a specific International Searching Authority, Authority specified for supplementary search or International Preliminary Examining Authority. A sub-agent's appointment is subject to the same qualifications as to the right to practice as are set out in paragraph 11.002.

Article 9  
Rule 2.2*bis*  
90.2(a)

**11.005. What is a “common representative” of the applicants?** Where there are two or more applicants and they have not appointed a common agent representing all of them for the purposes of the international phase in general, one of the applicants may be appointed by the other applicants as their common representative. A person may only be appointed as common representative if he is a national or resident of a Contracting State and thus is entitled himself to file an international application.

Rule 2.2*bis*  
26.2*bis*(a)  
90.2(b)  
90*bis*.5

**11.006. What happens if no common agent or common representative is specifically appointed?** If there are two or more applicants and they do not appoint a common agent or a common representative, the first-named applicant who has the right to file an international application with the receiving Office concerned (see paragraphs 5.020 to 5.023) will automatically be considered to be the common representative of all the applicants (“deemed common representative”). Such “deemed

common representative” may do most of the things which an appointed agent or an appointed common representative may do on behalf of all the applicants, including signing the request, the demand and many other documents for the purposes of the PCT. However, the “deemed common representative” may not validly sign, on behalf of the other applicants, a notice effecting withdrawal of the international application, a designation, one or more priority claim(s), the demand or an election, without submitting evidence of their consent to such withdrawal. If the “deemed common representative” has appointed an agent, that agent is able to perform any act which could be performed by the “deemed common representative” on behalf of the other applicants, including the signing of certain documents with effect for all the applicants (but, similarly, is not able to sign any notice of withdrawal).

Rule 90.4(a)

**11.007. How is an agent or common representative appointed?** The appointment of an agent or common representative may be effected in the request and or the demand (see paragraphs 5.041 to 5.049, and 10.019 to 10.023) in a separate power of attorney (see paragraph 11.008) or in a general power of attorney (see paragraph 11.009). Where there are two or more applicants, a common agent or common representative, representing all of them, may be appointed by a combination of those methods, provided that each applicant signs either the request, the demand or a power of attorney.

Rule 90.4

**11.008. What are the requirements with respect to a separate power of attorney?** Where the appointment of an agent or common representative is effected by a separate power of attorney, that power of attorney must be submitted to either the receiving Office or the International Bureau. However, any receiving Office, International Searching Authority, Authority specified for supplementary search, International Preliminary Examining Authority and/or the International Bureau may waive the requirement that a separate power of attorney be submitted to it (details of such waivers are published in the *Official Notices (PCT Gazette)*) in the *PCT Newsletter* and on the WIPO website at: <https://www.wipo.int/pct/en/texts/waivers.html>. It should be noted, however, that a waiver made by an Office, an Authority or the International Bureau does not apply where the agent or the common representative submits any notice of withdrawal referred to in Rules 90bis.1 to 90bis.4. A suitable model form for a separate power of attorney is available on the WIPO website at: <https://www.wipo.int/pct/en/forms/pa/index.htm>.

Rule 90.5

**11.009. Can an agent be appointed by a general power of attorney to represent the applicant in relation to any international application filed by that applicant?** Yes, such a general appointment can be made. The original general power of attorney must be filed with the receiving Office if the appointment was for the purposes of the international phase generally, or with the International Searching Authority, the Authority specified for supplementary search, or the International Preliminary Examining Authority if the appointment was specifically to represent the applicant before that Authority. The appointment will then be effective in relation to any particular application filed by that applicant provided that the general power of attorney is referred to in the request, the demand or a separate notice. However, any receiving Office, International Searching Authority, Authority specified for supplementary search, and/or International Preliminary Examining Authority may waive the requirement that a copy of the general power of attorney be attached to the request, the supplementary search request, the demand or any separate notice (details of such waivers are published in the *Official Notices (PCT Gazette)*). For an Office or Authority that has not made a waiver of the requirement, a copy of the general power of attorney must be attached to the request, supplementary search request, demand or separate notice. That copy of the signed original need not, itself, be separately signed. A suitable model form for a general power of attorney is available on the WIPO website at: <https://www.wipo.int/pct/en/forms/pa/index.htm>. It should be noted that a waiver made by an Office or an Authority does not apply where the agent or the common representative submits any notice of withdrawal referred to in Rules 90bis.1 to 90bis.4.

Rule 90.3

**11.010. What is the legal position of an agent or common representative?** Any act by or in relation to an agent or common representative has the effect of an act by or in relation to the applicant or applicants whom the agent represents for the purposes of

the procedure before the receiving Office, International Bureau, International Searching Authority, Authority specified for supplementary search, and/or International Preliminary Examining Authority, depending on whether the appointment was for general purposes or for the purposes of the procedure before a particular authority (see paragraph 11.001). In particular, an agent or common representative is able to sign documents in connection with the international application on behalf of the applicants. However, an applicant who is the “deemed common representative” (see paragraph 11.006) may not sign notices of withdrawal on behalf of the other applicants (see paragraphs 11.048, 11.050, 11.056 and 11.060). If there are two or more agents representing the same applicant or applicants, an act by or in relation to any of those agents has the effect of an act by or in relation to that applicant or those applicants.

Rule 90.6(a) 11.011. **Can the appointment of an agent or a common representative be revoked?** Yes, it can. The document containing the revocation must be signed by the persons who made the appointment or by their successors in title. The appointment of a sub-agent may also be revoked by the applicant concerned. If the appointment of an agent is revoked, any appointment of a sub-agent by that agent is also considered revoked.

Rule 90.6(b) and (c) 11.012. The appointment of an agent for the international phase in general automatically has the effect, unless otherwise indicated, of revoking any earlier such appointment of an agent. The appointment of a common representative similarly has the effect, unless otherwise indicated, of revoking any earlier appointment of a common representative.

11.013. The Rules for signing and submission of a power of attorney apply *mutatis mutandis* to a revocation of an appointment (see paragraphs 11.007 and 11.008).

Rule 90.6(d) and (e) Section 425 11.014. **How can an agent or common representative renounce his appointment?** Renunciation of an appointment may be made by means of a notification signed by the agent or common representative. The Rules for signing and submission of a power of attorney apply *mutatis mutandis* to a renunciation (see paragraphs 11.007 and 11.008). The applicant is informed of the renunciation by the International Bureau.

## CORRESPONDENCE TO THE APPLICANT

Section 108(b) 11.015. **To whom will correspondence be addressed by the various authorities under the PCT?** Where there is a sole applicant in relation to an international application, correspondence will be sent to the applicant at his indicated address; or, if he has appointed one or more agents, to that agent or the first-mentioned of those agents; or, if he has not appointed an agent but has indicated a special address for notifications (see paragraphs 5.030 and 5.051), at that address.

Section 108(c) 11.016. Where there are two or more applicants who have appointed one or more common agents, correspondence will be addressed to that agent or the first-mentioned of those agents. Where no common agent has been appointed, correspondence will be addressed to the common representative (either the appointed common representative or the applicant who is the “deemed common representative” – see paragraphs 11.005 and 11.006) at his indicated address; or, if the common representative has appointed one or more agents, to that agent or the first-mentioned of those agents; or, if the common representative has not appointed an agent but has indicated a special address for notifications, at that address.

Section 108(d) 11.017. Where one or more agents have been appointed specifically to represent the applicant(s) before the International Searching Authority, the Authority specified for supplementary search, or the International Preliminary Examining Authority, correspondence will be addressed by the Authority concerned to that agent or the first-mentioned of those agents.

## CHANGES CONCERNING THE APPLICANT, INVENTOR, AGENT OR COMMON REPRESENTATIVE

Rule 92bis  
Section 422

**11.018. What should be done where there is a change in the person, name, residence, nationality or address of the applicant, or in the person, name or address of the inventor, agent or common representative?** Where there is a change in the person, name, residence, nationality or address of the applicant, or in the person, name or address of the inventor, agent or common representative, the applicant or the receiving Office should ask the International Bureau to record the change. If so requested, the International Bureau records the change and notifies all Offices and PCT Authorities interested in the change accordingly. Any such recording is free of charge.

**11.018A. Where should requests for change be sent?** While Rule 92bis provides for the possibility, at the choice of the applicant, to send requests for change to the receiving Office or the International Bureau, it is strongly recommended to send them directly to the International Bureau, preferably via ePCT (signing in with strong authentication or without strong authentication at <https://pct.wipo.int/ePCT>). It is important that the International Bureau – and not the receiving Office – receives the request for change in order to meet the applicable time limit of 30 months from the priority date.

**11.018B. Does the applicant need to provide any documentary evidence?** Where the applicant or agent of record requests a change, it is not necessary to produce any documentary evidence relating to the change. In particular, where the applicant or agent of record requests a change in the person of the applicant, the International Bureau does not require an assignment or other documentary evidence to show the transfer of rights. Assignments and other documentary evidence relating to any transfer of rights may, however, be required by the designated Offices once national processing has started; the National Chapters of this *Guide* give details on this matter. If the agent of record wishes to also represent the new applicant, a power of attorney, signed by the new applicant, should be furnished at the same time, unless the Office or Authority with which the request is filed has waived the requirement that a power be furnished (see paragraphs 11.008 and 11.009). It should be noted that the International Bureau has waived such a requirement (see <https://www.wipo.int/pct/en/texts/waivers.html>).

Where a person not yet named in the request form, hereinafter referred to as “the new applicant”, without the written consent of the applicant of record, requests a change in the person of the applicant, a copy of an assignment or other documentary evidence supporting the change in person must be filed with the request for the change. Where the request for a change of applicant is made by a (new) agent for the new applicant, a power of attorney signed by the new applicant must be furnished in addition to the documentary evidence unless the Office or Authority with which the request is filed has waived the requirement that a separate power of attorney, or a copy of a general power of attorney, has to be submitted (see paragraphs 11.008 and 11.009). It should be noted that the International Bureau has not waived that requirement and, as a consequence, a new power of attorney will always be required when filing this type of request for a change with the International Bureau.

Section 422bis  
(a)(iii)

Where an applicant is requested to be deleted from the records and that request was not also signed by or on behalf of the applicant concerned, the International Bureau will send a copy of the notification of change (Form PCT/IB/306) to the applicant who has been “removed” from the records. This also applies where the request is signed by an agent on behalf of the applicants who is only deemed appointed since the receiving Office has waived the requirement that a power of attorney must be submitted. In case the applicant concerned objects to the change in writing during the international phase, the recorded change would be undone.

Where a patent agent changes to a new firm and requests that the change be recorded, such change would be considered as a change of address and a new power need not be furnished.

**11.018C. Must a new applicant be a national or resident of a contracting State?** It is not necessary, in order for a change in the person of the applicant to be recorded, that the new applicant be a resident or national of a PCT Contracting State; the PCT does not contain any restriction as to whom an international application may be assigned. The applicant's right to file the international application is determined solely

on the basis of the nationality and residence of the applicant(s) indicated in the request form at the time when the international application is filed. However, the residence and nationality of the new applicant must be borne in mind in considering whether that applicant has the right to file a demand for international preliminary examination (see paragraphs 10.017 and 10.018).

**11.018D. What other kind of changes are covered by Rule 92bis?** Changes concerning the addition or deletion of indications relating to applicants and/or inventors, the order of applicants and/or inventors in the request form, changes relating to e-mail addresses etc. will also be recorded under Rule 92bis if requested.

It should be noted that it is not possible during the international phase to record rights of third parties, such as licenses, pledges or other security interests. Such changes, to the extent provided for under the applicable national law, can only be recorded during the national phase and in accordance with the applicable national procedures.

**11.019. Where a change affects multiple applications, may the applicant make a single request?** Where a change concerns multiple pending international applications, it is recommended that applicants submit a single written request and include a list of the PCT applications concerned (and not a separate request for each application). The list should only include pending international applications, that is, applications for which the 30-month time limit from the priority date has not yet expired.

**11.020. Is there a special form for requesting the recording of changes under Rule 92bis?** There is no special form for requesting the recording of changes under Rule 92bis. The request may be presented in the form of a letter to the receiving Office or the International Bureau, clearly specifying the application concerned and which information is requested to be changed. Where the request concerns a change in a name or address and the application is filed in a language which uses non-Latin characters, in addition to the new name or address in the language of filing, a transliteration or translation of the new name or address into English must also be provided. It is strongly recommended to file such requests directly with the International Bureau through ePCT (signing in with strong authentication or without strong authentication at <https://pct.wipo.int/ePCT>).

Rule 92bis.1(b)

**11.021. What is the time limit to request the recording of changes?** The International Bureau records the change if it receives the request for recording before the expiration of 30 months (regardless of the precise time limit applicable to enter the national phase, Office by Office, such as 31 months or later) from the priority date. If the applicant wants a particular change to be taken into account for international publication of the application, the request for change must reach the International Bureau before technical preparations for international publication have been completed (see paragraph 9.014). If the request reaches the International Bureau too late to be reflected in the international publication but within the 30-month time limit, it will nevertheless be acted upon and notified to the designated/elected Offices. The bibliographic data page of PATENTSCOPE is updated to reflect any recorded change until the expiration of 30 months. If the request reaches the International Bureau after the expiration of 30 months, the change will not be recorded and the applicant will have to proceed with such request before each designated/elected Office.

**11.022. What is the legal effect of any recorded change?** In principle, all designated and elected Offices are obliged to accept changes recorded by the International Bureau. However, Offices are entitled to require additional evidence or documents in the national phase regarding changes recorded during the international phase (for information on the Offices which require additional documents in the national phase, including a new request for change specifically for the national phase before a particular Office, see the relevant Summary in the National Chapters of this *Guide*).

## DEATH OF APPLICANT OR INVENTOR

Article 27(2)  
Rule 92bis.1(a)

**11.023. What should be done in the case of the death of the applicant during the international phase?** The answer to this question depends on the national law applicable in such a case. The successor to the rights of the applicant (whether his heir,

a legal representative, the estate represented by a legal representative, etc.) should be indicated as the new applicant, and a request for such a change to be recorded accordingly should be made under Rule 92*bis*.1 (see the procedure outlined in paragraphs 11.018 to 11.022). The reason for the requested change must be indicated. Documentary evidence proving the right to the application is not required during the international phase (although it may be required by any designated Office for the purposes of the national phase of processing).

11.024. *[Deleted]*

Article 9  
Rule 18.1

11.025. **What should be done if the inventor died before the international application was filed?** In such a case, the request must indicate the name of the deceased inventor with an indication that he is deceased, for instance: "JONES, Bernard (deceased)."

11.026. **What should be done in the case of the death of the inventor during the international phase?** In such a case, the recording of a change to indicate that the inventor is deceased may be requested; where such indication is added, the inventor's address would be removed.

## APPLICANT UNAVAILABLE OR UNWILLING TO SIGN THE INTERNATIONAL APPLICATION OR OTHER DOCUMENTS

Article 14(1)(a)(i)  
14(1)(b)  
Rule 26.2  
26.2*bis*  
Section 316

11.027. **What must be done if the applicant is temporarily unavailable to sign the international application?** Where an applicant is temporarily unavailable, the international application can be filed without his signature. The lack of an applicant's signature or of a power of attorney signed by him, where either of these might be required, are correctable defects under Article 14(1)(a)(i) and (b), and can be remedied by filing a copy of the request (or, where the request has been signed by an agent, of a power of attorney (where this might be necessary)), duly signed by the applicant within the time limit fixed by the receiving Office for the correction of these potential defects (see paragraph 6.032).

11.028. – 11.032. *[Deleted]*

## RECTIFICATION OF OBVIOUS MISTAKES

Rule 91.1(a)  
and (g)

11.033. **Can obvious mistakes be rectified by the applicant?** Obvious mistakes in the international application or other documents submitted by the applicant may generally be rectified if the rectification is requested within the applicable time limit. Any such rectification is effected free of charge. Rule 91 considers certain mistakes to be not "rectifiable" (see paragraph 11.037) and requires applicants to rely on other means of correction (see Rules 20.4, 20.5, 26*bis* and 38.3).

Rule 91.1(c)

11.034. **What types of mistakes can be rectified?** Only obvious mistakes can be rectified. A mistake is considered obvious if it is obvious to the competent authority that, at the relevant date (see paragraph 11.036), something else was intended than what appears in the document concerned, and that nothing else could have been intended other than the proposed rectification. In other words, both the mistake and the rectification of that mistake have to be obvious to the competent authority.

Rule 91.1(d)  
and (e)

11.035. **Is there any limitation on the kind of documents which an authority could consider when determining whether a mistake is obvious?** If the mistake is contained in the description, the claims or the drawings, or in a correction or any amendment thereof, the competent authority is limited, for the purposes of determining whether both the mistake and the proposed rectification are obvious (see paragraph 11.034), to only take into account the contents of the description, the claims and the drawings and, where applicable, of the correction or amendment concerned. If the mistake is contained in the request or a correction thereof or in any other document mentioned in Rule 91.1(b)(iv), the competent authority should, for the purposes of determining whether both the mistake and the proposed rectification are obvious, take into account not only the content of the international application itself and, where applicable, the correction concerned and any other document referred to in

Rule 91.1(b)(iv), but also any other document submitted by the applicant together with the request, correction or document, as the case may be, including any priority document that is available to that competent authority. Furthermore, the authority should also take into account any other document contained in the authority's international application file at the relevant date (see paragraph 11.036).

Rule 91.1(f) 11.036. **What is the relevant date applied by the competent authority for the determination of whether a mistake and its rectification are obvious?** Where the mistake appears in the international application as filed, the relevant date is the international filing date; where the mistake appears in any document other than the international application as filed, including any mistake in a correction or an amendment of the international application, the relevant date is the date on which the document (correction and/or amendment) concerned was submitted.

Rule 91.1(g) 11.037. **Which mistakes cannot be rectified?** The following mistakes cannot be rectified under Rule 91:

- omissions of entire elements or sheets of the international application, even if clearly resulting from inattention at the stage of filing of the international application, for example, when copying or assembling sheets;
- mistakes in the abstract;
- mistakes in an amendment under Article 19, unless the International Preliminary Examining Authority is the competent authority to authorize the rectification of such mistakes under Rule 91.1(b)(iii);
- mistakes in a priority claim or in a notice correcting or adding a priority claim if the rectification of the mistake would cause a change in the priority date (see paragraph 6.038 concerning whether such mistakes can instead be corrected under Rule 26bis.1(a)).

Rule 91.1(b) 11.038. **Do rectifications of obvious mistakes need to be authorized by a particular Office?** Yes, rectifications must be authorized by the competent PCT authority, that is:

- (i) if the mistake is in the request or in any correction thereof – by the receiving Office;
- (ii) if the mistake is in the description, the claims or the drawings or in any correction thereof – by the International Searching Authority, or by the International Preliminary Examining Authority where a demand for international preliminary examination has been made and has not been withdrawn and the date on which the international preliminary examination should start pursuant to Rule 69.1 has passed;
- (iii) if the mistake is in the description, the claims or the drawings or any correction thereof, or in any amendment under Article 19 or 34, and if a demand for international preliminary examination has been made and has not been withdrawn and if the date on which the international preliminary examination should start pursuant to Rule 69.1 has passed – by the International Preliminary Examining Authority;
- (iv) if the mistake is in any document other than those referred to in item (i) to (iii) above submitted to the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau, other than a mistake in the abstract or in an amendment under Article 19 – by that Office, Authority or Bureau, as the case may be.

Rule 91.2 11.039. **Where and when must a request for rectification be sent?** The request for rectification must be addressed to the authority competent to authorize the rectification (see paragraph 11.038). It must be filed within 26 months from the priority date. The request must specify the mistake to be rectified and the proposed rectification; it can also contain a brief explanation if the applicant so wishes. The procedure provided for in Rule 26.4 (see paragraph 6.052) applies as to the manner in which the proposed rectification should be indicated.

- Rule 91.1(h) 11.040. **Can a competent authority invite the applicant to correct an obvious mistake?** Where the receiving Office, the International Searching Authority, the International Preliminary Authority or the International Bureau discovers what appears to be a rectifiable obvious mistake in the international application or in any other document, it may invite the applicant to file a request for rectification under Rule 91.
- Rule 48.2(i)  
70.16(a)(iii)  
91.3(a)  
and (b) 11.041. **What steps will the competent authority take once a request for rectification of an obvious mistake has been filed?** Once the applicant has filed a request for rectification of an obvious mistake, the competent authority promptly decides whether to authorize or to refuse the requested rectification and promptly notifies its decision to the applicant and the International Bureau. In case of a refusal, the competent authority should also inform the applicant and the International Bureau of the reasons for the refusal. Where the competent authority has authorized the rectification of an obvious mistake under Rule 91, the document concerned shall be rectified in accordance with Sections 325, 413*bis*, 511 and 607 of the Administrative Instructions. Where the rectification has been authorized by the receiving Office, the International Searching Authority or the International Bureau, the International Bureau publishes the rectified sheets as part of the international application if the authorization is received or given by the International Bureau before completion of technical preparations for international publication. Where such authorization is received or given only after technical preparations have been completed, the International Bureau will republish the international application in accordance with Rule 48.2(i). Where the rectification is authorized by the International Preliminary Examining Authority, the rectified sheets and the request for rectification of an obvious mistake submitted by the applicant are annexed to the IPRP (Chapter II of the PCT).
- Rule 91.3(c) 11.042. **When does the rectification of an obvious mistake become effective?** If the mistake appears in the international application as filed, the rectification becomes effective as from the international filing date; if the mistake appears in any document other than the international application as filed, including any mistake in a correction or any amendment to the international application, the rectification becomes effective as from the date on which that document was submitted.
- Rule 91.3(d)  
Section 113(b) 11.043. **What can be done if the authorization of a rectification is refused?** If the authorization of a rectification is refused, the applicant may request the International Bureau, within two months from the date of the refusal, in writing, to publish the request for rectification, the reasons for refusal by the authority and any further brief comments that may be submitted by the applicant, together with the international application. This request is subject to the payment at the same time of a special fee, the amount of which is indicated in Annex B (IB). Once the request for rectification and the reasons for refusal have been published, the applicant may pursue it further before the designated Offices under their national law and practice for the rectification of obvious mistakes. Refused requests for rectification are not annexed to the IPRP except in certain circumstances as set out in paragraph 10.076.
- Rule 91.3(e)  
and (f) 11.044. **What are the effects of the authorization of an obvious mistake on the designated and elected Offices?** Generally, designated and elected Offices must process the international application in the national phase “as rectified”, unless that designated or elected Office has already started the processing or examination of the international application before the date on which that Office is notified under Rule 91.3(a) by the International Bureau of the authorization of the rectification concerned. Otherwise, a designated or elected Office may only disregard a rectification that was authorized under Rule 91.1 if it finds that it would not have authorized the rectification of the obvious mistake if it had been the competent authority. In the latter case, the designated Office may, however, only disregard any rectification that was authorized during the international phase, if it has given the applicant an opportunity to make observations, within a reasonable time limit, on the Office’s intention to disregard the rectification.

## AMENDMENTS OF THE CLAIMS, DESCRIPTION AND DRAWINGS

- Article 19  
34(2)(b) 11.045. **How, and at what stages, may the claims, description and drawings in an international application be amended?** As described elsewhere in this text, during the international phase the applicant has one opportunity to amend the claims under Article 19 after receiving the international search report (see paragraphs 9.004 to 9.011). Amendments may also be made under Article 34(2)(b) to the description, claims and drawings before and during the international preliminary examination procedure (see paragraphs 10.024 to 10.028, and 10.067 to 10.071). Such amendments are in addition to the possibilities for correction of defects under Article 11 and Rule 20 (see paragraphs 6.024 to 6.026) and Article 14 and Rule 26 (see paragraph 6.032), and to the possibility for rectification of obvious mistakes under Rule 91.1 (see paragraphs 11.033 to 11.044). Applicants are also guaranteed the opportunity to amend the international application for the purposes of the national phase by virtue of Articles 28 and 41 (see National Chapters).
- Rule 46.3  
55.3 11.046. **In what language should amendments be submitted during the international phase?** Concerning the language in which amendments of the claims under Article 19 must be submitted, see paragraphs 9.004 and 9.017 to 9.019; concerning the language in which amendments of the description, claims and/or drawings under Article 34 must be submitted, see paragraph 10.071.
- Article 19(2)  
and (3)  
34(2)(b)  
Rule 66.2(a)(iv)  
70.2(c) 11.047. **May amendments to the claims, description or drawings during the international phase introduce new matter into the international application?** Article 19(2) and Article 34(2)(b) both provide that amendments are not to go beyond the disclosure in the international application as filed. Compliance will not be checked during the international phase unless the applicant requests international preliminary examination. If the International Preliminary Examining Authority considers that any amendments go beyond the original disclosure, it will comment accordingly in any written opinion of the International Preliminary Examining Authority and in the international preliminary report on patentability (Chapter II of the PCT), and the report will be established as if such amendment had not been made (see paragraphs 10.064(iv) and 10.070). Compliance with the requirement may be important during the national phase, when it may be checked by the designated Offices, and non-compliance may result at that stage in adverse consequences such as disallowance of the amendments or the according of a later filing date for any new matter claimed as a result of the amendments concerned. On the other hand, if the national law applicable in a designated Office permits amendments to go beyond the disclosure in the application as filed, non-compliance with the requirement has no consequence in the State concerned. Although customary in most national laws and contained in the European Patent Convention, the requirement is not one which – by virtue of the PCT – would bind any of the Contracting States. It is contained in the PCT because most laws provide for it, and it therefore seems to be a useful warning to all applicants planning to make amendments in the international phase.
- Article 19(1)  
34(2)(b)  
Rule 46.5(b)(iii)  
66.8  
70.2(c-bis) 11.047A. **What happens where the claims, description or drawings have been amended, but the replacement sheets were not accompanied by a letter?** The PCT requires that replacement sheets submitted with Article 19 or Article 34 amendments must be accompanied by a letter indicating the basis for the amendments in the application as filed (see paragraphs 9.005, 9.006 and 10.071). Substantive compliance with this requirement is not checked during the international phase unless the applicant requests international preliminary examination. If the International Preliminary Examining Authority finds that the replacement sheets were either not accompanied by such a letter or that the letter failed to indicate the basis for the amendment, the International Preliminary Examining Authority may establish the international preliminary report on patentability (Chapter II of the PCT) as if such amendment had not been made. Compliance with this requirement may also be important during the national phase, when it may be checked by the designated Offices, and failure to comply may result in disallowance of the amendments.

## WITHDRAWALS

- Rule 90.4(e)  
90.5(d) 11.048. **Can the applicant withdraw the international application?** The applicant may withdraw the international application by a notice addressed to the

90bis.1  
90bis.5

International Bureau or to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority, and received before the expiration of 30 months (see paragraph 5.005) from the priority date. Any such withdrawal is free of charge. A notice of withdrawal must be signed by all the applicants. An appointed agent or appointed common representative may sign such a notice on behalf of the applicant or applicants who appointed him, but an applicant who is the “deemed common representative” (see paragraph 11.006) may not sign such a notice on behalf of the other applicants. Where an Office, Authority or the International Bureau has waived the requirement that a separate power of attorney, or a copy of a general power of attorney, has to be furnished, the waiver does not apply in respect of any notice of withdrawal.

Article 21(5)  
Rule 90bis.1(c)

11.049. **What is the effect of withdrawal on international publication?** The applicant may prevent international publication by withdrawing the international application as described in paragraph 9.023A.

International publication may be postponed by withdrawing the priority claim as outlined in paragraphs 11.056 and 11.057.

Rule 90bis.2  
90bis.5

11.050. **Can the applicant withdraw designations?** The applicant may withdraw the designation of any State, and in respect of any kind of protection available, or only in respect of some of the kinds of protection available, by a notice addressed to the International Bureau or to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority, and received before the expiration of 30 months (see paragraph 5.005) from the priority date. Any such withdrawal is free of charge. A notice of withdrawal must be signed by all the applicants. An appointed agent or appointed common representative may sign such a notice on behalf of the applicant or applicants who appointed him, but an applicant who is the “deemed common representative” (see paragraph 11.006) may not sign such a notice on behalf of the other applicants.

Rule 90bis.2(a)

11.051. Withdrawal of the designation of a State which has been elected for the purposes of international preliminary examination automatically results in withdrawal of the corresponding election.

Rule 90bis.2(b)

11.052. Where a State has been designated for the purposes of obtaining both a national patent and a regional patent (see paragraphs 4.022 to 4.026 and 5.052 to 5.053), withdrawal of the designation of that State is taken to mean withdrawal only of the designation for the purpose of obtaining a national patent, unless otherwise indicated. In practice, the applicant should always make it clear which of the designations is intended to be withdrawn.

Rule 90bis.2(c)

11.053. If all designations are withdrawn, the international application itself will be treated as withdrawn.

Rule 90bis.2(e)

11.054. A designation will not be published if the notice of its withdrawal reaches the International Bureau before the technical preparations for international publication have been completed (see paragraph 9.014).

11.055. Where the international application indicates different applicants for different designated States, the withdrawal of a designation may result in the applicant for the designation which is withdrawn being no longer an applicant for any designated State. In such a case, replacement sheets for the request indicating only the remaining applicants, namely those for the States the designations of which have not been withdrawn, should be furnished together with the notice of withdrawal. Should the applicant fail to submit a replacement sheet, the request is corrected by the receiving Office or by the International Bureau. Whichever authority makes the correction notifies the other and the applicant accordingly.

Rule 90bis.3  
90bis.5

11.056. **Can the applicant withdraw priority claims made in the international application?** The applicant may withdraw a priority claim made in the international application by a notice addressed to the International Bureau or to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority, and received before the expiration of 30 months (see paragraph 5.005) from the priority date. Any or all of the priority claims may be so withdrawn. Any such withdrawal is free of charge. A notice of withdrawal must be signed by all the applicants. An appointed agent

or appointed common representative may sign such a notice on behalf of the applicant or applicants who appointed him, but an applicant who is the “deemed common representative” (see paragraph 11.006) may not sign such a notice on behalf of the other applicants.

Rule 90bis.3(d)  
and (e)

11.057. Where the withdrawal of a priority claim causes a change in the priority date of the international application, any time limit which is computed from the original priority date and which has not yet expired – for example, the time limit before which processing in the national phase cannot start – is computed from the priority date resulting from the change. (It is not possible to extend the time limit concerned if it has already expired when the priority claim is withdrawn.) However, if the notice of withdrawal reaches the International Bureau after the completion of the technical preparations for international publication, the International Bureau may proceed with the international publication on the basis of the time limit for international publication as computed from the original priority date.

Rule 90bis.3bis

11.058. **Can the applicant withdraw a supplementary search request?** The applicant may withdraw a supplementary search request at any time prior to the date of transmittal to the applicant of the supplementary international search report or the declaration that no such report will be established. However, withdrawal of the request will only result in a refund of any fees paid if the International Bureau has not yet transmitted any document to the Authority specified for supplementary search. A notice of withdrawal may be addressed either to the International Bureau or to the Authority specified for supplementary search, and the withdrawal will be effective on receipt of the notice by that Authority or the International Bureau. However, if the notice does not reach the Authority specified for supplementary search in sufficient time to prevent the transmittal of the report or declaration, the report or declaration will still be communicated to each designated Office as required. Where there are two or more supplementary search requests that have been submitted in respect of the same international application, the notice must specify which, of any such requests, is intended to be withdrawn.

11.059. The notice of withdrawal of the supplementary search request must be signed by the applicant or, if there are two or more applicants, by all of them, or by the agent or common representative whose appointment has been effected by each applicant signing, at his choice, the request, the supplementary search request, the demand, or a power of attorney.

Article 37  
Rule 90bis.4  
90bis.5

11.060. **Can the applicant withdraw the demand for international preliminary examination or the election of any State?** The applicant may withdraw the demand or the election of any State at any time prior to the expiration of 30 months from the priority date by a notice addressed to the International Bureau. Any such withdrawal is free of charge. A notice of withdrawal must be signed by all the applicants. An appointed agent or appointed common representative may sign such a notice on behalf of the applicant or applicants who appointed him, but an applicant who is the “deemed common representative” (see paragraph 11.006) may not sign such a notice on behalf of the other applicants.

Article 37(4)

11.061. In respect of designated Offices which do not apply the 30 month time limit, the applicant should exercise care in withdrawing the demand or elections after the expiration of the time limit under Article 22 for entry into the national phase, since such withdrawal is treated in each of the elected States concerned as a withdrawal of the international application for that State unless the national phase has already started in that State. If withdrawal of the demand or elections is effected before the expiration of that time limit, however, the international application will not be considered withdrawn, but the applicant will, of course, have to take the usual steps before the expiration of that time limit to enter the national phase (see paragraph 5.005 above and National Phase, paragraph 3.001). For further details, see Article 37(4).

## COMPUTATION OF TIME LIMITS

Rule 80

11.062. **What are the Rules concerning the computation of time limits?** There are detailed provisions in Rule 80 concerning the computation of time limits

(whether expressed in years, months or days), including the case where a time limit expires on a non-working day. The days which are non-working days for the International Bureau are published periodically in the *Official Notices (PCT Gazette)* and in the *PCT Newsletter*. The PCT Time Limit Calculator is designed to assist applicants in computing PCT time limits and is available on the WIPO website at: <https://www.wipo.int/pct/en/calculator/pct-calculator.html>. Where a period starts on the date of a notification, that period may be extended if the notification was actually mailed on a later date or was received more than seven days after the date it bears; see Rule 80.6 for details. For computation of time limits based on the priority date in cases where the priority claim is withdrawn, see paragraph 11.057.

## IRREGULARITIES IN THE MAIL SERVICE

Article 48(1)  
Rule 82.1

11.063. **Can a delay or loss in the mail be excused?** Rule 82 contains detailed provisions governing the situation where a letter arrives late or gets lost due to irregularities in the mail service, for example, because the mail service was interrupted due to a strike. The provisions operate to excuse failure to meet a time limit for filing a document for up to six months after the expiration of the time limit concerned, provided that the document was mailed at least five days before the expiration of the time limit. In order to take advantage of these provisions, the mailing must have been by registered airmail or, where surface mail would normally arrive at the destination concerned within two days of mailing, by registered surface mail. Evidence is required to satisfy the Office or organization concerned, and a substitute document must be filed promptly – see Rule 82.1(b) and (c) for details.

Rule 82.1(d)  
and (e)

11.064. **Can a delay or loss be excused where a delivery service is used?** Some national Offices and intergovernmental organizations also apply these provisions where a delivery service other than the postal authorities is used to mail documents or letters – see Rule 82.1(d) and (e) for details, and Annexes B for information about which Offices and organizations recognize use of delivery services for this purpose, and in what circumstances Rule 82.1 will apply to such use.

## EXCUSE OF DELAY IN MEETING TIME LIMITS

Rule 82*quater*.1  
Section 111

11.065. **Can a delay in meeting time limits caused by “*force majeure*” circumstances be excused?** The provisions of Rule 82*quater*.1 provide a basis for a general excuse of delay in meeting time limits before Offices, Authorities or the International Bureau during the international phase, when resulting from *force majeure* circumstances like war, revolution, civil disorder, strike, natural calamity, epidemic, a general unavailability of electronic communications services or other like reason in the locality where the applicant resides, has his or her place of business or is staying. The excuse of delay only applies to time limits fixed in the Regulations and therefore it neither applies to the priority period, since the priority period is set by Article 4C of the Paris Convention (for restoration of the right of priority see paragraphs 5.062 to 5.068), nor to the time limit for entering the national phase in accordance with Articles 22 and 39 (see paragraphs 5.005 and 5.006).

11.065A. To request excuse of delay in meeting time limits resulting from *force majeure* circumstances under Rule 82*quater*.1, the applicant must take the relevant actions (submission of documents, responses to invitations or the payment of fees) as soon as reasonably possible. Generally, this means within a short period of the cause of the delay ceasing to apply. For example, in cases where a strike prevented an agent from reaching his or her office, it would be expected that the action should, in most cases, be taken either the next working day or shortly thereafter, depending on how much preparatory work had been disrupted. On the other hand, where a disaster has resulted in the complete destruction of an agent's files, it would reasonably be expected to take longer to reassemble all the necessary documents and systems to allow the necessary action to be taken. In the case of general unavailability of electronic communication services, the applicant must establish that the outage affected a widespread geographical area rather than being a localized problem, that it was unexpected or unforeseen, and that there was no alternative communication means

available to him or her. The request for the excusing of the delay and the relevant evidence must be submitted to the competent Office or Authority or the International Bureau as soon as reasonably possible and, in any case, not later than six months after the expiration of the applicable time limit.

As to the form of evidence which would be acceptable, for example, a news report from a reliable mass media outlet, or a statement or announcement from the relevant national authority is normally acceptable for this purpose. In the case of general unavailability of electronic communications services, a statement from the provider of Internet services or the company providing electricity to the applicant may also be acceptable.

An Office, Authority or the International Bureau may waive the requirement for evidence, for example, where it is aware of the occurrence of an event in a particular State or place which would justify an excuse of delay in meeting time limits. The Office, Authority or the International Bureau, as the case may be, sets and publishes the conditions for any such waiver, and notifies the International Bureau, which publishes the information in question in the Gazette. The interested party must nevertheless submit a request to excuse the delay and state that the delay was due to the situation to which the waiver applies.

Rule 82*quater*.2  
Section 111

**11.065B. Can a delay in meeting time limits caused by the unavailability of electronic means of communication at an Office or intergovernmental organization be excused?** Rule 82*quater*.2 allows any Office or intergovernmental organization to provide for a general excuse of delay in meeting time limits if the failure to meet the time limit was due to the unavailability of any permitted electronic means of communication at that Office or organization. If the Office or organization so provides, it notifies the International Bureau which will publish the information in the Gazette and on WIPO's website at: <https://www.wipo.int/pct/en/texts/unavailability.html>. Moreover, at the time when such an event has taken place (e.g., an unforeseen outage) or is scheduled to take place (e.g., a scheduled maintenance), the Office or organization publishes information about the unavailability including the duration and notifies the International Bureau which will publish the information on any such unavailability, including the period of the unavailability, in the Gazette. The excuse of delay only applies to time limits fixed in the Regulations and therefore it neither applies to the priority period, since the priority period is set by Article 4C of the Paris Convention (for restoration of the right of priority see paragraphs 5.062 to 5.068), nor to the time limit for entering the national phase in accordance with Articles 22 and 39 (see paragraphs 5.005 and 5.006).

**11.065C.** Where the applicant failed to meet a time limit caused by the unavailability of one of the permitted electronic means of communication at the Office or organization (see paragraph 11.065B), she/he must perform the relevant action on the next working day on which the said electronic means of communication becomes available and request for excuse of delay indicating that the time limit was not met due to the unavailability of one of the permitted electronic means of communication at the Office or organization at the time of attempted submission.

## EXTENSION OF TIME LIMITS

Rule 82*quater*.3  
Section 111

**11.065D. May an Office or intergovernmental organization generally extend time limits in situations of “force majeure”?** Rule 82*quater*.3 allows Offices, Authorities and the International Bureau in exceptional circumstances and due to a *force majeure* event, to establish a period of extension such that time limits fixed in the Regulations are generally extended during the international phase. An Office or intergovernmental organization may take such a decision where the State in which it is located is experiencing a general disruption caused by an event listed in Rule 82*quater*.1(a) (for the list of events see paragraph 11.065) and that general disruption affects the operations at the said Office or organization in such a manner that it impacts the ability of parties to perform actions before that Office or organization within the time limits fixed in the Regulations, for example in the case of an epidemic or a natural disaster, or where the infrastructure (such as electricity supply, water supply or roads) in the place where

the Office or organization is located has been seriously damaged due to an earthquake or tsunami.

To the extent that the general disruption continues, the Office or Authority concerned or the International Bureau may establish additional periods of extension. Any period or additional period of extension may not be longer than two months from the date it began. Where an Office, Authority or the International Bureau extends or additionally extends time limits, it publishes information about the beginning and end dates of the period concerned, and the International Bureau publishes that information in the Gazette and on WIPO's website. Any time limit fixed in the Regulations which would expire during that period would, subject to Rule 80.5, expire on the first day after the expiration of that period or additional period. The applicant does not need to request the extension.

Any such extension may only apply to time limits fixed in the Regulations and therefore it would neither apply to the priority period, since the priority period is set by Article 4C of the Paris Convention (for restoration of the right of priority see paragraphs 5.062 to 5.068), nor to the time limit for entering the national phase in accordance with Articles 22 and 39 (see paragraphs 5.005 and 5.006). Any extension or additional period of extension need not be taken into account by any designated or elected Office if, at the time the information relating to the extension is published, national processing before that Office has already started.

## FILING OF LETTERS, DOCUMENTS AND PAPERS

Rule 12.1  
55.2  
92  
Section 104

**11.066. What are the Rules concerning the filing of letters, documents and papers?** There are detailed provisions in Rule 92 concerning letters, documents or papers submitted by the applicant in the course of the international procedure: letters must be signed; any other paper submitted must be accompanied by a letter; letters and documents from the applicant to the receiving Office, the International Searching Authority, the Authority specified for supplementary search, and the International Preliminary Examining Authority must generally be in the language of the international application or, where a translation of the international application has been transmitted or furnished for the purposes of the international search, supplementary international search, international publication or international preliminary examination (see paragraphs 5.013, 6.020, 8.012, 9.018 and 10.011), in the language of that translation. Any communication from the applicant to the International Bureau must be in English or French and may be in the language of publication of the international application if it is submitted via ePCT. As to the language of any amendments to the claims under Article 19 (and their accompanying statement), see paragraphs 9.004 and 9.007. As to the language of the demand and of any amendments under Article 34, see paragraphs 10.013 and 10.071.

Rule 92.4

**11.067. Can documents be filed by telegraph, teleprinter, facsimile machine, etc?** Rule 92.4 governs the use of telegraph, teleprinter, facsimile machine and other like means of communication resulting in the filing of a printed or written document. These means of communication may only be used where the national Office or intergovernmental organization concerned is prepared to receive correspondence by these means. Some Offices and organizations require, for certain or all kinds of documents, that a communication by such admitted means of communication must, in any event, be confirmed by the applicant within 14 days; otherwise the communication may be considered not to have been made. However, failure to comply with such a requirement may be waived in some cases. Even where there is no standing requirement for originals to be furnished, an Office or organization may require the originals in any particular case. Further details on these requirements are set out in Rule 92.4, and information as to the practice and requirements applied in particular Offices and organizations is given in Annexes B.

**11.068.** Applicants should, before sending a document by a means of telecommunication, check in Annexes B to ascertain what the requirements of the addressee are. Where the papers to be submitted are documents making up the international application or replacement sheets containing amendments or corrections

to the international application, the original should in any event be mailed as a matter of course on the same or the following day.

Rule 92.4(d)

11.069. Where an original is sent to an Office or organization of a document previously transmitted to that Office or organization by a means of telecommunication, the original must be accompanied by a letter identifying the date and means of the earlier transmission.

11.070. If part or all of a document received by such means of transmission is illegible, or if part of the document is not received, the document is treated as not having been received to the extent that it is illegible or that the attempted transmission failed, and the Office or organization promptly notifies the applicant accordingly.

Section 109

11.071. **May a file reference be used in correspondence?** The applicant or his agent may mark a file reference in the box provided for that purpose on the first sheet of the request form (see paragraph 5.017), on each page of the other elements of the international application (see paragraphs 5.105 and 5.124), on the first sheet of the supplementary search request form (see paragraph 8.013), on the first sheet of the demand form (see paragraph 10.015), and in any other correspondence relating to the international application. The file reference may be composed either of letters of the Latin alphabet or Arabic numerals, or both. The hyphen character (“-”) may be used as a separator between alphanumeric characters. It may not exceed 25 characters. The receiving Office, the International Bureau, the International Searching Authority, the Authority specified for supplementary search and the International Preliminary Examining Authority will use the file reference in correspondence with the applicant.

## CONFIDENTIALITY OF INTERNATIONAL APPLICATIONS

Article 30

38

Rule 94.1(a)

94.1bis(a)

94.1ter(a)

11.072. **To what extent are international applications treated as confidential?** An international application is confidential in relation to third parties until the international publication date, with only limited and specified exceptions (see Article 30). The International Bureau, the receiving Office and the International Searching Authority will at any time, at the request of the applicant or any person authorized by the applicant, furnish copies of any document contained in its file, subject to reimbursement of the cost of the service. An order for access made by a court with competent jurisdiction would be taken by the International Bureau as substituting for the applicant's authorization. (For access to the file of the International Preliminary Examining Authority see paragraph 11.074).

Rule 17.2

48

94.1(b)

11.073. After international publication, the international application itself is publicly available, as are any published amendments under Article 19 (see Rule 48.2(f)), the international search report (see Article 21(3) and Rule 48.2(a)(v)) (these elements are included in the published international application) and copies of priority documents (noting the exceptions mentioned in paragraph 9.023; see Rule 17.2). In respect of international applications filed on or after 1 July 1998, the International Bureau will, after international publication, furnish copies of any document contained in its file at the request of any person and upon reimbursement of the cost of the service, but subject to the restrictions imposed by Article 38 in respect of documents relating to the international preliminary examination. However, the International Bureau will not provide access to any document contained in its file which has been omitted from international publication (see paragraph 9.016A) or public file access (see paragraph 11.073A), nor will it give access to any document which was solely prepared for internal use by the International Bureau.

Rule 94.1bis(b)

94.1ter(b)

After international publication, the receiving Office and the International Searching Authority may also furnish copies of any document contained in its file at the request of any person and upon reimbursement of the cost of the service except for documents which have been omitted from international publication (see paragraph 9.016A) or public file access (see paragraph 11.073A).

Rule 94.1(e)

11.073A. **Can the applicant request that the International Bureau restrict access to certain information contained in its file?** The applicant can make a reasoned request to the International Bureau to omit certain information from public file access.

(For the manner in which the applicant should present his request, see paragraph 9.016A). A request to omit information from public file access may be submitted at any time.

Where the International Bureau has omitted information from public access, and that information is also contained in the file of the international application held by the receiving Office, the International Searching Authority, the Authority specified for supplementary search or the International Preliminary Examining Authority, the International Bureau will also promptly notify that Office or Authority accordingly, so that they will not provide access to such information either.

Article 36(3)(a)  
38  
Rule 71.1(b)  
94.1  
94.2  
94.3  
Section 420

#### 11.074. **To what extent is the international preliminary examination confidential?**

Where the applicant requests international preliminary examination, Article 38 expressly provides that the International Bureau and the International Preliminary Examining Authority may not allow unauthorized access to the file of the international preliminary examination. Access by third parties to papers relating to the international preliminary examination held in the files of the International Bureau and the International Preliminary Examining Authority thus will be permitted only if that is requested or authorized by the applicant. However, once the international preliminary report on patentability (Chapter II of the PCT) and related documents have been communicated to each elected Office by the International Bureau, third parties may gain access to these documents. Such access may be allowed only to the same extent as provided by the national law for access to the file of a national application. Furthermore, the International Bureau will, if so requested by an elected Office (details of such requests are published in the Official Notices (PCT Gazette), see [https://www.wipo.int/pct/en/texts/access\\_iper.html](https://www.wipo.int/pct/en/texts/access_iper.html)), furnish copies of the international preliminary report on patentability (Chapter II of the PCT) and related documents received from the International Preliminary Examining Authority under Rule 71.1(b) (see paragraph 10.079A) on behalf of an elected Office that has made such a request. However, access shall not be provided to third parties as to the information which has been omitted from international publication or public access (see paragraphs 9.016A and 11.073A). It should be noted that the furnishing of copies of documents may be subject to a fee payable to that Office.

### REFERENCES TO DEPOSITED BIOLOGICAL MATERIAL

Rule 13bis.1  
48.2(a)(viii)

11.075. **When must an international application include a reference to biological material and/or to its deposit with a depositary institution?** The PCT does not require the inclusion of such a reference in an international application; it merely prescribes the contents of any “reference to deposited biological material” (defined as “particulars given ... with respect to the deposit of biological material ... or to the biological material so deposited”) which is included in an international application, and when such a reference must be furnished. It follows that the applicant will see a need to make such a reference only when it is required for the purpose of disclosing the invention claimed in the international application in a manner sufficient for the invention to be carried out by a person skilled in the art – that is, when the law of at least one of the designated States provides for the making, for this purpose, of a reference to deposited biological material if the invention involves the use of biological material that is not available to the public. Annex L lists those national (or regional) Offices of, or acting for, the Contracting States whose national law provides for the making of a reference to deposited biological material for the purposes of patent procedure; those national (or regional) Offices whose laws do not provide for such references are indicated in Annexes B (in some cases together with information given by those Offices on the possibility of referring in the international application to deposits of biological material even though the applicable national law does not provide specially for it). Where any indications are furnished separately from the description and are received by the International Bureau before the completion of technical preparations for international publication, the date of receipt by the International Bureau and the indication will be included in the published international application.

Rule 13bis.2

11.076. **What effect does the PCT give to such a reference?** A reference to deposited biological material made in accordance with the requirements of the PCT must be regarded by each of the designated Offices as satisfying the requirements of the

national law applicable in that Office with regard to the contents of such references and the time for furnishing them.

Rule 13bis.5

11.077. **May the reference be made for the purposes of only some of the designated States?** A reference may be made for the purposes of all designated States or for one or only some of the designated States. A reference is considered to be made for the purpose of all designated States unless it is expressly made for certain designated States only. References to different deposits may be made for the purposes of different designated States.

Rule 13bis.3  
12.1ter

11.078. **What are the indications which must be given in the reference with regard to the deposit of biological material?** There are two kinds of indication which may have to be given, namely:

- (i) indications specified in the PCT Regulations themselves; and
- (ii) additional indications which have been notified by the national (or regional) Office of (or acting for) a State designated in the international application and which have been published in the *Official Notices (PCT Gazette)*; these additional indications may relate not only to the deposit of the biological material but also to the biological material itself (see paragraph 11.079).

The indications in the first category are:

- (i) the name and address of the depositary institution with which the deposit was made;
- (ii) the date of the deposit with that institution; and
- (iii) the accession number given to the deposit by that institution.

Annex L sets out, for each national (or regional) Office, the additional indications (if any) in the second category which are required to be given. These indications must be furnished both in the language in which the international application is filed and, where a translation of the international application is required under Rule 12.3(a) or 12.4(a), in the language of that translation.

Rule 13bis.3(a)(iv)  
13bis.7(a)

11.079. **What are the indications concerning biological material itself which must be given in the reference?** The national laws of some of the national (or regional) Offices require that, besides indications concerning the deposit of biological material, an indication be given concerning the biological material itself, such as, for example, a short description of its characteristics, at least to the extent that this information is available to the applicant. These requirements must be met in the case of international applications for which any such Office is a designated Office, provided that the requirements have been notified to the International Bureau and published in the *Official Notices (PCT Gazette)*. Annex L indicates, for each of the national (or regional) Offices, the requirements (if any) of this kind which have been so notified and published.

Rule 13bis.4  
13bis.7(a)(ii)

11.080. **At what time must the reference (with the indications which must be contained therein) be made?** If any indication is not included in a reference to deposited biological material contained in the international application as filed, it may be furnished to the International Bureau within 16 months from the priority date unless the International Bureau has been notified (and, at least two months prior to the filing of the international application, has published in the *Official Notices (PCT Gazette)*) that the national law applicable by a designated Office requires in relation to national applications that the indication be furnished earlier. If any of the indications are furnished to the International Bureau after the expiration of 16 months from the priority date but before the technical preparations for international publication have been completed, those indications will be considered by any designated Office to have been furnished on the last day of the 16 month time limit. If the applicant makes a request for early publication (see paragraph 9.013), all indications should be furnished by the time the request is made, since any designated Office may regard any indication not furnished when the request is made as not having been furnished in time. Annex L specifies, for each national (or regional) Office whose national law requires a reference to deposited

biological material to be furnished earlier than 16 months after the priority date, the applicable time limit(s) for furnishing such indications.

Rule 13bis.3(b)  
13bis.4  
48.2(a)(viii)

**11.081. What is the consequence of failure to furnish an indication on time?** No check is made in the international phase to determine whether a reference has been furnished within the prescribed time limit. However, where the indications were received after the technical preparations for international publication have been completed, the International Bureau notifies the designated Offices of the date(s) on which indications not included in the international application as filed were furnished to it. Failure to include a reference to deposited biological material (or any indication required in such a reference) in the international application as filed, or failure to furnish it (or the indication) within the prescribed time limit, has no consequence if the national law does not require the reference (or indication) to be furnished in a national application. Where there is a consequence, it is the same as that which applies under the national law.

Section 209

**11.082. Where should the reference be made?** To the extent that indications relating to the deposit of biological material are not given in the description, they may be furnished on a separate sheet, for which purpose Form PCT/RO/134 (see WIPO website at: <https://www.wipo.int/pct/en/forms/>) should preferably be used. That separate sheet may be filed after the international application is filed. If the sheet is submitted when the international application is filed, a reference to it should be made in the check list (Box No. IX) contained on the last sheet of the request form (see website address above). Certain designated Offices require that the indications relating to the deposit of biological material must be included in the description at the time of filing (see Annex L) so the sheet, if submitted when the international application is filed, may need to be included as one of the sheets of the description; otherwise the indications given in it will not be taken into account by those Offices in the national phase. If the sheet is furnished to the International Bureau later (see paragraph 11.080), it must be enclosed with a letter. Form PCT/RO/134 may also be prepared using ePCT.

Rule 13bis.7(b)

**11.083. How does the applicant decide on the depositary institution with which to deposit the biological material?** Each national (or regional) Office whose national law provides for deposits of biological material for the purposes of patent procedure notifies the International Bureau of the depositary institutions with which the national law permits such deposits to be made. Information on the institutions notified by each of those Offices is published by the International Bureau in the *Official Notices (PCT Gazette)*. Annex L indicates the institutions with which deposits may be made.

Rule 13bis.5(c)

**11.084.** A reference to a deposit cannot be disregarded by a designated Office for reasons pertaining to the institution with which the biological material was deposited if the deposit referred to is one made with a depositary institution notified by that Office. Thus, by consulting the *Official Notices (PCT Gazette)* (or Annex L), the applicant can be sure that he has deposited the biological material with an institution which will be accepted by the designated Office.

Rule 13bis.6

**11.085. Does a reference in an international application to the deposit of biological material involve the possibility of a sample being obtained by the International Searching Authority or the International Preliminary Examining Authority?** International Searching Authorities and International Preliminary Examining Authorities may not require the furnishing of a sample of deposited biological material for the purposes of international search or international preliminary examination, respectively.

Rule 13bis.6

**11.086. What possibility is there, when a reference is made in an international application to the deposit of biological material, of third persons obtaining a sample?** The furnishing of samples is governed by the national laws applicable in the designated Offices. Rule 13bis.6, however, provides for the delaying of any furnishing of samples under the national law applicable in each of the designated (or elected) Offices until the start of the national phase, subject to the ending of this “delaying effect” brought about by the occurrence of either of the following two events:

- (i) the applicant has, after international publication of the international application, taken the steps necessary to enter the national phase before the designated Office (see National Phase, paragraph 4.001);
- (ii) international publication of the international application has been effected, and that publication has the same effects, under the national law applicable in the designated Office, as the compulsory national publication of an unexamined national application (in other words, the international application has qualified for the grant of “provisional protection”); for the Contracting States whose national laws provide for “provisional protection,” and the conditions which have to be met for an international application to qualify for that protection, see Annexes B.

11.087. With respect to certain designated Offices (for instance, the European Patent Office), the applicant may take advantage of the procedure whereby, until the occurrence of a certain event, the biological material may be made available only by the issue of a sample to an expert nominated by the requester. For details, see Annex L.

## REQUIREMENTS FOR SEQUENCE LISTINGS

Rule 5.2  
13<sup>ter</sup>  
Section 208  
Annex C of the  
Administrative  
Instructions

11.088. **What special requirements apply to nucleotide and/or amino acid sequences disclosed in international applications?** See paragraphs 5.099 to 5.104, 7.005 to 7.012, and 10.063. See National Phase, paragraph 6.033 and National Chapters in relation to the national phase.

## EXTENSION OF INTERNATIONAL APPLICATIONS TO SUCCESSOR STATES OF FORMER CONTRACTING STATES

Rule 32.1(a)

11.089. **What is a successor State?** A successor State is a State whose territory was, before its independence, part of the territory of a PCT Contracting State that subsequently ceased to exist (the predecessor State), and which (successor State) has deposited with the Director General of WIPO a declaration indicating that the PCT continues to be applicable in that State (“declaration of continuation”). As from the date of the deposit of such a declaration, the successor State may be designated in international applications. Moreover, the effects of international applications filed during a certain period are extended to the successor State.

Rule 32.1(b)

11.090. **Which are the international applications whose effects are extended to a successor State?** Rule 32 provides that the effects of any international application filed during a certain period are extended to a successor State, irrespective of which States have been designated in the international application. This period, for those successor States whose date of independence is later than the date of the day following the last day of the existence of the predecessor State, begins on the day following the last day of the existence of the predecessor State and ends two months after the date on which the Director General notifies the Governments of the States party to the Paris Convention for the Protection of Industrial Property of the successor State’s declaration of continuation. For those States whose date of independence is earlier than the date of the day following the last day of the existence of the predecessor State, the successor State may, in conjunction with its declaration of continuation, declare that the period referred to above starts on the date of its independence.

Rule 32.1(c)

11.091. **How will an applicant know that the effects of his international application have been extended to a successor State?** Information on any international application whose filing date falls within the applicable period (see paragraph 11.090) and whose effect is extended to the successor State shall be published by the International Bureau in the *Official Notices (PCT Gazette)*.

Rule 32.2

11.092. **What is the effect of an extension?** A successor State is considered as having been designated in the international application on the international filing date. The applicable time limits under Article 22 or 39(1) in relation to that State shall be extended until the expiration of at least six months from the date of the publication of the information under Rule 32.1(c) (see paragraph 11.091). A successor State may fix time limits which expire later than the time limits given in the previous sentence of this

paragraph and, if it does so, the International Bureau will publish this information in the *Official Notices (PCT Gazette)*.

11.093. The procedure for extension of the effects of international applications to certain successor States (as explained above) should not be confused with the extension of European patents to States which are bound by the PCT and which have Extension Agreements with the European Patent Organisation (see paragraph 5.054 and Annex B (EP)).

11.094. – 11.101 *[Deleted]*

## LICENSING INDICATIONS

11.102. **How can applicants indicate their interest in licensing the invention(s) contained in their international application?** Applicants can file a request to that effect either (and preferably) by completing Form PCT/IB/382 “*Request for indication of availability for licensing purposes*” available at: [https://www.wipo.int/pct/en/forms/ib/editable/ed\\_ib382.pdf](https://www.wipo.int/pct/en/forms/ib/editable/ed_ib382.pdf) or by way of a letter addressed to the International Bureau. Details of the licensing terms may also be included in the form or letter. All such requests should be sent directly to the International Bureau which does not charge a fee for this service.

11.103. **When should a request for indication of availability for licensing purposes be filed?** Requests for indication of availability for licensing purposes can be submitted at any time until the expiration of 30 months from the priority date.

11.104. **Is it possible to file multiple licensing requests or modify those already filed?** Where applicants file multiple requests or want to modify those already filed, they must ensure their latest request is always a self-contained document, comprising complete information about any requests or modifications.

11.105. **In which language can the request for indication of availability for licensing purposes be filed?** Form PCT/IB/382 will shortly be available in all ten publication languages (Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian and Spanish) and the International Bureau is ready to accept the request for indication of availability for licensing purposes by way of a letter in any of those languages.

11.106. **How are licensing indications made available?** The processing of the licensing request by the International Bureau generates a statement in the bibliographic data indicating the applicant's interest in concluding licensing agreements. In addition, this is linked to the filed request for indication of availability for licensing purposes (either Form PCT/IB/382 or the letter containing the licensing indications) which is available, under the “Documents” tab, in PATENTSCOPE. Applicants are reminded that if they want to publish licensing indications in relation to their international application at a very early stage, they should also consider filing a request for early international publication as provided under Article 21(2)(b).

11.107. **Can the licensing indications be removed?** Applicants can request that the International Bureau remove the licensing indications from the “*PCT Bibliographic Data*” tab in PATENTSCOPE at any time during the international or national phase. Once removed, the licensing request and the correspondence remain part of the file history available under the related “*Documents*” tab in PATENTSCOPE.

11.108. **How can you search for international applications for which licensing indications are available?** In addition to being published with the international application to which it relates, the licensing indications are also a search criterion within PATENTSCOPE Search Service <https://www.wipo.int/patentscope/en/> allowing third parties to identify those applicants who have expressed their interest in licensing the invention(s) contained in their international application. The search criterion can also be used in combination/multi-field searches and RSS feeds.

## THIRD PARTY OBSERVATIONS

- Section 801(a)  
804(b) 11.109. **What is the third party observation system?** This system allows third parties to make observations through ePCT (signing in without strong authentication at <https://pct.wipo.int/ePCT>) referring to prior art which they believe to be relevant to the question of whether the invention claimed in the international application is novel and/or involves an inventive step. There is no fee for this service. For a comprehensive user Guide, see ePCT Third Party Observations ([https://www.wipo.int/pct/en/epct/pdf/epct\\_observations.pdf](https://www.wipo.int/pct/en/epct/pdf/epct_observations.pdf))
- Section 802(a)(ii)  
804(b) 11.110. **What is the time limit for submitting observations?** Third party observations may be submitted at any time after the date of publication of the international application and before the expiration of 28 months from the priority date, provided that the application is not withdrawn or considered withdrawn.
- Section 802(a)(i) 11.111. **How should observations be submitted by third parties?** All observations must be submitted through ePCT signing in without strong authentication, either directly or through a link on the bibliographical data tab of the published international application. The use of the system requires a WIPO account (see <https://pct.wipo.int/wipoaccounts/ePCT/public/register.jsf>). Each observation must include at least one citation that refers to a document published before the international filing date, or a patent document having a priority date before the international filing date, together with a brief explanation of how each document is considered to be relevant to the questions of novelty and/or inventive step of the claimed invention. Observations should preferably be accompanied by a copy of each cited document.
- Section 801(b)(i) 11.112. **Can third parties remain anonymous?** Yes, when a third party observation is submitted, the person making the observation may indicate that they wish to remain anonymous.
- Section 802(a)(iii)  
804(b) 11.113. **In what languages should observations be submitted?** Observations should be submitted in a language of publication (see paragraph 5.013), with the exception that copies of prior art documents may be in any language.
- Section 804(b) 11.114. **Can the applicant comment on third party observations?** The applicant will be notified about the first published observation, and all subsequent observations will be promptly notified after the expiration of 28 months from the priority date. The applicant may comment on third party observations until the expiration of 30 months from the priority date. These comments must be submitted through ePCT (signing in with strong authentication) or by sending a letter to the International Bureau. The applicant's comments should be submitted in English, French or the language of publication of the international application. The comments will be made publicly available on PATENTSCOPE.
- Section 801(b)(iii)  
801(b)(iv) 11.115. **What restrictions exist concerning third party observations?** A third party may only submit a single observation for any international application, and once submitted, it cannot be retracted or modified. There is also an upper limit of ten observations per international application.
- Section 802(b)  
803(a)  
804(a) 11.116. **How are observations processed?** Each observation will be examined by the International Bureau to determine if it is an observation on the questions of novelty and/or inventive step. It will then be made publicly available on PATENTSCOPE. It should be noted that only the observations and not the uploaded documents are made publicly available. Uploaded documents are only made available to the applicant, the competent International Authorities and designated Offices. If the observation is rejected by the International Bureau, the third party will be notified and provided with a reason.
- Section 805 11.117. **Will third party observations be taken into account by the International Authorities and designated Offices?** Observations will be transmitted to any competent International Searching Authority, and/or International Preliminary Examining Authority involved in the processing of the application during the international phase, if the International Bureau has not yet received the international search report, supplementary international search report or international preliminary report on patentability (Chapter II of the PCT) respectively. To the extent that the observations are received by those Authorities in time to be taken into account in drawing up their

respective reports, any prior art referred to in the observations should be considered, provided that either a copy of the prior art is included, or it is otherwise immediately available to the examiner. The observations will also be transmitted to the designated Offices promptly after the expiration of 30 months from the priority date. The designated Offices are, however, not obliged to take them into account during national processing.

## INDEX TO THE INTERNATIONAL PHASE

### Abbreviations Used in this Index

Annex . . . . .	Annex to the <i>PCT Applicant's Guide</i> — unless otherwise indicated	ISA . . . . .	International Searching Authority
Art. . . . .	Article of the PCT	ISR . . . . .	International search report
AIs . . . . .	Administrative Instructions under the PCT	Nat. Chap. . . . .	National Chapter
Demand . . . . .	Demand Form (Form PCT/IPEA/401)	Nat. Phase . . . . .	National Phase
DO . . . . .	Designated Office	PCT . . . . .	Patent Cooperation Treaty
EO . . . . .	Elected Office	Request . . . . .	Request Form (Form PCT/RO/101)
<i>Guide</i> . . . . .	<i>PCT Applicant's Guide</i>	RO . . . . .	Receiving Office
IA . . . . .	International application	Rule . . . . .	Rule of the Regulations under the PCT
IB . . . . .	International Bureau	Section . . . . .	Section of the Administrative Instructions under the PCT
IPE . . . . .	International preliminary examination	SIS . . . . .	Supplementary international search
IPEA . . . . .	International Preliminary Examining Authority	SISA . . . . .	International Searching Authority specified for supplementary search
IPRP . . . . .	International preliminary report on patentability	SISR . . . . .	Supplementary international search report
IS . . . . .	International search		

### Subject Index

Subject	Paragraph	
<b>A</b>		
<b>ABBREVIATION</b>		
— of applicant name (legal entity) . . . . .	6.005(iii)(c)	
— of names of States: two-letter codes . . . . .	5.033, Annexes A, K	
<b>ABSTRACT</b>		
— as element of IA		
generally . . . . .	5.010-5.012, 5.164-5.173	
content of — . . . . .	5.165-5.169	
correction following approval by ISA — . . . . .	5.174	
defective — . . . . .	5.173, 7.022	
drafting of — . . . . .	5.165-5.169	
English-language translation of — . . . . .	9.017, 9.018	
establishment of — by ISA . . . . .	5.173, 7.022	
figure to be published with — . . . . .	5.087, 5.170, 5.171	
See DRAWINGS, FIGURE(S)		
length of — . . . . .	5.169A	
missing — . . . . .	5.173, 7.022	
physical requirements of — . . . . .	5.172	
placement in IA of — . . . . .	5.011, 5.172	
reference signs in — . . . . .	5.171A	
use of — . . . . .	5.164	
— of patent documents in minimum documentation:		
See MINIMUM DOCUMENTATION		
<b>ACCESS</b>		
— to IA by third parties (after publication) . . . . .	11.073	
— to IA by third parties (before publication) . . . . .	6.004, 11.072	
— to IA file at IB . . . . .	9.025, 11.073	
— to IPE file . . . . .	10.003, 10.081, 11.074	
— to ISA file . . . . .	11.072, 11.073	
— to IPRP (Chapter II) and related documents . . . . .	9.027, 10.003, 10.080, 11.074	
— to RO file . . . . .	11.072, 11.073	
— to written opinion of the ISA . . . . .	7.028	
		court order for — to IA file . . . . . 11.072
		See AUTHORIZATION, COURT
		EOs may allow — to IPE file and IPRP (after establishment of IPRP (Chapter II)) . . . . . 10.080, 11.074
		<b>ACCESSION OR RATIFICATION</b>
		— of States to PCT or by States to PCT
		notices published in <i>Official Notices</i> ( <i>PCT Gazette</i> ) . . . . . 1.005
		See CONTRACTING STATES
		<b>ADDITION</b>
		See CERTIFICATE OF ADDITION, PATENT OF ADDITION
		<b>ADDITIONAL FEES</b>
		See FEE(S), UNITY OF INVENTION
		<b>ADDITIONAL MATTER</b>
		See NEW MATTER
		<b>ADDRESS</b>
		— used by PCT authorities for correspondence with applicant and/or agent . . . . . 11.015-11.017
		e-mail . . . . . 5.028, 5.029, 5.043, 5.050, 8.017, 8.021, 10.018A, 10.021, 10.021A
		indication of applicant's — in demand . . . . . 10.017
		indication of applicant's — in request . . . . . 5.027-5.030
		inventor's — . . . . . 5.035-5.037
		recording of changes in — . . . . . 11.018
		special — for correspondence . . . . . 5.030, 5.047, 5.051, 11.015, 11.016
		<b>ADMINISTRATIVE INSTRUCTIONS (AIs)</b>
		generally . . . . . 1.008
		See INDEX OF CITATIONS: Administrative Instructions
		<b>ADVANTAGES (of PCT)</b>
		See PATENT COOPERATION TREATY (PCT)
		<b>AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (OAPI)</b>
		designation for purposes of obtaining — patent . . . . . 5.052, 5.053
		effect of designation for — patent . . . . . 5.053

OAPI Agreement is regional patent treaty under PCT . . . . .	2.002, 4.022, 4.025	— of drawings during international phase . . . . .	5.162
OAPI-PCT route . . . . .	4.022, 4.025	— taken into consideration during SIS . . . . .	8.040
See INTERGOVERNMENTAL ORGANIZATION(S), REGIONAL		— under Art. 19 (of claims only)	
<b>AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)</b>		generally . . . . .	9.004-9.011, 11.045
— Office as receiving Office		basis for . . . . .	9.006, 9.006A, 9.009A
residents and nationals of States party to PCT and ARIPO Harare Protocol generally may file IA with . . . . .	5.008	filing with demand . . . . .	9.010, 10.024-10.027, 10.053, 10.054
ARIPO Harare Protocol is regional patent treaty under PCT . . . . .	2.002, 4.022, 4.025	form of . . . . .	9.005
ARIPO-PCT route . . . . .	4.022, 4.025	language of . . . . .	9.004
designation for purposes of obtaining — patent . . . . .	5.052, 5.053	letter must accompany . . . . .	9.005-9.006A, 9.009A-9.010
indications for — priority claim . . . . .	5.057	possible reasons for . . . . .	9.011
<b>AGENT</b>		statement accompanying . . . . .	9.007, 9.008
generally . . . . .	5.041-5.047, 10.021, 11.001-11.014	— under Art. 34 (of claims, description, drawings)	
appointment of — . . . . .	5.042, 5.046, 11.001-11.004, 11.007, 11.009	generally . . . . .	10.024-10.028, 10.061, 10.067-10.071, 11.045
See POWER OF ATTORNEY		basis for . . . . .	9.006, 9.006A, 10.071
common —		filed with demand . . . . .	10.024-10.027, 10.055
generally . . . . .	11.003	form of . . . . .	10.071
correspondence addressed to . . . . .	5.034, 11.016	language of . . . . .	10.055, 10.071
legal position of — . . . . .	11.010	letter must accompany . . . . .	10.071, 10.076, 11.047A
recommended use of — . . . . .	1.004, 5.041	referred to in IPRP (Chapter II) . . . . .	10.076
recording of changes concerning — . . . . .	11.018	third party access to — . . . . .	11.073, 11.074
registration of — with the RO . . . . .	5.043	translation of — : See ANNEXES	
renunciation of appointment by — . . . . .	10.023, 11.014	introduction of new matter in — : See NEW MATTER	
representation by — before		See CHANGE(S), CORRECTION, RECTIFICATION	
International Authorities . . . . .	5.041, 5.042	<b>AMINO ACID SEQUENCE LISTINGS</b>	
IB . . . . .	5.041, 5.042, 11.002	See SEQUENCE LISTING	
IPEA . . . . .	10.020, 10.021, 11.001, 11.002	<b>ANNEXES</b>	
ISA . . . . .	11.001, 11.002	— to IPRP (Chapter II)	
RO . . . . .	11.001, Annex C	defined . . . . .	10.076
SISA . . . . .	8.018-8.020, 11.001, 11.002	superseded Art. 34 amendments not . . . . .	10.076
representation by — during national phase . . . . .	3.004, Nat. Phase	translation of . . . . .	10.078
revocation of appointment of — . . . . .	5.045, 11.011-11.013	<b>APPEAL</b>	
same — not required for all applicants . . . . .	11.003	— against unfavorable RO decision	
signature of — on IA . . . . .	5.089	to DO . . . . .	6.055, Nat. Phase
sub-agent . . . . .	5.045, 11.004	to RO . . . . .	6.054
whether — required by		<b>APPLICANT(S)</b>	
DOs . . . . .	Nat. Phase	— entitled to file demand . . . . .	10.004
ROs . . . . .	Annex C	— entitled to file IA . . . . .	5.008, 5.009, 5.020
See COMMON REPRESENTATIVE, PATENT AGENT, PATENT ATTORNEY, REPRESENTATION		“Applicant Only” check-box (request Box No. III) . . . . .	5.024, 5.039
<b>AGREEMENT</b>		corporate —	
— relating to ISA . . . . .	7.002	identified in request . . . . .	5.024
— relating to IPEA . . . . .	10.006	who signs request . . . . .	5.047
<b>AIRMAIL</b>		death of — : See DEATH	
See MAIL		different — for different designated States . . . . .	5.022
<b>ALLOCATION OF FEES</b>		identification of — in request (Boxes Nos. II and III) . . . . .	5.024
See FEE(S)		indications in request concerning — . . . . .	5.020-5.039
<b>AMENDMENTS</b>		recording of changes concerning — . . . . .	11.018-11.022
generally . . . . .	11.045-11.047	registration of — with the IPEA . . . . .	10.017
— of description during international phase . . . . .	5.111	registration of — with the RO . . . . .	5.024
		residence and nationality of — . . . . .	5.008, 5.023, 5.031, 5.032
		several —, which should be named first in IA . . . . .	5.034

unavailability of — to sign IA . . . . .	11.027
See APPLICANT/INVENTOR	
<b>APPLICANT/INVENTOR</b>	
identification of — in request (Box No. III) . . . . .	5.035
See APPLICANT(S), DESIGNATION(S) (of United States of America), INVENTOR(S), SIGN(S), SIGNATURE	
<b>APPLICATION</b>	
See INTERNATIONAL APPLICATION (IA), NATIONAL APPLICATION, REGIONAL	
<b>APPOINTMENT (of agent, authority, common representative)</b>	
— of agent, generally . . . . .	11.001-11.004, 11.007, 11.009
by power of attorney . . . . .	5.043, 11.007-11.009, 11.018B
in demand . . . . .	10.019-10.023
in request . . . . .	5.042-5.046
renunciation of . . . . .	10.023, 11.014
revocation of . . . . .	5.045, 11.011-11.013
— of common representative, generally . . . . .	11.005-11.007, 11.010
in demand . . . . .	10.022, 10.023
in request . . . . .	5.034, 5.043, 5.048
— of foreign agent in national/regional phase . . . . .	3.004, Nat. Phase
— of IPEAs by PCT Assembly: See INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY (IPEA)	
— of ISAs by PCT Assembly: See INTERNATIONAL SEARCHING AUTHORITY (ISA)	
— of sub-agent . . . . .	5.045, 11.004, 11.011
<b>ARGUMENT</b>	
— submitted during IPE . . . . .	10.028, 10.066-10.068
ISR must not contain expression of — . . . . .	7.024
opportunity to submit — concerning applicant's residence or nationality . . . . .	5.023
right to submit — subsequent to taking away filing date . . . . .	6.054
<b>ARIPO</b>	
See AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)	
<b>ARTICLE (of PCT)</b>	
See INDEX OF CITATIONS: Articles (below)	
<b>ASSIGNMENT</b>	
— may be required by DO in national phase . . . . .	5.086, 11.018B, Nat. Phase
— need not be filed with IA . . . . .	5.086
copy of — may be required when requesting change of applicant . . . . .	11.018B
<b>AUTHORITY</b>	
See INTERNATIONAL BUREAU, INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY (IPEA), INTERNATIONAL SEARCHING AUTHORITY (ISA), INTERNATIONAL SEARCHING AUTHORITY SPECIFIED FOR SUPPLEMENTARY SEARCH (SISA), RECEIVING OFFICE (RO)	
<b>AUTHORIZATION</b>	
— required for rectification of obvious mistakes . . . . .	11.033-11.044
applicant's — necessary for access to	
IA file before publication . . . . .	11.072
IPE file . . . . .	11.074
court order may substitute for applicant's — of access to file . . . . .	11.072

**B****BEST MODE (for carrying out invention)**

generally . . . . .	5.096
---------------------	-------

**BIOLOGICAL MATERIAL**

generally . . . . .	11.075-11.087, Annex L
accession number of — deposit . . . . .	11.078(iii)
availability of — sample to	
experts . . . . .	11.087
ISA/IPEA . . . . .	11.085
third parties . . . . .	11.086
depository institution for — . . . . .	11.083, 11.084
national requirements regarding — . . . . .	Annexes B, L
reference to deposited —	
defined . . . . .	11.075
effect of . . . . .	11.076
furnished separately from description and included in published international application . . . . .	11.075
indications concerning	
furnished later than description . . . . .	11.082
on blank form (Form PCT/RO/134) . . . . .	11.082
required in reference relating to deposit . . . . .	11.078, Annex L
timing for furnishing . . . . .	11.080, 11.081, Annex L
to biological material itself . . . . .	11.079, Annex L
may be made for all or some designated States . . . . .	11.077
prescribed contents of — in IA . . . . .	11.075, 11.078, 11.079

**C****CALCULATOR**

PCT Time Limit — . . . . .	11.062
----------------------------	--------

**CERTIFICATE OF ADDITION**

— available via PCT . . . . .	5.002, 5.055, 5.056
-------------------------------	---------------------

**CERTIFIED COPY**

— of earlier application . . . . .	5.070-5.070D
See PRIORITY DOCUMENT	
— of IA transmitted by applicant to IB in lieu of record copy . . . . .	6.058
— of IA, generally . . . . .	6.060

**CHANGE(S)**

— in e-mail address . . . . .	11.018D
— in fees	
published in <i>Official Notices (PCT Gazette)</i> and <i>PCT Newsletter</i> . . . . .	1.005
after filing but before payment . . . . .	5.192
— in multiple international applications . . . . .	11.019
— in name or person of applicant reflected in demand . . . . .	10.018
— in person, name or address of applicant, inventor, agent or common representative . . . . .	11.018-11.018C
— in priority date by withdrawal of priority claim . . . . .	11.057
— in requirements of Offices and Authorities . . . . .	1.006
— to IA other than obvious mistake rectifications are amendments . . . . .	5.110, 5.161, 10.067
IPEA cannot force applicant to — IA . . . . .	10.069
See AMENDMENTS, CORRECTION, RECTIFICATION	

**CHAPTER II**

- IPE may only be requested under — . . . . . 10.001
- only Contracting States bound by — may be elected in demand . . . . . 10.005, 10.029
- States bound by — . . . . . Annexes A, B
- See DEMAND

**CHARACTERS**

- height of — in IA text . . . . . 5.106
- translation or transliteration of names or addresses written in non-Latin alphabet — . . . . . 5.178

**CHECK LIST**

- in Demand Form (Box No. VI) . . . . . 10.030
- in Request Form (Box No. IX) . . . . . 5.084-5.087
- indication of figure to be published with abstract . . . . . 5.087, 5.170, 5.171
- indication of attached biological material sheet . . . . . 11.082

**CHEMICAL**

- “Markush practice” common in — field: See MARKUSH PRACTICE, UNITY OF INVENTION
- most characteristic — formula to appear in abstract . . . . . 5.165-5.168
- representation of — formulae . . . . . 5.107, 5.108
- See INTERMEDIATE AND FINAL PRODUCTS

**CHOICE**

- of ISA: See INTERNATIONAL SEARCHING AUTHORITY (ISA), LANGUAGE(S)
- of kinds of protection: See PROTECTION
- of RO: See LANGUAGE(S), NATIONALITY, RECEIVING OFFICE (RO), RESIDENCE

**CITATION (of relevant documents)**

- in IPRP (Chapter II) . . . . . 10.075
- in ISR . . . . . 7.024

**CLAIM**

- generally . . . . . 5.112-5.127
- amendment of — during international phase . . . . . 5.127, 9.004-9.011, 11.045-11.047
- dependent —, multiple dependent — . . . . . 5.113, 7.014, 10.064(viii)
- different categories of — in IA . . . . . 5.116
- physical requirements of — . . . . . 5.124
- unsearchable — . . . . . 7.014
- See AMENDMENTS

**CLAIMING PRIORITY**

- generally . . . . . 5.057-5.071
- See PRIORITY CLAIMS

**CLASSIFICATION**

- International Patent — (IPC) reference in ISR . . . . . 7.024

**COMMON AGENT**

See AGENT

**COMMON REPRESENTATIVE**

- generally . . . . . 5.034, 5.048, 11.005-11.014
- before IPEA . . . . . 10.022, 10.023
- appointed — . . . . . 11.007-11.009
- “deemed” —
- generally . . . . . 5.048, 11.006, 11.016
- may not sign request or notices of withdrawal for all applicants . . . . . 11.006, 11.048, 11.050, 11.056, 11.060
- legal position of — . . . . . 11.010

- recording of changes concerning — . . . . . 11.018-11.022
- renunciation of appointment by — . . . . . 11.014
- revocation of appointment of — . . . . . 11.011-11.013
- signature of — . . . . . 10.031-10.032, 11.027

**COMMUNICATION**

- of copy of IA to DOs . . . . . 9.028-9.029
- means of —
- accepted by Office for receipt of documents . . . . . Annex B
- of IA, including facsimile, etc. . . . . 6.003, 11.066-11.070

**COMPETENT**

- IPEA(s) . . . . . 10.006, 10.009
- ISA(s) . . . . . 7.002
- RO(s) . . . . . 5.008, 5.009
- SISA(s) . . . . . 8.003, Annex SISA
- filing demand with non- — Office/Authority . . . . . 10.007-10.009
- filing IA with non- — RO . . . . . 6.035
- rectification request must be sent to — authority . . . . . 11.038-11.039

**CONFIDENTIALITY**

- of IA . . . . . 6.004, 11.072-11.073
- of IPE . . . . . 10.003, 10.081, 11.074
- See ACCESS

**CONFIRMATION**

- of communication of documents by telegraph, teleprinter or facsimile machine . . . . . 11.067-11.069

**“CONSIDERED NOT TO HAVE BEEN MADE/SUBMITTED”**

- demand filed by applicants lacking right to file — . . . . . 10.043, 10.046
- documents filed by facsimile, telegraph or teleprinter and not confirmed within 14 days of communication may be — . . . . . 11.067
- effect of demand lost if demand — . . . . . 10.050
- election lacking signature after expiration of time limit — . . . . . 10.049
- handling fee refunded if demand — because of lack of right to file demand . . . . . 10.043
- priority claim — . . . . . 5.060, 6.043
- priority document not furnished if priority claim — . . . . . 9.023
- request for SIS . . . . . 8.041

**“CONSIDERED WITHDRAWN”**

See WITHDRAWN

**CONTENTS**

- of demand . . . . . 10.012-10.013
- of description . . . . . 5.094-5.097
- of IA . . . . . 5.010
- of IPRP (Chapter II) . . . . . 10.075
- of ISR . . . . . 7.024
- of published international application . . . . . 9.015
- of reference to biological material deposit . . . . . 11.075, 11.078, 11.079
- of request . . . . . 5.015-5.017
- of request for SIS . . . . . 8.013-8.032

**CONTINUATION**

- application, — -in-part application, available through PCT . . . . . 5.055
- sheet of request . . . . . 5.085

**CONTRACTING STATES**

- free to apply national security provisions . . . . . 6.010
- accession by — notified in *Official Notices* (*PCT Gazette*) . . . . . 1.005

designation of at least one — required for international filing date . . . . .	5.016, 6.005(iii)(b), 6.025(i)(c)	fees paid to RO not in prescribed currency . . . . .	5.195
elected States must be — bound by Chapter II . . . . .	10.005, 10.029	See FEE(S)	
excuse of failure to meet time limits by — . . . . .	6.056		
names and two-letter codes of — . . . . .	Annexes A, K		
<b>COPY(IES)</b>		<b>D</b>	
— of Art. 19 amendments should be filed with demand . . . . .	9.010, 10.026, 10.053, 10.054	<b>DAS</b>	
— of assignment or documentary evidence . . . . .	11.018B	See WIPO DIGITAL ACCESS SERVICE	
— of general power of attorney, attached to request, demand or separate notice . . . . .	11.009	<b>DATE</b>	
— of IA sent by IB to DOs . . . . .	9.028-9.029	filing — : See INTERNATIONAL FILING DATE	
— of IPRP (Chapter II) . . . . .	10.003	format of — . . . . .	5.061
— of published international application, how to obtain . . . . .	9.021, 11.072-11.073	international publication — : See INTERNATIONAL PUBLICATION	
— of priority document . . . . .	9.023, 11.072-11.073	priority — : See PRIORITY DATE	
availability of — of documents cited in IPRP (Chapter II) . . . . .	10.082	<b>DAY(S)</b>	
availability of — of documents cited in ISR . . . . .	7.026-7.032	non-working — . . . . .	11.062
availability of — of documents cited in SISR . . . . .	8.050	<b>DEATH</b>	
in how many — must an IA be filed . . . . .	5.179-5.180	— of applicant during international phase . . . . .	11.023
written opinion of the international searching authority . . . . .	7.027-7.032	— of inventor before filing of IA . . . . .	11.025
certified — : See CERTIFIED COPY		— of inventor during international phase . . . . .	11.026
home — : See HOME COPY (of IA)		<b>DECISION</b>	
record — : See RECORD COPY (of IA)		— on protest against payment of additional fees . . . . .	7.019-7.020
search — : See SEARCH COPY (of IA)		appeal against — of RO . . . . .	6.054-6.055
<b>CORPORATE APPLICANT</b>		<b>DECLARATION</b>	
See APPLICANT(S)		— by ISA that no ISR will be established . . . . .	7.013-7.014
<b>CORRECTION</b>		— by SISA that no SISR will be established . . . . .	8.048
— of defects in demand . . . . .	10.047-10.050	— by RO “taking away” international filing date . . . . .	6.012
— of defects in request . . . . .	6.024-6.056	— under Art. 64 (reservations) . . . . .	9.012(iv)
— of defects in request for SIS . . . . .	8.032-8.034	IA may contain — claiming priority . . . . .	5.057
— of information concerning parent information . . . . .	5.056A	publication of — . . . . .	9.013-9.015, 9.017
extension of time limit for — . . . . .	6.037, 6.053	receipt of — by IPEA . . . . .	10.051
no fee payment required for — . . . . .	6.053	transmittal of — to IB and applicant . . . . .	7.025
presentation of — . . . . .	6.052	<b>DECLARATIONS UNDER RULE 4.17</b>	
See CHANGE(S), DEFECT, OBVIOUS MISTAKES, RECTIFICATION		— as to entitlement to apply for and be granted a patent . . . . .	5.074
<b>CORRESPONDENCE</b>		— as to entitlement to claim priority of the earlier application . . . . .	5.074
— to applicants, agents from PCT authorities . . . . .	11.015-11.017	— as to non-prejudicial disclosures or exceptions to lack of novelty . . . . .	5.074
applicant's file reference used in — from authorities . . . . .	5.017, 11.071	— as to the identity of the inventor . . . . .	5.074
special address for — in request (Box No. IV) . . . . .	5.030, 5.047, 5.051, 11.015-11.016	— of inventorship . . . . .	5.074, 5.077, 5.079
<b>COSTS</b>		correction or addition of — . . . . .	5.083A, 6.045, 6.047
— of furnishing copies of documents in IA file . . . . .	9.025, 11.073	See STANDARDIZED WORDING	
<b>COUNTRY NAMES AND TWO-LETTER CODES</b>		<b>“DEEMED” COMMON REPRESENTATIVE</b>	
generally . . . . .	Annexes A, K	See COMMON REPRESENTATIVE	
<b>COURT</b>		<b>DEFECT(S)</b>	
national — may accept appeals from RO decisions . . . . .	6.054	— incorporation by reference of missing elements or parts, or correct elements or parts in case they have been erroneously filed . . . . .	6.012, 6.024-6.031
order by — may substitute for applicant's authorization of access to file . . . . .	11.072	— influencing international filing date . . . . .	6.012, 6.025-6.026
<b>CURRENCY</b>		— in abstract . . . . .	5.173, 7.022
— in which fees are payable to IPEA . . . . .	10.038	— in demand . . . . .	10.047-10.050
— in which fees are payable to RO . . . . .	5.186	See DEMAND (for IPE)	
— in which fees for SIS are payable to the IB . . . . .	8.031	— in form or content of IA noticed by IPEA . . . . .	10.064-10.065
defects relating to —		— in priority claim . . . . .	6.038-6.044
fees paid to IPEA not in prescribed currency . . . . .	10.047(ii), (iii)	— not influencing international filing date . . . . .	6.032
		— noticed by authority other than RO . . . . .	6.051
		correction of — in IA, generally . . . . .	6.024-6.056
		<b>DELAY</b>	
		— in furnishing biological material samples required under national law . . . . .	11.086

— in IPE caused by defects in demand (e.g., non-payment of fees) . . . .	10.047-10.048	— with which deposit of biological material is made . . . . .	11.083, 11.084
inaccurate, incomplete statement concerning amendments in Box No. IV of demand . . . . .	10.025(i)	See BIOLOGICAL MATERIAL	
IPEA waiting for IB to send copy of Art. 19 amendments . . . . .	9.010, 10.053	<b>DESCRIPTION</b>	
— in payment of search fee will — establishment of ISR . . . . .	6.059	generally . . . . .	5.094-5.111
— of national procedure in respect of certain DOs . . .	5.005-5.006	amendment of — . . . . .	5.111
— or loss in mail or by delivery service . . . . .	11.063-11.065	headings in — . . . . .	5.094
demand must be submitted before expiration of 19 months from priority date to — national phase in respect of certain DOs . . . . .	5.006, 10.002, 10.010	list of reference signs used in drawings may be included in — . . . . .	5.160
excuse of — in meeting time limit . . . . .	6.056, 11.065-11.065C	national practice should be considered when drafting — . . . . .	5.095
<b>DELIVERY SERVICE</b>		physical requirements for — . . . . .	5.105-5.109
national Office/intergovernmental organization may excuse delay or loss where a — is used to mail documents . . . . .	11.064, Annex B	rectification of obvious mistakes in — . . . . .	5.110
<b>DEMAND (for IPE)</b>		<b>DESIGN</b>	
generally . . . . .	10.004-10.050	purely ornamental — not within scope of PCT . . . . .	5.002
— submitted to non-competent IPEA or other Authority . . . . .	10.007-10.008	<b>DESIGNATED OFFICE (DO)</b>	
Art. 19 amendments should be submitted with — . . .	9.010	— may require further documents or evidence in case of declarations filed under Rule 4.17(v) . . . . .	5.075
contents of — . . . . .	10.012-10.013	— requirements for sequence listings . . . . .	7.005, 7.012 Nat. Phase 6.033
defects in — . . . . .	10.046-10.050	— normally prohibited from processing or examining IA before expiration of 30 months from priority date . . . . .	5.005
election of States in — . . . . .	10.005, 10.013, 10.029	— notified of receipt of record copy by IB . . . . .	9.002
fees payable in connection with filing — . . . . .	10.035-10.043	— receives IPRP (Chapter I) from IB . . . . .	9.001(iv)
form of — . . . . .	10.012	communication of copy of IA to — . . . . .	9.028-9.029
indication of language of — . . . . .	10.025(ii)	information relating to each — . . . . .	Nat. Phase
language of — . . . . .	10.013	review by — of RO decisions . . . . .	6.054-6.056
notice as — filed . . . . .	10.003	See DESIGNATED STATES, DESIGNATION(S)	
processing of — . . . . .	10.044-10.050	<b>DESIGNATED STATES</b>	
requirements for filing — . . . . .	10.004	identification of — in case of several applicants . . . . .	5.039
statement concerning amendments in — . . . . .	10.025(i), 10.026	indication of names of — . . . . .	5.033
when — should be submitted . . . . .	10.010	See DESIGNATED OFFICE, DESIGNATION(S)	
where — may be submitted . . . . .	10.006-10.009	<b>DESIGNATION(S)</b>	
who may file — . . . . .	10.017-10.018	— of States . . . . .	5.052-5.054, 5.055, 5.056
See CHAPTER II, DEMAND FORM		— of United States of America	
<b>DEMAND FORM</b>		IA not published if at time of publication only . . . . .	9.012(iv)
generally . . . . .	10.012	legal entity and/or assignee may not be applicant for — . . . . .	5.039
— as computer print-out . . . . .	10.012	— treated as expression of wish to obtain patent in designated State . . . . .	5.055
— Box No. I: Identification of IA . . . . .	10.014-10.016	exclusion from — . . . . .	5.053
— Box No. II: Applicant(s) . . . . .	10.017-10.018	unitary character of — . . . . .	5.022
— Box No. III: Agent or Common Representative; or Address for Correspondence . . . . .	10.019-10.023	withdrawal of — . . . . .	11.050-11.055
— Box No. IV: Basis for IPE . . . . .	10.024-10.028	See WITHDRAWAL	
— Box No. V: Election of States . . . . .	10.029	<b>DIAGRAMS</b>	
— Box No. VI: Check List . . . . .	10.030	— considered as drawings . . . . .	5.129
— Box No. VII: Signature of Applicant, Agent or Common Representative . . . . .	10.031-10.032	See DRAWING	
Notes to — . . . . .	10.033	<b>DIPLOMATIC CONFERENCE</b>	
Fee Calculation Sheet (Annex to —) . . . . .	10.034	Washington Diplomatic Conference on the Patent Cooperation Treaty, 1970, Records of — . . . . .	1.007
Notes to the Fee Calculation Sheet . . . . .	10.034	<b>DISCLOSURE</b>	
<b>DEPENDENT CLAIMS</b>		abstract must consist of summary of — in description, claims and drawings . . . . .	5.165-5.169
See CLAIM		See ABSTRACT	
<b>DEPOSIT OF BIOLOGICAL MATERIAL</b>		amendments are not to go beyond — in IA . . . . .	9.009, 10.070, 11.047
See BIOLOGICAL MATERIAL		See AMENDMENTS, NEW MATTER	
<b>DEPOSITARY INSTITUTION</b>		declaration under Rule 4.17(v) as to non-prejudicial — . . . . .	5.074-5.075
— for biological material . . . . .	Annex L	details required for — of invention depend on practice in national Offices . . . . .	5.095
		See DESCRIPTION	

**DIGITAL LIBRARY**

- availability of priority document form — . . . . . 5.070-5.070D
- request that priority document be obtained from a — . 5.070-5.070D
- See WIPO DIGITAL ACCESS SERVICE (DAS)

**DISKETTE**

- See ELECTRONIC FORM, SEQUENCE LISTING

**DISPARAGING STATEMENTS**

- IA may not contain — . . . . . 5.175
- statement accompanying Art. 19 amendments  
may not contain — . . . . . 9.007

**DOCUMENT(S)**

- filed by telegraph, teleprinter, facsimile  
machine, etc. . . . . 11.067-11.070
- searched by ISA . . . . . 7.004
- which form basis of IPE . . . . . 10.061
- filing of —, generally . . . . . 11.066
- IB furnishing of — in file . . . . . 11.072
- IPRP (Chapter II) to contain citations of relevant — . . 10.075
- ISR to contain citations of relevant — . . . . . 7.024
- obtaining copies of — cited in IPRP (Chapter II) . . . 10.082
- obtaining copies of — cited in ISR . . . . . 7.026-7.032
- priority — : See PRIORITY DOCUMENT

**DOCUMENTATION**

- minimum — for search by ISA . . . . . 7.004

**DRAFTING**

- of abstract . . . . . 5.165-5.169
- of claims . . . . . 5.112-5.113
- of description . . . . . 5.094-5.099

**DRAWING(S)**

- generally . . . . . 5.128-5.162
- figure of — to be published with abstract (indication  
in request Box No. IX) . . . . . 5.087,  
5.170, 5.171
- See ABSTRACT
- amendment of — during international phase . . . . . 5.162, 10.024,  
11.045-11.047

See AMENDMENTS

- arrangement of figures in — . . . . . 5.134-5.139
- chemical or mathematical formulae may be submitted  
as — . . . . . 5.130
- color — . . . . . 5.159
- flow sheets considered as — . . . . . 5.129
- margins in — . . . . . 5.133
- numbering of — in IA: See NUMBERING
- omission of entire sheets of — . . . . . 5.161, 6.025
- order of — in IA . . . . . 5.011
- photograph presented instead of — . . . . . 5.159
- presentation of — . . . . . 5.131-5.133
- prior art includes — . . . . . 7.003
- See PRIOR ART
- rectification of obvious mistakes in — . . . . . 5.161, 11.038
- text matter in —  
language of . . . . . 5.013-5.014,  
6.013-6.020,  
6.034
- only if absolutely indispensable . . . . . 5.131, 5.156
- when — are required . . . . . 5.128

**E****EARLY**

- communication of IA copies to DO . . . . . 9.029

- national processing of IA . . . . . 9.029,  
Nat. Phase
- publication of IA . . . . . 9.013
- See INTERNATIONAL PUBLICATION

**EFFECT**

- of IA . . . . . 5.003
- of IPE . . . . . 10.002-10.003
- of IPRP (Chapter II) in national phase . . . . . 10.083
- of reference to biological material or its deposit . . 11.076
- DO may maintain — of IA . . . . . 6.056
- legal — of international publication . . . . . 9.024

**ELECTED OFFICE (EO)**

- access to IPRP (Chapter II) . . . . . 9.027
- may require English translation of IPRP (Chapter II)  
and annexes . . . . . 9.001(vii),  
10.078
- notified of election . . . . . 10.045
- notified of filing of demand . . . . . 9.001(vii)
- receives IPRP (Chapter II) from IB . . . . . 9.001(vii),  
10.003,  
10.079-10.080,  
11.072
- IPRP (Chapter II) not binding on — . . . . . 10.083
- IPRP (Chapter II) translation transmitted to — . . . . 10.078

**ELECTED STATE(S)**

- defined . . . . . 5.004
- demand must indicate at least one — . . . . . 10.013
- only applicants for — required to be indicated  
in demand . . . . . 10.017
- which States may be — . . . . . 10.005, 10.029
- withdrawal of designation of — results in automatic  
withdrawal of election . . . . . 11.050-11.051
- withdrawal of election after entering national phase  
treated in — as withdrawal of IA for that State . . . 11.061

**ELECTIONS**

- indicated in demand . . . . . 10.029
- of all eligible States . . . . . 10.005
- withdrawal of — : See WITHDRAWAL

**ELECTRONIC FILING**

- of IAs with ROs prepared to accept it in  
compliance with Part 7 and Annex 7 of AIs . . . . . 5.189
- fee reduction in case of — . . . . . 5.188, 5.189
- standard for — of IAs . . . . . 5.189
- See FEES

**ELECTRONIC FORM**

- of *Official Notices (PCT Gazette)* . . . . . 1.005
- for sequence listings . . . . . 5.100, 5.100,  
5.102-5.104,  
7.005-7.009  
Annex C,  
Annex C of AIs

- RO/IB requires applicant to submit sequence listings  
in — with IA . . . . . 5.099-5.100,  
5.102

- DO may require sequence listings in — . . . . . 7.012
- fees when filing sequence listings . . . . . 5.101
- IPEA may require sequence listings in — from  
applicant . . . . . 10.063, 11.088
- ISA may require sequence listings in — . . . . . 7.006, 11.088
- ISA not required to search IA when sequence  
listings not in — . . . . . 7.013
- See SEQUENCE LISTING

**ELEMENT(S)**

- of IA (list) . . . . . 5.010
- order of . . . . . 5.011

essential structural — of intermediate and final products . . . . .	5.121-5.122
lack of — of IA is defect influencing international filing date . . . . .	6.025
language of — of IA . . . . .	5.013-5.014, 6.006, 6.032-6.034
Markush grouping regarded as of similar nature if shared significant structural — . . . . .	5.119
See MARKUSH PRACTICE	
minimum — of IA for international filing date . . . . .	6.005
number of sheets of each — of IA should be indicated in Check List . . . . .	5.085
omission of — of IA . . . . .	11.034
<b>E-MAIL</b>	
Indication of — . . . . .	5.028-5.029, 5.043, 5.050, 8.017, 8.021, 10.018A, 10.021-10.021A
<b>ERROR(S)</b>	
applicant may comment on any — in abstract established by ISA . . . . .	5.173
applicant may comment on any — in translation of IPRP (Chapter II) . . . . .	10.079
fee calculation sheet use helps IPEA identify — . . . . .	10.034
fee calculation sheet use helps RO identify — . . . . .	5.093
See OBVIOUS MISTAKES, RECTIFICATION	
<b>EURASIAN PATENT</b>	
— Convention . . . . .	
regional patent treaty under PCT . . . . .	2.002, 4.022, 4.025
— Office . . . . .	
residents and nationals of States party to PCT and Eurasian Patent Convention generally may file IA with — as RO . . . . .	5.008
effect of designation for — . . . . .	5.053
Eurasian-PCT route . . . . .	4.022, 4.025
<b>EUROPEAN PATENT</b>	
— available exclusively for some States . . . . .	Nat. Phase
— Convention . . . . .	
regional patent treaty under PCT . . . . .	2.002, 4.022, 4.025, 5.052
— Office (EPO) . . . . .	
residents and nationals of States party to PCT and European Patent Convention generally may file IA with — as RO . . . . .	5.008
See REGIONAL	
Euro-PCT route . . . . .	4.022, 4.025-4.026
extension of — : See EXTENSION OF EUROPEAN PATENT	
validation of — : See VALIDATION OF EUROPEAN PATENT	
<b>EVIDENCE</b>	
— of right to file demand at IPEA required to correct defect in residence and nationality indications . . . . .	10.046
— of right to file IA at RO required to correct defect in residence and nationality indications . . . . .	6.036
— required to excuse delay or loss in mail . . . . .	11.063
DO may require further documents or — in case of declarations filed under Rule 4.17(v) . . . . .	5.075
documentary — not required in international phase of right to application on death of applicant . . . . .	11.023
documentary — required for change of person requested by new applicant . . . . .	11.018B
notice of Art. 20 communication conclusive — for DOs that communication occurred on date indicated . . . . .	9.028

**EXAMINATION**

DOs/EOs may not examine IA prior to expiration of 30 months from priority date . . . . . 5.005

See INTERNATIONAL PRELIMINARY EXAMINATION, INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**EXCUSE**

— of failure to meet time limits before RO . . . . . 6.056

— of loss or delay in mail or by delivery services . . . . . 11.063-11.064

— of non-signature of IA and other documents . . . . . 11.027

See DELAY, TIME LIMITS

**EXPENSE**

— of entering national phase . . . . . 4.013, Nat. Phase

IPRP (Chapter II) gives applicant opportunity to evaluate patent chances in EOs before incurring — of national phase . . . . . 10.002

See COSTS

**EXPLANATION**

— for conclusions of IPEA . . . . . 10.075

no — to be included in ISR . . . . . 7.024

**EXPRESSIONS**

— not to be used in IA . . . . . 5.175

**EXTENSION OF EUROPEAN PATENT**

procedure for — . . . . . 4.026, 5.054

**EXTENSION OF EFFECTS OF IA TO SUCCESSOR STATE**

generally . . . . . 11.089-11.093

applicant notified of possibility to obtain — . . . . . 11.091

effect of — . . . . . 11.092

which IAs qualify for — . . . . . 11.090

**EXTENSION OF TIME LIMIT**

— for correction of Art. 11 or Art. 14(2) defects not allowed . . . . . 6.037

— for correction of Art. 14(1) defects allowed . . . . . 6.037

no fee for — for correction . . . . . 6.053

— *in force majeure situations*. . . . . 11.065D

See TIME LIMITS

**EXTENSION FEE**

See FEE(S)

**F****FACSIMILE**

— machine . . . . .

— numbers for ROs and DOs . . . . . Annex B

indication of — number in demand . . . . . 10.017

indication of — number in request . . . . . 5.028

— transmission . . . . .

filing of documents by — . . . . . 11.067-11.070

filing of IA by — . . . . . 6.003

**FEE(S)**

generally . . . . .

— payable to IPEA . . . . . 10.035-10.043

— payable to RO . . . . . 5.184-5.199

allocation of . . . . . 5.196

changes in amounts of . . . . . 1.005, 5.192

currency of . . . . . 5.186, Annex C

additional — . . . . .

for lack of unity of invention . . . . . 7.016, 10.072, Annexes D, E

changes in — after filing but before payment . . . . . 5.192

handling — . . . . .

defined . . . . .	10.035(ii)	supplementary search handling —	
amounts of . . . . .	10.039, Annex E	defined . . . . .	8.029
currency of . . . . .	10.038	amounts . . . . .	8.031, Annex SISA
defect in payment of . . . . .	10.047-10.049	currency of . . . . .	8.031
due date for payment of . . . . .	10.042	refund of . . . . .	8.030, 8.035-8.036, Annex SISA
payable to IPEA . . . . .	10.037	non-payment of . . . . .	8.032
reduction of . . . . .	10.041	reduction of . . . . .	8.029A
refunded . . . . .	10.043	transmittal —	
international filing —		defined . . . . .	5.184(i)
defined . . . . .	5.184(iii)	amounts of . . . . .	Annex C
generally where, when and how payable . . . . .	4.012	for transmittal of IA filed with non- competent RO to IB as RO . . . . .	6.035
amounts of . . . . .	5.187, Annex C	for transmittal of IA to DOs at applicant's request . . . . .	9.029
for sequence listings . . . . .	5.101	in respect of applicants qualifying for 90% reduction . . . . .	5.188
changes in amounts of . . . . .	5.192	See REFUND, CHANGES	
currency of . . . . .	5.186	<b>FEE CALCULATION SHEET</b>	
not paid or not fully paid . . . . .	5.193-5.195	— for demand . . . . .	10.034
payable to RO . . . . .	5.185	— for request . . . . .	5.093
payable to IB as RO . . . . .	5.188	— for request for SIS . . . . .	8.028
reduction of		choice of ISA indicated on — . . . . .	5.093, 5.187, 7.002
90% reduction . . . . .	5.188	sample filled-in — . . . . .	Annexes F, H
if IA filed in electronic form . . . . .	5.189	<b>FIGURE(S)</b>	
refund of . . . . .	5.197	— appearing on published international application front page . . . . .	9.016, 9.020
when due . . . . .	5.191	See PUBLISHED INTERNATIONAL APPLICATION	
late furnishing — for translation . . . . .	6.017, 6.022-6.023	— of drawing to accompany abstract . . . . .	5.087, 5.170
late payment — . . . . .	5.193-5.195	arrangement of — in drawings . . . . .	5.134-5.140
preliminary examination —		numbering of — on sheets of drawings: See NUMBERING	
defined . . . . .	10.035(i)	partial — . . . . .	5.141
amounts of . . . . .	10.039, Annex E	scale of — in drawings . . . . .	5.150-5.151
currency of . . . . .	10.038	See DRAWING	
defect as to payment of . . . . .	10.047-10.049	<b>FILE REFERENCE</b>	
lack of unity of invention and . . . . .	10.072	— on Demand Form . . . . .	10.015
payable to IPEA . . . . .	10.037	— on Request Form . . . . .	5.017
reduction of . . . . .	5.190, 10.040, Annex E	— on sheets of description . . . . .	5.105
refund of . . . . .	10.043, Annex E	— on sheets of drawings . . . . .	5.131
when due . . . . .	10.042	— used in correspondence . . . . .	11.071
protest — . . . . .	7.020, Annex D	<b>FILING</b>	
search —		— IA, generally . . . . .	5.001-5.199, 6.003
defined . . . . .	5.184(ii)	— documents by telegraph, teleprinter or facsimile machine . . . . .	11.067-11.070
amounts of . . . . .	5.187, Annex D	erroneous — with non-competent RO (procedure) . . . . .	6.034-6.035
currency of . . . . .	5.186, Annex D	rules for — of letters, documents and papers . . . . .	11.066-11.071
non-payment of . . . . .	5.196	<b>FILING DATE</b>	
partial payment of . . . . .	5.197	See INTERNATIONAL FILING DATE	
reduction of . . . . .	5.190	<b>FLOW CHART(S)/FLOW SHEETS</b>	
refund of . . . . .	5.197-5.198	— considered as drawings . . . . .	5.129
search copy only transmitted		<b>FORM(S)</b>	
if — fully paid to RO . . . . .	6.059	— and contents of	
transfer to ISA . . . . .	5.185	abstract . . . . .	5.165-5.173
supplementary search —		claims . . . . .	5.112-5.127
defined . . . . .	8.029	demand . . . . .	10.012-10.034
amounts . . . . .	8.031, Annex SISA	description . . . . .	5.094-5.111
currency of . . . . .	8.031	drawings . . . . .	5.128-5.162
refund of . . . . .	8.030, 8.035-8.036, Annex SISA	request . . . . .	5.015-5.093
non-payment of . . . . .	8.032		

- of industrial property rights falling outside  
“invention” not valid subject of IA . . . . . 5.002
- computer generated — : See FORMAT
- copies of printed — available from RO, IB . . . . . 5.015, 10.012
- demand — : See DEMAND FORM
- electronic — : See ELECTRONIC FORM
- deposited biological material — . . . . . 11.082
- national phase entry — . . . . . Nat. Phase
- request — : See REQUEST FORM, PHYSICAL REQUIREMENTS
- request for SIS . . . . . 8.006-8.028

**FORMAL**

- examination of protest against payment of  
additional search fees . . . . . 7.020
- requirements for IA . . . . . 5.015-5.183
- See PHYSICAL REQUIREMENTS

**FORMALITIES EXAMINATION**

See PHYSICAL REQUIREMENTS, INTERNATIONAL BUREAU,  
INTERNATIONAL PHASE

**FORMAT**

- for computer generated forms . . . . . 5.015
- IPEA may request applicant to furnish sequence  
listing in acceptable — . . . . . 7.012, 10.063
- See ELECTRONIC FORM
- specific — on computer diskette for sequence  
listings required . . . . . 7.006-7.009
- specific — required by DOs . . . . . 7.012
- See SEQUENCE LISTING

**FORMULA(E)**

- characteristic chemical — should be included  
in abstract . . . . . 5.165-5.168
- how should — be set out on sheets . . . . . 5.135
- representation of chemical or mathematical — . . . . . 5.107, 5.108

**G****GAZETTE, PCT**

See OFFICIAL NOTICES (PCT GAZETTE), PUBLISHED  
INTERNATIONAL APPLICATIONS

**GENERAL POWER OF ATTORNEY**

See POWER OF ATTORNEY

**GRANT**

- of patent in national phase . . . . . 3.004
- See NATIONAL PHASE
- of provisional protection . . . . . 11.086
- EO which was IPEA will generally — patent rapidly  
if IPRP (Chapter II) favorable . . . . . 10.083

**GUIDE, PCT APPLICANT'S**

See PCT APPLICANT'S GUIDE

**GUIDELINES**

- for PCT International Preliminary Examination . . . 1.008
- for PCT International Search . . . . . 1.008
- for PCT Receiving Offices . . . . . 1.008

**H****HANDLING FEE**

See FEE(S)

**HEADINGS**

- for statement accompanying Art. 19 amendments . 9.008
- for use in description . . . . . 5.094

**HOME COPY (of IA)**

- generally . . . . . 5.180-5.181

**I****IDENTIFICATION**

- of applicant in request . . . . . 5.024
- of application in demand . . . . . 10.014
- of applicant and international application  
in request for SIS . . . . . 8.013-8.017
- of designated States where multiple applicants . . . . 5.039
- of inventor in request . . . . . 5.035-5.036

**INCORPORATION BY REFERENCE (OF MISSING ELEMENTS  
OR PARTS, OR CORRECT ELEMENTS OR PARTS IN CASE  
THEY HAVE BEEN ERRONEOUSLY FILED)**

See DEFECT(S)

**INDICATION(S)**

- relating to biological material: See BIOLOGICAL MATERIAL
- required in demand: See DEMAND
- required in IA: See INTERNATIONAL APPLICATION
- required in request: See REQUEST FORM

**INDUSTRIAL APPLICABILITY**

- defined (for purposes of IPE) . . . . . 10.060
- one of IPE criteria . . . . . 10.001, 10.057
- heading in description entitled — . . . . . 5.094
- lack of — subject of comment in written opinion . . . . 10.064(ii), (iii)
- See WRITTEN OPINION(S)
- statement and remarks in IPRP (Chapter II) as to — . . 10.075

**INDUSTRIAL ESTABLISHMENT**

- in Contracting State considered residence . . . . . 5.023
- See RESIDENCE, RESIDENT

**INSPECTION**

See ACCESS

**INSTRUCTIONS, ADMINISTRATIVE**

See INDEX OF CITATIONS: Administrative Instructions (below)

**INTERGOVERNMENTAL ORGANIZATION(S)**

- generally . . . . . Annex B
- right to practice before — : See RIGHT TO PRACTICE
- See AFRICAN INTELLECTUAL PROPERTY ORGANIZATION,  
AFRICAN REGIONAL INTELLECTUAL PROPERTY  
ORGANIZATION, EURASIAN PATENT, EUROPEAN  
PATENT

**INTERMEDIATE AND FINAL PRODUCTS**

- claims . . . . . 5.115(iii)
- See CLAIM
- chemical and physical changes of — . . . . . 5.121-5.122
- unity of invention relating to — . . . . . 5.121-5.122
- See UNITY OF INVENTION

**INTERNATIONAL APPLICATION (IA)**

- defined . . . . . 5.001
- as basis for priority claim . . . . . 5.057
- available after international publication . . . . . 11.073, 11.074
- See ACCESS
- containing reference to biological material  
or its deposit: See BIOLOGICAL MATERIAL
- disclosing nucleotide and/or amino acid  
sequences . . . . . 11.088
- See SEQUENCE LISTING
- fees: See FEE(S)
- may include designations for regional patents: See REGIONAL
- published by IB: See INTERNATIONAL PUBLICATION
- whose effects can be extended to a successor State:  
See EXTENSION OF EFFECTS OF IAS TO SUCCESSOR STATE
- amendment of — : See AMENDMENTS
- certified copies of — : See CERTIFIED COPY
- communication of — to DO . . . . . 9.028, 9.029

confidentiality of — : See ACCESS, CONFIDENTIALITY	
effects of — . . . . .	5.003-5.007
elements of — : See ELEMENT(S)	
filing of — : See FILING	
language of — : See LANGUAGE(S)	
numbering of sheets of — : See NUMBERING	
publication language of — : See LANGUAGE(S)	
receipt of sheets of — on different days . . . . .	6.026
signature of — : See SIGNATURE	
subject matter of — . . . . .	5.002
translation of — : See TRANSLATION(S)	
withdrawal of — : See WITHDRAWAL	
<b>INTERNATIONAL AUTHORITY</b>	
See INTERNATIONAL BUREAU, INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY, INTERNATIONAL SEARCHING AUTHORITY, RECEIVING OFFICE	
<b>INTERNATIONAL BUREAU (IB)</b>	
— as RO: See INTERNATIONAL BUREAU AS RECEIVING OFFICE	
— communicates copy of IA to DOs . . . . .	9.028-9.029
— prepares translations of IA, where necessary . . . . .	9.017
— publishes IA and ISR: See INTERNATIONAL PUBLICATION	
— sends IPRP (Chapter I) to DOs . . . . .	9.001(vi)
— send IPRP (Chapter II) to EO's . . . . .	10.003, 10.079
address of — . . . . .	Annex B
filing request for SIS with — . . . . .	8.008
filing request for omission of information from publication with — . . . . .	9.016A, 11.073A
procedural steps before — . . . . .	9.001
receipt of record copy by — . . . . .	6.057-6.058, 9.002
representation before — . . . . .	5.041-5.043
right to practice before — . . . . .	11.002
<b>INTERNATIONAL BUREAU (IB) AS RECEIVING OFFICE (RO)</b>	
— does not specify competent IPEAs . . . . .	10.006-10.009
— does not specify competent ISAs . . . . .	7.002
agent, right to practice before — . . . . .	5.042, 11.002
IA erroneously filed with non-competent RO, considered to have been received on behalf of — (Rule 19.4) . . . . .	6.035
IA may be filed direct with — . . . . .	4.010, 5.008
languages permitted for IAs filed with — . . . . .	5.013-5.014, 6.034
national security prescriptions not checked by — . . . . .	6.010
nationality and residence questions concerning IAs filed with — . . . . .	5.023, 10.017
requirements for filing IA with — . . . . .	5.008, 5.009
<b>INTERNATIONAL FEE(S)</b>	
See FEE(S)	
<b>INTERNATIONAL FILING DATE</b>	
generally . . . . .	5.003, 5.007, 6.001(iv), 6.005-6.012
— not influenced by non-payment, incomplete payment or late payment of fees . . . . .	6.009
conditions for entitlement to — . . . . .	6.005-6.006
defects influencing — . . . . .	6.025
defects not influencing — . . . . .	6.032
effect on — of correction of residence/nationality indications . . . . .	6.036
effect on — of IA sheets received on different days . . . . .	6.026
IA not published if no — accorded . . . . .	9.012(i)
notification to applicant of according of — . . . . .	6.011
notification to IB of according of — . . . . .	6.058
prior art relevant if publicly available before — . . . . .	7.003
refusal to accord — by RO	
refund of fees . . . . .	5.197
review by DOs . . . . .	6.055, Nat. Phase
taking away of — once accorded . . . . .	6.012
<b>INTERNATIONAL PATENT CLASSIFICATION (IPC)</b>	
use of — in ISR . . . . .	7.024
<b>INTERNATIONAL PHASE</b>	
generally . . . . .	3.001-3.003
amendment of IA during — : See AMENDMENTS	
appeal against unfavorable RO decision during — . . . . .	6.054
death of applicant during — . . . . .	11.023
death of inventor during — . . . . .	11.026
new matter prohibition during — : See NEW MATTER	
noting of IA defects during — . . . . .	6.051
priority claim validity not substantively determined during — . . . . .	5.060
See NATIONAL PHASE	
<b>INTERNATIONAL PRELIMINARY EXAMINATION (IPE)</b>	
defined . . . . .	10.001
generally . . . . .	3.003, 10.001-10.083
— available subject to conditions . . . . .	10.004
— fees: See FEE(S)	
— not normally begun until ISR available . . . . .	10.010, 10.051
— report: See INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (IPRP)	
access to — file: See ACCESS	
agents during — . . . . .	10.020, 10.021, 10.023
See AGENT	
amendments to IA during — . . . . .	5.111, 5.127, 5.162, 9.011, 10.024-10.026, 10.028, 10.067-10.071
benefits of — . . . . .	10.083
claims not searched need not be subject of — . . . . .	10.062
common representatives during — . . . . .	10.022, 10.023
communication with IPEA during — . . . . .	10.067
confidentiality of — procedure . . . . .	10.003
See ACCESS, CONFIDENTIALITY	
criteria for — . . . . .	10.001, 10.057-10.060
delay of — . . . . .	10.025
demand for — : See DEMAND	
documents forming basis for — . . . . .	10.061
effects of — . . . . .	4.016, 10.002-10.003
IB functions during — . . . . .	9.001(v)
languages accepted for — . . . . .	10.011-10.013, 10.025(ii), Annexes C, E
nucleotide and/or amino acid sequence listings, special requirements during — . . . . .	10.063
postponement of — . . . . .	10.054
purpose of — . . . . .	10.057-10.060
request by IPEA during — for priority document (and translation) . . . . .	10.056
start of — . . . . .	10.051-10.055
“telescoped” procedure (overlapping IS and —) . . . . .	10.052

time available for — depends on earliest possible submission of demand after ISR available . . . . .	10.010	amendments filed with —, generally . . . . .	10.071, 11.074
to what extent is — confidential . . . . .	11.074	under Art. 19 . . . . .	9.010
unity of invention, lack of, during — : See UNITY OF INVENTION		under Art. 34 . . . . .	9.011
written opinion during — : See WRITTEN OPINION(S)		statement accompanying . . . . .	10.025-10.026, 10.028, 10.053-10.055
See INTERNATIONAL PRELIMINARY EXAMINATION REPORT, INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY		biological material sample may be obtained by — . . . . .	11.085
<b>INTERNATIONAL PRELIMINARY EXAMINATION REPORT (IPER)</b>		choice of — indicated in demand . . . . .	10.013
See INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (IPRP) (CHAPTER I), INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (IPRP) (CHAPTER II)		communication by applicant with — during IPE . . . . .	10.067
<b>INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (IPRP) (CHAPTER I)</b>		competence of — . . . . .	10.006-10.009, Annexes C, E
copies of — only made available after expiration of 30 months from priority date . . . . .	7.031	copies of cited documents available from — . . . . .	10.082
copies of — transmitted by IB to DO's . . . . .	9.001(iv)	demand filed with — . . . . .	10.006-10.009
IB issues — when no IPRP (Chapter II) has been established . . . . .	7.031, 9.001(v)	fees (preliminary examination and handling) payable to — . . . . .	10.037
transmittal of copies of — and/or translation of — by IB to DO's and applicant . . . . .	9.001(vi)	file reference used by — in correspondence with applicant . . . . .	5.017, 11.071
<b>INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (IPRP) (CHAPTER II)</b>		IPRP (Chapter II) issued by — . . . . .	4.006, 10.001
generally . . . . .	3.003, 4.006, 10.074-10.083	limitation of competence of — . . . . .	10.006
— not binding on EOs . . . . .	10.083	list of — . . . . .	Annex E
access to — by persons other than applicant . . . . .	9.027, 10.003, 10.080-10.081, 11.074	matters subject to comment by — . . . . .	10.064-10.065
See ACCESS, CONFIDENTIALITY		priority document and translation may be obtained by — . . . . .	10.056
amendments		rectification of obvious mistakes before —	
going beyond original disclosure commented on in . . . . .	10.070, 11.047	authorization of . . . . .	11.038(ii)
to IA referred to in . . . . .	10.076	time limit for . . . . .	11.039(ii)
annexes to — : See ANNEXES		representation before — . . . . .	5.042-5.045, 10.019-10.021, 11.001, 11.002, 11.004, 11.008-11.010, 11.017
citations of relevant documents in — . . . . .	10.075	residence/nationality questions before — . . . . .	10.017
claims relating to inventions for which no ISR established indicated in — . . . . .	10.062	sequence listings and — . . . . .	7.012, 10.063, 11.088
copies of documents cited in — but not cited in ISR obtainable from IPEA . . . . .	10.082	transmittal by —	
deadline for taking amendments/arguments into account in — . . . . .	10.024, 10.028, 10.061, 10.068	of IPRP (Chapter II) . . . . .	10.079
effect of — in national phase . . . . .	10.002, 10.083	of demand to IB . . . . .	10.045
form and contents of — . . . . .	10.075	unity of invention checked by — . . . . .	5.114, 10.072
language of — . . . . .	10.078	withdrawals before — . . . . .	11.048-11.050, 11.056
patentability, — expresses no opinion on . . . . .	10.077	written opinion issued by — . . . . .	10.066
priority document and — . . . . .	10.056	See INTERNATIONAL PRELIMINARY EXAMINATION	
receipt of — by IB, EOs and applicant . . . . .	10.079	<b>INTERNATIONAL PUBLICATION</b>	
rectification of obvious mistakes, authorization from IPEA must be given before establishment of — . . . . .	11.039(ii)	generally . . . . .	9.001(iii), 9.012-9.027
time limit for establishing — . . . . .	10.010, 10.074	— number . . . . .	9.015
translation of — into English by IB . . . . .	9.001(vii), 10.078	— of refused request for rectification . . . . .	11.043-11.044
comments by applicant on . . . . .	10.079	confidentiality of IAs until — . . . . .	6.004, 11.072-11.073
transmittal of — by IB . . . . .	10.003, 10.079, 11.074	early — . . . . .	9.013, 11.080
unity of invention, lack of, expressed in — . . . . .	10.072, 10.075	exceptions to — . . . . .	9.012
usefulness of — in national phase . . . . .	10.057, 10.083	form and contents of — . . . . .	9.015-9.020
<b>INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY (IPEA)</b>		language of — . . . . .	9.017-9.020
generally . . . . .	10.001, 10.006-10.009	legal effects of — . . . . .	9.024
— cannot force applicant to change IA . . . . .	10.069	physical requirements compliance checked only to extent required for reasonably uniform — . . . . .	6.032(v)
		postponement/prevention of — . . . . .	9.023, 11.049
		priority document copies available after — . . . . .	9.023
		request to omit certain information from — . . . . .	9.016A, 11.073A
		technical preparations for —	
		completed . . . . .	9.014
		completion . . . . .	9.014
		amendments (Art. 19) acceptable by IB until completion of . . . . .	9.004

request for rectification acceptable by IB until completion of . . . . .	11.039(i), (iii), 11.043	transmittal of — by IB to DOs . . . . .	7.025, 9.001(iv)
withdrawals must reach IB before . . . . .	9.012(iii), 11.049, 11.054, 11.057	written opinion established in the same time as — . . .	7.027-7.032
timing of — . . . . .	9.001(iii), 9.013	See INTERNATIONAL SEARCH, INTERNATIONAL SEARCHING AUTHORITY	
See PUBLISHED INTERNATIONAL APPLICATION		<b>INTERNATIONAL SEARCHING AUTHORITY (ISA)</b>	
<b>INTERNATIONAL SEARCH (IS)</b>		generally . . . . .	7.001-7.032
generally . . . . .	7.001-7.026	— may notify RO of defects discovered in IA . . . . .	6.051
— fee: See FEE(S)		— notified of receipt of record copy . . . . .	9.002
— of nucleotide and/or amino acid sequence listings . . . . .	7.005-7.012	— notifies IB, applicant and RO of receipt of search copy . . . . .	6.059
basis for — . . . . .	7.003	abstract may be established by — . . . . .	5.173, 7.022
documents forming basis for — . . . . .	7.004-7.004B	biological material sample obtainable by — . . . . .	11.085
limitations on — . . . . .	7.013-7.014	board of — examines additional fee protests . . . . .	7.019
meaningful — . . . . .	5.113	choice of — indicated in request . . . . .	5.016, 5.072, 5.093, 5.187, 7.002
purpose of — . . . . .	7.003	claiming, manner of affects whether — will be able to do meaningful search . . . . .	5.113
rectification of obvious mistakes in claims recommended only when error will affect — . . . . .	5.126	competence of — . . . . .	5.072, 7.002 Annexes C, D
refusal to carry out — . . . . .	7.013	copies of documents cited in ISR obtainable from — . . . . .	7.026-7.032, Annex D
results of — set out in ISR . . . . .	7.024	documentation searched by — . . . . .	7.004
supplementary —: See SUPPLEMENTARY INTERNATIONAL SEARCH (SIS)		earlier search made by — . . . . .	5.073, 7.002A
“telescoped” procedure (overlapping — and IPE) . . . .	10.052	file reference used by — in correspondence with applicant . . . . .	5.017, 11.071
unity of invention finding during — . . . . .	5.098, 5.114-5.123, 7.015-7.021	languages accepted by each — for IS . . . . .	5.013-5.014, 6.013-6.023, 6.034, Annex D
See INTERNATIONAL SEARCH REPORT, INTERNATIONAL SEARCHING AUTHORITY		limitation of competence of — . . . . .	7.002
<b>INTERNATIONAL SEARCH REPORT (ISR)</b>		list of — . . . . .	Annex D
generally . . . . .	7.023-7.026	rectification of obvious mistakes before — authorization of . . . . .	11.038(ii)
— available to public after international publication . . . . .	11.073	time limit for . . . . .	11.039(i)
— established on parts of IA relating to main invention and related parts . . . . .	7.018	refusal by — to search certain subject matter . . . . .	7.013
— must not contain expression of opinion, reasoning, argument or explanation . . . . .	7.024	unclear or defective IAs . . . . .	7.014
— published with IA . . . . .	7.025, 9.015	representation before — . . . . .	5.042-5.045, 11.001, 11.002, 11.004, 11.008-11.010, 11.017
amendment of claims (Art. 19) allowed after receipt of — . . . . .	5.127, 9.004, 11.045	search copy transmitted by RO to — . . . . .	6.059
not allowed where ISA declares no — will be established . . . . .	9.004	sequence listing may be required by — . . . . .	5.099, 7.005-7.012, 11.088, Annex D
contents of — . . . . .	7.024	may be required in electronic form— . . . . .	5.099-5.100, 7.012, 11.088
declaration that no — will be established . . . . .	7.013-7.014, 7.025, 9.004, 9.015, 9.017, 10.051	supplementary search by —: See INTERNATIONAL SEARCHING AUTHORITY SPECIFIED FOR SUPPLEMENTARY SEARCH (SISA)	
demand should be filed ASAP after evaluation of — . . . . .	10.010	title of invention may be established by — . . . . .	7.022
documents cited in —, obtaining copies of . . . . .	7.026	translation of IA may be required by — from RO . . .	5.013-5.014
English translation of — (or declaration) prepared by IB if IA published in language other than English . . . . .	9.017	transmittal of IA copies and other documents to — . .	6.001(v), 6.059
international publication of IA available before issuance of — . . . . .	9.013	transmittal of earlier search and classification results to — . . . . .	5.073B
IPE will not normally begin until — (or declaration) available . . . . .	10.010, 10.051	unity of invention checked by — . . . . .	5.114, 7.015-7.021
lack of — /partial — does not influence validity of IA . . . . .	7.013-7.021	written opinion of the — . . . . .	7.027-7.032
partial search results (because of lack of unity) included in — . . . . .	7.017	See INTERNATIONAL SEARCH, INTERNATIONAL SEARCH REPORT	
protest text and decision may be notified to DOs with — . . . . .	7.019		
statement accompanying amendments may not disparage — . . . . .	9.007		
time limit for establishment of — . . . . .	7.023		

**INTERNATIONAL SEARCHING AUTHORITY SPECIFIED FOR SUPPLEMENTARY SEARCH (SISA)**

generally . . . . .	8.001, 8.003-8.004, 8.039
choice of — indicated in request for SIS . . . . .	8.011
claims relating to inventions for which no ISR established . . . . .	8.044
competence of — . . . . .	8.001, 8.041-8.042
commencement of work by — . . . . .	8.039
documentation submitted directly to — . . . . .	8.038
languages accepted by each — . . . . .	Annex SISA
limitation of competence of — . . . . .	8.041
refusal by — to search	
certain subject matter . . . . .	8.042, Annex SISA

**INTERNET**

Forms on the — . . . . .	5.015, 10.012
Guidelines on the — . . . . .	1.008
<i>Official Notices (PCT Gazette)</i> on the — . . . . .	9.022
PCT Administrative Instructions on the — . . . . .	1.008
<i>PCT Applicant's Guide</i> on the — . . . . .	1.001
<i>PCT Newsletter</i> on the — . . . . .	1.006
Published International Application on the — . . . . .	9.020
Records of the Washington Diplomatic Conference on the PCT on the — . . . . .	1.007

**INVENTION(S)**

description must disclose — in clear and complete manner . . . . .	5.094-5.097
drawings required in IA where necessary to understand — . . . . .	5.010, 5.128-5.163
IPRP (Chapter II) expresses no view on patentability of — . . . . .	10.077
ISR contains classification of subject matter of — . . . .	7.024
microbiological — : See BIOLOGICAL MATERIAL	
proof of right to — may be required by DOs . . . . .	5.086
subject of IA must be protection for — . . . . .	5.002
title of — : See TITLE(S)	
unity of — : See UNITY OF INVENTION	

**INVENTIVE STEP**

defined (for purposes of IPE) . . . . .	10.059
— one of IPE criteria . . . . .	10.001, 10.057
IPRP (Chapter II) contains opinion on — . . . . .	10.075, 10.083
lack of — subject of comment in written opinion . . . .	10.064(ii), (iii)
relevant prior art assists in determining whether claimed invention involves — . . . . .	7.003
See INDUSTRIAL APPLICABILITY, NOVELTY	

**INVENTOR(S)**

generally . . . . .	5.020-5.039
— may be different for different designated States . . .	5.038
— who is not also applicant not indicated in demand . . . . .	10.017
changes in person of — : See CHANGE(S)	
corporate applicant or legal entity cannot be — . . . .	5.024
death of — : See DEATH	
identification of — . . . . .	5.035-5.037
nationality (or residence) indication unnecessary for — unless also applicant . . . . .	5.037
recommended to include name and address of — in request . . . . .	5.036
“Inventor only” check-box (request Box No. III) . . . .	5.036, 5.039
See APPLICANT/INVENTOR	

**INVENTOR'S CERTIFICATE**

— of addition . . . . .	5.002, 5.055
-------------------------	--------------

**INVITATION/INVITE**

— by IPEA	
in case of lack of unity of invention . . . . .	10.072
to correct defects in demand . . . . .	10.044, 10.047-10.048
to furnish sequence listings . . . . .	7.005-7.012, 10.063, 11.088
to submit	
amendments indicated in demand . . . . .	10.055
translation of priority document . . . . .	10.056
written reply to written opinion . . . . .	10.066
— by ISA	
for submittal of sequence listings . . . . .	5.099-5.100, 7.005-7.012, 11.088
to pay additional search fees for lack of unity of invention . . . . .	7.016-7.018, 7.020
— by RO	
for furnishing required translation . . . . .	6.015
for payment of late furnishing fee for translation . . .	6.015
for submittal of missing or defective abstract . . . . .	5.173
procedure under Rule 16 <i>bis</i> for fee payment . . . . .	5.193-5.196
receipt of further sheets after — . . . . .	6.026
to correct	
Art. 11 defects . . . . .	6.025
Art. 14 defects . . . . .	6.032
to furnish corrections . . . . .	6.001(iii)
under Art. 11 considered — under Art. 14 . . . . .	6.036

**IRREGULARITIES**

— in mail service . . . . .	11.063-11.064
-----------------------------	---------------

**K****KINDS OF PROTECTION**

other than patents . . . . .	5.002, 5.055
------------------------------	--------------

**L****LACK OF UNITY OF INVENTION**

See UNITY OF INVENTION

**LANGUAGE(S)**

— accepted for	
examination by IPEA . . . . .	Annex E
filing IA with RO . . . . .	5.013, 6.013-6.023, 6.034, Annex C
search by ISA . . . . .	Annex D
supplementary search by SISA . . . . .	Annex SISA
— affects competence of	
IPEA . . . . .	10.006-10.009
ISA . . . . .	7.002
— of amendments	
Art. 19 . . . . .	9.004
Art. 34 . . . . .	10.055, 10.071
— of communication to DOs . . . . .	9.028
— of demand . . . . .	10.013
— of IPRP (Chapter II) . . . . .	10.078
— of letters, documents and papers submitted during international procedure . . . . .	11.066
— of priority document . . . . .	10.056
— of publication of <i>Official Notices (PCT Gazette)</i> . . .	9.020

IA's . . . . .	5.013, 9.017-9.019	interruptions/irregularities in — service . . . . .	11.063-11.064
— of request . . . . .	5.013, 6.019	use of registered air/surface — to take advantage of Rule 82 provisions . . . . .	11.063
— of statement accompanying amendments . . . . .	9.007	<b>MAILING</b>	
— requirements for certain elements of IA . . . . .	6.006	— of IA to RO . . . . .	6.003
effect if IA filed in — other than a language of publication . . . . .	9.018	date of — : See TIME LIMITS	
IA filing date requirement of prescribed — . . . . .	6.005-6.006, 6.025(i), 6.032(vi)	<b>MAIN INVENTION</b>	
indication of — filing		— for search purposes . . . . .	7.018, 10.072-10.073
in request . . . . .	5.087	See UNITY OF INVENTION	
in demand . . . . .	10.025(ii)	<b>MARGINS</b>	
See TRANSLATIONS		minimum — for IA papers . . . . .	5.105, 5.133, 5.159
non-compliance with — requirements in demand . . . .	10.047-10.050	<b>MARKING</b>	
<b>LATE ARRIVAL</b>		— of check-boxes in demand	
— of letter . . . . .	11.063-11.064	Box No. IV (basis for IPE) . . . . .	10.025-10.027
<b>LATE PAYMENT</b>		Box No. V (election of States) . . . . .	10.029
— of fees . . . . .	6.009, 10.042, 10.047	See DEMAND FORM	
fee for — . . . . .	5.193-5.195	— of check-boxes in request	
<b>LATE RECEIPT</b>		Boxes Nos. II and III (inventor, applicant) . . . . .	5.024, 5.035-5.036, 5.039
— of IA sheets . . . . .	6.026	Box No. IV (agent) . . . . .	5.043, 5.047, 5.051
See DEFECT		Box No. V (designations) . . . . .	5.052-5.053
<b>LEGAL ENTITY</b>		Box No. VI (priority) . . . . .	5.070
— constituted according to national law of Contracting State is considered national of that State . . . . .	5.023	See REQUEST FORM	
See NATIONALITY		<b>MARKUSH PRACTICE</b>	
applicant which is — must mark “applicant only” in request . . . . .	5.024	generally . . . . .	5.115(ii), 5.118-5.120
name of — in request must indicate full official designation . . . . .	5.026	See UNITY OF INVENTION	
signature on behalf of — . . . . .	5.090	<b>METRIC SYSTEM</b>	
See SIGNATURE		use of — required in IA . . . . .	5.176
<b>LETTER(S)</b>		<b>MICROORGANISM</b>	
— accompanying corrections of defects . . . . .	6.052	See BIOLOGICAL MATERIAL	
— accompanying replacement sheets containing amendments . . . . .	9.004-9.010 10.053, 10.055, 10.071, 10.076	<b>MINIMUM DOCUMENTATION</b>	
— making up file reference . . . . .	11.071	generally . . . . .	7.004
capital —		<b>MONTH(S)</b>	
minimum height of . . . . .	5.106	See TIME LIMITS	
used in family names in request . . . . .	5.025-5.026	<b>MORALITY AND PUBLIC ORDER</b>	
optional sheet (biological material indications) when furnished separately to IB must be accompanied by — . . . . .	11.082	IA may not contain material contrary to — . . . . .	5.175
rules concerning filing of — documents and papers . .	11.063-11.064, 11.066-11.071	<b>MULTIPLE DEPENDENT CLAIM(S)</b>	
two- — codes: See TWO-LETTER CODES		See CLAIM	
<b>LINE(S)</b>			
— in drawings . . . . .	5.143-5.145		
— spacing . . . . .	5.106		
citations in ISR to relevant — numbers in references . . . . .	7.024		
numbering of — . . . . .	5.106		
<b>LOSS</b>			
— of documents by delivery service . . . . .	11.064		
— of documents in mail . . . . .	11.063		
— of filing date . . . . .	6.012		
<b>MAIL</b>			
delay or loss in — can be excused . . . . .	11.063-11.064		

— written in non-Latin characters . . . . .	5.178
applicant whose — is first in request . . . . .	5.034, 5.048, 5.051, 10.022, 11.006
change in — of applicant . . . . .	10.018, 11.018
<b>NATIONAL(S)</b>	
common representative must be resident or — of Contracting State . . . . .	11.005
for demand filing, one applicant must be resident or — of Contracting State bound by Chapter II . . . . .	10.004, 10.017
for IA filing, one applicant must be resident or — of Contracting State . . . . .	5.008, 5.020, 5.031, 5.032
See NATIONALITY, RESIDENCE, RESIDENT	
<b>NATIONAL APPLICATION</b>	
IA has effect of — . . . . .	5.003
<b>NATIONAL FEE</b>	
See FEE(S)	
<b>NATIONAL (Patent) OFFICE(S)</b>	
— will decide residence/nationality questions where IA filed with IB as RO . . . . .	5.023, 10.017
advantage of PCT to file with own — as RO . . . . .	4.023
agents for international phase not automatically regarded as agents by — in national phase . . . . .	11.001
disclosure requirements depend on — practice . . . . .	5.095
DOs may consider withdrawn unsearched IA parts unless special fees paid to — . . . . .	7.021
EOs may require English translation of IPRP (Chapter II) if not in official language of — . . . . .	10.078
excuse provisions for delay/loss applied by some — to delivery services . . . . .	11.064
filing of documents by telegraph, teleprinter, facsimile machine only where — allows . . . . .	11.067-11.068, Annex B
IA generally filed at applicant's — . . . . .	4.010
no — has yet asked for early communication of IA . . . . .	9.029
<b>NATIONAL PATENT(S)</b>	
desired end of PCT process is — . . . . .	5.001
drafting of description for PCT application may require more care than — application . . . . .	5.097
withdrawal of — designation . . . . .	11.052
<b>NATIONAL PHASE</b>	
generally . . . . .	2.002, 3.004-3.005
amendment of claims during — . . . . .	5.113, 5.127
effect of IPE on start of — . . . . .	10.002
requirements for — . . . . .	Nat. Phase
simplification of processing of IA in — . . . . .	5.075
time limit for entering — . . . . .	4.016
<b>NATIONAL PROCESSING</b>	
applicant to receive IPRP (Chapter II) two months before start of — at EOs . . . . .	10.074
assignment documents may be required by DOs once — starts . . . . .	11.018B
early commencement of — . . . . .	9.029
start of — . . . . .	5.005
See NATIONAL PHASE	
<b>NATIONAL SECURITY</b>	
generally . . . . .	6.010-6.011, 6.034-6.035, 6.058
compliance with — prescriptions not checked by IB as RO . . . . .	5.008
refund of fees if IA not treated as such due to prescriptions concerning — . . . . .	5.197

**NATIONALITY**

— requirement for according international filing date . . . . .	6.005(i)
choice of RO because of applicant's — . . . . .	5.009
correction of indications of — . . . . .	6.036
defects concerning indication of —	
in demand . . . . .	10.046
in manner of presentation does not influence international filing date . . . . .	6.032(ii)
obvious lack influences filing date . . . . .	6.025(a)(i)
determination of — . . . . .	5.023
indication	
of applicant's — required in demand . . . . .	10.017
of applicant's — required in request . . . . .	5.024 , 5.031, 5.032
question of applicant's — in IA filed with IB as RO	
before IPEA . . . . .	10.017
before IB . . . . .	5.023
See NATIONAL(S), RESIDENCE, RIGHT TO FILE	

**NEWSLETTER (PCT)**

See PCT NEWSLETTER

**NEW MATTER**

— in amendments during international phase . . . . .	10.070, 11.047
— may be commented on in written opinion . . . . .	10.064(iv)
— may not be included in amended claims . . . . .	9.009
statement with sequence listing regarding — . . . . .	7.010
See AMENDMENTS, DISCLOSURE	

**NON-OBVIOUSNESS**

See INVENTIVE STEP

**NOTES (to PCT Forms)**

— to Demand Form/Fee Calculation Sheet . . . . .	10.033-10.034
— to Form PCT/ISA/220 contain samples of claim amendment statements . . . . .	9.006
— to Request Form/Fee Calculation Sheet . . . . .	5.092-5.093
— to Request for SIS . . . . .	8.027

**NOTICE(S)**

— of withdrawal: See WITHDRAWAL

**NOTIFICATION(S)**

— authorizing rectification of mistake . . . . .	11.039
— by e-mail . . . . .	5.028-5.029, 5.043, 5.050, 8.017, 8.021, 10.018A, 10.021A
— by IB	
of failure to receive record copy . . . . .	6.058
of receipt of priority document . . . . .	5.070D
of receipt of record copy . . . . .	9.002-9.003
— sent to applicant named first in request if no common agent or representative appointed . . . . .	5.034
— to IB that Authority may require biological material sample . . . . .	11.085
advance copy of — . . . . .	5.028-5.029
computation of time limits from date of — . . . . .	11.062
— on paper . . . . .	5.028-5.029
renunciation of appointment of agent or common representative by signed — . . . . .	11.014

**NOVELTY**

— defined (for purposes of IPE) . . . . .	10.058
— one of IPE criteria . . . . .	10.001, 10.057
declaration as to exceptions to lack of — . . . . .	5.075
lack of — subject of comment in written opinion . . . . .	10.064(ii), (iii)
relevant prior art assists in determining whether claimed invention involves — . . . . .	7.003

statement and remarks in IPRP (Chapter II) as to — . . . . .	10.075
See INDUSTRIAL APPLICABILITY, INVENTIVE STEP	
<b>NUCLEOTIDE SEQUENCE LISTINGS</b>	
See SEQUENCE LISTING	
<b>NUMBER</b>	
— of application on which earlier search performed . . . . .	5.073
— of copies required when IA filed . . . . .	5.179-5.183, Annex C
— of figure to be published with abstract . . . . .	5.087
— of IA . . . . .	6.011, 6.058, 10.014
— of priority application . . . . .	5.057, 6.038-6.040
— of sheets of IA elements on request Check List . . . . .	5.085
accession — of biological material deposit . . . . .	11.078(iii)
dates expressed as —, format . . . . .	5.061
facsimile — . . . . .	5.028, 10.017
house — in address . . . . .	5.027
international publication — . . . . .	9.015, 9.021
line — : See LINE(S), NUMBERING	
page — : See NUMBERING	
telephone — . . . . .	5.008, 5.028, 10.017
<b>NUMBERING</b>	
— of amended claims . . . . .	9.005
— of drawings in IA . . . . .	5.012, 5.140-5.142
— of electronic medium (sequence listings) . . . . .	7.009
— of IA sheets . . . . .	5.012, 5.106
— of lines . . . . .	5.106
— of sequence listing part of description . . . . .	5.012
page — . . . . .	5.106
requirements for — of claims . . . . .	5.112

## O

### OAPI

See AFRICAN INTELLECTUAL PROPERTY ORGANIZATION

### OBVIOUS MISTAKES

generally . . . . .	11.033-11.044
rectification of —	
authorization of . . . . .	11.038-11.042
effect on designated and elected Offices . . . . .	11.044
in claims . . . . .	5.126
in description . . . . .	5.110
in drawings . . . . .	5.161
not considered an amendment . . . . .	10.067
publication of . . . . .	11.041
refusal of . . . . .	11.043
time limits for . . . . .	11.039

### OBVIOUSNESS

See INVENTIVE STEP

### OFFICE

See DESIGNATED OFFICE, ELECTED OFFICE, NATIONAL OFFICE, RECEIVING OFFICE, REGIONAL

### OFFICIAL

— designation of legal entity . . . . .	5.026
— <i>Journal of the European Patent Office</i> . . . . .	5.054
— language of elected State . . . . .	10.078
— texts . . . . .	1.003
See LANGUAGE(S)	

### OFFICIAL NOTICES (PCT GAZETTE)

generally . . . . .	1.005
extension of IA to successor State published in . . . . .	11.091-11.092
indications concerning biological material and depository institutions published in — . . . . .	11.078-11.080, 11.083, 11.084
non-working days for IB published in — . . . . .	11.062
regular updates of time limits published in — . . . . .	4.016
request by EOs that IB furnishes copies of IPRP (Chapter II) published in — . . . . .	11.074
waivers of requirements that a power of attorney be submitted published in — . . . . .	5.044, 11.008
waivers of requirements that a copy of power of attorney be submitted published in — . . . . .	11.009
See INTERNATIONAL PUBLICATION, PUBLISHED INTERNATIONAL APPLICATION	

### OMISSION

— considered an amendment to IA . . . . .	10.067
— of certain information from international publication . . . . .	9.016A, 11.073A
— of entire elements or sheets not rectifiable . . . . .	11.034
— of sheet of	
claims . . . . .	5.126
description . . . . .	5.110
drawings . . . . .	5.161

### OPINION

ISR may not contain expression of — . . . . .	7.024
See INTERNATIONAL PRELIMINARY EXAMINATION, WRITTEN OPINION(S)	

### ORAL COMMUNICATION

right of applicant to — with IPEA during IPE . . . . .	10.067
--	--------

### ORDER

— of date elements . . . . .	5.061
— of elements of	
description . . . . .	5.094
IA . . . . .	5.011
court — for access to file . . . . .	11.072
figures should be in numbered — in which they appear . . . . .	5.141-5.142
public — . . . . .	5.175

### ORGANIZATION

See AFRICAN INTELLECTUAL PROPERTY ORGANIZATION,  
AFRICAN REGIONAL INTELLECTUAL PROPERTY  
ORGANIZATION, INTERGOVERNMENTAL  
ORGANIZATION(S), WORLD INTELLECTUAL PROPERTY  
ORGANIZATION

### ORNAMENTAL DESIGNS

See DESIGN

## P

### PAGE(S)

— numbering of IA . . . . .	5.106
— of IA containing sequence listings . . . . .	5.101
— of IA may contain file reference . . . . .	11.071
indication of — number in ISR reference . . . . .	7.024

### PAPER(S)

physical requirements for IA regarding — . . . . .	5.177
rectification of IA or other — . . . . .	11.033-11.038
size of — . . . . .	5.105

### PARENT

— application for titles of addition . . . . .	5.055, 5.056A
--	---------------

**PARIS CONVENTION FOR PROTECTION OF INDUSTRIAL PROPERTY**

priority claimed under — . . . . . 5.007,  
5.057-5.060,  
6.009, 11.090

**PARTIAL**

— IS results communicated to applicant . . . . . 7.017  
— refund of search fee . . . . . 5.198

**PATENT**

See NATIONAL PATENT(S), REGIONAL, PATENT OF  
ADDITION, PETTY PATENT

**PATENT AGENT**

recommendation to obtain advice from — . . . . . 1.004, 5.041  
representation by — . . . . . 5.041-5.051,  
11.001-11.014

See AGENT, PATENT ATTORNEY

**PATENT ATTORNEY**

partners in — firm may be appointed as common  
agents . . . . . 11.003  
recommendation to obtain advice from — . . . . . 1.004, 5.041  
See AGENT, PATENT AGENT

**PATENT COOPERATION TREATY (PCT)**

defined . . . . . 2.001-2.002  
— and Regulations apply in case of inconsistency  
with *Guide* . . . . . 1.003  
— *Gazette*: See *OFFICIAL NOTICES (PCT GAZETTE)*  
advantages of — . . . . . 2.002,  
4.001-4.026  
background of — . . . . . 1.007  
text of — . . . . . 1.005

**PATENT FOR INVENTION**

generally . . . . . 5.002

**PATENT OF ADDITION**

protection of — . . . . . 5.002,  
5.055, 5.056

**PATENTABILITY**

internationally accepted criteria for — . . . . . 10.057-10.060  
matter of non-prejudicial disclosures and exceptions  
to lack of novelty is a substantive matter of — . . . . . 5.075

**PAYMENT**

See FEE(S)

**PCT APPLICANT'S GUIDE**

availability of — on the Internet . . . . . 1.001  
contents of — . . . . . 1.001  
e-mail update service of the — . . . . . 1.001

**PCT GAZETTE**

See *OFFICIAL NOTICES (PCT GAZETTE)*

**PCT NEWSLETTER**

generally . . . . . 1.006

**PERIOD**

numerals in dates separated by — . . . . . 5.061

**PERIODICALS**

technical — part of minimum documentation . . . . . 7.004  
See MINIMUM DOCUMENTATION

**PERSON (skilled in the art)**

standard relating to:  
biological material disclosure . . . . . 11.075  
disclosure in the description . . . . . 5.094-5.095  
inventive step . . . . . 10.059

**PETITION**

— against unfavorable RO decision . . . . . 6.054-6.056

— in demand that IA be subject of IPE . . . . . 10.013  
— in IA that IA be processed according to the PCT . . . . . 5.016

**PETTY PATENT**

protection of — . . . . . 5.055

**PHOTOGRAPH(S)**

presentation of — instead of drawing . . . . . 5.159

**PHYSICAL REQUIREMENTS**

— by IPEA . . . . . 10.044,  
10.047(i)  
— by RO . . . . . 6.001(ii)  
— for abstract . . . . . 5.172  
— for claims . . . . . 5.124  
— for description . . . . . 5.105  
— for drawings . . . . . 5.131-5.159  
— for IA . . . . . 5.018, 5.177,  
6.032(v),  
6.051  
— for sequence listings . . . . . 5.099-5.100,  
7.005-7.007,  
7.012, 10.063,  
10.064(vii),  
11.088

**POSTPONEMENT**

— of IPE may be requested by applicant in  
amendment statement in demand . . . . . 10.026, 10.054  
— of publication of IA . . . . . 11.049  
“telescoped” procedure not available if applicant  
has requested — of IPE . . . . . 10.052

**POWER OF ATTORNEY**

— and IPE . . . . . 10.021  
— and SIS . . . . . 8.018-8.020  
— required if agent signs IA . . . . . 5.089  
— required of agent signing for corporate  
applicant . . . . . 5.047  
— required when new agent requests change in person  
of applicant . . . . . 11.018B  
appointment of agent or common representative  
other than in request requires — . . . . . 5.043, 5.044  
general —  
generally . . . . . 5.043, 11.009  
lack of — is correctable defect . . . . . 11.027  
requirements for — . . . . . 11.008  
separate —  
appointment of agent or common representative in  
request, demand or by . . . . . 11.007  
appointment of agent or common representative  
may be effected in . . . . . 5.043, 5.089,  
10.021-10.022,  
11.007  
must be submitted to RO, IB or Authority  
concerned . . . . . 5.043, 5.044,  
11.008  
requirements for submittal of . . . . . 11.008  
waiver of the requirement of — . . . . . 5.044,  
11.008-11.009,  
11.018B,  
11.048,  
Annexes D, E,  
SISA

**PRACTICE(S)**

details on — of Offices/organizations . . . . . Annex B  
See MARKUSH PRACTICE, RIGHT TO PRACTICE

**PRELIMINARY EXAMINATION**

See INTERNATIONAL PRELIMINARY EXAMINATION

**PRELIMINARY EXAMINATION FEE**

See FEE(S)

**PREVENTION**

- of international publication . . . . . 9.023A, 11.049
- of transmittal of record copy for reasons of national security . . . . . 6.010-6.011, 6.058

**PRIOR ART**

- generally . . . . . 7.003-7.004
- effect of IAs in United States of America . . . . . U.S. Nat. Chap.
- for IPE . . . . . 10.058-10.059
- claims must include statement of — . . . . . 5.112

**PRIORITY**

- claiming — in IA, generally . . . . . 5.057-5.070
- right of — . . . . . 5.060
- restoration of the right of — . . . . . 5.060-5.069

**PRIORITY APPLICATION**

- IA considered withdrawn may be invoked as — . . . . . 6.009
- identification of — . . . . . 5.057-5.061

**PRIORITY CLAIM**

- generally . . . . . 5.057-5.071
- considered not to have been made . . . . . 5.060, 6.025, 6.043-6.044
- may be based on earlier application filed in WTO member . . . . . 5.057-5.060
- correction or addition of — . . . . . 6.038-6.044
- date indication in — . . . . . 5.061
- disregarding of — . . . . . 5.070, 5.070D, Annex B
- IA/regional application may serve as basis for — . . . . . 5.007, 5.057-5.060
- invitation of applicant to correct — . . . . . 6.041-6.044
- request Box No. VI . . . . . 5.057-5.071
- request to publish information concerning priority claim considered not to have been made — . . . . . 6.044
- validity of — . . . . . 5.060
- withdrawal of — . . . . . 11.056-11.057

**PRIORITY DATE**

- defined . . . . . 5.057, 5.058
- as starting date for time limits
  - 9 months from —
    - ISR must be established within 3 months from receipt of search copy by ISA or — (whichever expires later) . . . . . 7.023
  - 12 months from —
    - IA copy may be specially transmitted to DO by IB but not before — . . . . . 9.029
  - 13 months from —
    - record copy should reach IB before expiration of — . . . . . 6.058, 9.002
    - RO must declare applicability of national security provisions preventing transmittal of record copy to IB before expiration of — . . . . . 6.010
  - 16 months from —
    - amendment (Art. 19) available until — or 2 months after transmittal of ISR . . . . . 9.004
    - biological material indications (not in IA reference) may be furnished to IB within — . . . . . 11.080
    - correction or addition of priority claim within — . . . . . 6.038
    - priority document must be furnished (to IB or RO) by — . . . . . 5.070
  - 17 months from —
    - RO must declare applicability of national security provisions preventing transmittal of record copy to IB not later than — . . . . . 6.010

- 18 months from —
  - international publication after expiration of — . . . . . 9.001(iii), 9.013
  - provisional protection may be made conditional on furnishing of translation on expiration of — . . . . . 9.024
- 19 months from —
  - demand must be filed (to extend national phase to 30 months) before expiration of — . . . . . 10.010
- 20 months from —
  - demand Box No. IV(3) postpones IPE until expiration of — unless IPEA receives copy of Art. 19 amendments or notice of no amendment . . . . . 10.026
  - national/regional fees due within — for certain designated Offices . . . . . 4.016, 5.005
- 26 months from —
  - request for rectification of obvious mistake . . . . . 11.039
- 28 months from —
  - IPRP (Chapter II) must be established before expiration of — . . . . . 10.010, 10.074
- 30 months from —
  - demand withdrawal permitted before expiration of — . . . . . 11.060
  - election withdrawal permitted before expiration of — . . . . . 11.060
  - IPE extends in respect of certain DOs national phase entry deadline to — . . . . . 4.016, 5.006, 10.002
  - national/regional fees generally due within — . . . . . 4.016, 5.005
  - priority claim withdrawal must be received before expiration of — . . . . . 11.056
  - request for change acceptable if received within — . . . . . 11.021
  - withdrawal of designation must be received before expiration of — . . . . . 11.050
  - withdrawal of IA permitted before expiration of — . . . . . 11.048
  - established by priority claim . . . . . 5.060
  - indication of — in demand . . . . . 10.016
  - See TIME LIMITS, PCT TIME LIMIT CALCULATOR

**PRIORITY DOCUMENT**

- availability of certified copy of IA for use as — . . . . . 6.060
- availability of copies of — from IB after international publication . . . . . 5.070D, 9.023, 11.073
- IPEA may request — and translation . . . . . 10.056
- when and to whom to furnish — . . . . . 5.070, 5.070D

**PRIORITY PERIOD**

- defined . . . . . 5.059

**PROCEDURES**

- IB — . . . . . 9.001
- IPEA — . . . . . 10.001
- ISA — . . . . . 7.001
- RO — . . . . . 6.001
- SISA . . . . . 8.039
- “telescoped” — (overlapping IS and IPE) . . . . . 10.052

**PROCESSING**

- of demand . . . . . 10.044-10.050
- of IA by IB . . . . . 9.001-9.029
- of IA by ISA . . . . . 7.001-7.032
- of IA by RO . . . . . 6.001
- of supplementary search request by IB . . . . . 8.038

**PROTECTION**

- different applicants may not be indicated for different types of — . . . . . 5.022

kinds of — other than patent . . . . .	5.002, 5.016, 5.055
in each Contracting State . . . . .	Annex B
provisional — : See PROVISIONAL PROTECTION	
<b>PROTEST</b>	
— against payment of additional fees for lack of unity of invention . . . . .	
before IPEA . . . . .	10.072
before ISA . . . . .	7.019-7.020
— fee for unity of invention . . . . .	7.019, Annex D
See UNITY OF INVENTION	
<b>PROVISIONAL PROTECTION</b>	
generally . . . . .	9.011, 9.024, 11.086, Annex B
<b>PUBLIC ORDER</b>	
See MORALITY AND PUBLIC ORDER	
<b>PUBLICATION</b>	
See INTERNATIONAL PUBLICATION	
<b>PUBLICATIONS (of WIPO)</b>	
generally . . . . .	1.001-1.008
<i>PCT Applicant's Guide</i> . . . . .	1.001-1.003, 1.006, 3.001-3.002, 3.004, 4.021
<i>PCT Gazette</i> : See OFFICIAL NOTICES (PCT GAZETTE)	
PCT International Preliminary Examination Guidelines . . . . .	1.008
PCT International Search Guidelines . . . . .	1.008
<i>PCT Newsletter</i> . . . . .	1.006
PCT Receiving Office Guidelines . . . . .	1.008
<i>WIPO Handbook on Industrial Property Information and Documentation</i> . . . . .	5.033
ST.3 (Recommended Standard Two-Letter Code for the Representation of States, Other Entities and Intergovernmental Organizations) . . . . .	5.033, Annex K
<b>PUBLISHED INTERNATIONAL APPLICATION</b>	
— front page information . . . . .	9.020
access to — . . . . .	9.022
communication to DOs (Art. 20) effected by sending copy of — . . . . .	9.028
dates of furnishing biological material references mentioned in — . . . . .	11.081
declarations under Rule 4.17(v) published as part of the — . . . . .	5.077, 6.050
English translations of title, abstract, and ISR included in — . . . . .	9.017
indications about the fact that declarations were made included in the front page of the — . . . . .	6.049
international publication effected in form of — . . . . .	9.015
ISR published with — . . . . .	7.025
obtaining copies of — . . . . .	9.021
separately furnished reference to biological material or deposit included in — . . . . .	11.075
See INTERNATIONAL PUBLICATION	
<b>PURPOSE</b>	
— of appointment of agents . . . . .	11.001
— of Check List . . . . .	
in demand . . . . .	10.030
in request . . . . .	5.084-5.087
— of indicating basis for IPE . . . . .	10.025
— of IPE . . . . .	10.057
— of IS . . . . .	7.003
— of SIS . . . . .	8.002

— of unity of invention requirement . . . . .	7.015
---	-------

## R

### RATIFICATION

See ACCESSION OR RATIFICATION

### RECEIPT

— of abstract . . . . .	6.026
— of correction to IA . . . . .	6.025-6.026
— of demand . . . . .	10.044
— of record copy . . . . .	6.057-6.058, 9.002-9.003
— of search copy . . . . .	6.059
— of sheets on different days . . . . .	6.026
date of — of IA for purpose of fee payment where IA transmitted under Rule 19.4 . . . . .	6.034-6.035

### RECEIVING OFFICE (RO)

defined . . . . .	5.008
— specifies ISAs as competent . . . . .	7.002
choice of — . . . . .	5.009
competence of — . . . . .	5.008
confidentiality of IA by — . . . . .	6.004
copy of IA (home copy) for — . . . . .	5.180-5.181
extension of time limits by — . . . . .	6.037
IB as — : See INTERNATIONAL BUREAU (as RO)	
list of — . . . . .	Annex C
non-competent —, filing with . . . . .	6.035
procedural steps at — . . . . .	6.001
processing of IA by — . . . . .	6.001
refusal by — to treat IA for reasons of national security . . . . .	6.010
registration of agent with — . . . . .	5.043
registration of applicant with — . . . . .	5.024
representation before — . . . . .	5.041-5.046
United States Patent and Trademark Office as — does not apply Section 329 (correction of indications of nationality and residence) . . . . .	6.036

### RECORD COPY (of IA)

generally . . . . .	5.180-5.181, 6.057-6.058
— considered true copy of the IA . . . . .	6.057
— must reach IB within prescribed time limit . . . . .	6.057
notification to applicant, ISA, RO and DO of receipt of — . . . . .	9.002
receipt by applicant from IB of notification of receipt of — . . . . .	9.003
receipt of — by IB . . . . .	6.057-6.058, 9.002
receipt of — monitored by IB . . . . .	6.058
refund of international fee if IA withdrawn before transmittal of — . . . . .	5.197
right by RO not to transmit — to the IB for reasons of national security . . . . .	6.010
See NATIONAL SECURITY	

### RECORDING OF CHANGE (relating to applicant, inventor, agent, common representative)

generally . . . . .	11.018-11.022
— in case of death of applicant or inventor . . . . .	11.023-11.026
indication of applicant in demand after — . . . . .	10.018

### RECTIFICATION

— in the national phase of errors made by RO and IB . . . . .	Nat. Phase
— of obvious mistakes in IA, generally . . . . .	11.033-11.044
authorization of . . . . .	11.038
refusal of authorization . . . . .	11.043-11.044

by applicant . . . . .	11.033-11.034	— must be accompanied by letter . . . . .	6.052, 9.005-9.006
in claims . . . . .	5.126	— sent by telecommunication means should be followed by original . . . . .	11.068
in description . . . . .	5.110	amendments under Art. 19 must be in form of — . . .	9.005
in drawings . . . . .	5.161	amendments under Art. 34 must be in form of — . . .	10.071
time limit for requests for — . . . . .	11.039	<b>REPORT</b>	
where requests must be sent for — . . . . .	11.039	See INTERNATIONAL PRELIMINARY EXAMINATION REPORT, INTERNATIONAL SEARCH REPORT SUPPLEMENTARY INTERNATIONAL SEARCH REPORT	
See OBVIOUS MISTAKES		<b>REPRESENTATION</b>	
<b>REDUCTION OF FEES</b>		generally . . . . .	11.001-11.014
See FEE(S)		— by agents and common representatives before IPEA . . . . .	10.019-10.023
<b>REFUND (of fees)</b>		— by agents and common representatives before RO, IB and other authorities . . . . .	5.034, 5.041-5.048
generally . . . . .	5.073, 5.197-5.199, 10.043	<b>REQUEST FORM</b>	
— in case IA not treated as such due to prescriptions concerning national security . . . . .	5.197	generally . . . . .	5.015-5.093
— in case of transmittal of IA filed with non- competent RO . . . . .	6.035	— as computer print-out . . . . .	5.015
— of international fee if IA withdrawn/considered withdrawn before transmittal of record copy . . . . .	5.197	— Box No. I: Title of Invention . . . . .	5.019
— of IPE fees (handling and preliminary examination fees) . . . . .	10.043	— Boxes Nos. II and III: Applicants; Inventors . . . . .	5.020-5.039
— of search fee if IA withdrawn/considered withdrawn before transmittal of search copy . . . . .	5.197	— Continuation Sheet . . . . .	5.085
— of search fee in case of earlier search . . . . .	5.073, 5.198	— Box No. IV: Agent or Common Representative; or Address for Correspondence . . . . .	5.041-5.051
— of SIS fees . . . . .	8.032, Annex SISA	— Supplemental sheet (Supplemental Box) . . . . .	5.038-5.039, 5.056, 5.085
ISA will — unity of invention additional fee if protest found justified . . . . .	7.019	— Box No. V: Designation of States . . . . .	5.052-5.055
<b>REGIONAL</b>		— Box No. VI: Priority Claim . . . . .	5.057-5.071
— patent . . . . .	2.002, 3.004, 4.022-5.001, 5.016, 11.052	— Box No. VII: International Searching Authority . . . . .	5.072-5.073, 5.198
— patent application . . . . .	2.002, 4.003, 5.003, 5.007, 5.046, 5.073	— Box No. VIII: Declarations . . . . .	5.074-5.083
a — may serve as basis for priority claim . . . . .	5.057	— Declarations Sheets (i to iv) . . . . .	5.074-5.083
— patent office . . . . .	3.001, 4.009, 4.015, 4.017, 6.054, 10.057	— Continuation Sheet for declaration . . . . .	5.078
— patent treaty . . . . .	2.002, 3.004, 4.022-4.026, 10.077	— Box No. IX: Check List; Language of Filing . . . . .	5.084-5.087
no — patent office has yet asked for early communication of IA . . . . .	9.029	— Box No. X: Signature of Applicant or Agent . . . . .	5.088-5.091
<b>REGIONAL PHASE</b>		— Notes to the — . . . . .	5.092
See NATIONAL PHASE, REGIONAL		— Continuation Sheet . . . . .	5.085
<b>REGISTRATION</b>		— Supplemental Box . . . . .	5.038-5.039, 5.055, 5.056, 5.085
— of agent with RO . . . . .	5.043	— Supplemental sheet . . . . .	5.085
— of applicant with RO . . . . .	5.024	Fee Calculation Sheet (Annex to —) . . . . .	5.093
<b>REGULAR</b>		Notes to — . . . . .	5.092
IA equivalent of — national filing . . . . .	5.007, 5.060	file reference recommended to be indicated on first sheet of — . . . . .	5.017, 11.071
<b>REGULATION(S) (under the PCT)</b>		reference to biological material deposit submitted should be indicated in Check List of — . . . . .	11.082
See INDEX OF CITATIONS: Rules (below)		<b>REQUIREMENT(S)</b>	
<b>REIMBURSE</b>		— for abstract . . . . .	5.164-5.173
third parties must — IB for priority document copies furnished at their request after IA publication . . . . .	9.023	— for address . . . . .	5.027
See REFUND		— for claims . . . . .	5.112-5.127
<b>RENUNCIATION</b>		— for demand . . . . .	10.012-10.013
manner of — of appointment by agent/common representative . . . . .	11.014	— for drawings . . . . .	5.128-5.163
<b>REPLACEMENT SHEETS</b>		— for depositing biological material . . . . .	11.075-11.087, Annex L
— as form for correction . . . . .	6.052	— for filing IA and other documents by facsimile machine . . . . .	6.003, 11.067-11.070, Annex B
— containing amendments annexed to IPRP (Chapter II) . . . . .	10.076	— for identification of IA in demand . . . . .	10.014-10.016
— containing rectifications annexed to IPRP (Chapter II) . . . . .	10.076	— for letters accompanying replacement sheets . . . . .	6.052, 9.005-9.006
		— for manner and order of description . . . . .	5.094-5.099
		— for powers of attorney . . . . .	11.008
		— for priority claims . . . . .	5.057-5.070, 6.038-6.044

— for sequence listings . . . . .	5.099-5.100, 7.005-7.012, 10.063, 11.088, Annex D
— for signs and technical terminology . . . . .	5.176
— for statement explaining amendments . . . . .	9.007, 9.008
— for title of invention . . . . .	5.019
— of communication of IA to DO . . . . .	9.028
— of DOs and EOs, generally . . . . .	Nat. Phase
— of DOs and EOs regarding biological material . . . . .	Annex L
— of DOs and EOs regarding declarations under Rule 4.17 . . . . .	5.080
— of language of IA . . . . .	5.013-5.014, 6.006, 6.032(v), 6.034
— of ROs . . . . .	Annex C
— of technical interrelationship (Markush Practice) . . . . .	5.118
— of unity of invention . . . . .	5.114-5.123, 7.015-7.021, 10.072-10.073
changes in — published in <i>Official Notices</i> ( <i>PCT Gazette</i> ) . . . . .	1.005
formal — for IA: See FORMAL	
IPEA checks demand for compliance with form and content — . . . . .	10.044
physical — : See PHYSICAL REQUIREMENTS	
RO requirement that agent be appointed is same as national — . . . . .	5.046
<b>RESIDENCE</b>	
— indications in demand not supporting right to file . . . . .	10.046
— requirement for according international filing date . . . . .	6.005(i), 6.025(i)(a)
— requirement for filing demand . . . . .	10.004, 10.017
See RIGHT TO FILE	
applicant —, indication in request . . . . .	5.024, 5.031, 5.032
choice of RO because of applicants' — . . . . .	5.009
See RIGHT TO FILE	
correction of indications of — and nationality . . . . .	6.036
determination of — . . . . .	5.023
See CONTRACTING STATES, NATIONAL(S), NATIONALITY, RESIDENT	
<b>RESIDENT</b>	
common representative must be — or national of Contracting State . . . . .	11.005
for demand filing, one applicant must be — or national of Contracting State bound by Chapter II . . . . .	10.004, 10.017
for IA filing, one applicant must be — or national of Contracting State . . . . .	5.020
See CHAPTER II, CONTRACTING STATES, NATIONAL(S), NATIONALITY, RESIDENCE	
<b>RESPONSE</b>	
— to invitation to furnish sequence listing . . . . .	7.010
— to written opinion . . . . .	10.067
See WRITTEN OPINION(S)	
<b>RESTORATION OF RIGHT OF PRIORITY</b>	
See PRIORITY	
<b>RESTRICTION(S)</b>	
— of claims may be invited by IPEA . . . . .	10.072-10.073
See CLAIM	
language — affecting choice of ISA . . . . .	7.002
See LANGUAGE(S)	
<b>REVIEW</b>	
— by DO of RO decision . . . . .	6.054-6.056
<b>REVISION</b>	
— of RO decision . . . . .	6.054
See APPEAL, PETITION	
<b>REVOCATION</b>	
— of appointment, generally . . . . .	5.045, 11.011-11.013
<b>RIGHT</b>	
— of priority for IAs . . . . .	5.060
See PRIORITY	
— to	
communicate with IPEA . . . . .	10.067
file: See RIGHT TO FILE	
practice: See RIGHT TO PRACTICE	
submit arguments against “taking away” international filing date . . . . .	6.012
proof of — to invention may be required by DOs . . . . .	5.086, Nat. Phase
RO has — not to treat IA as such for national security reasons . . . . .	6.010
successor to — of applicant should be indicated in IA as new applicant . . . . .	11.023, 11.025
See SUCCESSOR	
<b>RIGHT TO FILE</b>	
— Art. 34 amendments with IPEA . . . . .	9.011, 10.024
— demand	
correction of residence/nationality indications not supporting . . . . .	10.046
demand considered not to have been submitted if applicant without . . . . .	10.004
refund of handling fee if demand submitted by applicants who did not have . . . . .	10.043
— IA	
condition for according international filing date that applicant does not obviously lack (for reasons of residence or nationality) . . . . .	6.005(i), 6.025(i)(a)
correction of residence/nationality indications not supporting . . . . .	6.036
“deemed” common representative is first-named applicant with . . . . .	5.048, 10.022, 11.006
depends on nationality and residence . . . . .	5.020, 11.025
DO may require documents relating to — during national processing . . . . .	11.018B, Nat. Phase
not every applicant with — IA has — demand . . . . .	10.001
See RIGHT, RIGHT TO PRACTICE	
<b>RIGHT TO PRACTICE</b>	
— before IB as RO . . . . .	5.042
— governed by national law applied by Office/ organization concerned . . . . .	11.002
agent may be appointed for international phase if has — before RO . . . . .	11.002
agent may be appointed for ISA/IPEA procedures if has — before those Authorities . . . . .	11.002
applicant may be represented during IPE by agent who has — before RO or IPEA . . . . .	10.020
sub-agents subject to same qualifications for — as agents . . . . .	11.004
See AGENT, ATTORNEY, REPRESENTATION	
<b>RULE(S)</b>	
See INDEX OF CITATIONS: Rules (below)	

**S****SCHEDULE OF FEES (in Rules)**

generally . . . . . 5.104,  
5.184(iii),  
10.035(ii)

**SEAL**

use of — instead of signature on IA filed with  
certain ROs . . . . . 5.091, 6.032(i)

use of — instead of signature on papers filed with  
certain IPEAs . . . . . 10.032

See SIGN(S), SIGNATURE

**SEARCH**

— not required of certain subject matter . . . . . 7.013

— report: See INTERNATIONAL SEARCH REPORT

earlier — . . . . . 5.016,  
5.073-5.073D,  
5.198, 7.002A

top-up — . . . . . 10.062A,  
10.075

See INTERNATIONAL SEARCH

**SEARCH COPY (of IA)**

generally . . . . . 5.179-5.181,  
5.197-5.198,  
6.010, 6.059,  
7.023

right of RO not to transmit — to ISA for national  
security reasons . . . . . 6.010

transmittal of — . . . . . 5.197, 6.059

**SEARCH FEE**

See FEE(S)

**SEARCHING AUTHORITY**

See INTERNATIONAL SEARCHING AUTHORITY,  
INTERNATIONAL SEARCHING AUTHORITY SPECIFIED  
FOR SUPPLEMENTARY SEARCH

**SEQUENCE LISTING(S)**

generally . . . . . 5.011, 5.084,  
5.099-5.104,  
7.005-7.012,  
10.063, 11.088

— does not form part of IA if furnished to ISA . . . . . 7.011

— format accepted by

DO . . . . . 7.005, 7.012,  
10.063

IPEA . . . . . 10.063,  
10.064(vii)

ISA . . . . . 7.006-7.007

RO . . . . . 5.100, 5.102-  
5.105

See INTERNATIONAL APPLICATION

fees for — . . . . . 5.101, 5.184

— furnished for the purposes of SIS . . . . . 8.038

See ELECTRONIC FORM

description must contain — complying with  
standard in Annex C of Als — . . . . . 5.099-5.100,  
5.102, 7.005-  
7.012, 10.063,  
11.088

electronic form for — . . . . . 5.099-5.100,  
5.102, 7.008-  
7.009, 7.012,  
10.063, 11.088

free text in — . . . . . 5.013, 5.099,  
7.012

translation of — [may be](#) required . . . . . 6.014, 6.020

numbering of — . . . . . 5.012

requirements for — disclosed in IAs . . . . . 5.099-5.104,  
7.005, 7.012,  
10.063,  
Nat. Phase

6.033,  
Nat. Chaps.

written opinion comment on unavailability of —  
in prescribed form . . . . . 10.064(vii)

software for the preparation of — . . . . . 5.104

**SHEET(S)**

— numbering: See NUMBERING

abstract must be presented on separate — . . . . . 5.172

amendments (Art. 19) to claims filed on  
replacement — . . . . . 9.005

claims must commence on new — . . . . . 5.124

continuation — : See REQUEST FORM

corrections should be filed on replacement — . . . . . 6.052

drawings

positioned on — . . . . . 5.134-5.135

presented on separate — . . . . . 5.131

fee calculation — : See FEE CALCULATION SHEET

file reference: See FILE REFERENCE

flow — . . . . . 5.129

IA — not all received on same day . . . . . 6.026

margins of — : See MARGINS

number of — in each IA element indicated  
in Check List . . . . . 5.085

omission of — . . . . . 5.110, 5.126,  
5.161, 11.034

replacement — annexed to IPRP (Chapter II) . . . . . 10.076

separate — for biological material indications . . . . . 11.082

size of — . . . . . 5.133

supplemental — . . . . . 5.085

See REPLACEMENT SHEETS, REQUEST FORM

**SIGN(S)**

deemed common representative may not — certain  
notices of withdrawal on behalf of other  
applicants . . . . . 11.010

See COMMON REPRESENTATIVE

inability/unwillingness to — by applicant/inventor . . . . . 11.027

status of person who — request for corporate  
applicant . . . . . 5.047

See SIGNATURE

**SIGNS**

requirements on technical terminology and —  
to be used in IA . . . . . 5.176

**SIGNATURE**

— of declaration of inventorship . . . . . 5.079, 6.048,  
6.050

— of demand

generally . . . . . 10.031, 11.006

by agent or common representative . . . . . 10.021, 10.031

by applicant . . . . . 10.031

Box No. VII: Signature of Applicant, Agent or  
Common Representative . . . . . 10.031-10.032

lack of signature considered as defect in demand . . . . . 10.049

See DEFECT

— of request for SIS . . . . . 8.026

— of request

generally . . . . . 5.016,  
5.088-5.091

by agent . . . . . 5.088-5.089

by applicant . . . . . 5.088

Box No. X: Signature of Applicant or Agent . . . . . 5.088-5.091

lack of signature considered as defect in request . . . . . 6.032(i),  
11.027

See DEFECT

— of withdrawals (demand, designation, election, IA, priority claim) . . . . .	11.048, 11.050, 11.056, 11.060	may not contain disparaging comments on ISR or citations . . . . .	9.007
See WITHDRAWAL		non-complying statement not published or communicated . . . . .	9.008
general power of attorney (signed copy) need not have separate — . . . . .	11.009	published with IA . . . . .	9.007, 9.015
See POWER OF ATTORNEY		— concerning amendments in demand	
lack of — does not influence international filing date . . . . .	6.032(i)	Basis for IPE (Box No. IV) . . . . .	10.013, 10.025
See INTERNATIONAL FILING DATE		completion of amendment . . . . .	10.025-10.026
letters must contain — . . . . .	11.066	not binding on applicant or conduct of IPE . . . . .	10.028
manner of — . . . . .	5.090	purpose of — . . . . .	10.025
renunciation of appointment follows same — rules as powers of attorney . . . . .	11.014	that Art. 34 amendments submitted with demand . . . . .	10.055
revocation of appointment document must have — of person making appointment or successor in title . . . . .	11.011	that IPE start should be postponed . . . . .	10.054
seal used instead of — . . . . .	5.091, 10.032	to take into account Art. 19 amendments . . . . .	10.053
See SEAL		— of features for which protection is sought, in claims . . . . .	5.112
See SIGN(S)		— of prior art in claims . . . . .	5.112
<b>SINGLE</b>		— on alleged value of invention not allowed in abstract . . . . .	5.169
— general inventive concept . . . . .	5.114-5.115, 7.015, 7.018	See ABSTRACT	
See UNITY OF INVENTION		IA may not contain disparaging — . . . . .	5.175
<b>SPECIAL</b>		IPRP (Chapter II)	
— address for sending correspondence . . . . .	5.030, 5.047, 5.051, 11.015-11.016	shall not contain any statement as to whether the claimed invention is patentable or not according to national law . . . . .	10.077
— fee for		should contain statement as to whether each claim satisfies patentability criteria . . . . .	10.075
early publication . . . . .	9.013, Annex B	sequence listing furnished by applicant must be accompanied by — that listing does not include matter going beyond the disclosure . . . . .	7.010
publication of information concerning priority claim considered not to have been made . . . . .	6.044	unity of invention protest must be accompanied by reasoned — . . . . .	7.019
publication of request for rectification (Rule 91.1(f)) . . . . .	11.043, Annex B(IB)	<b>STATES</b>	
See EARLY, FEE(S), INTERNATIONAL PUBLICATION		See CONTRACTING STATES, DESIGNATED STATES, ELECTED STATES	
— fees at national phase for unsearched claims . . . . .	7.021, 10.073	<b>SUB-AGENT</b>	
— requirements applying to sequence listings . . . . .	5.099-5.100, 5.102, 7.005-7.012, 10.063, 11.088	appointment of — . . . . .	5.045, 11.004
— requirements during IPE . . . . .	10.063	revocation of appointment of — . . . . .	11.011
— requirements during IS . . . . .	7.005	See AGENT	
See SEQUENCE LISTING		<b>SUBJECT</b>	
“— technical feature” . . . . .	5.115-5.118	— matter	
See UNITY OF INVENTION		for which no IPE is required . . . . .	10.064(i)
— transmittal of IA to DO at applicant's request . . . . .	9.029	for which no IS is required . . . . .	7.013
<b>STANDARD</b>		— of IA, what may be . . . . .	5.002
— for e-filing of IAs . . . . .	5.189, Annex F of AIs	<b>SUCCESSOR</b>	
— for sequence listings in Annex C of AIs . . . . .	5.099-5.104, 6.014, 7.005-7.006, 7.010, 7.012, 10.063, 11.088	— in title . . . . .	11.011, 11.023
— ST.3 (Recommended Standard Two-Letter Code for the Representation of States, Other Entities and Intergovernmental Organizations) . . . . .	5.033, Annex K	— State: See EXTENSION OF EFFECTS OF IA TO SUCCESSOR STATE	
<b>STANDARDIZED WORDING</b>		<b>SUPPLEMENTAL</b>	
— in declarations under Rule 4.17 . . . . .	5.075-5.076, 5.078, 6.046	— Box . . . . .	5.038-5.039, 5.056, 5.085
<b>STATEMENT(S)</b>		— sheet of request . . . . .	5.085
— accompanying Art. 19 amendment . . . . .	9.007, 9.008	<b>SUPPLEMENTARY INTERNATIONAL SEARCH (SIS)</b>	
identification of . . . . .	9.008	generally . . . . .	8.001-8.005
language of . . . . .	9.007, 11.066	— fee: See FEE(S)	
length of . . . . .	9.007	documents forming basis for — . . . . .	8.023-8.024
		form to request —	
		— generally . . . . .	8.006-8.011
		— Box No. I: Identification of IA . . . . .	8.013-8.014
		— Box No. II: Applicant . . . . .	8.015-8.017
		— Box No. III: Agent or Common Representative . . . . .	8.018-8.022
		— Box No. IV: Basis for SIS . . . . .	8.023-8.024
		— Box No V: Check List . . . . .	8.025

— Box No. VI: Signature of Applicant, Agent or Common Representative . . . . .	8.026
Notes to — . . . . .	8.027
Defects in . . . . .	8.032-8.034
Fee Calculation Sheet (Annex to —) . . . . .	8.028
Notes to the Fee Calculation Sheet . . . . .	8.028
transmittal by IB to SISA . . . . .	8.038, Annex SISA
purpose of — . . . . .	8.001-8.002
results of — set out in SISR . . . . .	8.049
scope of documentation . . . . .	8.043
unity of invention, lack of, during —: See UNITY OF INVENTION	
See SUPPLEMENTARY INTERNATIONAL SEARCH REPORT, INTERNATIONAL SEARCHING AUTHORITY SPECIFIED FOR SUPPLEMENTARY SEARCH	

**SUPPLEMENTARY INTERNATIONAL SEARCH REPORT (SISR)**

generally . . . . .	8.047
— form and contents of . . . . .	8.049
— claims relating to inventions for which no ISR established . . . . .	
declaration that no — will be established . . . . .	8.048
documents cited in —, obtaining copies of . . . . .	8.050
publication of — . . . . .	8.053
transmittal of — . . . . .	8.051

**T****TABLES**

representation of — . . . . .	5.109, 5.125
-------------------------------	--------------

**TECHNICAL**

— periodicals . . . . .	7.004
See MINIMUM DOCUMENTATION	
— preparations for international publication: See INTERNATIONAL PUBLICATION	
— relationship/interrelationship: See UNITY OF INVENTION	
— requirements provided for in Annex C of AIs: See SEQUENCE LISTINGS	
— terminology . . . . .	5.176
— value of invention . . . . .	4.013, 10.083
“special — feature” . . . . .	5.115-5.118
See SPECIAL, UNITY OF INVENTION	

**TELEFAX**

See FACSIMILE

**TELEGRAPH**

documents filed by — . . . . .	11.067-11.070
--------------------------------	---------------

**TELEPHONE**

— number, indication of . . . . .	5.008, 5.028, 10.017
communication by — . . . . .	10.067

**TELEPRINTER**

documents filed by — . . . . .	11.067-11.070
--------------------------------	---------------

**TELESCOPED**

— procedure of (partial overlapping IS and IPE) . . . . .	10.052
See INTERNATIONAL PRELIMINARY EXAMINATION, INTERNATIONAL SEARCH	

**TERMINOLOGY**

requirements as to technical — used in IA . . . . .	5.176
---	-------

**THIRD PARTY OBSERVATIONS**

generally . . . . .	11.109
— taken into account by competent ISAs/IPEAs . . . . .	11.117
anonymous — . . . . .	11.112
comments on — . . . . .	11.114
how to submit — . . . . .	11.111

languages of — . . . . .	11.113
processing of — . . . . .	11.116
publication of — . . . . .	11.114
restrictions concerning — . . . . .	11.115
time limit for submitting — . . . . .	11.110

**TIME LIMIT(S)**

— fixed from date of mailing . . . . .	5.173, 9.004
— for entering national phase . . . . .	5.005, Nat. Phase
— for furnishing translation of IA . . . . .	4.014-4.016, 6.015, 6.021-6.023
— for payment of IPE fees . . . . .	10.042, 10.047
— for requesting SIS . . . . .	8.005
— recalculated due to correction of priority claim . . . . .	6.040
— recalculated due to withdrawal of priority claim . . . . .	11.057
— to correct or add priority claim . . . . .	6.038
— to establish ISR . . . . .	7.023
— to withdraw a designation . . . . .	11.050
— to withdraw priority claim . . . . .	11.056
— to withdraw the application . . . . .	11.048
computation of — . . . . .	11.062, 11.065D
excuse of delay in meeting — . . . . .	11.065- 11.065C
extension of — . . . . .	11.065D
PCT — calculator . . . . .	11.062, 11.065D

See EXTENSION OF TIME LIMIT, PRIORITY DATE

**TITLE(S)**

— and abstract . . . . .	7.022
— established by ISA . . . . .	7.022
— of invention . . . . .	5.019
— published . . . . .	9.016, 9.020
academic — must be omitted from names . . . . .	5.025
defective — . . . . .	7.022
description must include — of invention (request Box No. I) . . . . .	5.094
IA identification by number, filing date and — in demand . . . . .	10.014
IB prepares English translations of — of invention . . . . .	9.017
lack of IA — does not influence international filing date . . . . .	6.032(iii)
length of — in English or when translated into English . . . . .	5.019
missing — . . . . .	7.022
names of States may be indicated by full name, short —, or two-letter code . . . . .	5.033
request must contain — of invention . . . . .	5.016
requirements for — of invention . . . . .	5.019
successor in — : See SUCCESSOR	

**TITLE OF ADDITION**

— available under PCT . . . . .	5.055, 5.056
---------------------------------	--------------

**TRANSLATE(D)**

— into English	
abstract length when . . . . .	5.169A
IPRP (Chapter II) may be required by EO to be translated by IB if not in official language . . . . .	10.078
names or addresses written in non-Latin characters must be translated or transliterated . . . . .	5.178
statement (accompanying amendment) length in English or when translated . . . . .	9.007
title length in English or when translated . . . . .	5.019
annexes to IPRP (Chapter II) may be required by EO to be — by applicant . . . . .	10.078

**TRANSLATION(S)**

- of amendments annexed to IPRP (Chapter II) . . . . 10.078
- of IA/elements
  - generally . . . . . 6.013-6.023
  - by IB (where required) for publication . . . . . 9.017
  - furnishing of translation to DO may give rise to provisional protection . . . . . 9.024
  - no — required of sequence listing part . . . . . 6.014
  - papers submitted by applicant must be in same language as translation . . . . . 11.066
  - required for entering national phase . . . . . 3.004
- of IA required for international preliminary examination . . . . . 4.014, 5.013, 5.183, 10.011
- of IA required for international search . . . . . 4.014, 5.013, 5.181, 6.006, 6.013-6.014
- of IA required for publication . . . . . 4.014, 5.182, 6.020-6.023, 9.018
- of IPRP (Chapter I) . . . . . 9.001(vi)
- of IPRP (Chapter II) . . . . . 10.078-10.079
- used as basis for earlier search must be identified in request Continuation of Box No. VII . . . . . 5.073A
- late furnishing of — : see FEES
- priority document — may be requested by IPEA . . . . 10.056

**TRANSMITTAL**

- of copies of IA to DOs . . . . . 9.028-9.029
- of demand to competent IPEA . . . . . 10.007-10.009
- of IA by RO to IB
  - because non-competent RO . . . . . 6.025
  - because language not accepted by RO . . . . . 6.025, 6.034
- of priority document by RO to IB . . . . . 5.070, 5.070B
- of priority document copy by IB to DOs . . . . . 5.070, 5.070D
- of record copy to IB . . . . . 6.057-6.058
- of request for supplementary international search from IB to SISA . . . . . 8.037
- of search copy to ISA . . . . . 6.001(v), 6.059
- of translation of IA to IB or ISA . . . . . 5.181, 6.001(v)
- prevention of IA — to IB because of national security considerations . . . . . 6.010-6.011, 6.058

See REFUND

**TRANSMITTAL FEE**

See FEE(S)

**TWO-LETTER CODES (for countries and other entities)**

- IPEA should be identified in demand
  - by name or — . . . . . 10.013
- name of State may be indicated by — in request . . . . 5.033, 5.057, Annexes A, K

**TYPE**

See TYPEWRITTEN, TYPING

**TYPEWRITTEN**

- description must be — or printed . . . . . 5.106
- IA should generally be — . . . . . 5.177
- recommended that name of each person in IA should be — next to signature . . . . . 5.090

**TYPING**

- spacing . . . . . 5.106
- See OBVIOUS MISTAKES

**U****UNITY OF INVENTION**

- defined . . . . . 5.114
- generally . . . . . 5.114-5.123, 7.015-7.021
- and Markush practice . . . . . 5.115, 5.118-5.120
- as to intermediate/final products . . . . . 5.115, 5.121-5.122
- See INTERMEDIATE AND FINAL PRODUCTS
- procedure at IPEA . . . . . 10.072-10.073
- procedure at ISA . . . . . 7.016-7.021
- procedure at SISA . . . . . 8.044-8.046
- additional fees, invitation to pay for lack of — . . . . . 7.016-7.021, Annex D
- See FEE(S)
- combination of different categories of claims
  - under — . . . . . 5.116-5.117
- criteria for — . . . . . 5.115
- IA complying with — requirements must be accepted by DOs and EOs . . . . . 5.123
- protest concerning — . . . . . 7.019-7.020
- remarks on — in IPRP (Chapter II) . . . . . 10.075
- “single general inventive concept” . . . . . 5.114-5.115, 7.015, 7.018

**UTILITY**

- certificate . . . . . 5.002, 5.055, 5.056
- model . . . . . 5.002, 5.055

**V****VALIDATION OF EUROPEAN PATENT**

- procedure for — . . . . . 4.026, 5.054

**VALIDITY**

- of priority claim . . . . . 5.060
- lack of ISR no influence on IA — . . . . . 7.013-7.014, 7.021

**VERIFIED/VERIFY**

- translation . . . . . Nat. Phase
- Check Lists (request/demand) help RO/IPEA
  - completeness of IA documents . . . . . 5.084, 10.030
- fee calculation sheets help RO/IPEA — calculations . . 5.093, 10.034

**W****WEBSITE**

See INTERNET

**WIPO DIGITAL ACCESS SERVICE (DAS)**

- availability of earlier application form — . . . . . 5.070-5.070A
- notification of date of receipt of priority document
  - by IB . . . . . 5.070C
- steps to be taken by applicant so that IB can obtain priority document via the — . . . . . 5.070B
- as digital library available to the IB for obtaining priority documents . . . . . 5.070-5.070A

**WITHDRAWAL**

- generally . . . . . 11.048-11.061
- of demand . . . . . 11.060-11.061
- of designations . . . . . 11.050-11.055
- of elections . . . . . 11.060-11.061
- of IA . . . . . 11.048
- conditional — . . . . . 11.049
- of request for SIS . . . . . 8.032, 11.058-11.059, Annex SISA

— of priority claim . . . . .	11.056-11.057
deemed common representative and — . . . . .	11.006, 11.010, 11.048
publication prevention by — of IA . . . . .	11.049
signature of notice of — . . . . .	11.048, 11.050
time limit for — . . . . .	11.048

**WITHDRAWN**

considered —	
DOs may maintain effect of IA which RO . . . . .	6.056
DOs may review RO decisions in which IAs . . . . .	6.055
IA complying with physical requirements to extent necessary for reasonably uniform publication not . . . . .	6.032(v)
IA to which international filing date should not have been accorded . . . . .	6.012
if international phase fees not paid in prescribed currency within prescribed time limits, IA . . . . .	5.195, 6.009
if no abstract furnished to RO within time limit, IA . . . . .	5.173
if no translation furnished to RO within time limit and late furnishing fee not paid . . . . .	6.016
national law may provide that unsearched parts of IA . . . . .	7.021
record copy not reaching IB within prescribed time limit results in IA . . . . .	6.057
See RECORD COPY	
RO promptly notifies applicant if IA . . . . .	6.011
IA not published if — before completion of technical preparations for publication . . . . .	9.012(iii)
priority document copies not furnished by IB if IA or priority claim — before international publication . . . . .	9.023
See “CONSIDERED NOT TO HAVE BEEN MADE/SUBMITTED”	

**WORDS**

— in drawings . . . . .	5.131
-------------------------	-------

**WORLD INTERNATIONAL PROPERTY ORGANIZATION (WIPO)**

— administrator of the PCT . . . . .	2.001
--------------------------------------	-------

**WORLD TRADE ORGANIZATION (WTO)**

Claiming priority in IA of earlier application(s) filed in or for — member which is not party to Paris Convention . . . . .	5.057-5.060
---	-------------

**WRITTEN DISCLOSURE**

— as prior art reference . . . . .	7.003
------------------------------------	-------

**WRITTEN OPINION(S)**

defined . . . . .	10.066
— of the ISA . . . . .	7.027-7.032
— indicates claims not subject to IS . . . . .	10.062
— not issued if no IPEA comments . . . . .	10.066
amendments/arguments taken into account for — . . . . .	10.028, 10.061, 10.068
applicant response to — . . . . .	10.067-10.069
IPEA notifications/comments to applicant in — . . . . .	10.064-10.065, 10.070, 11.047
multiple — . . . . .	10.066-10.067
See INTERNATIONAL PRELIMINARY EXAMINATION	

**Y****YEAR**

indication of — in dates . . . . .	5.061
international publication number contains indication of — . . . . .	9.015
priority — : See PRIORITY, PRIORITY DATE, DATE, DAY(S)	

## Index of Citations of Articles, Rules and Administrative Instructions

Articles			
Article	Paragraph		
Article 2(i)	5.002	Article 14(2)	6.025-6.026, 6.037
Article 2(ii)	5.002	Article 14(3)	5.195, 6.009
Article 2(vii)	5.001	Article 14(4)	6.012
Article 2(x)	5.123	Article 15	7.001
Article 2(xi)	5.058	Article 15(4)	7.003-7.004
Article 3(1)	5.001-5.002	Article 16	7.002
Article 3(2)	5.010, 5.128	Article 16(3)(b)	5.073, 5.198
Article 3(3)	5.164	Article 17(2)	8.041, 9.004
Article 3(4)(i)	5.013, 6.032	Article 17(2)(a)	5.183, 7.027-7.028, 8.042, 9.013, 10.010, 10.026
Article 3(4)(ii)	5.177	Article 17(2)(a)(i)	7.013
Article 3(4)(iii)	5.114	Article 17(2)(a)(ii)	7.014
Article 3(4)(iv)	5.184	Article 17(2)(b)	5.113, 7.013-7.014
Article 4(1)	5.016	Article 17(3)(a)	7.015-7.016, 7.018
Article 4(1)(ii)	5.003, 5.052, 5.055, 5.056	Article 17(3)(b)	7.021
Article 4(1)(iii)	5.043	Article 18	7.001
Article 4(1)(v)	5.035	Article 18(1)	7.023
Article 4(3)	5.055, 5.056	Article 18(2)	7.025
Article 4(4)	5.035-5.036	Article 19	5.127, 9.001, 9.004-9.005, 9.010-9.011, 9.015, 10.011, 10.024-10.028, 10.053-10.055, 10.061, 10.070, 10.071, 10.076, 11.037, 11.038, 11.045-11.046, 11.066, 11.073
Article 5	5.094	Article 19(1)	9.004, 9.007, 9.008, 11.047A
Article 6	5.112	Article 19(2)	9.009, 11.047
Article 7	5.010, 5.128	Article 19(3)	9.009, 11.047
Article 8	5.007	Article 20	9.001
Article 8(1)	5.057-5.060	Article 20(1)(a)	9.028
Article 8(2)(a)	5.060	Article 20(3)	7.026, 8.053
Article 9	11.005, 11.025	Article 21	9.001, 9.015
Article 9(1)	5.020, 5.031	Article 21(2)	9.013
Article 9(3)	5.020, 5.022	Article 21(3)	9.015, 11.073
Article 10	5.008, 6.001	Article 21(4)	9.017
Article 11	6.011, 6.027, 6.037, 11.045	Article 21(5)	9.012, 9.023A, 11.049
Article 11(1)	5.197, 6.001, 6.005, 6.008, 6.030	Article 21(6)	5.175
Article 11(1)(i)	6.025, 6.036	Article 22	11.061, 11.092
Article 11(1)(ii)	6.006, 6.025	Article 22(1)	5.005-5.006, 6.054, 6.057, 9.028
Article 11(1)(iii)	6.006, 6.027-6.028	Article 23(1)	5.005
Article 11(1)(iii)(a)	6.025	Article 23(2)	5.070, 9.029
Article 11(1)(iii)(b)	5.052, 6.025	Article 24(1)(ii)	6.057
Article 11(1)(iii)(c)	6.025	Article 24(1)(iii)	6.057
Article 11(1)(iii)(d)	5.094, 6.025, 6.027	Article 24(2)	6.056
Article 11(1)(iii)(e)	5.112, 6.025, 6.027	Article 25	6.054-6.055
Article 11(2)(a)	6.001, 6.026	Article 27(1)	5.123
Article 11(2)(b)	6.001, 6.008	Article 27(2)	5.086, 11.023
Article 11(3)	5.003, 5.060, 6.009	Article 27(7)	5.041, 5.046
Article 11(4)	5.007, 5.060, 6.009	Article 27(8)	6.010
Article 12	5.180, 6.001	Article 28	5.111, 5.127, 5.162, 11.045
Article 12(1)	6.059	Article 29	9.024
Article 12(2)	6.057	Article 30	6.004, 11.072
Article 12(3)	6.057	Article 31(1)	5.004, 10.001
Article 13	9.029	Article 31(2)	10.017
Article 14	11.045	Article 31(2)(a)	5.009, 10.004, 10.046
Article 14(1)	6.037	Article 31(3)	10.006, 10.012, 10.047
Article 14(1)(a)	6.001		
Article 14(1)(a)(i)	5.088, 6.032, 11.027	Article 31(4)	10.005
Article 14(1)(a)(ii)	6.032, 6.036	Article 31(4)(a)	5.004, 10.001
Article 14(1)(a)(iii)	6.032	Article 31(5)	10.035
Article 14(1)(a)(iv)	5.173, 6.032	Article 31(6)(a)	10.006
Article 14(1)(a)(v)	5.177, 6.032	Article 31(7)	10.045
Article 14(1)(b)	5.173, 6.001, 6.032, 11.027	Article 32(1)	10.001
		Article 32(2)	10.006
		Article 33(1)	10.001, 10.057
		Article 33(2)	10.058
		Article 33(3)	10.059
		Article 33(4)	10.060
		Article 34	7.030, 9.004, 10.025-10.028, 10.055, 10.061, 10.076, 11.038, 11.046, 11.066
		Article 34(2)(a)	10.067
		Article 34(2)(b)	5.111, 5.127, 5.162, 9.011, 10.024, 10.070-10.071, 11.045, 11.047-11.047A
		Article 34(2)(d)	10.067
		Article 34(3)	10.073
		Article 34(4)(a)(i)	10.064
		Article 34(4)(a)(ii)	10.064
		Article 35(1)	10.074-10.075
		Article 35(2)	10.075, 10.077
		Article 35(3)(a)	10.064
		Article 36	9.001
		Article 36(1)	10.079
		Article 36(3)(a)	10.079-10.080, 11.074
		Article 36(4)	10.082
		Article 37	11.060
		Article 37(4)	11.061
		Article 38	9.025, 10.003, 11.072-11.074
		Article 38(1)	10.080
		Article 39(1)	5.006, 10.002, 10.010, 11.048, 11.050, 11.056, 11.092
		Article 39(1)(a)	6.054, 10.050
		Article 40(1)	5.006, 10.002
		Article 40(2)	9.029
		Article 41	11.045
		Article 41(1)	5.111, 5.127, 5.162
		Article 43	5.016, 5.052, 5.055
		Article 44	5.016, 5.052, 5.055
		Article 45	5.016
		Article 45(1)	5.052
		Article 45(2)	5.052
		Article 48(1)	11.063
		Article 48(2)	6.056
		Article 49	5.041-5.042, 10.020, 11.002
		Article 64(1)	10.005
		Article 64(2)(a)(i)	10.002
		Article 64(2)(a)(ii)	10.002
		Article 64(3)	9.012, 11.039
		Article 64(3)(a)	9.012
		Article 64(3)(c)	9.012
		Article 64(4)	5.003

Rules			
Rule	Paragraph		
Rule 2.1	5.089	Rule 5.2	5.099, 7.005, 11.088
Rule 2.2	5.041, 10.020	Rule 6	5.112
Rule 2.2 <i>bis</i>	5.048, 10.022, 11.005-11.006	Rule 6.1	5.112, 9.005
Rule 2.3	5.091, 6.032, 10.032	Rule 6.2	5.112
Rule 2.4	5.059	Rule 6.3	5.112
Rule 2.4(b)	5.059	Rule 6.4	5.112
Rule 3	5.016	Rule 6.4(a)	5.113, 7.014, 10.064
Rule 3.1	5.015	Rule 7.1	5.128-5.129
Rule 3.2	5.015	Rule 8	5.164, 6.032
Rule 3.3	5.084	Rule 8.1(a)	5.165
Rule 3.3(a)(iii)	5.087, 5.170	Rule 8.1(a)(ii)	5.168
Rule 3.4	5.015	Rule 8.1(b)	5.169A
Rule 4	5.015, 10.017	Rule 8.1(c)	5.169
Rule 4.1	5.016	Rule 8.1(d)	5.171A
Rule 4.1(a)(iii)	5.043	Rule 8.2	5.087, 5.170
Rule 4.1(a)(iv)	5.035	Rule 8.3	5.164
Rule 4.1(b)(i)	5.057	Rule 9	5.175
Rule 4.1(b)(ii)	5.073	Rule 10	5.176
Rule 4.1(b)(iii)	5.055, 5.056	Rule 10.1(d)	5.157
Rule 4.1(b)(iv)	5.072	Rule 10.1(e)	5.157
Rule 4.1(c)(i)	5.036	Rule 11	5.105, 5.124, 5.131, 5.172, 5.177, 6.032
Rule 4.1(c)(ii)	5.070	Rule 11.1(a)	5.179
Rule 4.1(c)(v)	5.064	Rule 11.1(b)	5.179
Rule 4.1(d)	5.088-5.089, 6.032	Rule 11.2(a)	5.132-5.133
Rule 4.3	5.019, 6.032	Rule 11.2(b)	5.133
Rule 4.4	5.037, 6.032	Rule 11.2(c)	5.133
Rule 4.4(a)	5.025	Rule 11.3	5.133
Rule 4.4(b)	5.026	Rule 11.4(a)	5.124
Rule 4.4(c)	5.027-5.028, 8.017, 8.021	Rule 11.5	5.133
Rule 4.4(d)	5.030, 5.051	Rule 11.6(c)	5.133
Rule 4.5	5.024, 6.032, 6.036	Rule 11.7	5.106, 5.140
Rule 4.6	5.035	Rule 11.7(a)	5.012
Rule 4.6(c)	5.038	Rule 11.8	5.106
Rule 4.7	5.043-5.046	Rule 11.9	5.106
Rule 4.9	5.003	Rule 11.9(b)	5.107, 5.108
Rule 4.9(a)	5.016, 5.052, 6.005, 6.025	Rule 11.9(d)	5.018, 5.108
Rule 4.9(b)	5.053	Rule 11.10	5.130-5.131
Rule 4.10	5.016, 5.057-5.060, 6.025, 6.041	Rule 11.10(b)	5.107
Rule 4.10(a)	5.057	Rule 11.10(c)	5.109, 5.125
Rule 4.10(b)	5.057, 9.023	Rule 11.10(d)	5.109, 5.134-5.135
Rule 4.11	5.016, 5.055	Rule 11.11	5.131, 5.156
Rule 4.12	5.073-5.073A	Rule 11.12	5.131, 5.133
Rule 4.14 <i>bis</i>	5.016, 5.072, 7.002	Rule 11.13	5.131, 5.143
Rule 4.15	5.016, 5.088-5.089, 6.032	Rule 11.13(b)	5.147
Rule 4.16	5.178	Rule 11.13(c)	5.150
Rule 4.17	5.074-5.076, 5.083, 6.045-6.047, 6.049, 6.050, 9.015	Rule 11.13(e)	5.152
Rule 4.17(i)	5.074-5.075	Rule 11.13(g)	5.151
Rule 4.17(ii)	5.074-5.075	Rule 11.13(h)	5.108, 5.153
Rule 4.17(iii)	5.074-5.075	Rule 11.13(i)	5.139
Rule 4.17(iv)	5.074, 5.079, 6.048	Rule 11.13(j)	5.134-5.135
Rule 4.17(v)	5.074-5.075	Rule 11.13(k)	5.141
Rule 4.18	6.025, 6.027-6.028	Rule 11.13(l)	5.154
Rule 4.19(a)	5.025	Rule 11.13(m)	5.155
Rule 5	5.094	Rule 11.13(n)	5.160
Rule 5.1(a)	5.019	Rule 11.14	10.071
Rule 5.1(a)(v)	5.096	Rule 12	5.181
		Rule 12.1	6.006, 6.013, 6.032, 11.066
		Rule 12.1(a)	5.013, 6.006
		Rule 12.1(c)	5.013, 6.006, 6.019, 6.059
		Rule 12.1(d)	5.099
		Rule 12.1 <i>ter</i>	11.078
		Rule 12.3	5.181, 6.014
		Rule 12.3(a)	11.078
		Rule 12.3(e)	6.017
		Rule 12.4	5.182, 6.020
		Rule 12.4(a)	11.078
		Rule 12 <i>bis</i> .1	5.073
		Rule 12 <i>bis</i> .2	5.073A
		Rule 13	5.114-5.116, 5.123, 7.015-7.016, 7.018, 8.044
		Rule 13.2	5.115, 5.118, 5.121
		Rule 13.3	5.115
		Rule 13 <i>bis</i>	5.086
		Rule 13 <i>bis</i> .1	11.075
		Rule 13 <i>bis</i> .2	11.076
		Rule 13 <i>bis</i> .3	11.078
		Rule 13 <i>bis</i> .3(a)(iv)	11.079
		Rule 13 <i>bis</i> .3(b)	11.081
		Rule 13 <i>bis</i> .4	11.080, 11.081
		Rule 13 <i>bis</i> .5	11.077
		Rule 13 <i>bis</i> .5(c)	11.084
		Rule 13 <i>bis</i> .6	11.085, 11.086
		Rule 13 <i>bis</i> .7(a)	11.079
		Rule 13 <i>bis</i> .7(a)(ii)	11.080
		Rule 13 <i>bis</i> .7(b)	11.083
		Rule 13 <i>ter</i>	5.100, 5.102, 11.088
		Rule 13 <i>ter</i> .1	5.099-5.100, 7.005
		Rule 13 <i>ter</i> .1(a)	7.006, 7.010, 8.012
		Rule 13 <i>ter</i> .1(b)	7.006, 7.010
		Rule 13 <i>ter</i> .1(c)	7.010
		Rule 13 <i>ter</i> .1(d)	7.010, 7.013
		Rule 13 <i>ter</i> .1(e)	7.011
		Rule 13 <i>ter</i> .2	7.012, 10.063
		Rule 14	5.184, 5.191
		Rule 14.1(a)	5.185
		Rule 14.1(b)	5.186-5.187
		Rule 15.1	5.184-5.185
		Rule 15.2	5.186-5.187
		Rule 15.3	5.191
		Rule 15.4	5.192
		Rule 15.6	5.197
		Rule 16.1	5.184
		Rule 16.1(a)	5.187
		Rule 16.1(b)	5.185-5.186
		Rule 16.1(f)	5.191-5.192
		Rule 16.2	5.197
		Rule 16.3	5.073, 5.198
		Rule 16 <i>bis</i>	6.037
		Rule 16 <i>bis</i> .1	5.193
		Rule 16 <i>bis</i> .1(c)	5.195
		Rule 16 <i>bis</i> .2	5.193
		Rule 17.1	5.070, 10.056
		Rule 17.1(a)	6.028
		Rule 17.1(b)	6.028
		Rule 17.1(b- <i>bis</i> )	5.070, 6.028
		Rule 17.2	11.073
		Rule 17.2(a)	5.070
		Rule 17.2(b)	5.071
		Rule 17.2(c)	9.023
		Rule 18	5.031
		Rule 18.1	5.009, 5.020, 5.023, 10.004, 11.025
		Rule 18.3	5.020
		Rule 18.4(c)	5.022
		Rule 19	5.031
		Rule 19.1	6.035
		Rule 19.1(a)	5.008
		Rule 19.2	5.008, 6.035
		Rule 19.4	6.025
		Rule 19.4(a)(i)	6.035
		Rule 19.4(a)(ii)	5.014, 6.034
		Rule 19.4(a)(ii- <i>bis</i> )	5.100, 5.103
		Rule 19.4(a)(iii)	5.062, 6.027
		Rule 19.4(b)	6.034-6.035

Rule 19.4(c) . . . . .	6.034-6.035	Rule 26.3ter(c) . . . . .	6.019	Rule 44.1 . . . . .	7.025, 7.028
Rule 20 . . . . .	11.045	Rule 26.4 . . . . .	6.052, 9.016A, 11.039	Rule 44.2 . . . . .	7.022
Rule 20.1 . . . . .	6.001, 6.005, 6.008, 8.051	Rule 26.5 . . . . .	6.032	Rule 44.3 . . . . .	7.026, 8.050, 8.053
Rule 20.1(c) . . . . .	6.006	Rule 26bis . . . . .	11.033	Rule 44bis . . . . .	7.031, 9.001(v)
Rule 20.1(d) . . . . .	6.006	Rule 26bis.1 . . . . .	6.044	Rule 44bis.2 . . . . .	9.001(vi)
Rule 20.2 . . . . .	6.001, 6.005, 6.008, 6.011	Rule 26bis.1(a) . . . . .	5.064, 6.028, 6.038, 11.037	Rule 44bis.3 . . . . .	9.001(vi)
Rule 20.2(c) . . . . .	6.058	Rule 26bis.1(c) . . . . .	6.040	Rule 45.1 . . . . .	9.017
Rule 20.3 . . . . .	6.025, 6.027, 8.050	Rule 26bis.2 . . . . .	6.041	Rule 45bis . . . . .	8.001
Rule 20.3(a)(ii) . . . . .	6.027	Rule 26bis.2(a) . . . . .	6.042	Rule 45bis.1(a) . . . . .	8.005-8.007
Rule 20.3(b) . . . . .	6.026	Rule 26bis.2(b) . . . . .	6.038	Rule 45bis.1(b) . . . . .	8.006, 8.008
Rule 20.3(b)(i) . . . . .	6.030	Rule 26bis.2(c) . . . . .	6.043-6.044	Rule 45bis.1(b)(i) . . . . .	8.013, 8.015
Rule 20.3(b)(ii) . . . . .	6.027	Rule 26bis.2(d) . . . . .	6.044	Rule 45bis.1(b)(ii) . . . . .	8.011
Rule 20.4 . . . . .	6.030, 9.012, 11.033	Rule 26bis.2(e) . . . . .	6.044	Rule 45bis.1(b)(iii) . . . . .	8.023
Rule 20.4(i) . . . . .	6.011, 6.027, 6.029	Rule 26bis.3 . . . . .	5.062-5.068, 6.042	Rule 45bis.1(c) . . . . .	8.012
Rule 20.5 . . . . .	6.027, 7.004A, 11.033	Rule 26bis.3(a) . . . . .	5.062, 5.065, 6.042	Rule 45bis.1(d) . . . . .	8.024
Rule 20.5(a) . . . . .	6.027	Rule 26bis.3(b) . . . . .	6.042	Rule 45bis.1(e) . . . . .	8.003, 8.033
Rule 20.5(a)(ii) . . . . .	6.027	Rule 26bis.3(c) . . . . .	5.064, 6.042	Rule 45bis.1(e)(i) . . . . .	8.005
Rule 20.5(b) . . . . .	6.026	Rule 26bis.3(d) . . . . .	5.064, 6.042	Rule 45bis.2(a) . . . . .	8.029
Rule 20.5(c) . . . . .	6.026, 6.030, 7.004B	Rule 26bis.3(e) . . . . .	5.063, 6.042	Rule 45bis.2(b) . . . . .	8.030
Rule 20.5(d) . . . . .	6.026-6.027, 7.004B	Rule 26bis.3(f) . . . . .	5.066, 6.042	Rule 45bis.2(c) . . . . .	8.030
Rule 20.5(e) . . . . .	6.025, 6.030	Rule 26bis.3(g) . . . . .	5.068, 6.042	Rule 45bis.2(d) . . . . .	8.032
Rule 20.5(bis) . . . . .	6.025, 6.027, 7.004A	Rule 26bis.3(h) . . . . .	6.042	Rule 45bis.3(a) . . . . .	8.029
Rule 20.5bis(b) . . . . .	6.026	Rule 26bis.3(h-bis) . . . . .	5.067	Rule 45bis.3(d) . . . . .	8.032
Rule 20.5bis(c) . . . . .	6.011, 6.026, 6.030, 7.004B	Rule 26bis.3(i) . . . . .	6.042	Rule 45bis.3(e) . . . . .	8.032
Rule 20.5bis(d) . . . . .	6.026, 6.029A, 7.004B	Rule 26bis.3(j) . . . . .	5.062, 6.042	Rule 45bis.4(a) . . . . .	8.034
Rule 20.5bis(e) . . . . .	6.025, 6.030	Rule 26ter.1 . . . . .	5.083, 6.045, 6.050	Rule 45bis.4(b) . . . . .	8.035
Rule 20.6 . . . . .	6.008, 6.025, 6.027-6.028	Rule 26ter.2(a) . . . . .	6.046	Rule 45bis.4(c) . . . . .	8.030, 8.035
Rule 20.6(a) . . . . .	6.012, 6.029	Rule 26quater . . . . .	5.056A	Rule 45bis.4(d) . . . . .	8.030, 8.036
Rule 20.6(a)(iii) . . . . .	6.028	Rule 27 . . . . .	6.009	Rule 45bis.4(e) . . . . .	8.008, 8.037, 8.038, 8.040
Rule 20.7 . . . . .	6.025-6.026, 6.029	Rule 27.1 . . . . .	5.195	Rule 45bis.4(f) . . . . .	8.038
Rule 20.7(b) . . . . .	6.029	Rule 28 . . . . .	6.051	Rule 45bis.5 . . . . .	8.042
Rule 20.8 . . . . .	6.027	Rule 29.1 . . . . .	5.195, 6.032, 6.055	Rule 45bis.5(a) . . . . .	8.039
Rule 20.8(a) . . . . .	6.027	Rule 29.1(ii) . . . . .	6.011	Rule 45bis.5(c) . . . . .	8.040
Rule 20.8(a-bis) . . . . .	6.027	Rule 29.1(v) . . . . .	11.049	Rule 45bis.5(d) . . . . .	8.024
Rule 20.8(b) . . . . .	6.031	Rule 29.3 . . . . .	6.012	Rule 45bis.5(e) . . . . .	8.044
Rule 20.8(c) . . . . .	6.031	Rule 29.4 . . . . .	6.012	Rule 45bis.5(f) . . . . .	8.043
Rule 21 . . . . .	5.179	Rule 30.1 . . . . .	6.012	Rule 45bis.5(g) . . . . .	8.041
Rule 21.1 . . . . .	5.180-5.182	Rule 31 . . . . .	9.029	Rule 45bis.6(a) . . . . .	5.114, 8.045
Rule 21.2 . . . . .	6.060	Rule 32 . . . . .	11.090	Rule 45bis.6(c) . . . . .	8.045
Rule 22 . . . . .	6.001	Rule 32.1(a) . . . . .	11.089	Rule 45bis.6(d) . . . . .	8.046
Rule 22.1 . . . . .	6.010-6.011, 6.057, 9.001	Rule 32.1(b) . . . . .	11.090	Rule 45bis.6(e) . . . . .	8.046
Rule 22.1(a) . . . . .	5.180-5.182	Rule 32.1(c) . . . . .	11.091-11.092	Rule 45bis.7 . . . . .	8.050
Rule 22.1(e) . . . . .	6.058	Rule 32.2 . . . . .	11.092	Rule 45bis.7(a) . . . . .	8.047-8.048
Rule 22.3 . . . . .	6.057	Rule 33 . . . . .	7.003	Rule 45bis.7(d) . . . . .	8.049
Rule 23 . . . . .	6.001	Rule 34.1 . . . . .	7.004	Rule 45bis.7(e) . . . . .	8.049
Rule 23.1 . . . . .	6.059	Rule 35 . . . . .	7.002	Rule 45bis.8 . . . . .	8.051
Rule 23.1(a) . . . . .	5.180-5.181	Rule 37 . . . . .	7.022	Rule 45bis.8(b) . . . . .	8.052
Rule 23bis.2(a) . . . . .	5.073B	Rule 38 . . . . .	7.022	Rule 45bis.8(c) . . . . .	8.052
Rule 23bis.2(b) . . . . .	5.073C	Rule 38.2 . . . . .	5.173	Rule 45bis.9 . . . . .	8.041
Rule 23bis.2(e) . . . . .	5.073B	Rule 38.3 . . . . .	5.173-5.174, 11.033	Rule 45bis.9(a) . . . . .	8.004
Rule 24.2 . . . . .	9.001-9.002	Rule 39.1 . . . . .	7.013	Rule 45bis.9(b) . . . . .	8.003
Rule 24.2(a) . . . . .	9.003	Rule 40.1 . . . . .	7.016, 7.020	Rule 45bis.9(c) . . . . .	8.004
Rule 25.1 . . . . .	6.059	Rule 40.2(a) . . . . .	7.016	Rule 46 . . . . .	9.001, 9.004
Rule 26.1 . . . . .	6.001, 6.032	Rule 40.2(b) . . . . .	7.016	Rule 46.1 . . . . .	10.054
Rule 26.2 . . . . .	5.173, 6.032, 6.037, 11.027	Rule 40.2(c) . . . . .	7.019	Rule 46.3 . . . . .	11.046
Rule 26.2bis . . . . .	11.027	Rule 40.2(d) . . . . .	7.019	Rule 46.4 . . . . .	9.007
Rule 26.2bis(a) . . . . .	5.088, 11.006	Rule 40.2(e) . . . . .	7.016, 7.020	Rule 46.4(a) . . . . .	9.008
Rule 26.2bis(b) . . . . .	5.032, 6.032	Rule 40bis.1 . . . . .	7.004B	Rule 46.5 . . . . .	9.005, 9.006, 10.071
Rule 26.3 . . . . .	6.032	Rule 41.1 . . . . .	5.073, 5.198	Rule 46.5(b) . . . . .	9.009A
Rule 26.3ter(a) . . . . .	6.018, 6.032	Rule 41.2 . . . . .	5.073B, 5.073D	Rule 46.5(b)(iii) . . . . .	11.047A
Rule 26.3ter(b) . . . . .	6.032	Rule 42 . . . . .	7.023	Rule 47 . . . . .	9.001
		Rule 43 . . . . .	7.001, 7.024	Rule 47.1(a) . . . . .	9.028
		Rule 43bis . . . . .	9.001(iv)	Rule 47.1(a-bis) . . . . .	9.002
		Rule 43bis.1 . . . . .	7.001, 10.051	Rule 47.1(d) . . . . .	8.051
		Rule 43bis.1(a) . . . . .	7.027	Rule 47.2 . . . . .	9.028
		Rule 43bis.1(c) . . . . .	7.032	Rule 47.3 . . . . .	9.028
		Rule 44 . . . . .	9.001(iv)	Rule 47.4 . . . . .	9.029
				Rule 48 . . . . .	9.001, 9.015, 11.073
				Rule 48.1 . . . . .	9.015

Rule 48.2(a) . . . . .	9.015	Rule 58.1(a) . . . . .	10.035	Rule 69.1(d) . . . . .	10.026, 10.054
Rule 48.2(a)(v) . . . . .	11.073	Rule 58.1(b) . . . . .	10.039, 10.042, 10.047	Rule 69.1(e) . . . . .	10.026, 10.055
Rule 48.2(a)(vi) . . . . .	9.007, 9.008	Rule 58.1(c) . . . . .	10.035, 10.037-10.038	Rule 69.2 . . . . .	10.010, 10.074
Rule 48.2(a)(viii) . . . . .	11.075, 11.081	Rule 58.3 . . . . .	10.043	Rule 70 . . . . .	9.001(vii), 10.075
Rule 48.2(a)(x) . . . . .	5.077	Rule 58bis . . . . .	10.047	Rule 70.2(c) . . . . .	9.009, 10.070, 11.047
Rule 48.2(b)(iv) . . . . .	5.077, 6.049	Rule 58bis.2 . . . . .	10.051	Rule 70.2(c-bis) . . . . .	9.009, 10.071, 10.076, 11.047A
Rule 48.2(f) . . . . .	9.011, 9.015, 11.073	Rule 59 . . . . .	10.006	Rule 70.2(e) . . . . .	10.076
Rule 48.2(g) . . . . .	9.015	Rule 59.3 . . . . .	10.042, 10.047	Rule 70.2(f) . . . . .	10.075
Rule 48.2(h) . . . . .	9.014-9.015	Rule 59.3(a) . . . . .	10.007	Rule 70.13 . . . . .	10.072
Rule 48.2(i) . . . . .	11.041	Rule 59.3(b) . . . . .	10.007	Rule 70.16 . . . . .	10.076
Rule 48.2(l) . . . . .	9.016A	Rule 59.3(c) . . . . .	10.008-10.009	Rule 70.16(a)(iii) . . . . .	11.041
Rule 48.3 . . . . .	6.020, 9.017	Rule 59.3(d) . . . . .	10.009	Rule 70.17 . . . . .	10.078
Rule 48.3(b) . . . . .	5.013, 9.018	Rule 59.3(e) . . . . .	10.007	Rule 71 . . . . .	9.001(vii)
Rule 48.4 . . . . .	9.013	Rule 59.3(f) . . . . .	10.008	Rule 71.1 . . . . .	10.079
Rule 49.5(a)(ii) . . . . .	9.004	Rule 60.1 . . . . .	10.044	Rule 71.1(b) . . . . .	10.079A, 10.080, 11.074
Rule 49.5(a-bis) . . . . .	7.012	Rule 60.1(a) . . . . .	10.044	Rule 71.2 . . . . .	10.082
Rule 49.5(c) . . . . .	9.004	Rule 60.1(a-bis) . . . . .	10.017	Rule 72 . . . . .	9.001(vii), 10.078
Rule 49.5(c-bis) . . . . .	9.004	Rule 60.1(a-ter) . . . . .	10.031	Rule 73 . . . . .	9.001(vii)
Rule 49.5(f) . . . . .	5.141	Rule 60.1(b) . . . . .	10.047-10.048	Rule 73.2 . . . . .	10.079
Rule 49bis.1 . . . . .	5.055	Rule 60.1(c) . . . . .	10.049	Rule 73.2(a) . . . . .	10.080
Rule 49ter.1 . . . . .	5.069	Rule 60.1(g) . . . . .	10.026	Rule 74 . . . . .	9.001(vii), 10.078
Rule 49ter.1(a) . . . . .	5.065	Rule 61.1 . . . . .	10.044	Rule 78 . . . . .	5.111
Rule 49ter.1(b) . . . . .	5.065	Rule 61.1(a) . . . . .	10.045	Rule 80 . . . . .	5.029, 11.062
Rule 49ter.1(g) . . . . .	5.069	Rule 61.1(b) . . . . .	10.046, 10.048-10.049	Rule 80.5 . . . . .	5.059
Rule 51 . . . . .	6.055	Rule 61.2 . . . . .	10.045	Rule 80.6 . . . . .	11.062
Rule 51bis.1 . . . . .	5.075, 5.086	Rule 61.2(d) . . . . .	9.029	Rule 82 . . . . .	11.063
Rule 51bis.1(a)(i) . . . . .	5.074	Rule 61.3 . . . . .	10.045	Rule 82.1 . . . . .	11.063-11.064
Rule 51bis.1(a)(ii) . . . . .	5.074	Rule 61.4 . . . . .	10.045	Rule 82.1(b) . . . . .	11.063
Rule 51bis.1(a)(iii) . . . . .	5.074	Rule 62 . . . . .	10.053	Rule 82.1(c) . . . . .	11.063
Rule 51bis.1(a)(iv) . . . . .	5.074, 6.048	Rule 62.1 . . . . .	9.010	Rule 82.1(d) . . . . .	11.064
Rule 51bis.1(a)(v) . . . . .	5.074	Rule 62.1(i) . . . . .	5.183	Rule 82.1(e) . . . . .	11.064
Rule 51bis.1(a)(vi) . . . . .	5.088	Rule 62.2 . . . . .	9.010	Rule 82bis . . . . .	6.056
Rule 51bis.2 . . . . .	5.075, 5.080, 5.081	Rule 64 . . . . .	10.058	Rule 82ter.1 . . . . .	6.012, 6.031
Rule 52 . . . . .	5.111	Rule 65 . . . . .	10.059	Rule 82ter.1(b) . . . . .	6.031
Rule 53 . . . . .	10.012-10.013, 10.047	Rule 66.1 . . . . .	10.061	Rule 82ter.1(d) . . . . .	6.031
Rule 53.2(a)(ii) . . . . .	10.021	Rule 66.1(b) . . . . .	9.011, 10.024, 10.028	Rule 82quater.1 . . . . .	11.065 - 11.065A
Rule 53.2(a)(v) . . . . .	10.025	Rule 66.1(d) . . . . .	10.024	Rule 82quater.2 . . . . .	11.065B
Rule 53.4 . . . . .	10.017, 10.031	Rule 66.1bis . . . . .	7.032, 10.028	Rule 82quater.3 . . . . .	11.065D
Rule 53.5 . . . . .	10.017, 10.021	Rule 66.1ter . . . . .	10.062A	Rule 83.1bis . . . . .	5.042, 11.002
Rule 53.6 . . . . .	10.014	Rule 66.2 . . . . .	10.064, 10.066	Rule 86.1(i) . . . . .	9.016, 9.021-9.022
Rule 53.7 . . . . .	9.003, 10.001, 10.005, 10.029	Rule 66.2(a) . . . . .	10.064	Rule 86.2(a) . . . . .	9.020
Rule 53.8 . . . . .	10.031	Rule 66.2(a)(i) . . . . .	10.064	Rule 86.4 . . . . .	9.021-9.022
Rule 53.9 . . . . .	10.025	Rule 66.2(a)(ii) . . . . .	10.064	Rule 89bis . . . . .	5.189
Rule 53.9(a)(i) . . . . .	10.026, 10.053	Rule 66.2(a)(iii) . . . . .	10.065	Rule 89ter . . . . .	5.015, 5.189
Rule 53.9(a)(ii) . . . . .	10.026	Rule 66.2(a)(iv) . . . . .	9.009, 10.064, 11.047	Rule 90 . . . . .	10.021
Rule 53.9(b) . . . . .	10.026, 10.054	Rule 66.2(a)(v) . . . . .	10.064	Rule 90.1 . . . . .	5.041, 8.018, 11.001, 11.002
Rule 53.9(c) . . . . .	10.055	Rule 66.2(a)(vi) . . . . .	10.062, 10.064	Rule 90.1(a) . . . . .	10.020
Rule 54 . . . . .	5.009, 10.004	Rule 66.2(a)(vii) . . . . .	10.064	Rule 90.1(c) . . . . .	10.020
Rule 54.1 . . . . .	10.017	Rule 66.2(b) . . . . .	10.067	Rule 90.1(d) . . . . .	11.004
Rule 54.2 . . . . .	10.017, 10.049	Rule 66.2(c) . . . . .	10.067	Rule 90.1(d)(ii) . . . . .	5.045, 8.018
Rule 54.4 . . . . .	10.043	Rule 66.2(d) . . . . .	10.066-10.067	Rule 90.2 . . . . .	5.048, 10.022
Rule 54bis.1(a) . . . . .	10.009-10.010, 10.026, 10.028, 10.051	Rule 66.3 . . . . .	10.067	Rule 90.2(a) . . . . .	11.005
Rule 55.1 . . . . .	10.013, 10.047	Rule 66.4 . . . . .	10.067	Rule 90.2(b) . . . . .	11.006
Rule 55.2 . . . . .	9.010, 10.011, 10.055, 10.074, 11.066	Rule 66.4(a) . . . . .	10.066	Rule 90.3 . . . . .	5.043, 5.046, 5.088-5.089, 10.031, 11.010
Rule 55.3 . . . . .	9.010, 10.055, 10.071, 11.046	Rule 66.4bis . . . . .	10.028, 10.061, 10.068	Rule 90.3(a) . . . . .	8.026
Rule 55.3(a) . . . . .	10.055	Rule 66.5 . . . . .	10.067	Rule 90.4 . . . . .	5.089, 8.018, 10.022, 11.008
Rule 55.3(b) . . . . .	10.055	Rule 66.6 . . . . .	10.067	Rule 90.4(a) . . . . .	11.007
Rule 55.3(c) . . . . .	10.055	Rule 66.7 . . . . .	10.056	Rule 90.4(d) . . . . .	5.044
Rule 55.3(d) . . . . .	10.055	Rule 66.8 . . . . .	10.067, 10.071, 11.047A	Rule 90.4(e) . . . . .	5.044, 11.048
Rule 57.1 . . . . .	10.035(ii), 10.037	Rule 67 . . . . .	10.064	Rule 90.5 . . . . .	5.089, 8.018, 11.009
Rule 57.2(b) . . . . .	10.039	Rule 68 . . . . .	10.072	Rule 90.5(c) . . . . .	5.044
Rule 57.2(c) . . . . .	10.038	Rule 68.5 . . . . .	10.072		
Rule 57.3 . . . . .	10.039, 10.042, 10.047	Rule 69.1 . . . . .	10.074, 11.038		
Rule 57.4 . . . . .	10.043	Rule 69.1(a) . . . . .	10.051		
		Rule 69.1(a)(iii) . . . . .	10.010		
		Rule 69.1(b) . . . . .	10.052		
		Rule 69.1(c) . . . . .	10.053		



# **PCT Applicant's Guide**

## **Introduction to the National Phase**

### **(AG-NP)**

#### **Note:**

- AG-IP, AG-NP and its Annexes are not listed in the REE/IPREE
- for EP, references to the AG-IP Annex are, as a rule, not valid legal basis in a DI answer. For full marks, references need to be given to PCT/EPC Articles/Rules, OJ EPO (e.g, EPO-WIPO Agreement), even though sometimes alternative legal basis may be accepted.

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## TABLE OF CONTENTS

<b>PCT APPLICANT'S GUIDE—NATIONAL PHASE</b>	<b>Paragraphs</b>
CHAPTER 1: HOW TO USE THE NATIONAL PHASE OF THE <i>PCT APPLICANT'S GUIDE</i> . . . . .	1.001 – 1.006
CHAPTER 2: ENTRY INTO THE NATIONAL PHASE (GENERAL) . . . . .	2.001 – 2.006
CHAPTER 3: TIME LIMIT FOR ENTERING THE NATIONAL PHASE . . . . .	3.001 – 3.004
General . . . . .	3.001 – 3.003
Request for Earlier Start of the National Phase . . . . .	3.004
CHAPTER 4: ACTS TO BE PERFORMED FOR ENTRY INTO THE NATIONAL PHASE . . . . .	4.001 – 4.032
General . . . . .	4.001 – 4.004
National Fees . . . . .	4.005 – 4.007
Translation of the International Application . . . . .	4.008 – 4.026
Copy of the International Application . . . . .	4.027 – 4.028
Choice of Certain Kinds of Protection. . . . .	4.029
Naming of Inventor. . . . .	4.030 – 4.031
Use of National Forms . . . . .	4.032
CHAPTER 5: SPECIAL REQUIREMENTS TO BE COMPLIED WITH IN CONNECTION WITH THE NATIONAL PHASE . . . . .	5.001 – 5.010
General . . . . .	5.001 – 5.002
Certain Declarations Concerning the Inventor, Assignments, etc. . . . .	5.003 – 5.005
Representation. . . . .	5.006 – 5.008
Priority Document: Copy and Translation. . . . .	5.009 – 5.010
CHAPTER 6: MISCELLANEOUS QUESTIONS CONCERNING THE NATIONAL PHASE . . . . .	6.001 – 6.033
Substantive Conditions of Patentability . . . . .	6.001
Correction of Translation . . . . .	6.002 – 6.003
Restoration of the Right of Priority . . . . .	6.004 – 6.011
Incorporation by Reference of Missing or Correct Elements or Parts. . . . .	6.012
Amendment of the International Application for the National Phase. . . . .	6.013 – 6.017
Review in the National Phase of Certain Decisions Made During the International Phase . . . . .	6.018 – 6.021
Excusing of Delays in Meeting Time Limits . . . . .	6.022 – 6.027
Rectification of Errors Made by the Receiving Office or by the International Bureau. . . . .	6.028 – 6.029
Acts to Be Performed During the National Phase. . . . .	6.030
Correspondence with and Payments to Designated Offices . . . . .	6.031
Deposit of Biological Material. . . . .	6.032
Furnishing of a Nucleotide and/or Amino Acid Sequence Listing. . . . .	6.033
Request for Accelerated Examination Procedure. . . . .	6.034

## NATIONAL CHAPTERS

## CHAPTER 1

### HOW TO USE THE NATIONAL PHASE OF THE *PCT APPLICANT'S GUIDE*

1.001. This part of the *PCT Applicant's Guide* (the *Guide*) contains information on the “national phase” of the PCT procedure, namely the procedure before the designated (or elected) Offices. It follows on from information on the “international phase” of the PCT procedure.

1.002. This part consists of two elements. First, this **text which** explains in detail what must be done by the applicant in connection with entry into the national phase.

1.003. Following this are **National Chapters** relating to all designated (or elected) Offices. Each National Chapter is structured as follows:

- (i) **Title page**—containing a table of contents and a list of abbreviations;
- (ii) **Summary**—containing a listing of the specific requirements of each designated (or elected) Office which must be complied with in connection with entry into the national phase as outlined below;
- (iii) **The procedure in the national phase**—containing an outline of the main procedural steps before the Office concerned once the national phase has started, further details relating to certain particular requirements referred to in the Summary and information about the fees that must be paid and national forms that may or must be used by the applicant in connection with entry into the national phase or during the national phase;
- (iv) **Annexes**—containing a schedule of the fees referred to in the National Chapter, an explanation on how payment of fees can be made to the Office and samples or models of forms for use by the applicant in the national phase (photocopies of those forms are accepted by the Offices concerned).

1.004. In the text of the *Guide*, “Article” refers to Articles of the PCT, “Rule” refers to the PCT Regulations and “Section” refers to the PCT Administrative Instructions. Any use of those expressions in the text of the National Chapters is followed by an indication of whether they relate to the PCT or to national legislation. References to a “paragraph” relate, unless otherwise specified, to the text of the National Phase.

1.005. The Office that is competent for each PCT Contracting State which may be designated (or elected) is usually the national Office of the State concerned. For States party to the ARIPO Harare Protocol, the Eurasian Patent Convention or the European Patent Convention, the national phase procedure takes place before the national Office and/or the regional Office concerned (the ARIPO Office, the Eurasian Patent Office or the European Patent Office, respectively), depending on the kind of designations (for national protection and/or for a regional patent) which were made. (As to regional patent systems, see International Phase, paragraphs 4.022 to 4.026). For certain States party to the ARIPO Harare Protocol or the European Patent Convention which have “closed the national route,” the national phase takes place exclusively before the ARIPO Office or the European Patent Office, respectively (see paragraph 2.002 of this part). Where the national law of a PCT Contracting State provides for patent protection through the extension of a European patent, the national phase takes place, in effect, before the European Patent Office (see International Phase, paragraph 5.054). For all States party to the OAPI Agreement the national phase takes place exclusively before the OAPI Office (see International Phase, paragraphs 4.022 to 4.026 and paragraph 2.002 below). Annexes B contain information as to the competent designated Offices for each Contracting State.

1.006. The draft of each Chapter dealing with an Office (national or regional) in its capacity as designated (and elected) Office has been approved by that Office. Naturally, the Chapters still may not deal with all the questions that could emerge. Moreover, practices and rules may change, and in any case, the only authentic sources are the laws, rules and regulations. While any correction, completion or updating will be effected as soon as possible, applicants are nevertheless advised to use the services of local patent attorneys or patent agents, whose expert knowledge and experience cannot be replaced by any written text.

## CHAPTER 2

### ENTRY INTO THE NATIONAL PHASE (GENERAL)

Article 11(3)  
23  
40

2.001. **What is the national phase?** The national phase is the second of the two main phases of the PCT procedure. It follows the international phase and consists in the processing of the international application before each Office of or acting for a Contracting State that has been designated in the international application (see International Phase). In each designated State the international application has the effect of a national (or regional) application as from the international filing date, and the decision to grant protection for the invention is the task of the Office of or acting for that State (the “designated Office”). The national phase of processing the international application by the designated Office is generally delayed until the termination of the international phase on the expiration of the time limits indicated in paragraphs 3.001 and 3.002.

Article 2(xiii)  
4

2.002. **When is an Office a designated Office?** The national Office of a Contracting State is a “designated Office” if the State is “designated” in the international application for national protection. The filing of a request constitutes the designation of all Contracting States that are bound by the Treaty on the international filing date. However, some States may be excluded from this all-inclusive designation where they have notified the International Bureau that Rule 4.9(b) applies to them (see International Phase, paragraph 5.053). Where a PCT Contracting State is party to the ARIPO Harare Protocol, the Eurasian Patent Convention or the European Patent Convention and is designated for a regional (ARIPO, Eurasian or European) patent, the regional Office concerned (the ARIPO Office, the Eurasian Patent Office or the European Patent Office) is the designated Office. Where a State party to the ARIPO Harare Protocol, the Eurasian Patent Convention or the European Patent Convention is designated twice, namely both for national protection and for a regional patent, there are two designated Offices for that State—the national Office of the State itself and the regional Office concerned. However, certain States party to the ARIPO Harare Protocol or the European Patent Convention have “closed the national route” whereby patent protection can be obtained in those countries via an international application *only* by way of a designation for a regional (ARIPO or European) patent. If any of the States that have “closed the national route” are designated, the designated Office concerned is always the ARIPO Office or the European Patent Office, respectively (see International Phase, paragraphs 4.022 to 4.026). The European Patent Office is also, in effect, the designated Office where patent protection is desired for a designated State through the extension of a European patent to that State, a possibility which is only available for countries which have a corresponding agreement with the European Patent Organisation (see Annex B(EP) and the National Chapter (Summary) relating to the European Patent Office). Where States party to the OAPI Agreement are designated, the OAPI Office, by virtue of the provisions of that Agreement, is always the designated Office (see International Phase, paragraphs 4.022 to 4.026). The competent designated Office(s) for each Contracting State is (are) set out in Annexes B.

Article 24(1)(i)  
and (ii)  
Rule 90bis.2

2.003. Where the applicant, before the expiration of the time limit for entering the national phase, voluntarily withdraws a designation, the Office of or acting for the State whose designation is withdrawn ceases to be a designated Office.

Article 2(xiv)  
31

2.004. **When is an Office an elected Office?** Where a demand for international preliminary examination is filed, the term “elected Office” is used—instead of the term “designated Office”—to denote the Office of or acting for a State in which the applicant intends to use the results of the international preliminary examination. Since only designated States can be elected, all elected Offices are necessarily also designated Offices.

Article 37  
Rule 90bis.4

2.005. Where the demand is withdrawn prior to the date on which examination or processing may start in the national phase, or where the applicant fails to pay the preliminary examination fee or the handling fee and, consequently, the demand is

considered as if it had not been submitted, the Office of or acting for the State which has been elected in the demand ceases to be an elected Office.

Article 22(1)  
23  
39(1)(a)  
40

**2.006. How does the national phase start?** The national phase starts only if the applicant performs certain acts, either before the expiration of a certain time limit or together with an express request that it start earlier. The applicant should not expect any notification inviting him to perform those acts. He has sole responsibility for performing them in due time. The consequences of failure to do so are fatal to the application in a number of designated States (see paragraphs 4.003 and 4.004). It should be noted that the acts must be performed in due time even if, for some reason, the international search report and the written opinion of the International Searching Authority or the international preliminary report on patentability (Chapter I or II of the PCT) are not yet available. Details of the acts to be performed and the applicable time limits are given in the following paragraphs.

## CHAPTER 3

### TIME LIMIT FOR ENTERING THE NATIONAL PHASE

#### GENERAL

Article 2(xi)  
22

**3.001. What is the time limit for entering the national phase before a designated Office?** Subject to what is said below, no designated Office may normally process or examine the international application prior to the expiration of 30 months from the priority date and any fees due to a designated Office and any translation of the international application to be furnished to a designated Office will have to be paid and furnished, respectively, only by the expiration of that 30-month period ("priority date" means, where the international application contains a priority claim, the filing date of the application whose priority is claimed, and, where it does not contain such a claim, the filing date of the international application. Where the international application contains two or more claims, "priority date" means the filing date of the earliest application whose priority is claimed). In respect of certain designated Offices, the applicable time limit is 20 months, not 30 months because of the incompatibility, for the time being, of the modified PCT provision (PCT Article 22(1)) with the relevant national law; those Offices made a declaration of incompatibility which will remain in effect until it is withdrawn by the respective Offices. Furthermore, certain designated Offices have fixed time limits expiring even later than 30 months, or 20 months, as the case may be. For regular updates on these applicable time limits, refer to the relevant National Chapters; a cumulative table is also available from WIPO's website at [https://www.wipo.int/pct/en/texts/time\\_limits.html](https://www.wipo.int/pct/en/texts/time_limits.html).

Article 2(xi)  
39(1)  
64(2)  
Rule 54bis

**3.002. What is the time limit for entering the national phase before an elected Office?** The time limit is normally 30 months from the priority date, the same time limit for entering the national phase as that which applies in the case of a designated Office which has not been elected (see paragraph 3.001). In respect of the designated Offices, for which the 20-month time limit applies (see paragraph 3.001), the time limit is 30 months from the priority date if the applicant files a demand for international preliminary examination prior to the expiration of 19 months from the priority date. The national law applied by each elected Office may fix a time limit which expires later than 30 months from the priority date. The National Chapter (Summary) relating to each elected Office in respect of which an extended time limit applies indicates the length of that time limit as does the table referred to in paragraph 3.001. It should be noted that some Offices apply different time limits depending on whether the applicant enters the national phase under Chapter I (Article 22) or Chapter II (Article 39(1)) (for details see the table referred to in paragraph 3.001). In those cases, it is recommended that applicants enter the national phase before elected Offices no later than 30 months from the priority date in order to ensure timely national phase entry.

**3.003. Are reminders to enter the national phase sent to the applicant by the designated Offices? What happens if the international search report or the international preliminary examination report is late?** Designated Offices usually do not issue any reminder to applicants that the time limit for entering the national phase is about to expire (or has just expired). It is therefore the applicant's responsibility to monitor the applicable time limit(s) in order for the application not to lose its effect before the designated Offices. The applicant is responsible for timely performance of the acts required for entry into the national phase even if the international search report and the written opinion of the International Searching Authority or the international preliminary report on patentability (Chapter I or II of the PCT) have not been established by the time the applicant has to make a decision about how to proceed (see International Phase, paragraphs 7.023, 7.027, 7.031 and 10.074).

#### REQUEST FOR EARLIER START OF THE NATIONAL PHASE

Article 23  
40

**3.004. Can the national phase start before the expiration of the time limit for entering it?** The PCT provides, in Articles 23 and 40, that national processing may not start before the expiration of the time limits indicated in paragraphs 3.001 and 3.002

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unless the applicant makes an express request to the Office concerned that it start the processing and the examination of the international application earlier. Such a request is not effective, however, unless the applicant has performed the prescribed acts indicated in the following paragraphs. The attention of applicants is drawn to the information in paragraph 4.028.

## CHAPTER 4

### ACTS TO BE PERFORMED FOR ENTRY INTO THE NATIONAL PHASE

#### GENERAL

- Article 22(1) 4.001. **What must be done by the applicant before the start of the national phase?** The following acts must be performed (if applicable):
- (i) payment of the national fee (see paragraphs 4.005 to 4.007);
  - (ii) furnishing of a translation, if prescribed (see paragraphs 4.008 to 4.026);
  - (iii) in exceptional cases (if a copy of the international application has not been communicated to the designated Office under Article 20), furnishing of a copy of the international application, except where not required by that Office (see paragraphs 4.027 and 4.028);
  - (iv) in exceptional cases (if the name and address of the inventor were not given in the request when the international application was filed, but the designated Office allows them to be given at a time later than that of the filing of a national application), furnishing of the indication of the name and address of the inventor (see paragraphs 4.030 and 4.031).
- Article 27(1), (2), (6) and (7) 4.002. There may be acts in addition to those described in paragraph 4.001 which must be performed for the international application to proceed in the national phase, but none of those acts, which are described further below and in the National Chapter relating to each designated Office, has to be performed within the time limit for entering the national phase.
- Rule 51*bis*
- Article 24(1)(iii) 4.003. **What are the consequences of failure to perform the acts required for entry into the national phase?** The consequences where, on expiration of the applicable time limit for entering the national phase, the required acts have not (all) been performed, are that the international application loses the effect of a national application and the procedure comes to an end in respect of each Office before which they have not (all) been performed. Non-performance of the required acts in respect of one Office does not alter the effect of the international application before the other Offices. The automatic loss of the effect relieves the applicant, where he decides not to pursue the international application in the national phase, of the need to expressly withdraw the international application or the designation or election of a certain State.
- Article 39(2)
- Article 48(2) 4.004. Where the applicant fails to perform the required acts in time, he may ask the designated Office to maintain the effect of the international application and to excuse the delay (see paragraphs 6.022 to 6.027).
- Rule 49.6
- Rule 82*bis*

#### NATIONAL FEES

- Article 22(1) 4.005. **What fees must be paid for entry into the national phase and when?** The fees to be paid for entry into the national phase are indicated in each National Chapter (Summary and fees annex). They must be paid in the currencies and within the time limits that are also indicated there. If annual or renewal fees have become due by the time the national phase could start, they must be paid before the expiration of the time limit applicable for entering the national phase. The National Chapters set out this information.
- Article 39(1)(a) 4.006. **How can payment of national fees be effected?** The fees annex to each National Chapter contains this information.
- Rule 49.1(a)(ii) 4.007. **Does the applicant have the right to claim the exemption, reduction or refund of national fees?** The exemption, reduction or refund of national fees is granted by various designated Offices. Each National Chapter (Summary) contains information on whether fee exemptions, reductions or refunds can be claimed and, if so, under what circumstances and in what amounts.
- Rule 76.5

## TRANSLATION OF THE INTERNATIONAL APPLICATION

- Article 22(1)  
39(1)(a)  
Rule 49.1(a)(i)  
76.5
- 4.008. **In which case must the international application be translated?** A translation of the international application must be furnished if the language in which it was filed or published is not a language accepted by the designated Office.
- Rule 49.1(a)(i)  
76.5
- 4.009. **What is the language into which the international application must be translated?** The language or languages prescribed by the designated Offices are given in the National Chapter (Summary) relating to each Office. Where several languages are given, the applicant may choose the language which suits him best. It should be noted that the language in which the translation of the international application is furnished is usually also the language for the whole procedure before the designated Office.
- Rule 49.5(a)  
49.5(k)
- 4.010. **What must the translation comprise?** The translation must comprise a translation of the description, including the title of the invention (where the title has been established or amended by the International Searching Authority, the translation must only contain the title as established or amended by that Authority), of the claims (see paragraph 4.014) and of any text matter in the drawings (see paragraph 4.022), as originally filed and/or as amended (see paragraphs 4.014 to 4.017, 4.019 and 4.020). Where pages have been accepted as incorporated by reference by the receiving Office (see paragraph 6.027 to 6.031 of the international phase), the translation must contain these pages. Each National Chapter (Summary) lists what the translation must comprise for the designated Office concerned. For the translation of the abstract and of the request, see the following paragraphs.
- Rule 49.5(a)
- 4.011. **Does the abstract require translation?** Normally the abstract must also be translated (where it has been amended or established by the International Searching Authority, the translation must only contain the abstract as established or amended by that Authority), but some Offices do not require a translation for the national phase. The National Chapter (Summary) relating to each Office which requires that the abstract be translated contains an indication to that effect.
- Rule 49.5(a)(i)
- 4.012. **Does the request require translation?** The designated Offices have the right to require a translation of the request but most of them do not require it. The National Chapter (Summary) relating to each Office which requires that the request be translated contains an indication to that effect.
- Rule 49.5(b)
- 4.013. **How does the applicant prepare a translation of the request?** The usual way of translating the request is to transfer the data contained in the request of the international application as filed to a request form in the language of the translation. Every designated Office that requires a translation of the request is obliged to furnish to the applicant—free of charge—a copy of the request form in the language of the translation. It should be noted that the use of the request form in the language of the translation is optional, so that applicants who do not have such a form may present the translation in a different format.
- Rule 49.5(a)(i)
- 4.013A. **Do declarations under Rule 4.17 require translation?** Declarations are part of the request form and therefore translation of declarations must be furnished only when the designated Office requires the applicant to furnish a translation of the request (see paragraphs 4.012 and 4.013).
- Rule 49.5(a)(ii)
- 4.014. **Which are the claims that must be translated where the claims have been amended under Article 19?** The designated Offices have the right to require a translation of the claims both as originally filed and as amended under Article 19. Each National Chapter (Summary) contains information on the applicable requirements. As to translations of the claims as amended under Article 19 in a case where the international application has been the subject of international preliminary examination, see paragraph 4.019.
- Rule 49.5(c-bis)
- 4.015. Where a designated Office requires a translation of both the claims as filed and of the claims as amended under Article 19, but the applicant furnishes only one of the required two translations, the designated Office either disregards the claims of which a translation has not been furnished or invites the applicant to furnish the missing translation within a time limit which must be reasonable in the circumstances. If such

an invitation is issued but the missing translation has still not been furnished within that time limit, the designated Office may either disregard the claims whose translation is missing or consider the international application withdrawn.

- Rule 49.5(l) 4.016. The procedures outlined in paragraph 4.015 do not apply in all designated Offices. The various National Chapters (Summary) indicate, for each designated Office which requires a translation of both the claims as filed and of the claims as amended under Article 19, whether an invitation is issued where both translations are not filed and what the consequences are if the missing claims are not furnished in response to such an invitation.
- Rule 49.5(c) 4.017. **Must any statement explaining amendments made to the claims under Article 19 be translated?** This statement must be translated only where required by the designated Office (see the National Chapter (Summary)). Failure to furnish a translation of the explanatory statement has no effect on the international application itself; it can only result in the statement being disregarded by the designated Office.
- Rule 49.5(h) 4.018. **Must a reference to deposited biological material be translated?** Where such a reference is contained in the description, its translation is part of the translation of the description. Where the reference is not contained in the description but has been furnished on the optional sheet (see International Phase, paragraph 11.075) or in a later communication, a translation must be furnished together with the translation of the international application. Where the applicant fails to furnish the translation of the reference, the designated Office may invite him to do so if it deems necessary.
- 4.018A. **Must declarations or evidence submitted with a request for restoration of the right of priority during the international phase be translated?** Where the decision by the receiving Office to restore the right of priority is reviewed by the designated Office under Rule 49ter.1(d), that Office may require the applicant to prepare translations of any declaration or other evidence furnished to the receiving Office.
- Article 36(2)(b)  
Rule 70.16  
74.1  
76.5 4.019. **What must be translated where the international application has been the subject of international preliminary examination?** Amendments to the description, claims or drawings under Article 34 that have been filed with the International Preliminary Examining Authority and have been taken into account for the establishment of the international preliminary report on patentability (Chapter II of the PCT) will be annexed to that report. Any amendments under Article 19 as well as replacement sheets containing rectifications of obvious mistakes authorized under Rule 91.1(b)(iii), will similarly be annexed to the report if they have been taken into account (that is, they will in general not be annexed to the report if they have been superseded by later amendments or considered as reversed by an amendment under Article 34. However, exceptionally where the International Preliminary Examining Authority considers that a superseding or reversing amendment goes beyond the disclosure in the international application as filed, the replacement sheet superseded or reversed by the most recent superseding or reversing amendment will nevertheless be annexed to the report, and the report will contain an indication of this as referred to in Rule 70.2(c)). A translation of the amendments annexed to the report must be furnished together with the translation of the international application within the applicable time limit under Article 39(1).
- Rule 70.16  
76.5(iv) 4.020. If there have been any amendments under Article 19 which are not annexed to the international preliminary report on patentability (Chapter II of the PCT), a translation of those amendments need not be furnished to most elected Offices. A few elected Offices do, however, require translations of amendments under Article 19 even if they are not annexed to the international preliminary report on patentability (Chapter II of the PCT)—see the various National Chapters (Summary) for details.
- Rule 49.5(a)(iii)  
49.5(e)  
76.5 4.021. **Does the translation have to contain drawings?** No applicant is required to furnish original drawings to the designated Offices together with the translation of the international application. Offices may require only the furnishing of a copy of the original drawing(s), and few actually do so. The National Chapter (Summary) relating to each designated Office indicates this information. If the copy of the drawings is not furnished within the time limit for entering the national phase, the international application does

not lose its effect, but the designated Office invites the applicant to furnish the missing copy.

- Rule 49.5(d) and (f) 4.022. **How must the translation of text matter in drawings be presented?** Where a drawing, a table or the like contains text matter, that text matter must be translated. There are two methods that may be used for the physical presentation of the translated text matter. One is to furnish new sheets of drawings, tables, etc., containing the translated text matter. The other is to paste the translation over the original text matter and to furnish a copy of that sheet. The latter method, however, requires the copy to be of good quality and fit for reproduction by the designated Office. If it is not, the designated Office may invite the applicant to correct the defect. The expression "Fig." which is frequently used in drawings does not require translation into any language. If the translation of the text matter of the drawings is not furnished within the time limit for entering the national phase, the international application may lose the effect of a national application.
- Rule 49.5(j) 76.5 4.023. **What are the physical requirements for the translation?** The translation of the international application and any copy of drawings must comply with the physical requirements prescribed by the designated Office. However, no such Office has the right to require compliance with requirements as to the form of the translation of the international application that are different from or additional to those laid down in the PCT and the Regulations for the filing of international applications. Therefore, if the papers furnished to the designated Office comply with the physical requirements for international applications, they must be accepted by that Office. For details of those physical requirements, see International Phase, paragraphs 5.177, 6.032 and 6.051.
- Rule 51bis.1(c) 76.5 4.024. **In how many copies must the translation be furnished?** One copy of the translation is in principle sufficient for entering the national phase. There are some designated Offices, however, that require two or more copies. Where this is the case, it is mentioned in the National Chapter (Summary). If one or more copies are missing, those Offices will give the applicant an opportunity to furnish them once the national phase has started.
- Rule 51bis.1(d)(ii) 76.5 4.025. **Must the translation be certified?** The translation of the international application furnished for entry into the national phase does not need to be certified by a public authority or a sworn translator. However, if later the designated Office reasonably doubts the accuracy of the translation, it may require the applicant to furnish a certification of the translation.
- Rule 51bis.1(d)(i) 76.5 4.026. **Must the translation be verified?** Verification of a translation means that the translation must be accompanied by a statement signed by the applicant or by the translator, to the effect that, to the best of his knowledge, the translation is complete and faithful. There are only a few designated Offices that require verification. For each such Office, the National Chapter (Summary) contains an indication to that effect and gives further details (including forms).

## COPY OF THE INTERNATIONAL APPLICATION

- Article 22(1) 39(1)(a) 4.027. **Must a copy of the international application be furnished by the applicant to the designated Office for entry into the national phase?** Under normal circumstances, none of the designated Offices requires a copy of the international application to be submitted by the applicant. There are only a few that do require a copy where the communication by the International Bureau of a copy of the international application under Article 20 has not, or could not yet have, taken place (for details, see the National Chapters (Summary)). That communication is effected by the International Bureau in accordance with Rule 93bis.1 but not prior to the international publication of the international application. The applicant is notified accordingly by means of Form PCT/IB/308 (First notice informing the applicant of the communication of the international application (to designated Offices which do not apply the 30 month time limit under Article 22(1))), and Form PCT/IB/308 (Second and supplementary notice informing the applicant of the communication of the international application (to designated Offices which apply the 30 month time limit under Article 22(1))). When the applicant receives these Forms, he does not have to furnish a copy of the international
- Rule 47.1(a) 49.1(a-bis) and (a-ter) 76.5 93bis.1

application to any of the designated Offices, since the notices are accepted by all of them as conclusive evidence that the communication has duly taken place on the date specified in the notice.

Article 13(2)(b)  
22(1)  
23(2)  
39(1)(a)  
40(2)  
Rule 47.4

4.028. On the other hand, where the applicant makes an express request for early processing of the international application (see paragraphs 2.006 and 3.004) before the communication of the international application has taken place, he must either furnish a copy of the international application, and of any amendment filed under Article 19 with the International Bureau, at the same time as he makes the express request for early processing to the designated Office or request the International Bureau to transmit a copy of his international application to the designated Office in accordance with Article 13(2)(b). The other acts prescribed for entering the national phase must naturally also be complied with.

## CHOICE OF CERTAIN KINDS OF PROTECTION

Rule 49bis.1  
76.5

4.029. The filing of a request constitutes an indication that the international application is, in respect of each designated Office to which Article 43 or 44 applies, for the grant of every kind of protection which is available by way of the designation of that State. As a result, if the applicant wishes the international application to be treated in a designated Office as an application not for the grant of a patent but for the grant of another kind of protection available for the designated Office, or for the grant of more than one kind of protection, the applicant is required to indicate his choice of protection to the designated Office when performing the acts to enter the national phase. Similarly and within the same time limits, the applicant is required to make such indications also in cases where he wishes the international application to be treated in a designated Office as an application for a patent of addition, a certificate of addition, inventor's certificate of addition, a utility certificate of addition or as a continuation or a continuation-in-part. Although some designated Offices may require the applicant to furnish any such indications at the time the acts referred to in Article 22 or Article 39 are performed, many designated Offices would allow the applicant to furnish such indications or, where applicable, convert from one kind of protection to another, at a later time as provided by national law.

## NAMING OF INVENTOR

Article 22(1)

4.030. **In which case must the name and address of the inventor be indicated for entry into the national phase?** If the name or address of the inventor or inventors has not been indicated in the request at the time of filing, that information must be furnished to the designated Offices at the time of entry into the national phase. If such indications are required, most of the designated Offices will invite the applicant to furnish them if he fails to do so on entering the national phase, but some of them will not. Details are given in the National Chapters (Summary).

Article 27(2)(ii)  
Rule 51bis.1(a)  
76.5

4.031. The indication of the name and address of the inventor is to be distinguished from other declarations of or concerning the inventor or the invention, etc. The latter are considered "special requirements" (see paragraphs 5.001 to 5.005) which may be complied with after entry into the national phase.

## USE OF NATIONAL FORMS

Rule 49.4  
76.5

4.032. **Is the use of national forms mandatory for entry into the national phase?** No applicant may be required to use a national form to perform the acts prescribed for entry into the national phase. Several Offices do, however, keep such forms at the disposal of applicants, and their use is recommended. The National Chapters contain information about existing forms, and the annexes to the Chapters reproduce samples of them.

## CHAPTER 5

### SPECIAL REQUIREMENTS TO BE COMPLIED WITH IN CONNECTION WITH THE NATIONAL PHASE

#### GENERAL

Article 27(1), (2),  
(6) and (7)  
Rule 51*bis*  
76.5

5.001. **What is the meaning of “special requirements” and when do they have to be complied with?** No designated Office is allowed to require, before the expiration of the applicable time limit for entering the national phase, the performance of acts other than those referred to in Article 22(1), namely the payment of the national fee, the furnishing of a translation (if prescribed) and, in exceptional cases, the furnishing of a copy of the international application, and the indication of the name and address of the inventor (see paragraph 4.001). All other requirements of the national law, to the extent that they are admitted under Article 27, are referred to in this publication as “special requirements.” They may still be complied with after entry into the national phase. Rule 51*bis* indicates the most common of those requirements and provides that the applicant must be given an opportunity to comply with any such special requirement after the start of the national phase. This opportunity is usually given either by sending an invitation to comply with a certain special requirement within a time limit indicated in the invitation or by providing in the national law for a certain time limit within which the applicant must, without invitation, comply with the requirement.

5.002. For each designated Office, the National Chapter (Summary) lists the special requirements, if any, which must be complied with in connection with entry into the national phase, and indicates whether the Office concerned will invite the applicant to comply or, if there is no invitation, what the time limit is within which he must comply should he not have done so already. It is highly recommended that any special requirement indicated in the National Chapter (Summary) be complied with at the time of performing the acts for entry into the national phase, because this is more economical and avoids the risk of forgetting to comply with the requirement later. The most common of the special requirements are explained in general terms in the following paragraphs. Details are given in each National Chapter (Summary).

#### CERTAIN DECLARATIONS CONCERNING THE INVENTOR, ASSIGNMENTS, ETC.

Rule 51*bis*.1(a)  
51*bis*.2  
51*bis*.3  
76.5

5.003. **What must be done to prove inventorship, the right to file the application or the like?** Depending on national law and practice, some designated Offices require the applicant to furnish:

- (i) any document relating to the identity of the inventor;
- (ii) any document relating to the applicant's entitlement to apply for or be granted a patent;
- (iii) any document containing proof of the applicant's entitlement to claim priority of an earlier application where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the date on which the earlier application was filed;
- (iv) any document containing an oath or declaration of inventorship;
- (v) any evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time.

However, in general, a document referred to above will not be required if the applicant has furnished a declaration under Rule 4.17 (see paragraph 5.005). What may be required by a particular designated Office is indicated in the National Chapters (Summary). The annexes to the National Chapters contain forms that must or may be used for this purpose. Documents (other than declarations under Rule 4.17) required by designated Offices, must always be sent by the applicant to the designated Office

concerned and should not be sent to the International Bureau, which, if it does receive them, keeps them in its files but does not transmit them to the designated Offices.

**5.004. When must requirements relating to matters such as inventorship, right to file, etc. be complied with?** In general, such requirements must be complied with within a time limit of at least two months from the date of an invitation that the designated Office must send to the applicant, in case the requirement concerned was not already complied with within the time limit for entering the national phase (see paragraphs 3.001 and 3.002). Certain designated Offices have, however, informed the International Bureau that the time limit of two months was not compatible with the applicable national law (see the relevant National Chapters (Summary)).

Rule 4.17  
51bis.2

**5.005. What can be done in the international phase to simplify the processing of international applications in the national phase?** The applicant may include in Box No. VIII of the request form one or more of the following declarations under Rule 4.17:

Rule 4.17(i)  
51bis.1(a)(i)

– Box No.VIII(i): declaration as to the identity of the inventor (noting that such declaration need not be made in Box No. VIII(i) if the name and address of the inventor are indicated in the request, that is, usually in Boxes No. II and/or III);

Rule 4.17(ii)  
51bis.1(a)(ii)

– Box No.VIII(ii): declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent;

Rule 4.17(iii)  
51bis.1(a)(iii)

– Box No.VIII(iii): declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application;

Rule 4.17(iv)  
51bis.1(a)(iv)

– Box No.VIII(iv): declaration of inventorship (only for the purposes of the United States of America), noting that that declaration must be signed;

Rule 4.17(v)  
51bis.1(a)(v)

– Box No.VIII(v): declaration as to non-prejudicial disclosures or exceptions to lack of novelty.

Where the request contains a declaration complying with Rule 4.17(i) to (iv), a designated Office may not (except if it has informed the International Bureau to the contrary) require any document or evidence relating to the subject matter of that declaration (see paragraph 5.003) unless it reasonably doubts the veracity of the declaration concerned. In the case of a declaration as to non-prejudicial disclosures or exceptions to lack of novelty made under Rule 4.17(v), the designated Offices concerned are always entitled to require further documents of evidence. For further details, see International Phase, paragraphs 5.074 to 5.080.

## REPRESENTATION

Article 27(7)  
Rule 51bis.1(b)  
76.5

**5.006. Must the applicant be represented by an agent for the national phase?** Most designated Offices require non-resident applicants to be represented by an agent; others require non-resident applicants to have an address for service in the country. The National Chapters (Summary) indicate whether an agent must be appointed or whether an address for service is required.

Article 27(7)  
Rule 51bis.1(b)  
76.5

**5.007. When and how must the agent be appointed?** It is highly recommended that an agent be appointed for the performance of the acts for entry into the national phase. An address for service, where required, should also be indicated at the time of performing those acts. As for any obligation to be represented by an agent or to have an address for service, it applies only once the national phase has started. The appointment of an agent must be made in a power of attorney signed by the applicant(s). Model powers of attorney are contained in the annexes to the National Chapters and on the website at <https://www.wipo.int/pct/en/forms/pa/index.htm>.

Article 27(7)

**5.008. Who may act as an agent for the national phase?** The reply to this question is given for each designated Office in the National Chapter (Summary). Lists with names and addresses of agents may be obtained from the designated Offices, but not from the International Bureau.

**PRIORITY DOCUMENT: COPY AND TRANSLATION**

Rule 17.2(a)

**5.009. When must a copy of the priority document be furnished for the national phase?** The priority document must be submitted during the international phase to the receiving Office or to the International Bureau, and the International Bureau makes it available to designated Offices (for details, see International Phase, paragraph 5.070). Where the priority document has been submitted within the time limit during the international phase to the receiving Office or to the International Bureau, no designated Office may require an original priority document (that is, an original certified copy of the earlier application) from the applicant. What may be required, however, is a copy of the priority document, that is, a simple photocopy of the original priority document (consisting of a copy of both the earlier application and the certificate of its filing date), together with a translation of the priority document (see paragraph 5.010).

Rule 17.2(a)  
51*bis*.1(e)  
76.4  
82*ter*.1(b)

**5.010. When must a translation of the priority document be furnished for the national phase?** A designated Office may require the applicant to furnish a translation of the priority document only where the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable; and for the determination of whether an element or part that has been incorporated by reference, pursuant to Rules 4.18 and 20.6, is completely contained in the priority document concerned. In addition, where a part of the description, claims or drawings was incorporated by reference, the designated Office may also require the applicant to furnish an indication as to where the given part is contained in the translation of the priority document.

## CHAPTER 6

### MISCELLANEOUS QUESTIONS CONCERNING THE NATIONAL PHASE

#### SUBSTANTIVE CONDITIONS OF PATENTABILITY

Article 27(5)  
and (6)  
33(5)

6.001. **What is the effect of the PCT on the substantive conditions of patentability applied in the national phase?** The PCT leaves each Contracting State free to determine substantive conditions of patentability. This is particularly true for what constitutes “prior art.” However, since the requirements of prior art as defined in the PCT and its Regulations for the purposes of the international phase are generally as strict as, or stricter than, those defined in any national law, the chances of unpleasant surprises by way of previously uncited prior art references being raised during the national phase are substantially reduced. On the other hand, the PCT does not prevent any national law from requiring the applicant to furnish, in the national phase, evidence in respect of any substantive condition of patentability in that law.

#### CORRECTION OF TRANSLATION

6.002. **May the applicant correct errors in the translation of the international application?** Where the translation of the international application contains an error, that error may be rectified, during the national phase, before all designated Offices.

Article 46

6.003. The scope of the translation of the international application may not, however, exceed the scope of the international application in its original language. Where, for example, as a result of incorrect translation, the scope of the international application in the language of the translation is narrower than in its original language, that scope may be broadened but must not exceed the original scope. Where the scope of the translation is broader than that of the international application in its original language, the designated Office or any other competent authority of the designated State may limit accordingly the scope of the international application or of a patent resulting from it.

#### RESTORATION OF THE RIGHT OF PRIORITY

Rule 49ter.1

6.004. **What are the effects of a decision by a receiving Office to restore the right of priority on designated Offices?** A decision by a receiving Office to restore a right of priority based on the criterion of “due care” will, as a general rule, be effective in all designated Offices, unless the designated Office submitted a notification of incompatibility under Rule 49ter.1(g) (see paragraph 6.005). A decision by a receiving Office to restore a right of priority based on the criterion of “unintentionality” will be effective only in those designated States the applicable laws of which provided for restoration of the right of priority based on that criterion or on a criterion which, from the viewpoint of applicants, is more favorable than that criterion. A decision by a receiving Office to refuse to restore the right of priority can always be reviewed by a designated Office (see paragraph 6.006), unless it has submitted a notification of incompatibility under Rule 49ter.1(g), such that restoration is not possible in that jurisdiction.

In addition, a review of a positive decision may be made by a designated Office in the limited situation where it reasonably doubts that one of the substantive requirements for restoration was complied with. No review is permitted on purely formal grounds, such as, for example, the ground that the relevant fee in the international phase might not have been paid.

Rule 49ter.1(g)

6.005. **What are the consequences of a decision by a receiving Office to restore the right of priority on a designated Office which has made a notification of incompatibility?** Several designated Offices have notified the International Bureau under Rule 49ter.1(g) of the incompatibility of Rule 49ter.1(a) to (d) with the national law applied by that Office. As a result, these designated Offices will not be obliged to give effect to the decision by a receiving Office to restore the right of priority for the purposes of the procedure before that designated Office as outlined above.

A list of Offices which have notified the International Bureau of incompatibility of their national law with Rule 49ter.1 can be found on WIPO's website at [https://www.wipo.int/pct/en/texts/reservations/res\\_incomp.html#R\\_49ter\\_1\\_g](https://www.wipo.int/pct/en/texts/reservations/res_incomp.html#R_49ter_1_g).

Rule 49ter.2

6.006. **Can a request to restore the right of priority also be filed directly with a designated Office?** A request to restore the right of priority can also be filed directly with a designated Office once the applicant has entered the national phase before that Office. An applicant may wish to rely on this opportunity if he could not file a request to restore the right of priority with the receiving Office because of the operation of Rule 26bis.3(j), or obtain the restoration of the priority right on the desired criterion because of the criterion for restoration applied by the receiving Office, or because the receiving Office has refused the request to restore filed with it (see Rule 49ter.1(e)). Several designated Offices have, however, notified the International Bureau under Rule 49ter.2(h) of the incompatibility of Rule 49ter.2(a) to (g) with the national law applied by that Office. As a result, these designated Offices will not accept a request to restore the right of priority filed with it. A list of Offices which have notified the International Bureau of the incompatibility of their national law with Rule 49ter.2 can be found on WIPO's website at [https://www.wipo.int/pct/en/texts/reservations/res\\_incomp.html#R\\_49ter\\_2\\_h](https://www.wipo.int/pct/en/texts/reservations/res_incomp.html#R_49ter_2_h).

Rule 49ter.2(b)(i)  
49ter.2(f)

6.007. **What is the applicable time limit to request restoration of the right of priority with a designated Office?** The time limit for complying with the requirements for requesting the restoration of the right of priority is at least one month from the applicable time limit under Article 22 for entering the national phase, though designated Offices are free to apply longer time limits where permitted under their national law (Rule 49ter.2(f)). Where the applicant makes an express request for entry into the national phase under Article 23(2), the time limit of one month starts from the date of receipt of that request by the designated Office. If the designated Office requires the applicant to provide a declaration or evidence in support of the statement of reasons for failure to timely file the international application, it allows the applicant a reasonable time under the circumstances to furnish such documents.

Rule 49ter.2(b)  
and (f)

6.008. **How should a request for the restoration of the right of priority be filed with the designated Office?** The request to restore the right of priority must be submitted by way of a letter to the designated Office.

For the request to restore the right of priority to be successful, the following requirements must be met:

- the international application must contain a priority claim to an earlier application and the international application must have been filed within two months from the expiration of the priority period. If the international application did not contain the relevant priority claim at the time of filing, such a claim must have been added, pursuant to Rule 26bis.1(a) (see International Phase, paragraphs 6.038 to 6.040), before the expiration of the time limit under Rule 26bis.3(e) (Rule 26bis.3(c));
- the request to restore should state the reasons for the failure to file the international application within the priority period (see paragraph 6.010). The statement of reasons should be drafted in light of the restoration criterion which the applicant seeks to satisfy, from among those applied by the Office (see paragraph 6.009);
- the request must be accompanied by any fee for requesting restoration required by the designated Office (see National Chapter, Annex I for whether a particular designated Office requires such a fee);
- if required by the designated Office and subject to an invitation by the Office, a declaration or other evidence in support of the statement of reasons must be furnished (Rule 49ter.2(c)) (for the applicable time limit, see paragraph 6.007).

Rule 49ter.2(a)  
and (f)

6.009. **What are the criteria for restoration applied by the designated Office?** There are generally two criteria for restoration: either the failure to file the international application within the priority period occurred in spite of due care required by the circumstances having been taken or the failure to file the international application within the priority period was unintentional. All designated Offices to which these Rules are

applicable (see paragraph 6.006) must apply at least one of these criteria, or else one more favorable from the point of view of the applicant. If a designated Office wishes, it may apply both criteria for restoration.

Rule 49ter.2(b)(ii) 6.010. **What needs to be included in the statement of reasons for the request to restore the right of priority?** The statement should indicate the reasons for the failure to file the international application within the priority period. It should contain all the relevant facts and circumstances which would allow the designated Office to determine that the failure to file the international application within the priority period occurred in spite of due care required by the circumstances having been taken or was unintentional.

Rule 49ter.2(e) 6.011. **Will there be an opportunity to convince the designated Office that it should not refuse the request?** If the designated Office intends to refuse the request for the restoration of the priority claim, it is required to notify the applicant of its intention. The applicant must be given an opportunity to make observations on the intended refusal within a reasonable time limit, specified in the notification of intended refusal. Note that this notification may in practice be sent to the applicant together with an invitation to file a declaration or other evidence.

## INCORPORATION BY REFERENCE OF MISSING OR CORRECT ELEMENTS OR PARTS

Rule 82ter.1 6.012. **Will pages which have been accepted as incorporated by reference by the receiving Office be accepted by the designated or elected Office?** Designated and elected Offices may, to a limited extent, review decisions by receiving Offices which have allowed incorporation by reference (Rule 82ter.1(b)). If the designated or elected Office finds that the applicant did not comply with its obligation to furnish or arrange for the furnishing of a priority document; the statement of incorporation was missing or not submitted with the request; no written notice confirming incorporation by reference was submitted; no required translation furnished; or the element or part in question was not completely contained in the priority document, the designated or elected Office may treat the international application as if the international filing date had been accorded on the basis of the date on which the sheets containing the missing or correct element or part were submitted, but only after having given the applicant the opportunity to make observations on this outcome, in which case the applicant may request that the missing part or the correct element or part which had been furnished be disregarded, in accordance with Rule 82ter.1(d). Similarly, those designated Offices which have submitted notifications of incompatibility under Rule 20.8(b) or 20.8(b-bis) (see International Phase, paragraph 6.027) may, pursuant to Rule 20.8(c), also treat the international application as if the international filing date had been accorded without the benefit of the incorporation by reference but also only after having given the applicant the opportunity to make observations on this outcome, in which case the applicant may request that the missing part or the correct element or part which had been furnished be disregarded.

## AMENDMENT OF THE INTERNATIONAL APPLICATION FOR THE NATIONAL PHASE

Article 19  
28  
34(2)(b)  
41  
Rule 46  
52.1  
66.1  
78

6.013. **May the applicant amend the international application for the national phase?** The PCT guarantees the applicant an opportunity to amend the claims, the description and the drawings before any designated Office. Although he already has had the opportunity to amend the claims in the international phase, he may wish to make further amendments, which may be different for the purposes of the various designated Offices, in the national phase, or he may wish to amend also the description or the drawings (which is not possible during the international phase unless the applicant has made a demand for international preliminary examination). All designated and elected Offices are obliged to permit such amendments for at least one month from the time when the applicant enters the national phase. That minimum time limit may be later in certain exceptional circumstances specified in Rules 52.1 and 78. In any event, most designated and elected Offices permit amendments at any time during the national

examination procedure (if applicable). In certain designated or elected Offices, where examination must be specifically requested, the request for making amendments may only be made after the applicant has entered the national phase. The National Chapters give additional indications in this respect.

Rule 91.3(f) 6.014. **May the applicant correct obvious mistakes in the international application for the national phase?** Normally, any obvious mistake in the description, claims and drawings may be corrected before the designated Office. The correction can be presented as an amendment (see paragraph 6.013), provided that the scope of the international application as originally filed is not thereby broadened.

Rule 91.3(e) and (f) 6.015. **What are the effects of the authorization of an obvious mistake on the designated and elected Offices?** Generally, designated and elected Offices must process the international application in the national phase “as rectified”, unless that designated or elected Office has already started the processing or examination of the international application before the date on which that Office is notified under Rule 91.3(a) by the International Bureau of the authorization of the rectification concerned. Otherwise, a designated or elected Office may disregard a rectification that was authorized under Rule 91.1 if it finds that it would not have authorized the rectification if it had been the competent authority (see Rule 91.3(f)). The designated Office may, however, only disregard any rectification that was authorized during the international phase, if it has given the applicant an opportunity to make observations, within a reasonable time limit, on the Office's intention to disregard the rectification.

6.016. Where the authorization of rectification has been refused during the international phase and the applicant has made a request for publication under Rule 91.3(d) (see International Phase, paragraph 11.043), he should repeat the request for rectification before each designated Office in a language admitted by that Office.

6.017. The conditions for allowing the rectification of an obvious mistake depend on the national law and practice applied by the designated Offices. Applicants are advised to inquire at the Offices concerned regarding the conditions applicable.

## REVIEW IN THE NATIONAL PHASE OF CERTAIN DECISIONS MADE DURING THE INTERNATIONAL PHASE

Article 25 6.018. **In which case may a request for review be made?** A review by the designated Office of the following decisions may be requested:

- (i) the receiving Office has refused to accord an international filing date to the international application because of certain defects in that application;
- (ii) the receiving Office has declared that the international application is considered withdrawn because of certain defects in that application or because of non-payment of the prescribed fees;
- (iii) the International Bureau has made a finding that the international application is considered withdrawn because it has not received the record copy within the prescribed time limit.

Article 25(2)(a) Thus, those decisions that may have been made during the international phase and affect the international application as such are subject to review by each designated Office. Review by the designated Office consists of an examination to ascertain whether the receiving Office's refusal or declaration or the International Bureau's finding was the result of an error or omission on the part of the authority concerned.

6.019. **How may the right to request a review be exercised and when?** In any of the three cases referred to in paragraph 6.018, the applicant must, if he wants the decision to be reviewed,

Article 25(1)(b) (i) request the International Bureau, under Article 25, to send to each designated Office specified by him a copy of any relevant document in the file; this request must be in English or French;

Article 25(2)(a)  
Rule 51.2 (ii) request each of those designated Offices, separately, to review the decision affecting his international application, giving the facts and evidence indicating an

error or omission on the part of the receiving Office or of the International Bureau, as the case may be; in addition, and at the same time (see paragraph 6.020), the applicant must pay to the said designated Office the national fee for entry into the national phase, and furnish a translation of the international application where required; for details about fees and required translations, see the National Chapters (Summary); the request to the designated Office must be in a language accepted by that Office; where the review requested concerns the refusal to accord an international filing date, the applicant must attach to his request a copy of the notice informing him of the refusal.

Rule 51.1  
51.3

6.020. Both the request to the International Bureau and the request to any designated Office together with any required translation and fee must reach the authority concerned within two months from the date of the notification informing the applicant of the unfavorable decision.

Article 24(2)  
25(2)(a)  
48(2)

6.021. **What may be the result of a review by the designated Office?** If the applicant has complied with the requirements outlined in the preceding paragraphs, the designated Office will make a finding on whether the decision was justified and, if it finds that it was the result of an error or omission, it must treat the international application as if that error or omission had not occurred, and maintain the effect of the international application as a regular national application as of the international filing date. If it finds that the decision was not the result of an error or omission, it may nevertheless maintain the effect of the international application under Article 24(2). The latter may be the case where the decision was the result of failure to meet a prescribed time limit (such as for the furnishing of corrections or the payment of fees); in such a case, the applicant is advised to request the designated Office not only to review the decision but also to excuse the delay. Details on the excusing of delays in meeting time limits are given in the following paragraphs.

## EXCUSING OF DELAYS IN MEETING TIME LIMITS

Article 48(2)  
Rule 82bis

6.022. **Can a delay in meeting a time limit be excused?** A delay in meeting a time limit which has resulted in the international application being considered withdrawn, during either the international phase or the national phase, may be excused under certain circumstances. The excusing of a delay is understood as any decision which has the effect of the international application being treated as if the time limit had not been exceeded. The excusing of a delay cannot be requested during the international phase, however. It may be granted only in the national phase (for delays in both the international phase and the national phase) by each designated Office individually, and only as far as that Office is concerned. The conditions laid down by the national law of each designated Office are paramount in determining whether a delay must be or may be excused. All national provisions related to the excusing of delays must be applied to international applications in the same way and under the same conditions as they are to national applications. Examples of such provisions are those that allow for the reinstatement of rights, restoration, *restitutio in integrum*, revival of abandoned applications, further processing, continuation of proceedings, and so on.

Rule 82bis.1

6.023. **In respect of which time limits may delays be excused?** The time limits concerned are all those fixed in the PCT (Treaty and Regulations) and also any time limit fixed by a PCT authority and any time limit either fixed by, or in the national law applicable by, the designated Office for the performance of any act by the applicant before that Office, including the time limit for entering the national phase.

Article 48(2)  
Rule 49.6  
82bis.2

6.024. **What must be done by an applicant who has exceeded the time limit for entering the national phase and/or who failed to perform the acts referred to in Article 22 or 39(1) within the applicable time limit?** Contracting States are required under Rule 49.6 to provide for the possibility to reinstate the rights of the applicant with respect to an international application where the applicant failed to comply with the requirements of Article 22 or 39(1). Details of this possibility are given in Rule 49.6. Some Contracting States have notified the International Bureau, under Rule 49.6(f), of the incompatibility of this Rule with their national laws. A table of such notifications is available on WIPO's website at:

[https://www.wipo.int/pct/en/texts/reservations/res\\_incomp.html#R\\_49\\_6\\_f](https://www.wipo.int/pct/en/texts/reservations/res_incomp.html#R_49_6_f). Once a State has taken the necessary actions to amend its national law, notification of this will be published in the *Official Notices (PCT Gazette)* and the table will be updated. Moreover, even if a Contracting State has made a notification under Rule 49.6(f), the applicant is advised to check with the Office concerned whether a system to reinstate rights with respect to an application exists or not. Some States have made notifications only because their national laws already contain provisions for the reinstatement of rights but these provisions are not in line with the contents of Rule 49.6. Some States therefore have no procedure in place to reinstate rights with respect to an application whereas others do have such systems, either more or less favorable to the applicant than Rule 49.6.

Article 48(2)  
Rule 51.1  
51.3

**6.025. What must be done by the applicant who has exceeded a time limit?** The applicant must perform all acts required for entry into the national phase (see paragraphs 4.001 to 4.031). He must at the same time request the designated Office to excuse the delay and to maintain the effect of the international application before it. The procedure depends on the national requirements applicable, including any time limit for filing a request to excuse the delay. Those requirements are indicated in the National Chapter. Applicants can usually be sure of meeting any such time limit when the request to excuse is made and the acts for entering the national phase are performed either within two months from the date of the notification of the unfavorable decision or within two months from the date on which the time limit (such as the time limit for entering the national phase) expired.

Article 24(2)  
48(2)

**6.026.** The request for a delay to be excused should be made in addition to, and together with, any request for the review of a decision made by the receiving Office declaring the international application withdrawn for failure to comply with any requirement within a certain time limit (see paragraphs 6.018 to 6.021). Should the designated Office confirm the decision made by the receiving Office, it may nevertheless maintain the effect of the international application because, under its national law, the delay may be excused in accordance with provisions for the reinstatement of rights, the revival of an abandoned application, the continuation of proceedings or the like. It should be noted that, as outlined in the preceding paragraphs, the applicant must, before each Office concerned, fulfill all the conditions in the applicable national law, including the making of the request for a delay to be excused within any time limit prescribed by the national law.

Article 48(1)  
Rule 82

**6.027. Must the late arrival of a document caused by irregularities in the mail service be excused?** If a time limit fixed in the Treaty or the Regulations is exceeded because of the delayed arrival of a document or letter, it must be excused if it was caused by a delay in the mail or by an interruption of the mail service, provided that sufficient evidence is produced and the mailing was by mail registered with the postal authorities or with any delivery service notified by the designated Office to the International Bureau. Similarly, and under the same conditions, a new copy of a document or letter may be substituted for a document or letter lost in the mail, provided that the replacement document or letter is proved to be identical with the one lost. For details, see Rule 82.

## **RECTIFICATION OF ERRORS MADE BY THE RECEIVING OFFICE OR BY THE INTERNATIONAL BUREAU**

Rule 82ter

**6.028. Which errors made by the receiving Office or the International Bureau may be rectified?** If the receiving Office has made an error in according the international filing date or if the priority claim in the request has been erroneously considered by the receiving Office or the International Bureau not to have been made, the designated Office must rectify the error if it is one that it would have rectified in accordance with its national law or national practice had it made the error itself.

**6.029. What must be done to request rectification of such an error and when?** The applicant must request the designated Office to rectify the error and must prove, to the satisfaction of that Office, that the international filing date accorded by the receiving Office is incorrect owing to an error made by the receiving Office, or that a priority claim

has erroneously been considered not to have been made by the receiving Office or the International Bureau. The request should be made on entering the national phase.

## ACTS TO BE PERFORMED DURING THE NATIONAL PHASE

**6.030. What has to be done by the applicant once the national phase has started?** The usual national procedure applies to international applications during the national phase. What is said in the following text and in the National Chapter (Summary) concerns only the acts that must be performed for entry into the national phase and those acts that should be performed on entering the national phase but may still be performed once it has started. What has to be done thereafter—at least the main procedural steps—is outlined for each designated Office in the relevant National Chapter (Summary). Applicants who are not familiar with the patent procedure before a certain designated Office should seek professional advice even where they are not obliged to be represented before that Office by an agent.

## CORRESPONDENCE WITH AND PAYMENTS TO DESIGNATED OFFICES

**6.031. How should the international application be identified?** All documents sent and all payments of fees to a designated Office (and any letter accompanying such documents or payments) should indicate—if already known—the national serial number given to the international application by the designated Office. Where the national number is not yet known (or not given), the international application number should be indicated, preferably together with the international filing date, the name of the applicant and the title of the invention.

## DEPOSIT OF BIOLOGICAL MATERIAL

**6.032. What are the requirements regarding deposits of biological material?** Annex L contains details of designated Offices' requirements regarding deposits of biological material.

## FURNISHING OF A NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTING

**6.033. What requirements need to be satisfied in relation to the furnishing of a sequence listing?** No designated Office may require that the applicant furnish a nucleotide and/or amino acid sequence listing in a format other than that complying with the standard provided for in Annex C of the Administrative Instructions ([WIPO Standard ST.26](#)). Where the international application contains a sequence listing which does not comply with the standard [and/or the language-dependent free text is not in a language accepted by the Office](#), any designated Office may require [the applicant to furnish a sequence listing or a translation complying with those requirements](#).

## REQUEST FOR ACCELERATED EXAMINATION PROCEDURE

**6.034. Is an accelerated examination procedure available to all applicants in the national phase?** Where applicants have received a positive international preliminary report on patentability (under Chapter I or II) in respect of their international application, they may request fast-track examination before certain Offices which participate in the Patent Prosecution Highway or offer accelerated examination based on positive PCT work products from other Offices. For further information see [https://www.wipo.int/pct/en/filing/pct\\_pph.html](https://www.wipo.int/pct/en/filing/pct_pph.html).

Rule 13ter.1(a)  
13ter.1(b)  
13ter.3  
[49.5\(a-bis\)](#)  
Annex C of the  
Administrative  
Instructions

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## **PCT Applicant's Guide**

### **Annexes**

**selection:**

**IB,**

**EP,**

**AT, DE, DK, ES, FI, FR, GB, IT, MC, ME,**

**NL, PL, SE, SM, TR**

**BA, MA**

**XN, XV**

**US, JP**

**Note:**

- AG-IP, AG-NP and its Annexes are not listed in the REE/IPREE
- for EP, references to the AG-IP Annex are, as a rule, not valid legal basis in a DI answer. For full marks, references need to be given to PCT/EPC Articles/Rules, OJ EPO (e.g., EPO-WIPO Agreement), even though sometimes alternative legal basis may be accepted.

## Our selection

Source : <https://www.wipo.int/pct/en/guide/index.html>, status 31 October 2022

The current document comprises a compilation of the Annexes to the PCT Applicant's Guide of **only a small subset of all states and authorities**. Whether the subset is sufficient to cover exam questions in the exam, or other states are being tested in the exam, is not known to the editor.

If a candidate wants to take more Annexes than only those in our selection, the candidate is referred to the The Special edition prepared by the IB.

## The Special edition prepared by the IB

The IB prepared a special edition of the AG for EQE candidates, available at:

<https://pctllegal.wipo.int/eGuide/eqe/documents.xhtml>

The webpage provides:

“In order to assist candidates in the preparation of training materials for the European Qualifying Examination (EQE) for prospective European patent attorneys, the International Bureau, with the agreement of the Examination Board for the EQE, has made available a special edition of the PCT Applicant's Guide containing individual annex and the introductions to the International Phase and the National Phase, as of 31 October 2022.”

The Special edition prepared by the IB comprises the Introductions in HTML only and the Annexes of the PCT Applicants' Guide for **ALL** PCT States and PCT Authorities in pdf only. Unlike earlier years, the IB does not provide a single large pdf of all documents.

## Note:

The PCT Applicant's Guide and its Annexes are not explicitly mentioned in the REE/IPREE, such that they may not be considered the correct legal basis to attract marks if the true legal basis is found in the PCT Articles or Rules, the EPC Articles or Rules, OJ EPO (such as the EPO-WIPO Agreement and updates thereto), GL/PCT-EPO, GL/EPO, or other documents explicitly mentioned in Rule 22(1) IPREE.



**WIPO**

WORLD INTELLECTUAL PROPERTY ORGANIZATION

## The PCT Applicant's Guide

**(Last updated 27 October 2022)**

The *PCT Applicant's Guide* is updated almost every week with information received by the International Bureau. Users of the *Guide* who wish to see when any individual page of the *Guide* was last updated, can check the date printed at the foot of that page. Each page in the *Guide* is dated in this way.

- [Introduction to the International Phase](#)  

- [Introduction to the National Phase](#)  

- [PCT Contracting States](#) – (formerly Annex A)
- [Country Names and Two-Letter Codes \(WIPO Standard ST.3\)](#) – (formerly Annex K)
- [Forms](#)
- [EQE Candidates](#)

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[Certain Aspects of National/Regional Patent Laws](#) have been collected by the [Standing Committee on the Law of Patents](#).

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International Phase								National Phase		
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
AE	United Arab Emirates	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	AE
AG	Antigua and Barbuda	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	AG
AL	Albania	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	AL
AM	Armenia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	AM
AO	Angola	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	AO
AP	African Regional Intellectual Property Organization	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	AP
AT	Austria	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	AT
AU	Australia	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	AU
AZ	Azerbaijan	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	AZ

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Z
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International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
BA	Bosnia & Herzegovina	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	BA
BB	Barbados	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	BB
BE	Belgium	<a href="#">X</a>	<a href="#">EP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	BE
BF	Burkina Faso	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	BF
BG	Bulgaria	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	BG
BH	Bahrain	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	BH
BJ	Benin	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	BJ
BN	Brunei Darussalam	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	BN
BR	Brazil	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>		<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	BR
BW	Botswana	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	BW
BY	Belarus	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	BY
BZ	Belize	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	BZ

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International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
CA	Canada	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	CA
CF	Central African Republic	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	CF
CG	Congo	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	CG
CH	Switzerland	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	CH
CI	Côte d'Ivoire	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	CI
CL	Chile	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	CL
CM	Cameroon	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	CM
CN	China	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	CN
CO	Colombia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	CO
CR	Costa Rica	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	CR
CU	Cuba	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	CU
CV	Cabo Verde	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	CV
CY	Cyprus	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	CY
CZ	Czechia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	CZ

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International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
DE	Germany	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	DE
DJ	Djibouti	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	DJ
DK	Denmark	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	DK
DM	Dominica	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	DM
DO	Dominican Republic	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	DO
DZ	Algeria	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	DZ

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">X</a>	<a href="#">Z</a>
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International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
EA	Eurasian Patent Organization	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	EA
EC	Ecuador	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	EC
EE	Estonia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	EE
EG	Egypt	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	EG
EP	European Patent Organisation	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	EP
ES	Spain	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	ES

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">X</a>	<a href="#">Z</a>
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International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
FI	Finland	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	FI
FR	France	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	FR

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">X</a>	<a href="#">Z</a>
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International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
GA	Gabon	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	GA
GB	United Kingdom	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	GB
GD	Grenada	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	GD
GE	Georgia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	GE
GH	Ghana	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	GH
GM	Gambia	<a href="#">X</a>	<a href="#">AP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	GM
GN	Guinea	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	GN
GQ	Equatorial Guinea	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	GQ
GR	Greece	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	GR
GT	Guatemala	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	GT
GW	Guinea-Bissau	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	GW

A B C D E F G **H** I J K L M N O P Q R S T U V W X Z

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
HN	Honduras	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	HN
HR	Croatia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	HR
HU	Hungary	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	HU

A B C D E F G H **I** J K L M N O P Q R S T U V W X Z

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
IB	World Intellectual Property Organization	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	-	IB
ID	Indonesia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	ID
IE	Ireland	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	IE
IL	Israel	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	IL
IN	India	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	IN
IQ	Iraq	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	IQ
IR	Iran (Islamic Republic of)	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	IR
IS	Iceland	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	IS
IT	Italy	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	IT

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) **[J](#)** [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Z](#)

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
JM	Jamaica	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	JM
JO	Jordan	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	JO
JP	Japan	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	JP

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) **[K](#)** [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Z](#)

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
KE	Kenya	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	KE
KG	Kyrgyzstan	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	KG
KH	Cambodia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	KH
KM	Comoros	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	KM
KN	Saint Kitts and Nevis	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	KN
KP	Democratic People's Republic of Korea	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	KP
KR	Republic of Korea	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	KR
KW	Kuwait	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	KW
KZ	Kazakhstan	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	KZ

A B C D E F G H I J K **L** M N O P Q R S T U V W X Z

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
LA	Lao People's Democratic Republic	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	LA
LC	Saint Lucia	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	LC
LI	Liechtenstein	<a href="#">X</a>	<a href="#">CH</a>	-	-	-	<a href="#">X</a>	-	<a href="#">CH</a>	LI
LK	Sri Lanka	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	LK
LR	Liberia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	LR
LS	Lesotho	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	LS
LT	Lithuania	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">EP</a>	LT
LU	Luxembourg	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	LU
LV	Latvia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">EP</a>	LV
LY	Libya	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	LY

A B C D E F G H I J K L **M** N O P Q R S T U V W X Z

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
MA	Morocco	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	MA
MC	Monaco	<a href="#">X</a>	<a href="#">EP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	MC
MD	Republic of Moldova	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	MD
ME	Montenegro	<a href="#">X</a>	<a href="#">EP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	ME
MG	Madagascar	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	MG
MK	North Macedonia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	MK
ML	Mali	<a href="#">X</a>	<a href="#">QA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">QA</a>	ML
MN	Mongolia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	MN
MR	Mauritania	<a href="#">X</a>	<a href="#">QA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">QA</a>	MR
MT	Malta	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	MT
MW	Malawi	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	MW
MX	Mexico	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	MX
MY	Malaysia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	MY
MZ	Mozambique	<a href="#">X</a>	<a href="#">AP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	MZ

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Z](#)

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
NA	Namibia	<a href="#">X</a>	<a href="#">AP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	NA
NE	Niger	<a href="#">X</a>	<a href="#">QA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">QA</a>	NE
NG	Nigeria	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	NG
NI	Nicaragua	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	NI
NL	Netherlands	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	NL
NO	Norway	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	NO
NZ	New Zealand	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	NZ

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Z](#)

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
OA	African Intellectual Property Organization	X	X	-	-	-	X	-	X	OA
OM	Oman	X	X	-	-	-	X	X	X	OM

A B C D E F G H I J K L M N O **P** Q R S T U V W X Z

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
PA	Panama	X	X	-	-	-	X	X	X	PA
PE	Peru	X	X	-	-	-	X	X	X	PE
PG	Papua New Guinea	X	X	-	-	-	X	-	X	PG
PH	Philippines	X	X	X	-	X	X	X	X	PH
PL	Poland	X	X	-	-	-	X	X	X	PL
PT	Portugal	X	X	-	-	-	X	X	X	PT

A B C D E F G H I J K L M N O P **Q** R S T U V W X Z

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
QA	Qatar	X	X	-	-	-	X	X	X	QA

A B C D E F G H I J K L M N O P Q **R** S T U V W X Z

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
RO	Romania	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	RO
RS	Serbia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	RS
RU	Russian Federation	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	RU
RW	Rwanda	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	RW

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<b>S</b>	<a href="#">T</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">X</a>	<a href="#">Z</a>
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International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
SA	Saudi Arabia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	SA
SC	Seychelles	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	SC
SD	Sudan	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	SD
SE	Sweden	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	SE
SG	Singapore	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	SG
SI	Slovenia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	SI
SK	Slovakia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	SK
SL	Sierra Leone	<a href="#">X</a>	<a href="#">AP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	SL
SM	San Marino	<a href="#">X</a>	<a href="#">EP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">EP</a>	SM
SN	Senegal	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	SN
ST	Sao Tome and Principe	<a href="#">X</a>	<a href="#">AP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	ST
SV	El Salvador	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	SV
SY	Syrian Arab Republic	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	SY
SZ	Eswatini	<a href="#">X</a>	<a href="#">AP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">AP</a>	SZ

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<b>T</b>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">X</a>	<a href="#">Z</a>
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International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
TD	Chad	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	TD
TG	Togo	<a href="#">X</a>	<a href="#">OA</a>	-	-	-	<a href="#">X</a>	-	<a href="#">OA</a>	TG
TH	Thailand	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	TH
TJ	Tajikistan	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	TJ
TM	Turkmenistan	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	TM
TN	Tunisia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	TN
TR	Türkiye	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	TR
TT	Trinidad and Tobago	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	TT
TZ	United Republic of Tanzania	<a href="#">X</a>	<a href="#">AP</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	TZ

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Z](#)

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
UA	Ukraine	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	UA
UG	Uganda	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	UG
US	United States of America	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	US
UZ	Uzbekistan	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	UZ

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Z](#)

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
VC	Saint Vincent and the Grenadines	<a href="#">X</a>	<a href="#">IB</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	VC
VN	Viet Nam	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	VN

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Z](#)

International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
WS	Samoa	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	WS

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">X</a>	<a href="#">Z</a>
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International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
XN	Nordic Patent Institute	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	-	XN
XV	Visegrad Patent Institute	<a href="#">X</a>	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	-	-	XV

<a href="#">A</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">D</a>	<a href="#">E</a>	<a href="#">F</a>	<a href="#">G</a>	<a href="#">H</a>	<a href="#">I</a>	<a href="#">J</a>	<a href="#">K</a>	<a href="#">L</a>	<a href="#">M</a>	<a href="#">N</a>	<a href="#">O</a>	<a href="#">P</a>	<a href="#">Q</a>	<a href="#">R</a>	<a href="#">S</a>	<a href="#">T</a>	<a href="#">U</a>	<a href="#">V</a>	<a href="#">W</a>	<a href="#">X</a>	<a href="#">Z</a>
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International Phase									National Phase	
Two-Letter Code plus Country or Organization		General Information	Receiving Offices	International Searching Authorities (ISA)	ISA (Supplementary Search)	International Preliminary Examining Authorities	Country Names and Two-Letter Codes	Deposits of Biological Material	National Chapter	Code
		Annex B	Annex C	Annex D	Annex SISA	Annex E	Annex K	Annex L	Annex	
ZA	South Africa	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	<a href="#">X</a>	<a href="#">X</a>	ZA
ZM	Zambia	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	ZM
ZW	Zimbabwe	<a href="#">X</a>	<a href="#">X</a>	-	-	-	<a href="#">X</a>	-	<a href="#">X</a>	ZW

## **PCT Applicant's Guide**

### **Annexes AG-IP**

**selection:**

**IB,**

**EP,**

**AT, DE, DK, ES, FI, FR, GB, IT, MC, ME,**

**NL, PL, SE, SM, TR**

**BA, MA**

**XN, XV**

**US, JP**

**Note:**

- AG-IP, AG-NP and its Annexes are not listed in the REE/IPREE
- for EP, references to the AG-IP Annex are, as a rule, not valid legal basis in a DI answer. For full marks, references need to be given to PCT/EPC Articles/Rules, OJ EPO (e.g., EPO-WIPO Agreement), even though sometimes alternative legal basis may be accepted.

## Our selection

Source : <https://www.wipo.int/pct/en/guide/index.html>, status 31 October 2022

The current document comprises a compilation of the Annexes to the PCT Applicant's Guide of **only a small subset of all states and authorities**. Whether the subset is sufficient to cover exam questions in the exam, or other states are being tested in the exam, is not known to the editor.

If a candidate wants to take more Annexes than only those in our selection, the candidate is referred to the The Special edition prepared by the IB.

## The Special edition prepared by the IB

The IB prepared a special edition of the AG for EQE candidates, available at:

<https://pctllegal.wipo.int/eGuide/eqe/documents.xhtml>

The webpage provides:

“In order to assist candidates in the preparation of training materials for the European Qualifying Examination (EQE) for prospective European patent attorneys, the International Bureau, with the agreement of the Examination Board for the EQE, has made available a special edition of the PCT Applicant's Guide containing individual annex and the introductions to the International Phase and the National Phase, as of 31 October 2022.”

The Special edition prepared by the IB comprises the Introductions in HTML only and the Annexes of the PCT Applicants' Guide for **ALL** PCT States and PCT Authorities in pdf only. Unlike earlier years, the IB does not provide a single large pdf of all documents.

## Note:

The PCT Applicant's Guide and its Annexes are not explicitly mentioned in the REE/IPREE, such that they may not be considered the correct legal basis to attract marks if the true legal basis is found in the PCT Articles or Rules, the EPC Articles or Rules, OJ EPO (such as the EPO-WIPO Agreement and updates thereto), GL/PCT-EPO, GL/EPO, or other documents explicitly mentioned in Rule 22(1) IPREE.

**B2**

## Information on Intergovernmental Organizations

**B2****IB<sup>1</sup>**

### INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

**IB<sup>1</sup>**

#### General information

Name of Office:	International Bureau of WIPO	
Location:	34, chemin des Colombettes, Geneva, Switzerland	
Mailing address:	P.O. Box 18, 1211 Geneva 20, Switzerland	
Telephone:	(41-22) 338 91 11	
	(41-22) 338 92 22	(for receiving Office purposes only)
	(41-22) 338 83 38	(PCT Information Service)
Facsimile machine: <sup>2</sup>	(41-22) 338 82 70	
	(41-22) 338 90 90	
Online services:	ePCT Contingency Upload Service (filing of PDF documents as an alternative to fax transmission and where ePCT is not available)	
E-mail:	pct.infoline@wipo.int	(PCT Information Service)
	pct.eservices@wipo.int	(PCT eServices Help Desk)
	ro.ib@wipo.int	(for receiving Office purposes only)
Internet:	www.wipo.int/pct/en/	
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine <sup>2</sup>	
Which kinds of documents may be so transmitted?	All kinds of documents	
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission, if the transmitted document is the international application or a replacement sheet containing corrections or amendments of the international application	
	No, only upon invitation in the case of other documents	
Does the Office send notifications via e-mail in respect of international applications?	Yes	
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes	

*[Continued on next page]*

<sup>1</sup> This code is used where the International Bureau acts as receiving Office (see Annex C). (Code "WO" is used for the purposes of international publication under the PCT.)

<sup>2</sup> Only limited fax services are available for sending faxes to the International Bureau, including as receiving Office, in exceptional situations. For further information, refer to: [https://www.wipo.int/edocs/pctndocs/en/2019/pct\\_news\\_2019\\_11.pdf](https://www.wipo.int/edocs/pctndocs/en/2019/pct_news_2019_11.pdf).

# B2 Information on Intergovernmental Organizations B2

## IB INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION IB

[Continued]

Does the Office excuse delays in meeting time limits due to the unavailability of electronic means of communication (PCT Rule 82*quater*.2(a))?

Yes, the Office, also in its function as receiving Office, excuses delays in meeting time limits where the ePCT system, with or without strong authentication, or the PCT Contingency Upload Service was unavailable for a minimum of a continuous one hour period on a specific working day at the Office and where the respective action was performed on the next working day on which the said electronic means of communication were available.<sup>3</sup>

Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b)-*bis*)?

Yes, the Office is prepared to allow applicants to make international applications available to the WIPO DAS

Competent receiving Office for nationals and residents of:<sup>4</sup>

All PCT Contracting States (see Annex C)

Fees and charges payable to the International Bureau in particular circumstances:<sup>5</sup>

Currency: Swiss franc (CHF)

Early publication, upon request of the applicant, where the international search report or the declaration under PCT Article 17(2)(a) is not available for publication with the international application (PCT Rule 48.4(a)): CHF 200

Publication of information concerning a late request to add or correct a priority claim (PCT Rule 26*bis*.2(e)) or publication of a refused request for rectification (PCT Rule 91.3(d)): CHF 50  
plus CHF 12  
for each sheet in excess of one

Copy of the record copy of an international application (PCT Rule 94.1): CHF 35  
— if certified as true copy of the record copy: CHF 50

Certified copy of a published international application: CHF 35

Copy of a priority document (PCT Rule 17.2(c) or 94.1): CHF 35  
— if certified as true copy of the priority document: CHF 50

Copy of a document in the file (other than the record copy, the published application or the priority document) (PCT Rule 94.1): CHF 5  
plus CHF 2  
per page

— if certified as true copy of the document concerned: plus CHF 15

Copy, on CD-ROM, of sequence listings contained in published international applications or priority documents, produced upon request of a third party: CHF 35  
plus shipping costs

Transmitting to a designated Office a copy of an international application, upon request of the applicant (PCT Rule 31.1(b)): CHF 35  
Supplement for airmail: CHF 10

[Continued on next page]

<sup>3</sup> For the relevant notification by the Office refer to the *Official Notices (PCT Gazette)* dated 16 July 2020, pages 155 *et seq.*

<sup>4</sup> Applicants may file with the International Bureau only if the national security provisions allow filing of patent applications abroad. Compliance with such provisions is the applicant's responsibility and will not be checked by the International Bureau.

<sup>5</sup> For further details on the payment of fees see the WIPO web site at: [www.wipo.int/pct/en/fees/special.html](http://www.wipo.int/pct/en/fees/special.html).

**B2**

## Information on Intergovernmental Organizations

**B2****IB**

### INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

**IB***[Continued]*


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**Supplementary search fees:<sup>6, 7</sup>**

Supplementary search fee (PCT Rule 45 <i>bis</i> .3):	See Annex SISA(AT), (EP), (FI), (RU), (SE), (SG), (TR), (UA), (XN) or (XV)		
Supplementary search handling fee (PCT Rule 45 <i>bis</i> .2):	CHF	200	
Late payment fee (PCT Rule 45 <i>bis</i> .4(c)):	CHF	100	

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**Waiver of power of attorney:**

Has the International Bureau waived the requirement that a separate power of attorney be submitted?	Yes <sup>8</sup>
Particular instances in which a separate power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing

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<sup>6</sup> See footnote 4.

<sup>7</sup> The International Bureau shall refund this fee where the supplementary search request has not yet been transmitted to the Authority specified for supplementary search and the international application is withdrawn or considered withdrawn, or the supplementary search request is withdrawn or considered not to have been submitted (see PCT Rule 45*bis*.3(d)).

<sup>8</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

# C Receiving Offices C

## IB INTERNATIONAL BUREAU OF THE WORLD IB INTELLECTUAL PROPERTY ORGANIZATION

Competent receiving Office for nationals and residents of: <sup>1</sup>	All PCT Contracting States <sup>2</sup>
Language in which international applications may be filed:	Any language <sup>3</sup>
Language accepted for language-dependent free text in the sequence listing:	Any language; or English and any other language
Language in which the request may be filed:	Any language of publication
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>4</sup>	Yes, the Office accepts electronic filing via ePCT-Filing or EPO Online Filing <sup>5</sup>
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies both the “unintentional” and the “due care” criteria to such requests

*[Continued on next page]*

<sup>1</sup> Applicants may file with the International Bureau only if the national security provisions allow filing of patent applications abroad. Compliance with such provisions is the applicant's responsibility and will not be checked by the International Bureau.

<sup>2</sup> The International Bureau is the only receiving Office for the following Contracting States: Angola, Antigua and Barbuda, Barbados, Dominica, Guatemala, Kuwait, Lao People's Democratic Republic, Madagascar, Nigeria, Saint Lucia, Saint Vincent and the Grenadines, Sri Lanka and United Arab Emirates.

<sup>3</sup> If the language in which the international application is filed is not accepted by the International Searching Authority (see Annex D), the applicant will have to furnish a translation (PCT Rule 12.3). If the language in which the international application is filed is not a language of publication and no translation is required for the purposes of international search (PCT Rule 12.3(a)), the applicant will have to furnish a translation of the application into one of the languages of publication (PCT Rule 12.4(a)).

<sup>4</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”). Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>5</sup> In case of failure of electronic systems when an international application is to be filed with the International Bureau as receiving Office, the applicant may use the ePCT Contingency Upload Service (<https://www.wipo.int/pct/en/epct/contingencyupload.html>), submit documents on physical media (CD-R or DVD-R), or use a different receiving Office. For the relevant notification by the International Bureau acting as receiving Office, refer to the *Official Notices (PCT Gazette)* dated 11 February 2021, pages 23 *et seq.*

**C** **Receiving Offices** **C**  
**IB** **INTERNATIONAL BUREAU OF THE WORLD** **IB**  
**INTELLECTUAL PROPERTY ORGANIZATION**

*[Continued]*

Competent International  
Searching Authority:

Any International Searching Authority(ies) which would have been competent if the international application had been filed with any other receiving Office of, or acting for, the PCT Contracting State of which the applicant (or, if there is more than one applicant, at least one of the applicants) is a national or resident<sup>6, 7</sup> (see Annexes B1 and B2 for such other competent receiving Offices, Annex C for the corresponding competent International Searching Authorities, and below for the States for which the International Bureau acts instead of their national Offices pursuant to PCT Rule 19.1(b))

For nationals and residents of Angola: Austrian Patent Office, China National Intellectual Property Administration (CNIPA), European Patent Office or National Institute of Industrial Property (Brazil)

For nationals and residents of Antigua and Barbuda: Canadian Intellectual Property Office or European Patent Office

For nationals and residents of Barbados: Austrian Patent Office, European Patent Office, Swedish Intellectual Property Office (PRV) or United States Patent and Trademark Office

For nationals and residents of Dominica: Canadian Intellectual Property  
Office or European Patent Office

For nationals and residents of Guatemala: Austrian Patent Office, European Patent Office, National Institute of Industrial Property (Brazil), National Institute of Industrial Property (Chile), Spanish Patent and Trademark Office or United States Patent and Trademark Office

For nationals and residents of Kuwait: Egyptian Patent Office or European Patent Office

For nationals and residents of Lao People's Democratic Republic: China National Intellectual Property Administration (CNIPA), European Patent Office, Intellectual Property Office of Singapore, Japan Patent Office (JPO) or Korean Intellectual Property Office

For nationals and residents of Madagascar: Austrian Patent Office, European Patent Office, Federal Service for Intellectual Property (Rospatent) (Russian Federation) or Swedish Intellectual Property Office (PRV)

For nationals and residents of Nigeria: Australian Patent Office, Canadian Intellectual Property Office or European Patent Office

For nationals and residents of Saint Lucia: Australian Patent Office, Austrian Patent Office, European Patent Office or United States Patent and Trademark Office

For nationals and residents of Saint Vincent and the Grenadines: Australian Patent Office, Canadian Intellectual Property Office, European Patent Office or United States Patent and Trademark Office

For nationals and residents of Sri Lanka: Australian Patent Office, European Patent Office, Korean Intellectual Property Office or Swedish Intellectual Property Office (PRV)

For nationals and residents of the United Arab Emirates: Australian Patent Office, Austrian Patent Office or Korean Intellectual Property Office

[Continued on next page]

<sup>6</sup> Where the applicant is a national or a resident of the United States of America, the availability of the European Patent Office as an International Searching Authority and/or International Preliminary Examining Authority is restricted. The limitation criteria also apply to applications filed by two or more applicants when at least one of them is a national or resident of the United States of America, and when none of them are nationals or residents of a Contracting State of the European Patent Convention. For details, see Annexes D(EP) and E(EP).

<sup>7</sup> Where the applicant is a national or a resident of the United States of America, the Australian Patent Office may be chosen as the competent International Searching Authority and/or International Preliminary Examining Authority for certain international applications only. For further details concerning which international applications this is restricted to, see *Official Notices (PCT Gazette)* dated 23 October 2008, pages 131 *et seq.*

**C****Receiving Offices****C****IB****INTERNATIONAL BUREAU OF THE WORLD  
INTELLECTUAL PROPERTY ORGANIZATION****IB***[Continued]*

Competent International  
Preliminary Examining Authority:

Any International Preliminary Examining Authority(ies) which would have been competent if the international application had been filed with any other receiving Office of, or acting for, the PCT Contracting State of which the applicant (or, if there is more than one applicant, at least one of the applicants) is a national or resident<sup>8,9</sup> (see Annexes B1 and B2 for such other competent receiving Offices, Annex C for the corresponding competent International Preliminary Examining Authorities, and below for the States for which the International Bureau acts instead of their national Offices pursuant to PCT Rule 19.1(b))

For nationals and residents of Angola: Austrian Patent Office, China National Intellectual Property Administration (CNIPA),<sup>10</sup> European Patent Office,<sup>11</sup> or National Institute of Industrial Property (Brazil)

For nationals and residents of Antigua and Barbuda: Canadian Intellectual Property Office<sup>10</sup> or European Patent Office<sup>10</sup>

For nationals and residents of Barbados: Austrian Patent Office, European Patent Office,<sup>12</sup> Swedish Intellectual Property Office (PRV) or United States Patent and Trademark Office<sup>10</sup>

For nationals and residents of Dominica: Canadian Intellectual Property Office<sup>10</sup> or European Patent Office<sup>10</sup>

For nationals and residents of Guatemala: Austrian Patent Office, European Patent Office,<sup>13</sup> National Institute of Industrial Property (Brazil), National Institute of Industrial Property (Chile),<sup>10</sup> Spanish Patent and Trademark Office or United States Patent and Trademark Office<sup>10</sup>

For nationals and residents of Kuwait: Egyptian Patent Office or European Patent Office<sup>10</sup>

For nationals and residents of Lao People's Democratic Republic: China National Intellectual Property Administration (CNIPA),<sup>10</sup> European Patent Office,<sup>10</sup> Intellectual Property Office of Singapore,<sup>10</sup> Japan Patent Office (JPO)<sup>10</sup> or Korean Intellectual Property Office

For nationals and residents of Madagascar: Austrian Patent Office, European Patent Office,<sup>12</sup> Federal Service for Intellectual Property (Rospatent) (Russian Federation) or Swedish Intellectual Property Office (PRV)

For nationals and residents of Nigeria: Australian Patent Office, Canadian Intellectual Property Office<sup>10</sup> or European Patent Office<sup>10</sup>

For nationals and residents of Saint Lucia: Australian Patent Office, Austrian Patent Office, European Patent Office<sup>11</sup> or United States Patent and Trademark Office<sup>10</sup>

For nationals and residents of Saint Vincent and the Grenadines: Australian Patent Office, Canadian Intellectual Property Office,<sup>10</sup> European Patent Office<sup>10</sup> or United States Patent and Trademark Office<sup>10</sup>

For nationals and residents of Sri Lanka: Australian Patent Office, European Patent Office,<sup>14</sup> Korean Intellectual Property Office or Swedish Intellectual Property Office (PRV)

For nationals and residents of the United Arab Emirates: Australian Patent Office, Austrian Patent Office or Korean Intellectual Property Office

*[Continued on next page]*

<sup>8</sup> See footnote 6.

<sup>9</sup> See footnote 7.

<sup>10</sup> The Office is competent only if the international search is or has been carried out by that Office.

<sup>11</sup> The Office is competent only if the international search is or has been carried out by that Office or the Austrian Patent Office.

<sup>12</sup> The Office is competent only if the international search is or has been carried out by that Office, the Austrian Patent Office or the Swedish Intellectual Property Office (PRV).

<sup>13</sup> This Office is competent only if the international search is or has been carried out by that Office, the Austrian Patent Office or the Spanish Patent and Trademark Office.

<sup>14</sup> The Office is competent only if the international search is or has been carried out by that Office or the Swedish Intellectual Property Office (PRV).

<b>C</b>	<b>Receiving Offices</b>	<b>C</b>
<b>IB</b>	<b>INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION</b>	<b>IB</b>

*[Continued]*

Fees payable to the receiving Office: <sup>15</sup>	Currency: Swiss franc (CHF), euro (EUR) and US dollar (USD)		
Transmittal fee: <sup>16</sup>	CHF 100	or EUR 98	or USD 108
International filing fee: <sup>17</sup>	CHF 1,330	or EUR 1,305	or USD 1,437
Fee per sheet in excess of 30: <sup>17, 18</sup>	CHF 15	or EUR 15	or USD 16
Reductions (under Schedule of Fees, item 4):			
Electronic filing (the request not being in character coded format):	CHF 100	or EUR 98	or USD 108
Electronic filing (the request in character coded format):	CHF 200	or EUR 196	or USD 216
Electronic filing (the request, description, claims and abstract in character coded format):	CHF 300	or EUR 294	or USD 324
Search fee:	For the amounts, see Annex D corresponding to International Searching Authority chosen by applicant		
Fee for priority document: <sup>19</sup>	CHF 50	or EUR 49	or USD 54
	Supplement for airmail:		
	CHF 10	or EUR 10	or USD 11
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	None		
Is an agent required by the receiving Office?	No		
Who can act as agent?	Any person who has the right to practice before the national (or regional) Office of, or acting for, a Contracting State of which the applicant or, if there are two or more applicants, any of the applicants is a resident or national, or, where the International Bureau acts as receiving Office pursuant to PCT Rule 19.1(b), any natural or legal person		

[Continued on next page]

<sup>15</sup> For further details on the payment of fees see the WIPO web site at: [https://www.wipo.int/pct/en/fees/index.html#\\_methods](https://www.wipo.int/pct/en/fees/index.html#_methods).

<sup>16</sup> Applicants who qualify for the 90% reduction of the international filing fee (see footnote 17) do not have to pay the transmittal fee.

<sup>17</sup> This fee is reduced by 90% if the international application is filed by:

(a) an applicant who is a natural person and who is a national of and resides in a State whose per capita gross domestic product is below 25,000 US dollars (according to the most recent 10-year average per capita gross domestic product figures at constant 2005 US dollar values published by the United Nations), and whose nationals and residents who are natural persons have filed less than 10 international applications per year (per million population) or less than 50 international applications per year (in absolute numbers) according to the most recent five-year average yearly filing figures published by the International Bureau; or

(b) an applicant, whether a natural person or not, who is a national of and resides in a State that is listed as being classified by the United Nations as a least developed country;

provided that, if there are several applicants, each must satisfy the criteria set out in either sub-item (a) or (b).

For further details of the applicability of the 90% reduction, see <https://www.wipo.int/pct/en/fees/> and *Official Notices (PCT Gazette)* dated 5 March 2020, pages 45 *et seq.*, Schedule of Fees, item 5. It is to be noted that, if both the electronic filing reduction and the 90% reduction of the international filing fee are applicable, the 90% reduction is calculated after the electronic filing reduction.

<sup>18</sup> See footnote 4.

<sup>19</sup> No fee is due where the priority document is established, in accordance with Rule 17.1(b), for the purposes of an international application nor where the Office is requested to make priority documents available via the WIPO Digital Access Service for Priority Documents (DAS) (see Annex B).

**C**  
  
**IB**

**Receiving Offices**  
  
**INTERNATIONAL BUREAU OF THE WORLD  
INTELLECTUAL PROPERTY ORGANIZATION**

**C**  
  
**IB**

*[Continued]*

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Waiver of power of attorney:

Has the International Bureau waived the requirement that a separate power of attorney be submitted?

Yes<sup>20</sup>

Particular instances in which a separate power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing

Has the International Bureau waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>20</sup>

Particular instances in which a copy of a general power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing

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<sup>20</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**B2**

## Information on Intergovernmental Organizations

**B2****EP****EUROPEAN PATENT ORGANISATION (EPO)****EP**

### General information

Name of Office:	European Patent Office (EPO)		
Location:	Headquarters at Munich: Bob-van-Bentheim-Platz 1 80469 München Germany	Branch at The Hague: Patentlaan 2 2288 EE Rijswijk Netherlands	Filing Office at Berlin: Gitschiner Str. 103 10969 Berlin Germany
Mailing address:	80298 München Germany	Postbus 5818 2280 HV Rijswijk Netherlands	10958 Berlin Germany
Telephone:	(49-89) 2399-4500 00 800 80 20 20 20 (Customer Services)	(31-70) 340-4500	(49-30) 25901-4500
Facsimile machine:	(49-89) 2399-4465	(31-70) 340-3016	(49-30) 25901-840
E-mail:	support@epo.org		
Internet:	www.epo.org		
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile		
Which kinds of documents may be so transmitted?	All kinds of documents with the exception of authorizations and priority documents		
Must the original of the document be furnished in all cases?	Filing of the international application: yes, preferably simultaneously, but in any event not later than one month from the date of the invitation by the EPO Other documents: only upon invitation by the EPO <sup>1</sup>		
Does the Office send notifications via e-mail in respect of international applications?	No		
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes, provided that the delivery service is Chronopost, DHL, Federal Express, Flexpress, SkyNet, TNT, Transworld or UPS		

*[Continued on next page]*

<sup>1</sup> See OJ EPO 2007, Special Edition No. 3, page 7 *et seq.*

# B2 Information on Intergovernmental Organizations B2

## EP EUROPEAN PATENT ORGANISATION (EPO) EP

[Continued]

Does the Office excuse delays in meeting time limits due to the unavailability of electronic means of communication (PCT Rule 82*quater*.2(a))?

Yes, delays in meeting time limits could be excused where any of the permitted means of electronic filing at the EPO notified under Rule 89*bis*, or means of online payment, was unavailable for a minimum of a continuous four-hour period on a specific working day. Rule 82*quater*.2 will not be applied by the EPO if a means of electronic filing is unavailable for less than four hours and an announcement of the outage has been published at least two working days in advance. In cases where the advance notice indicated that an outage was to last for less than four hours, but eventually lasted longer, the EPO will consider applying Rule 82*quater*.2. An unplanned outage, however, does not necessarily have to last a minimum of four hours to qualify for the application of Rule 82*quater*.2 by the EPO. If the unavailability of a means of electronic communication, or means of online payment, is qualified as an outage by its technical services, the EPO will consider applying Rule 82*quater*.2<sup>2</sup>.

Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-*bis*))?

Yes, the Office is prepared to allow applicants to make international and European patent applications available to the WIPO DAS<sup>3</sup>

Competent receiving Office for nationals and residents of the following countries:

Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom: European Patent Office (EPO) (the applicant may also choose to file with the national Office of the country of which he is a national or resident or with the International Bureau of WIPO) (see Annex C)

Competent designated (or elected) Office for the granting of a European patent for the following countries:

Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom: European Patent Office (EPO) (see National Phase)

Competent designated and elected Office for requesting extension of a European patent to the following countries:

Bosnia and Herzegovina

[Continued on next page]

<sup>2</sup> For the relevant notification by the Office refer to the *Official Notices (PCT Gazette)* dated 26 November 2020, pages 254 *et seq.* and Notice from the EPO dated 22 October 2020 concerning the procedures and safeguards which apply under the EPC and the PCT in the event of outages of means of electronic filing and other online services (OJ EPO 2020, A120).

<sup>3</sup> For further details, see OJ EPO 2019, A27.

# B2 Information on Intergovernmental Organizations B2

## EP EUROPEAN PATENT ORGANISATION (EPO) EP

*[Continued]*

Competent designated and elected Office for requesting validation of a European patent in the following countries:	Cambodia, <sup>4</sup> Morocco, <sup>5</sup> Republic of Moldova, <sup>6</sup> Tunisia, <sup>7</sup>
Types of protection available via the PCT:	European patents
Provisions of the European Patent Convention concerning international-type search:	None
Provisional protection after international publication:	The protection granted in each State party to both the PCT and the European Patent Convention is indicated under the heading “Where the designation is made for the purposes of a European patent” for such States. See also, for further information, Articles 67 and 153 of the European Patent Convention and the EPO brochure “National law relating to the EPC”.

### Information of interest if the EPO is a designated (or elected) Office

Time when the name and address <sup>8</sup> of the inventor must be given if the EPO is a designated (or elected) Office:	May be in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.
Are there special provisions concerning the deposit of microorganisms and other biological material?	Yes (see Annex L)

<sup>4</sup> For international applications filed on or after 1 March 2018.

<sup>5</sup> For international applications filed on or after 1 March 2015.

<sup>6</sup> For international applications filed on or after 1 November 2015.

<sup>7</sup> For international applications filed on or after 1 December 2017.

<sup>8</sup> For further details, refer to the Notice from the European Patent Office dated 22 February 2021 concerning the amendment of Rules 19 and 143 EPC, OJ EPO 2021, A12.

# C Receiving Offices C

## EP EUROPEAN PATENT OFFICE (EPO) EP

Competent receiving Office for nationals and residents of:	Albania, Austria, Belgium, <sup>1</sup> Bulgaria, <sup>1</sup> Croatia, Cyprus, <sup>1</sup> Czechia, Denmark, <sup>1</sup> Estonia, Finland, <sup>1</sup> France, <sup>1</sup> Germany, <sup>1</sup> Greece, <sup>1</sup> Hungary, Iceland, Ireland, Italy, <sup>1</sup> Latvia, Liechtenstein, Lithuania, Luxembourg, <sup>1</sup> Malta, Monaco, Montenegro, <sup>1</sup> Netherlands, North Macedonia, Norway, Poland, Portugal, <sup>1</sup> Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, <sup>1</sup> Sweden, <sup>1</sup> Switzerland, Türkiye, <sup>1</sup> United Kingdom <sup>1</sup>
Language in which international applications may be filed:	English, French or German
Language accepted for language-dependent free text in the sequence listing:	English or the same language as the international application (French or German); or English and any other language
Language in which the request may be filed:	English, French or German
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>2, 3, 4</sup>	Yes, the Office accepts electronic filing via EPO Online Filing, the EPO web-form filing service, ePCT-Filing or EPO Online Filing 2.0. Offline filings may be furnished on CD-R, DVD-R or DVD+R if EPO Online Filing is used.
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “due care” criterion to such requests
Competent International Searching Authority:	European Patent Office
Competent International Preliminary Examining Authority:	European Patent Office

*[Continued on next page]*

<sup>1</sup> See, however, Annex B1 relating to that State as to the national requirements for compulsory filing with a national Office.

<sup>2</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>3</sup> Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>4</sup> For the relevant notifications by the Office, refer to the *Official Notices (PCT Gazette)* dated 18 March 2021, pages 51 *et seq.*, 3 June 2021, page 108 and 30 June 2022, pages 165 *et seq.*

**C**  
**EP**

**Receiving Offices**  
**EUROPEAN PATENT OFFICE (EPO)**  
*[Continued]*

**C**  
**EP**

Fees payable to the receiving Office:	Currency: Euro (EUR)
Transmittal fee: <sup>5</sup>	EUR 140
International filing fee: <sup>6</sup>	EUR 1,305
Fee per sheet in excess of 30: <sup>6</sup>	EUR 15
Reductions (under Schedule of Fees, item 4):	
Electronic filing (web-form filing):	EUR 98
Electronic filing (the request in character coded format):	EUR 196
Electronic filing (the request, description, claims and abstract in character coded format):	EUR 294
Search fee:	See Annex D(EP)
Fee for priority document:	EUR 110
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	EUR 685
Is an agent required by the receiving Office?	<p>No, if the applicant has a residence or his principal place of business in one of the States party to the European Patent Convention</p> <p>Yes, if he has neither a residence nor his principal place of business within the territory of one of those States</p>
Who can act as agent?	<p>Any professional representative entered on the relevant list maintained by the EPO (the directory of professional representatives can be ordered at the EPO, Vienna, or consulted on the EPO web site)</p> <p>Any legal practitioner qualified to practice in patent matters in one of the States party to the European Patent Convention and who has his place of business in that State</p> <p>Where an applicant wishes to appoint the professional representatives practising within an association of representatives registered with the EPO under Rule 152(11) EPC, the name of that association and its registration number are to be indicated in Box No. IV of the Request form</p>

*[Continued on next page]*

<sup>5</sup> See information for users on the availability of DOCX filing and changes to the filing fee, fee for grant and transmittal fee, OJ EPO 2018, A28.

<sup>6</sup> This fee is reduced by 90% if certain conditions apply (see Annex C(IB)).

**C**  
**EP****Receiving Offices**  
**EUROPEAN PATENT OFFICE (EPO)****C**  
**EP***[Continued]*Waiver of power of attorney:<sup>7</sup>

Has the Office waived the requirement that a separate power of attorney be submitted?

Particular instances in which a separate power of attorney is required:

Yes<sup>8</sup>

If necessary in the circumstances of a particular case, for example:

(1) where a procedural act is performed by a purported agent who is not the agent of record, unless:

- the purported agent belongs to the same office as the agent of record; or
- both the purported agent and the agent of record are employees of the applicant (or, if there is more than one applicant, of the common representative).

(2) in case of doubt as to whether the agent or common representative is entitled to act.

Has the Office waived the requirement that a copy of a general power of attorney be submitted?

Particular instances in which a copy of a general power of attorney is required:

Yes<sup>8</sup>

If necessary in the circumstances of a particular case, for example:

(1) where a procedural act is performed by a purported agent who is not the agent of record, unless:

- the purported agent belongs to the same office as the agent of record; or
- both the purported agent and the agent of record are employees of the applicant (or, if there is more than one applicant, of the common representative).

(2) in case of doubt as to whether the agent or common representative is entitled to act.

<sup>7</sup> See OJ EPO 5/2010, page 335.<sup>8</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

# SISA      International Searching Authorities      SISA

## (Supplementary Search)

### EP      EUROPEAN PATENT OFFICE (EPO)      EP

Fees payable to the International Bureau: <sup>1</sup>		Currency:	Swiss franc (CHF)
Supplementary search fee (PCT Rule 45bis.3): <sup>2</sup>		CHF	1,809
Supplementary search handling fee (PCT Rule 45bis.2):		CHF	200
Late payment fee (PCT Rule 45bis.4(c)):		CHF	100
Fees payable to the Authority:		Currency:	Euro (EUR)
Review fee (PCT Rule 45bis.6(c)):		EUR	935
Late furnishing fee (PCT Rules 13ter.1(c) and 45bis.5(c)):		EUR	245
Conditions for refund and amount of refund of the supplementary search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>The International Bureau shall refund this fee where the supplementary search request has not yet been transmitted to the Authority and the international application is withdrawn or considered withdrawn, or the supplementary search request is withdrawn or considered not to have been submitted (see PCT Rule 45bis.3(d)): refund of 100%</p> <p>The Authority shall refund this fee if, before it has started the supplementary international search in accordance with PCT Rule 45bis.5(a), the supplementary search request is considered not to have been submitted under PCT Rule 45bis.5(g).</p> <p>The Authority shall refund this fee if, after receipt of the documents specified in PCT Rule 45bis.4(e)(i) to (iv), but before it has started the supplementary international search in accordance with PCT Rule 45bis.5(a), it is notified of the withdrawal of the international application or of the supplementary search request.</p>		
Languages accepted for supplementary international search:	English, French, German		
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter which is searched under the patent grant procedure in accordance with the provisions of the European Patent Convention		
Scope of documentation included in the supplementary international search:	In addition to PCT minimum documentation, the Authority shall include the documents held in its search collection.		

[Continued on next page]

<sup>1</sup> For further details on the payment of fees to the International Bureau, see the WIPO website at [www.wipo.int/pct/en/fees/special.html](http://www.wipo.int/pct/en/fees/special.html).

<sup>2</sup> This fee is fixed by the Authority in euro and will be revised from time to time to reflect currency fluctuations between the euro and the Swiss franc. The fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person and is a national of and resides in a State classified by the World Bank as low-income or lower-middle-income economy. For the list of States to which this reduction applies, see <https://www.epo.org/applying/fees/international-fees/information.html>. This fee is also reduced by 75% where the applicant, or if there are two or more applicants, each applicant is a natural or legal person who, within the meaning of Rule 18 of the Patent Cooperation Treaty, is a national of and resident in a state in which a validation agreement with the European Patent Organisation is in force. For further information refer to the decision of the EPO's Administrative Council of 12 December 2019 (OJ EPO 2020, A4): <https://www.epo.org/law-practice/legal-texts/official-journal/2020/01/a4.html>

# SISA      International Searching Authorities      SISA

## (Supplementary Search)

### EP      EUROPEAN PATENT OFFICE (EPO)      EP

[Continued]

Limitations on supplementary international search:

Where applicable, the Authority shall start the supplementary international search in accordance with PCT Rule 45*bis*.5(a) only if a copy of a sequence listing in electronic form complying with the standard provided for in the Administrative Instructions is furnished under PCT Rule 45*bis*.1(c)(ii) and thereafter transmitted to it under PCT Rule 45*bis*.4(e)(iii).

Types of [physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings](#):

CD-ROM (type: ISO/IEC 10149:1995, 120 mm CD-ROM; format: ISO 9660, 650 MB)

CD-R (type: 120 mm CD-Recordable Disk; format: ISO 9660, 650 MB)

DVD (type: ISO/IEC 16448:1999, 120 mm DVD—Read-Only Disk; format: 4.7 GB, conforming to either ISO 9660 or OSTA UDF (1.02 and higher))

DVD-R (type: Standard ECMA-279, 120 mm (3.95 GB per side)—DVD-Recordable; format: 3.95 GB, conforming to either ISO 9660 or OSTA UDF (1.02 and higher))

Waiver of power of attorney:<sup>3</sup>

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>4</sup>

Particular instances in which a separate power of attorney is required:

Where procedural acts are performed by a purported agent who is not the agent of record, unless the purported agent belongs to the same office as the agent of record, or if both the purported agent and the agent of record are employees of the applicant or, if there is more than one applicant, of the common representative; or in case of doubt as to the agent's or the common representative's entitlement to act.

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>4</sup>

Particular instances in which a copy of a general power of attorney is required:

Where procedural acts are performed by a purported agent who is not the agent of record, unless the purported agent belongs to the same office as the agent of record, or if both the purported agent and the agent of record are employees of the applicant or, if there is more than one applicant, of the common representative; or in case of doubt as to the agent's or the common representative's entitlement to act.

<sup>3</sup> See OJ EPO 5/2010, page 335.

<sup>4</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

# D International Searching Authorities D

## EP EUROPEAN PATENT OFFICE (EPO) EP

Search fee (PCT Rule 16): <sup>1</sup>	<table><tr><td>Euro (EUR)</td><td>1,775</td><td></td></tr><tr><td>Danish krone (DKK)</td><td>13,200</td><td></td></tr><tr><td>Hungarian forint (HUF)</td><td>680,100</td><td></td></tr><tr><td>Icelandic krona (ISK)</td><td>251,800</td><td></td></tr><tr><td>Japanese yen (JPY)</td><td>245,500</td><td></td></tr><tr><td>New Zealand dollar (NZD)</td><td>2,961</td><td></td></tr><tr><td>Norwegian krone (NOK)</td><td>17,710</td><td></td></tr><tr><td>Pound sterling (GBP)</td><td>1,518</td><td></td></tr><tr><td>Singapore dollar (SGD)</td><td>2,648</td><td>(2,495)<sup>2</sup></td></tr><tr><td>South African rand (ZAR)</td><td>30,060</td><td></td></tr><tr><td>Swedish krona (SEK)</td><td>18,000</td><td></td></tr><tr><td>Swiss franc (CHF)</td><td>1,809</td><td></td></tr><tr><td>US dollar (USD)</td><td>1,816</td><td></td></tr></table>	Euro (EUR)	1,775		Danish krone (DKK)	13,200		Hungarian forint (HUF)	680,100		Icelandic krona (ISK)	251,800		Japanese yen (JPY)	245,500		New Zealand dollar (NZD)	2,961		Norwegian krone (NOK)	17,710		Pound sterling (GBP)	1,518		Singapore dollar (SGD)	2,648	(2,495) <sup>2</sup>	South African rand (ZAR)	30,060		Swedish krona (SEK)	18,000		Swiss franc (CHF)	1,809		US dollar (USD)	1,816	
Euro (EUR)	1,775																																							
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Swedish krona (SEK)	18,000																																							
Swiss franc (CHF)	1,809																																							
US dollar (USD)	1,816																																							
Additional search fees (PCT Rules 40.2 and 40bis <sup>3</sup> ): <sup>4</sup>	Same amount as above in EUR																																							
Conditions for refund and amount of refund of the search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%</p> <p>Where the international search report drawn up by the Authority is based on an earlier search report prepared by the Authority on an application whose priority is claimed for the international application, the international search fee paid for the pending international application shall be refunded as follows:<sup>5</sup></p> <p>For a European search (EPC Article 92), an international search (PCT Article 15(1)), a supplementary international search (PCT Rule 45bis) or a search made on behalf of a national Office on a national application (BE<sup>6</sup>, CY, FR, GB<sup>7</sup>, GR, IT, LT, LU, LV, MC, MT, NL<sup>5</sup>, SM, TR):</p> <ul style="list-style-type: none"><li>– full benefit: refund of 100%</li><li>– partial benefit: refund of 25%</li></ul> <p>For an international-type search (PCT Article 15(5)):</p> <ul style="list-style-type: none"><li>– full benefit: refund of 70%</li><li>– partial benefit: refund of 17.5%</li></ul>																																							

[Continued on next page]

<sup>1</sup> This fee is payable to the receiving Office concerned in the currency or one of the currencies accepted by it (see Annex C). The fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person and is a national of and resides in a State classified by the World Bank as low-income or lower-middle-income economy. For the list of States to which this reduction applies, see <https://www.epo.org/applying/fees/international-fees/information.html>. This fee is also reduced by 75% where the applicant, or if there are two or more applicants, each applicant is a natural or legal person who, within the meaning of Rule 18 of the Patent Cooperation Treaty, is a national of and resident in a state in which a validation agreement with the European Patent Organisation is in force. For further information, refer to the decision of the EPO's Administrative Council of 12 December 2019 (OJ EPO 2020, A4): <https://www.epo.org/law-practice/legal-texts/official-journal/2020/01/a4.html> and OJ EPO 2021, A58.

<sup>2</sup> The amount in parentheses is applicable as from 1 November 2022.

<sup>3</sup> This fee will be applied in conjunction with PCT Rule 20.5bis. For further information, refer to the "Notice from the European Patent Office dated 14 June 2020 concerning the applicability of new Rule 20.5bis PCT on the correction of erroneous filings in proceedings before the EPO" (OJ EPO 2020, A81) and the *Official Notices (PCT Gazette)* dated 30 April 2020, page 83.

<sup>4</sup> This fee is payable to the International Searching Authority and only in particular circumstances. Footnote 3 (except the first sentence) is also applicable.

<sup>5</sup> See OJ EPO 2019, A5.

<sup>6</sup> Includes international-type searches covered by an agreement between the Authority and that Office.

<sup>7</sup> Applies to search requests in respect of national applications filed as of 1 July 2018 for the United Kingdom.

# D International Searching Authorities D

## EP EUROPEAN PATENT OFFICE (EPO) EP

[Continued]

Protest fee (PCT Rule 40.2(e)): <sup>8</sup>	EUR 935
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .1(c)):	EUR 245
Languages accepted for international search:	English, French, German and, where the international application is filed with the Netherlands Patent Office, Dutch
Does the Authority accept informal comments on earlier search results where an international application claims priority from an earlier application already searched by this Authority?	Yes, the applicant may submit informal comments to overcome objections raised in the search opinion established for the priority application. At the EPO this service is called “PCT Direct”. Informal comments should be sent to the receiving Office together with the international application in the form of a separate letter entitled “PCT Direct/informal comments”. If the claims and/or the description of the international application differ from those of the earlier application, applicants should preferably also submit a marked-up copy indicating the differences. PCT Direct submissions are published on PATENTSCOPE. This service is free of charge. <sup>9</sup>
Types of physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings:	CD-ROM (type: ISO/IEC 10149:1995, 120 mm CD-ROM; format: ISO 9660, 650 MB) CD-R (type: 120 mm CD-Recordable Disk; format: ISO 9660, 650 MB) DVD (type: ISO/IEC 16448:1999, 120 mm DVD—Read-Only Disk; format: 4.7 GB, conforming to either ISO 9660 or OSTA UDF (1.02 and higher)) DVD-R (type: Standard ECMA-279, 120 mm (3.95 GB per side)—DVD-Recordable; format: 3.95 GB, conforming to either ISO 9660 or OSTA UDF (1.02 and higher))
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter which is searched under the patent grant procedure in accordance with the provisions of the European Patent Convention

[Continued on next page]

<sup>8</sup> The applicable procedure since 1 July 2010 is as set out in OJ EPO 5/2010, page 322.

<sup>9</sup> For more details on the PCT Direct service and, in particular, on the form of submission and on the content of a PCT Direct request, see OJ EPO 2017, A21.

<b>D</b>	<b>International Searching Authorities</b>	<b>D</b>
<b>EP</b>	<b>EUROPEAN PATENT OFFICE (EPO)</b>	<b>EP</b>

*[Continued]*

Waiver of power of attorney:<sup>10</sup>

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>11</sup>

Particular instances in which a separate power of attorney is required:

Where procedural acts are performed by a purported agent who is not the agent of record, unless the purported agent belongs to the same office as the agent of record, or if both the purported agent and the agent of record are employees of the applicant or, if there is more than one applicant, of the common representative; or in case of doubt as to the agent's or the common representative's entitlement to act.

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>11</sup>

Particular instances in which a copy of a general power of attorney is required:

Where procedural acts are performed by a purported agent who is not the agent of record, unless the purported agent belongs to the same office as the agent of record, or if both the purported agent and the agent of record are employees of the applicant or, if there is more than one applicant, of the common representative; or in case of doubt as to the agent's or the common representative's entitlement to act.

<sup>10</sup> See OJ EPO 5/2010, page 335.

<sup>11</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

# E International Preliminary Examining Authorities E

## EP EUROPEAN PATENT OFFICE (EPO)<sup>1</sup> EP

Preliminary examination fee (PCT Rule 58): <sup>2, 3</sup>	Euro (EUR)	1,830
Additional preliminary examination fee (PCT Rule 68.3): <sup>4</sup>	Same amount as above	
Handling fee (PCT Rule 57.1): <sup>3, 5</sup>	EUR	196
Conditions for refund and amount of refund of the preliminary examination fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>In the cases provided for under PCT Rule 58.3: refund of 100%</p> <p>If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of 100%</p>	
Protest fee (PCT Rule 68.3(e)):	EUR	935
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .2):	EUR	245
Does the Office accept the filing of demands (PCT Chapter II) in electronic form? <sup>6</sup>	Yes, the Office accepts electronic filing via EPO Online Filing, the EPO web-form filing service, ePCT-Filing or EPO Online Filing 2.0. Offline filings may be furnished on CD-R, DVD-R or DVD+R if EPO Online Filing is used.	
Languages accepted for international preliminary examination:	English, French, German	
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of any subject matter which is examined under the patent grant procedure in accordance with the provisions of the European Patent Convention	

[Continued on next page]

<sup>1</sup> The EPO may act as International Preliminary Examining Authority only if the international search is or has been performed by the EPO, the Austrian Patent Office, the Finnish Patent and Registration Office (PRH), the Nordic Patent Institute, the Spanish Patent and Trademark Office, the Swedish Intellectual Property Office (PRV), the Turkish Patent and Trademark Office (Turkpatent) or the Visegrad Patent Institute.

<sup>2</sup> This fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person and is a national of and resides in a State classified by the World Bank as low-income or lower-middle-income economy. For the list of States to which this reduction applies, see <https://www.epo.org/applying/fees/international-fees/information.html>. This fee is also reduced by 75% where the applicant, or if there are two or more applicants, each applicant is a natural or legal person who, within the meaning of Rule 18 of the Patent Cooperation Treaty, is a national of and resident in a state in which a validation agreement with the European Patent Organisation is in force. For further information refer to the decision of the EPO's Administrative Council of 12 December 2019 (OJ EPO 2020, A4): <https://www.epo.org/law-practice/legal-texts/official-journal/2020/01/a4.html>

<sup>3</sup> The late payment fee, equal to 50% of the amount of the unpaid fees, is payable to the International Preliminary Examining Authority. See OJ EPO 5/1998, page 282.

<sup>4</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances. Footnote 2 is also applicable.

<sup>5</sup> This fee is payable to the International Preliminary Examining Authority. It is reduced by 90% if certain conditions apply (see Annex C(IB)).

<sup>6</sup> For the relevant notification by the Office, see *Official Notices (PCT Gazette)* dated 3 June 2021, page 108.

**E**

## **International Preliminary Examining Authorities**

**E**

**EP**

**EUROPEAN PATENT OFFICE (EPO)<sup>7</sup>**

**EP**

*[Continued]*

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### **Waiver of power of attorney:<sup>8</sup>**

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>9</sup>

Particular instances in which a separate power of attorney is required:

Where procedural acts are performed by a purported agent who is not the agent of record, unless the purported agent belongs to the same office as the agent of record, or if both the purported agent and the agent of record are employees of the applicant or, if there is more than one applicant, of the common representative; or in case of doubt as to the agent's or the common representative's entitlement to act.

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>9</sup>

Particular instances in which a copy of a general power of attorney is required:

Where procedural acts are performed by a purported agent who is not the agent of record, unless the purported agent belongs to the same office as the agent of record, or if both the purported agent and the agent of record are employees of the applicant or, if there is more than one applicant, of the common representative; or in case of doubt as to the agent's or the common representative's entitlement to act.

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<sup>7</sup> See footnote 1.

<sup>8</sup> See OJ EPO 5/2010, page 335.

<sup>9</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**B1****Information on Contracting States****B1****AT****AUSTRIA****AT****General information**

Name of Office:	Österreichisches Patentamt Austrian Patent Office
Location and mailing address:	Dresdner Straße 87, A-1200 Wien, Austria
Telephone:	(43-1) 53424-0 (43-1) 53424-450 (PCT services)
E-mail:	pct@patentamt.at (for all PCT matters relating to specific international applications)
Internet:	www.patentamt.at
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make international and national applications available to the WIPO DAS
Competent receiving Office for nationals and residents of Austria:	Austrian Patent Office, European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Competent designated (or elected) Office if Austria is designated (or elected):	National protection: Austrian Patent Office (see National Phase) European patent: European Patent Office (EPO) (see National Phase)
May Austria be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	National: Patents, patents of addition, utility models (a utility model may be sought instead of or in addition to a national patent) European: Patents
Provisions of the law of Austria concerning international-type search:	None

*[Continued on next page]*

**B1****Information on Contracting States****B1****AT****AUSTRIA****AT***[Continued]*

Provisional protection after international publication:

Where the designation is made for the purposes of a national patent:

The applicant may, from the date of publication of the international application, claim payment of an indemnity from any person who, without being entitled to do so, uses the subject of the application. If the application is not published in German, this right commences from the date of publication of a translation of the international application into German submitted to the Austrian Patent Office.

Where the designation is made for the purposes of a European patent:

(1) International application published in one of the EPO official languages: compensation reasonable in the circumstances, on condition that any national requirements relating to the translation of the claims in the application have been met.

(2) International application published in a language which is not an EPO official language: the protection referred to in (1) does not become effective until the EPO publishes the international application supplied to it in one of its official languages.

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**Information of interest if Austria is designated (or elected)**


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**For national protection**

Time when the name and address of the inventor must be given if Austria is designated (or elected):

Indications not required

Are there special provisions concerning the deposit of microorganisms and other biological material?

Yes (see Annex L)

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**For a European patent — See European Patent Organisation (EP) in Annex B2**


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<b>C</b>	<b>Receiving Offices</b>	<b>C</b>
<b>AT</b>	<b>AUSTRIAN PATENT OFFICE</b>	<b>AT</b>

Competent receiving Office for nationals and residents of:	Austria
Language in which international applications may be filed:	English, French or German
Language accepted for language-dependent free text in the sequence listing:	English, French or German; or English and another filing language
Language in which the request may be filed:	English, French or German
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>1, 2, 3</sup>	Yes, the Office accepts XML and PDF files filed using ePCT-Filing or EPO Online Filing
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies both the “unintentional” and the “due care” criteria to such requests
Competent International Searching Authority:	European Patent Office
Competent International Preliminary Examining Authority:	European Patent Office
Fees payable to the receiving Office:	Currency: Euro (EUR)
Transmittal fee:	EUR 52
International filing fee:	EUR 1,305
Fee per sheet in excess of 30:	EUR 15
Reductions (under Schedule of Fees, item 4):	
Electronic filing (the request in character coded format):	EUR 196
Electronic filing (the request, description, claims and abstract in character coded format):	EUR 294
Search fee:	See Annex D(EP)
Fee for priority document:	EUR 75
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	EUR 229

[Continued on next page]

<sup>1</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>2</sup> Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>3</sup> For the relevant notifications by the Office, refer to the *Official Notices (PCT Gazette)* dated 20 February 2014, pages 26 *et seq.*, 11 July 2019, page 102 and 21 July 2022, page 184 *et seq.*

**C**  
**AT****Receiving Offices**  
**AUSTRIAN PATENT OFFICE****C**  
**AT***[Continued]*

Is an agent required by the receiving Office?

Applicants having a residence or a principal place of business in Austria, in another member State of the European Union, in another State party to the Agreement on the European Economic Area, or in Switzerland are not obliged to be represented by an agent. However, applicants whose residence or principal place of business is outside of Austria must – at least – mention a natural person or legal entity having an address in Austria for the reception of documents. Applicants wishing to be represented may be represented either by any natural person or legal entity having a residence or its principal place of business in Austria, or by any natural person or legal entity authorized to professional representation in Austria (professional agent or agency).

Applicants having neither a residence nor a principal place of business in Austria, in another member State of the European Union, in another State party to the Agreement on the European Economic Area, or in Switzerland, are obliged to be represented by a patent attorney, attorney at law or notary, entitled to professional representation in Austria (professional agent or agency).

Who can act as agent?

Any patent attorney, attorney at law or notary, entitled to professional representation in Austria (professional agent or agency). The list of patent attorneys may be obtained from the Österreichische Patentanwaltskammer, Linke Wienzeile 4/1/9, A-1060 Wien, Austria ([www.patentanwalt.at](http://www.patentanwalt.at)). The list of attorneys at law may be obtained from the Österreichischer Rechtsanwaltskammertag, Rotenturmstr. 13, A-1010 Wien, Austria ([www.oerak.or.at](http://www.oerak.or.at)). The list of notaries may be obtained from the Österreichische Notariatskammer, Landesgerichtsstr. 20, A-1010 Wien, Austria ([www.notar.at](http://www.notar.at)).

Waiver of power of attorney:

Has the Office waived the requirement that a separate power of attorney be submitted?

Yes<sup>4</sup>

Particular instances in which a separate power of attorney is required:

None

Has the Office waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>4</sup>

Particular instances in which a copy of a general power of attorney is required:

None

<sup>4</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**SISA**

# International Searching Authorities (Supplementary Search)

**SISA****AT****AUSTRIAN PATENT OFFICE****AT**Fees payable to the International Bureau:<sup>1</sup>Supplementary search fee  
(PCT Rule 45*bis*.3):<sup>2</sup>

Currency: Swiss franc (CHF)

– for a search of only the German-language  
documentation: CHF 866– for a search of only the PCT minimum  
documentation: CHF 1,732– for a search of only the European and  
North American documentation: CHF 1,213Supplementary search handling fee  
(PCT Rule 45*bis*.2):

CHF 200

Late payment fee  
(PCT Rule 45*bis*.4(c)):

CHF 100

Fees payable to the Authority:

Currency: Euro (EUR)

Late furnishing fee  
(PCT Rules 13*ter*.1(c) and 45*bis*.5(c)):

None

Fee for copies of documents cited in  
the supplementary international search  
report (PCT Rule 45*bis*.7(c)):

EUR 0.95 per page

Fee for copies of documents contained  
in the file of the international  
application (PCT Rule 94.1*ter*):

EUR 0.95 per page

Conditions for refund and amount of  
refund of the supplementary search fee:Money paid by mistake, without cause, or in excess, will be  
refunded.Where the supplementary search request is considered not to have  
been submitted before the start of the supplementary international  
search (see PCT Rule 45*bis*.3(e)): refund of 100%Languages accepted for supplementary  
international search:

English, French, German

Subject matter that will not be searched:

The subject matter specified in items (i) to (vi) of PCT Rule 39.1  
with the exception of any subject matter searched under the patent  
grant procedure in accordance with the provisions of Austrian patent  
lawScope of documentation included in the  
supplementary international search:Three scopes of documentation are offered, at the choice of the  
applicant (see “Fees payable to the International Bureau”)Limitations on supplementary  
international search:The Authority shall notify the International Bureau if demand for  
supplementary international search exceeds available resources.*[Continued on next page]*

<sup>1</sup> For further details on the payment of fees to the International Bureau, see the WIPO website at <http://www.wipo.int/pct/en/fees/special.html>.

<sup>2</sup> This fee is fixed by the Authority in euro and will be revised from time to time to reflect currency fluctuations between the euro and the Swiss franc.

<b>SISA</b>	<b>International Searching Authorities (Supplementary Search)</b>	<b>SISA</b>
<b>AT</b>	<b>AUSTRIAN PATENT OFFICE</b>	<b>AT</b>

*[Continued]*


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Types of physical media accepted for the  
furnishing of nucleotide and/or amino  
acid sequence listings:

CD-ROM, DVD

**Waiver of power of attorney:**

Has the Authority waived the requirement that a separate power of attorney be submitted?	Yes <sup>3</sup>
Particular instances in which a separate power of attorney is required:	None
Has the Authority waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>3</sup>
Particular instances in which a copy of a general power of attorney is required:	None

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<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

# D International Searching Authorities D

## AT AUSTRIAN PATENT OFFICE AT

Search fee (PCT Rule 16): <sup>1, 2</sup>	<div> Euro (EUR) 1,775  Singapore dollar (SGD) 2,648 (2,495)<sup>3</sup>  South African rand (ZAR) 30,060  Swiss franc (CHF) 1,809  US dollar (USD) 1,816  Won (KRW) 2,465,000 </div>
Additional search fee (PCT Rule 40.2): <sup>2, 4</sup>	EUR 1,775
Fee for copies of documents cited in the international search report (PCT Rule 44.3):	EUR 0.95 per page
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1 <i>ter</i> ):	EUR 0.95 per page
Conditions for refund and amount of refund of the search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%</p> <p>Where the search fee has not been reduced<sup>2</sup> and where the Authority benefits from an earlier search, the search fee shall be refunded to the following extent, depending on the extent to which the Authority benefits from the earlier search:</p> <ul style="list-style-type: none"> <li>– where the earlier search was carried out by the Authority: refund of 75%</li> <li>– where the earlier search was carried out by another International Searching Authority: refund of 50%</li> <li>– where the earlier search was carried out by another Patent Office: refund of 25%</li> </ul>
Protest fee (PCT Rule 40.2(e)):	EUR 229
Late furnishing fee (PCT Rule 13 <i>ter</i> .1(c)):	None
Languages accepted for international search:	English, French, German
Types of physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings:	CD-ROM, DVD

*[Continued on next page]*

<sup>1</sup> This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).

<sup>2</sup> This fee is reduced by 75% where the applicant, or, if there are two or more applicants, each applicant is a natural person and is a national of and resides in a State for which the Austrian Patent Office is an International Searching Authority.

<sup>3</sup> The amount in parentheses is applicable as from 1 November 2022.

<sup>4</sup> This fee is payable to the International Searching Authority and only in particular circumstances.

**D****International Searching Authorities****D****AT****AUSTRIAN PATENT OFFICE****AT***[Continued]*

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Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of Austrian patent law
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**Waiver of power of attorney:**

Has the Authority waived the requirement that a separate power of attorney be submitted?	Yes <sup>5</sup>
Particular instances in which a separate power of attorney is required:	None
Has the Authority waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>5</sup>
Particular instances in which a copy of a general power of attorney is required:	None

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<sup>5</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

# E International Preliminary Examining Authorities E

## AT AUSTRIAN PATENT OFFICE AT

Preliminary examination fee (PCT Rule 58): <sup>1, 2</sup>	Euro (EUR)	1,749
Additional preliminary examination fee (PCT Rule 68.3): <sup>2, 3</sup>	EUR	1,749
Handling fee (PCT Rule 57.1): <sup>4</sup>	EUR	196
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	EUR	0.95 per page
Fee for copies of documents contained in the file of the international application (PCT Rule 94.2): <sup>3</sup>	EUR	0.95 per page
Conditions for refund and amount of refund of the preliminary examination fee:	Money paid by mistake, without cause, or in excess, will be refunded. In the cases provided for under PCT Rule 58.3: refund of 100% If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of 100%	
Protest fee (PCT Rule 68.3(e)):	EUR	229
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .2):	None	
Languages accepted for international preliminary examination:	English, French, German	
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of any subject matter examined under the patent grant procedure in accordance with the provisions of the Austrian patent law	
Waiver of power of attorney:		
Has the Authority waived the requirement that a separate power of attorney be submitted?	Yes <sup>5</sup>	
Particular instances in which a separate power of attorney is required:	None	
Has the Authority waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>5</sup>	
Particular instances in which a copy of a general power of attorney is required:	None	

<sup>1</sup> This fee is payable to the International Preliminary Examining Authority.

<sup>2</sup> This fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person and is a national of and resides in a State for which the Austrian Patent Office is an International Searching Authority.

<sup>3</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

<sup>4</sup> This fee is payable to the International Preliminary Examining Authority. It is reduced by 90% if certain conditions apply (see Annex C(IB)).

<sup>5</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90<sup>bis</sup>.1 to 90<sup>bis</sup>.4; see also International Phase, paragraph 11.048).

**B1****Information on Contracting States****B1****DE****GERMANY****DE****General information**

Name of Office:	Deutsches Patent- und Markenamt German Patent and Trade Mark Office
Location:	Zweibrückenstrasse 12, 80331 München, Germany
Mailing address:	80297 München, Germany
Telephone:	(49-89) 2195-0 (49-89) 2195-1000 (Customer Care and Services)
Facsimile machine:	(49-89) 2195-2221
E-mail:	info@dpma.de
Internet:	www.dpma.de
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission, if the transmitted document is the international application or a replacement sheet containing corrections or amendments of the international application No, only upon invitation in the case of other documents
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Does the Office send notifications via e-mail in respect of international applications?	No
Competent receiving Office for nationals and residents of Germany:	German Patent and Trade Mark Office, European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Applications containing State secrets <sup>1</sup>
Competent designated (or elected) Office if Germany is designated (or elected):	National protection: German Patent and Trade Mark Office (see National Phase) European patent: European Patent Office (EPO) (see National Phase)
May Germany be elected?	Yes (bound by Chapter II of the PCT)

*[Continued on next page]*<sup>1</sup> Act on International Patent Conventions, Article III, Section 2 and Patent Act, Section 52.

<b>B1</b>	<b>Information on Contracting States</b>	<b>B1</b>
<b>DE</b>	<b>GERMANY</b>	<b>DE</b>

*[Continued]*

Types of protection available via the PCT:	National: Patents, utility models (a utility model may be sought instead of or in addition to a national patent)  European: Patents
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Provisions of the law of Germany concerning international-type search:	None
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Provisional protection after international publication:	<p>Where the designation is made for the purposes of a national patent:          The applicant may, from the date of publication in German (of the international application or of a translation thereof), claim from any person who uses the subject of the application, although he knew or should have known that the invention used by him was the subject of the application, compensation appropriate to the circumstances. The applicant is not entitled to enjoin the use of the subject of the application. However, no claim for compensation is provided for if the subject of the application is obviously unpatentable (see Section 33, <a href="#">paragraph 2</a> of the Patent Act [<i>PatG</i>] and Article III Section 8 of the Act on International Patent Conventions [<i>IntPatÜbkG</i>]).</p> <p>Where the designation is made for the purposes of a European patent:</p> <p>(1) International application published in one of the EPO official languages: compensation appropriate to the circumstances, on condition that the national requirements (that a German translation of the claims in the application be published or transmitted to a possible user) have been met (see Art. II, Sections 1 and 2 of the Act on International Patent Conventions).</p> <p>(2) International application published in a language which is not an EPO official language: the protection referred to in (1) does not become effective until the EPO publishes the translation of the international application supplied to it in one of its official languages and the national requirements referred to in (1) are met.</p>
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**Information of interest if Germany is designated (or elected)**

**For national protection**

Time when the name and address of the inventor must be given if Germany is designated (or elected):	May be in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.
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*[Continued on next page]*

**B1****Information on Contracting States****B1****DE****GERMANY****DE***[Continued]*

Are there special provisions concerning earlier national applications from which priority is claimed and what are the effects of these provisions?

Article III, Section 4(4) of the Act on International Patent Conventions provides that the filing of an international application designating Germany and claiming the priority of an earlier national patent application or utility model application filed with the German Patent and Trade Mark Office shall have the result that the earlier national application is deemed withdrawn upon entry into the national phase of the international application. However, this will only take effect if the national application whose priority is claimed relates to the same kind of protection as the international application (e.g. patent/patent). Pursuant to Article III, Section 4(2) of the Act on International Patent Conventions, the international application enters into the national phase without further action by the applicant, provided the German Patent and Trade Mark Office is both receiving Office and designated Office and the international application has been filed in the German language. In this case, the national filing fee is deemed paid by payment of the transmittal fee (Article III, Section 4(2), last sentence of the Act on International Patent Conventions). Consequently, if the applicant wants to avoid the withdrawal of the earlier national application, pursuant to PCT Rule 4.9(b), he may exclude Germany from the automatic designation or may consider withdrawing the designation of Germany subsequent to the filing of the international application but before entry into the national phase.

Are there special provisions concerning the deposit of microorganisms and other biological material?

Yes (see Annex L)

**For a European patent — See European Patent Organisation (EP) in Annex B2**

**C  
DE****Receiving Offices  
GERMAN PATENT AND  
TRADE MARK OFFICE****C  
DE**

Competent receiving Office for nationals and residents of:	Germany
Language in which international applications may be filed:	German
Language accepted for language-dependent free text in the sequence listing:	German; or German and English
Language in which the request may be filed:	German
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>1, 2, 3</sup>	Yes, the Office accepts electronic filing via ePCT-Filing
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	No
Competent International Searching Authority:	European Patent Office
Competent International Preliminary Examining Authority:	European Patent Office
Fees payable to the receiving Office:	Currency: Euro (EUR)
Transmittal fee:	EUR 90
International filing fee:	EUR 1,305
Fee per sheet in excess of 30:	EUR 15
Reductions (under Schedule of Fees, item 4):	
Electronic filing (the request in character coded format):	EUR 196
Electronic filing (the request, description, claims and abstract in character coded format):	EUR 294
Search fee:	See Annex D(EP)
Fee for priority document:	EUR 20

*[Continued on next page]*

<sup>1</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>2</sup> Where the international application contains a sequence listing as a separate part of the description, this must be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format. If the receiving Office does not accept international applications in electronic form in such format, the international application will be transmitted to the International Bureau as receiving Office (PCT Rule 19.4 (a)(ii-bis)).

<sup>3</sup> For the relevant notification by the Office, refer to the *Official Notices (PCT Gazette)* dated 19 May 2022, pages 132 *et seq.*

<b>C</b>  <b>DE</b>	<b>Receiving Offices</b>  <b>GERMAN PATENT AND TRADE MARK OFFICE</b>	<b>C</b>  <b>DE</b>
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[Continued]

Is an agent required by the receiving Office?	<p>No, if the applicant has his residence, principal place of business or an establishment in Germany</p> <p>Yes, if the applicant has neither his residence, nor principal place of business, nor an establishment in Germany</p>
Who can act as agent?	<p>If an agent is required: any patent attorney, attorney-at-law, or firm of representatives established in Germany and authorized to represent the applicant in proceedings before the Office;<sup>4</sup> any patent attorney or attorney-at-law of a member State of the European Union, of a contracting party to the Agreement on the European Economic Area, or of Switzerland, authorized to either practice in Germany, or to provide temporary services, and empowered to represent the applicant in proceedings before the Office (refer to the <i>Act on the Activities of Patent Attorneys from EU member states in Germany (EuPAG)</i> and the <i>Act on the Activities of European Lawyers in Germany (EuRAG)</i>);</p> <p>If an agent is not required: as mentioned above and any natural person<sup>5</sup></p>
Waiver of power of attorney: Has the Office waived the requirement that a separate power of attorney be submitted? Particular instances in which a separate power of attorney is required:	<p>Yes<sup>6</sup></p> <p>If the agent is <i>not</i>:</p> <ul style="list-style-type: none"> <li>– a patent attorney or an attorney-at-law admitted to practice in Germany,</li> <li>– a patent attorney or an attorney-at-law of a member State of the European Union, of a contracting party to the Agreement on the European Economic Area, or of Switzerland, authorized to pursue certain professional activities (refer to the <i>Act on the Activities of Patent Attorneys from EU member states in Germany</i> and the <i>Act on the Activities of European Lawyers in Germany</i>)</li> </ul> <p>In case of reasonable doubts regarding the agent's entitlement to act</p> <p>In case of a common representative</p>
Has the Office waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>6</sup>

[Continued on next page]

<sup>4</sup> The list of patent attorneys may be obtained from the Patentanwaltskammer (Chamber of Patent Attorneys), Postfach 260108, 80058 München, Germany, and the list of attorneys-at-law from the Bundesrechtsanwaltskammer (Chamber of Attorneys-at-Law), Littenstrasse 9, 10179 Berlin, Germany.

<sup>5</sup> In accordance with the provisions of the *Legal Services Act (Rechtsdienstleistungsgesetz – RDG)*.

<sup>6</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

**C  
DE****Receiving Offices  
GERMAN PATENT AND  
TRADE MARK OFFICE****C  
DE***[Continued]*

Particular instances in which a copy of a general power of attorney is required:

If the agent is *not*:

- a patent attorney or an attorney-at-law admitted to practice in Germany,
- a patent attorney or an attorney-at-law of a member State of the European Union, of a contracting party to the Agreement on the European Economic Area, or of Switzerland, authorized to pursue certain professional activities (refer to the *Act on the Activities of Patent Attorneys from EU member states in Germany* and the *Act on the Professional Activities of European Lawyers in Germany*)

In case of reasonable doubts regarding the agent's entitlement to act

**B1****Information on Contracting States****B1****DK****DENMARK****DK****General information**

Name of Office:	Patent-og Varemærkestyrelsen Danish Patent and Trademark Office
Location and mailing address:	Helgeshøj Allé 81, DK-2630 Taastrup, Denmark
Telephone:	(45-43) 50 80 00
Facsimile machine:	(45-43) 50 80 01
E-mail:	pvs@dkpto.dk
Internet:	www.dkpto.org
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile and e-mail
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	No, only upon invitation
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make international and national applications available to the WIPO DAS
Competent receiving Office for nationals and residents of Denmark:	Danish Patent and Trademark Office, European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation <sup>1</sup> restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Applications by residents
Competent designated (or elected) Office if Denmark is designated (or elected):	National protection: Danish Patent and Trademark Office (see National Phase) European patent: European Patent Office (EPO) (see National Phase)
May Denmark be elected?	Yes (bound by Chapter II of the PCT)

*[Continued on next page]*

<sup>1</sup> Patents Act, Section 70 and the Consolidate Secret Patents Act, [Section 2](#).

**B1****Information on Contracting States****B1****DK****DENMARK****DK***[Continued]*

Types of protection available via the PCT:	National:	Patents, utility models (a utility model may be sought instead of or in addition to a national patent)
	European:	Patents

Provisions of the law of Denmark concerning international-type search:	Section 9 of the Patents Act and Sections 4 and 37 of the Order
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Provisional protection after international publication:	Where the designation is made for the purposes of a national patent: After the furnishing of a translation into Danish or, if the international application was filed in Danish, of a copy of the international application as filed, or if the international application is filed in English or translated into English when the claims have been filed in Danish, the applicant is given provisional protection in the sense that he, upon grant of the patent, is entitled to damages. These are limited to what is judged reasonable under the circumstances and the protection is limited to what is claimed in both the application and the patent. See Sections 33, 58 and 60 of the Patents Act.
	Where the designation is made for the purposes of a European patent: Compensation reasonable in the circumstances, on condition that any national requirements relating to the translation into Danish of the claims of the application have been met, and upon grant of the patent. Protection is limited to what is claimed in both the application and the patent (see Section 83(2) of the Patents Act).

**Information of interest if Denmark is designated (or elected)****For national protection**

Time when the name and address of the inventor must be given if Denmark is designated (or elected):	May be in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1)(a), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.
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Are there special provisions concerning the deposit of microorganisms and other biological material?	Yes (see Annex L)
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**For a European patent — See European Patent Organisation (EP) in Annex B2**

**C****Receiving Offices****C****DK****DANISH PATENT AND TRADEMARK  
OFFICE****DK**

Competent receiving Office for nationals and residents of:	Denmark
Language in which international applications may be filed:	Danish, English, French, German, Icelandic, Norwegian or Swedish <sup>1</sup>
Language accepted for language-dependent free text in the sequence listing:	Danish, English, French, German, Icelandic, Norwegian or Swedish; or English and another filing language
Language in which the request may be filed:	English, French or German
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>2, 3</sup>	Yes, the Office accepts XML and PDF files filed using ePCT-Filing or EPO Online Filing <sup>4</sup>
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “due care” criterion to such requests
Competent International Searching Authority:	European Patent Office, Nordic Patent Institute or Swedish Intellectual Property Office (PRV)
Competent International Preliminary Examining Authority:	European Patent Office, Nordic Patent Institute or Swedish Intellectual Property Office (PRV)

*[Continued on next page]*

<sup>1</sup> If the language in which the international application is filed is not accepted by the International Searching Authority (see Annex D), the applicant will have to furnish a translation (PCT Rule 12.3). If the language in which the international application is filed is not a language of publication and no translation is required for the purposes of international search (PCT Rule 12.3(a)), the applicant will have to furnish a translation of the application into English, French or German (PCT Rule 12.4(a)).

<sup>2</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>3</sup> Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>4</sup> For the relevant notifications by the Office, refer to the *Official Notices (PCT Gazette)* dated 7 July 2016, pages 157 *et seq.* and 21 July 2022, page 186.

<b>C</b>	<b>Receiving Offices</b>	<b>C</b>
<b>DK</b>	<b>DANISH PATENT AND TRADEMARK OFFICE</b>	<b>DK</b>

[Continued]

Fees payable to the receiving Office:	Currency: Danish krone (DKK)
Transmittal fee:	DKK 1,500
International filing fee:	DKK 9,710
Fee per sheet in excess of 30:	DKK 110
Reductions (under Schedule of Fees, item 4):	
Electronic filing (the request in character coded format):	DKK 1,460
Electronic filing (the request, description, claims and abstract in character coded format):	DKK 2,190
Search fee:	See Annex D(EP), (XN) or (SE)
Fee for priority document:	DKK 300
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	DKK 3,000
Is an agent required by the receiving Office?	No <sup>5</sup>
Who can act as agent?	Any natural or legal person resident in the European Economic Area
Waiver of power of attorney:	
Has the Office waived the requirement that a separate power of attorney be submitted?	Yes <sup>6</sup>
Particular instances in which a separate power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing
Has the Office waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>6</sup>
Particular instances in which a copy of a general power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing

<sup>5</sup> However, the Office will invite the applicant to appoint an agent, if it finds that it is necessary in the interest of the applicant (Patents Act, Section 12).

<sup>6</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4, see also International Phase, paragraph 11.048).

**B1****Information on Contracting States****B1****ES****SPAIN****ES****General information**

Name of Office:	Oficina Española de Patentes y Marcas Spanish Patent and Trademark Office
Location and mailing address:	Paseo de la Castellana 75, 28071 Madrid, Spain
Telephone:	(34) 902 157 530
Facsimile machine:	(34-91) 349 55 97
E-mail:	informacion@oepm.es
Internet:	www.oepm.es
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission
Does the Office send notifications via e-mail in respect of international applications?	Yes
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make <a href="#">international and</a> national applications available to the WIPO DAS <sup>1</sup>
Competent receiving Office for nationals and residents of Spain:	Spanish Patent and Trademark Office, European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation <sup>2</sup> restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Inventions made in Spain <sup>3</sup> Applications by residents <sup>3</sup>

*[Continued on next page]*

<sup>1</sup> For further details on how to request this Office to make applications available to DAS, see [www.oepm.es](http://www.oepm.es).

<sup>2</sup> Law No. 24/2015 of July 24, 2015, on Patents, Art. 163.

<sup>3</sup> Unless priority of an earlier application filed at the Spanish Patent and Trademark Office is claimed.

# B1 Information on Contracting States B1

## ES SPAIN ES

*[Continued]*

Competent designated (or elected) Office if Spain is designated (or elected):	National protection: Spanish Patent and Trademark Office (see National Phase)
	European patent: European Patent Office (EPO) (see National Phase)
May Spain be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	National: Patents, utility models European: Patents
Provisions of the law of Spain concerning international-type search:	None
Provisional protection after international publication:	<p>Where the designation is made for the purposes of a national patent:</p> <p>After a patent has been granted, the applicant is entitled to reasonable compensation for the period following the international publication of the international application. For that purpose, and if the international publication has not been effected in Spanish, the applicant must submit to the Office a translation of the international application into Spanish. The provisional protection applies as from the date of publication of the international application in Spanish by the Office.</p> <p>Where the designation is made for the purposes of a European patent:</p> <p>After the international publication (if in Spanish) or, where that publication was in a language other than Spanish, after the publication by the Office of a translation into Spanish of the claims of the European patent application submitted by the applicant in view of provisional protection and accompanied by a special fee, compensation reasonable in the circumstances may be requested. The translation of the claims into Spanish cannot be filed before the international application has entered the European regional phase and the mention of the international publication has been published in the <i>European Patent Bulletin</i>. If the applicant does not reside in Spain or in a country of the European Union, the translation must be either prepared by a patent attorney entitled to practice before the Office, or certified by a sworn translator appointed by the Ministry of External Affairs of Spain. In addition, persons who declare to have linguistic and technical knowledge in accordance with the Ministerial Order ETU/320/2018 of March 26, 2018 may also prepare the translation</p>

*[Continued on next page]*

**B1****Information on Contracting States****B1****ES****SPAIN****ES***[Continued]*

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**Information of interest if Spain is designated (or elected)**

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**For national protection**

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Time when the name and address of the inventor must be given if Spain is designated (or elected):

The indication of the address of the inventor is not required by the Office. The name may be indicated in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

Are there special provisions concerning the deposit of microorganisms and other biological material?

Yes (see Annex L)

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**For a European patent — See European Patent Organisation (EP) in Annex B2**

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**C  
ES**

## Receiving Offices

### SPANISH PATENT AND TRADEMARK OFFICE

**C  
ES**

Competent receiving Office for nationals and residents of:	Spain
Language in which international applications may be filed:	Spanish <sup>1</sup>
Language accepted for language-dependent free text in the sequence listing:	Spanish; or English and Spanish
Language in which the request may be filed:	Spanish
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>2, 3</sup>	Yes, the Office accepts electronic filing via EPO Online Filing <sup>4</sup>
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “due care” criterion to such requests
Competent International Searching Authority:	European Patent Office or Spanish Patent and Trademark Office
Competent International Preliminary Examining Authority:	European Patent Office or Spanish Patent and Trademark Office

[Continued on next page]

<sup>1</sup> Depending on the applicant's choice of competent International Searching Authority, a translation into a corresponding language (see Annex D) may have to be furnished by the applicant (PCT Rule 12.3).

<sup>2</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>3</sup> Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>4</sup> For the relevant notifications by the Office, refer to the *Official Notices (PCT Gazette)* dated 12 August 2021, page 136 and 18 August 2022, page 227.



# D International Searching Authorities D

## ES SPANISH PATENT AND TRADEMARK OFFICE ES

Search fee (PCT Rule 16): <sup>1</sup>	Euro (EUR)	1,775
	Swiss franc (CHF)	1,809
	US dollar (USD)	1,816
Additional search fee (PCT Rule 40.2): <sup>2</sup>	EUR	1,775
Fee for copies of documents cited in the international search report (PCT Rule 44.3):	EUR	4.69 per national document
	EUR	4.69 per foreign document
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1 <i>ter</i> ):	EUR	0.23 per page
Conditions for refund and amount of refund of the search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded, upon request by the applicant.</p> <p>Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%</p> <p>Where the Authority benefits from an earlier search already made by the Authority on an application whose priority is claimed for the international application: refund of 100% or 50%, depending upon the extent to which the Authority benefits from that earlier search</p> <p>Where the Authority benefits from an earlier search already made by an Authority of a State party to the EPC: refund of 75%</p> <p>Where the Authority benefits from an earlier search already made by an Authority of a State not party to the EPC: refund of 25%</p>	
Protest fee (PCT Rule 40.2(e)):	None	
Late furnishing fee (PCT Rule 13 <i>ter</i> .1(c)):	None	
Languages accepted for international search:	English, Spanish	

*[Continued on next page]*

<sup>1</sup> This fee is payable to the receiving Office concerned in the currency or one of the currencies accepted by it (see Annex C). The fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person or a legal entity and is a national of and resides in a State not party to the European Patent Convention and which is classified by the World Bank in the group of countries of “low income”, “lower middle income” or “upper middle income”, see [www.wipo.int/pct/en/fees/oepm\\_fee\\_reduction.html](http://www.wipo.int/pct/en/fees/oepm_fee_reduction.html).

<sup>2</sup> This fee is payable to the International Searching Authority and only in particular circumstances. Footnote 1 (except the first sentence) is also applicable.

# D International Searching Authorities D

## ES SPANISH PATENT AND TRADEMARK OFFICE ES

[Continued]

Does the Authority accept informal comments on earlier search results where an international application claims priority from an earlier application already searched by this Authority?

Yes, the applicant may submit informal comments to overcome objections raised in the search report and written opinion for the priority application. At the Spanish Patent and Trademark Office this service is called “PCT Direct”. Informal comments should be sent to the receiving Office together with the international application in the form of a separate letter entitled “PCT Direct/informal comments” (“*PCT Directo/comentarios informales*”). PCT Direct submissions are published on PATENTSCOPE.

Types of physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings:

Diskette, CD-ROM

Subject matter that will not be searched:

The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of Spanish patent law No. 24/2015 of 24 July 2015

Waiver of power of attorney:

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>3</sup>

Particular instances in which a separate power of attorney is required:

In case of reasonable doubt regarding the agent's entitlement to act; and upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>3</sup>

Particular instances in which a copy of a general power of attorney is required:

In case of reasonable doubt regarding the agent's entitlement to act; and upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

# E International Preliminary Examining Authorities E

## ES SPANISH PATENT AND TRADEMARK OFFICE ES

Preliminary examination fee (PCT Rule 58): <sup>1</sup>	Euro (EUR)	595.37
Additional preliminary examination fee (PCT Rule 68.3): <sup>2</sup>	EUR	595.37
Handling fee (PCT Rule 57.1): <sup>3</sup>	EUR	196
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	EUR	4.69 per national document EUR 4.69 per foreign document
Fee for copies of documents contained in the file of the international application (PCT Rule 94.2):	EUR	0.23 per page
Conditions for refund and amount of refund of the preliminary examination fee:	Money paid by mistake, without cause, or in excess, will be refunded, upon request by the applicant. In the cases provided for under PCT Rule 58.3: refund of 100% If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of 100%	
Protest fee (PCT Rule 68.3(e)):	None	
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .2):	None	
Languages accepted for international preliminary examination:	English, Spanish	
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of any subject matter examined under the patent grant procedure in accordance with the provisions of Spanish patent law No. 24/2015 of 24 July 2015	

*[Continued on next page]*

<sup>1</sup> The fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person or a legal entity and is a national of and resides in a State not party to the European Patent Convention and which is classified by the World Bank in the group of countries of “low income”, “lower middle income” or “upper middle income”, see [www.wipo.int/pct/en/fees/oepm\\_fee\\_reduction.html](http://www.wipo.int/pct/en/fees/oepm_fee_reduction.html).

<sup>2</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

<sup>3</sup> This fee is payable to the International Preliminary Examining Authority. It is reduced by 90% if certain conditions apply (see Annex C(II)).

<b>E</b>	<b>International Preliminary Examining Authorities</b>	<b>E</b>
<b>ES</b>	<b>SPANISH PATENT AND TRADEMARK OFFICE</b>	<b>ES</b>

*[Continued]*

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Waiver of power of attorney:

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>4</sup>

Particular instances in which a separate power of attorney is required:

In case of reasonable doubt regarding the agent's entitlement to act; and upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>4</sup>

Particular instances in which a copy of a general power of attorney is required:

In case of reasonable doubt regarding the agent's entitlement to act; and upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

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<sup>4</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**B1****Information on Contracting States****B1****FI****FINLAND****FI****General information**

Name of Office:	Patentti- ja rekisterihallitus Finnish Patent and Registration Office (PRH)
Location:	Sörnäisten rantatie 13 C, Helsinki, Finland
Mailing address:	FI-00091 PRH, Finland
Telephone:	(358) (0)29 509 50 00
Facsimile machine:	(358) (0)29 509 53 28
E-mail:	registry@prh.fi
Internet:	www.prh.fi/
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	No, only upon invitation
Does the Office send notifications via e-mail in respect of international applications?	No
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make international and national applications available to the WIPO DAS <sup>1</sup>
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes
Competent receiving Office for nationals and residents of Finland:	European Patent Office (EPO), Finnish Patent and Registration Office (PRH) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation <sup>2</sup> restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Applications by residents

*[Continued on next page]*

<sup>1</sup> For further details on how to request this Office to make applications available to DAS, see [www.prh.fi/fi/patentit/patentointi\\_ulkomailla/etuoikeus/das.html](http://www.prh.fi/fi/patentit/patentointi_ulkomailla/etuoikeus/das.html)

<sup>2</sup> Act on Inventions of Importance to the Defence of the Country (551/1967), Section 2.

**B1****Information on Contracting States****B1****FI****FINLAND****FI***[Continued]*

Competent designated (or elected) Office if Finland is designated (or elected):	National protection: Finnish Patent and Registration Office (PRH) European patent: European Patent Office (EPO) (see National Phase)
May Finland be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	National: Patents, utility models (a utility model may be sought instead of or in addition to a national patent) European: Patents
Provisions of the law of Finland concerning international-type search:	Section 9 of the Finnish Patent Law and Section 5 of the Patent Decree
Provisional protection after international publication:	Where the designation is made for the purposes of a national patent: After international publication, the furnishing of a translation into Finnish or Swedish or, if the international application was filed in Finnish or Swedish, a copy of the international application as filed or, if the application or translation was filed in English a translation of the claims into Finnish or Swedish, gives the applicant provisional protection in the sense that he, upon grant of the patent, is entitled to damages. These are limited to what is judged reasonable under the circumstances and the protection is limited to what is claimed in both the application and the patent. See Sections 33, 58 and 60 of the Patent Law.  Where the designation is made for the purposes of a European patent:  Compensation reasonable in the circumstances, on condition that any national requirements relating to the translation into Finnish (or into Swedish if the applicant's own language is Swedish) of the claims of the application have been met, and upon grant of the patent. Protection is limited to what is claimed in both the application and the patent.

**Information of interest if Finland is designated (or elected)****For national protection**

Time when the name and address of the inventor must be given if Finland is designated (or elected):	May be in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.
Are there special provisions concerning the deposit of microorganisms and other biological material?	Yes (see Annex L)

**For a European patent — See European Patent Organisation (EP) in Annex B2**

**C****Receiving Offices****C****FI****FINNISH PATENT AND  
REGISTRATION OFFICE (PRH)****FI**

Competent receiving Office for nationals and residents of:	Finland
Language in which international applications may be filed:	English, Finnish or Swedish <sup>1</sup>
Language accepted for language-dependent free text in the sequence listing:	English, Finnish or Swedish; or English and another filing language
Language in which the request may be filed:	English
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>2, 3, 4</sup>	Yes, the Office accepts XML and PDF files filed using ePCT-Filing or EPO Online Filing
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “due care” criterion to such requests
Competent International Searching Authority:	European Patent Office, Finnish Patent and Registration Office (PRH) or Swedish Intellectual Property Office (PRV)
Competent International Preliminary Examining Authority:	European Patent Office, Finnish Patent and Registration Office (PRH) or Swedish Intellectual Property Office (PRV)

*[Continued on next page]*

<sup>1</sup> If the language in which the international application is filed is not accepted by the International Searching Authority (see Annex D), the applicant will have to furnish a translation (PCT Rule 12.3). If the language in which the international application is filed is not a language of publication and no translation is required for the purposes of international search (PCT Rule 12.3(a)), the applicant will have to furnish a translation of the application into English (PCT Rule 12.4(a)).

<sup>2</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>3</sup> Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>4</sup> For the relevant notification by the Office, refer to the *Official Notices (PCT Gazette)* dated 22 September 2022, pages 256 *et seq.*

**C****Receiving Offices****C****FI****FINNISH PATENT AND  
REGISTRATION OFFICE (PRH)****FI***[Continued]*

Fees payable to the receiving Office:	Currency: Euro (EUR)
Transmittal fee:	EUR 135
International filing fee:	EUR 1,305
Fee per sheet in excess of 30:	EUR 15
Reductions (under Schedule of Fees, item 4):	
Electronic filing (the request in character coded format):	EUR 196
Electronic filing (the request, description, claims and abstract in character coded format):	EUR 294
Search fee:	See Annex D(EP), (FI) or (SE)
Fee for priority document:	EUR 15 for transmittal plus EUR 70 per document for a patent or EUR 50 per document for a utility model
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	EUR 450
Is an agent required by the receiving Office?	No, if the applicant resides in Finland Yes, if he is a non-resident
Who can act as agent?	Any natural or legal person resident in the European Economic Area
Waiver of power of attorney:	
Has the Office waived the requirement that a separate power of attorney be submitted?	Yes <sup>5</sup>
Particular instances in which a separate power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing
Has the Office waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>5</sup>
Particular instances in which a copy of a general power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing

<sup>5</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

<b>SISA</b>	<b>International Searching Authorities</b> <b>(Supplementary Search)</b>	<b>SISA</b>
<b>FI</b>	<b>FINNISH PATENT AND</b> <b>REGISTRATION OFFICE (PRH)</b>	<b>FI</b>

Fees payable to the International Bureau: <sup>1</sup> Supplementary search fee (PCT Rule 45 <i>bis</i> .3): <sup>2</sup> Supplementary search handling fee (PCT Rule 45 <i>bis</i> .2): Late payment fee (PCT Rule 45 <i>bis</i> .4(c)):	Currency: Swiss franc (CHF)  CHF    1,809  CHF    200  CHF    100
Fees payable to the Authority: Late furnishing fee (PCT Rules 13 <i>ter</i> .1(c) and 45 <i>bis</i> .5(c)): Fee for copies of documents cited in the supplementary international search report (PCT Rule 45 <i>bis</i> .7(c)):  Fee for copies of documents contained in the file of the international application (PCT Rule 94.1 <i>ter</i> ):	Currency: Euro (EUR)  EUR    200  The applicant receives, together with the supplementary international search report, a copy of each document cited in the report, free of charge. Designated (elected) Offices also receive a first set of copies, upon request, free of charge. Additional copies are available, free of charge, to applicants and designated (elected) Offices by e-mail at: <a href="mailto:pct@prh.fi">pct@prh.fi</a> .  EUR    0.60 per page
Conditions for refund and amount of refund of the supplementary search fee:	Money paid by mistake, without cause, or in excess, will be refunded.  The International Bureau shall refund this fee where the supplementary search request has not yet been transmitted to the Authority and the international application is withdrawn or considered withdrawn, or the supplementary search request is withdrawn or considered not to have been submitted (see PCT Rule 45 <i>bis</i> .3(d)): refund of 100%  The Authority shall refund this fee where the supplementary search request is considered not to have been submitted before the start of the supplementary international search (see PCT Rule 45 <i>bis</i> .3(e)): refund of 100%
Languages accepted for supplementary international search:	English, Finnish and Swedish
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of Finnish patent law
Scope of documentation included in the supplementary international search:	In addition to PCT minimum documentation, the Authority shall include at least the documents held in its search collection in: Danish, Finnish, Norwegian and Swedish

[Continued on next page]

<sup>1</sup> For further details on the payment of fees to the International Bureau, see the WIPO website at [www.wipo.int/pct/en/fees/special.html](http://www.wipo.int/pct/en/fees/special.html).

<sup>2</sup> This fee is fixed by the Authority in euro and will be revised from time to time to reflect currency fluctuations between the euro and the Swiss franc.

**SISA**

# International Searching Authorities (Supplementary Search)

**SISA****FI**

## FINNISH PATENT AND REGISTRATION OFFICE (PRH)

**FI***[Continued]*

Limitations on supplementary international search:

The Authority has no current limitations on its supplementary international search services.

Types of [physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings](#):

None. Physical media are not accepted. Sequence listings must be filed in electronic form (see Annex C)

Waiver of power of attorney:

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>3</sup>

Particular instances in which a separate power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>3</sup>

Particular instances in which a copy of a general power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing

<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**D****International Searching Authorities****D****FI****FINNISH PATENT AND  
REGISTRATION OFFICE (PRH)****FI**

Search fee (PCT Rule 16): <sup>1</sup>	Euro (EUR) 1,775 Swiss franc (CHF) 1,809 US dollar (USD) 1,816
Additional search fee (PCT Rule 40.2): <sup>2</sup>	EUR 1,775
Copies of documents cited in the international search report (PCT Rule 44.3):  How to obtain copies:  Fee(s):	The applicant receives, together with the international search report, a copy of each document cited in the report, free of charge. Designated (elected) Offices also receive a first set of copies, upon request, free of charge.  Additional copies are available to applicants and designated (elected) Offices by e-mail at: pct@prh.fi.  None
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1ter):	EUR 0.60 per page
Conditions for refund and amount of refund of the search fee:	Money paid by mistake, without cause, or in excess, will be refunded.  Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%  Where the Authority benefits from an earlier national search, international search, supplementary international search or international-type search already carried out by the Authority, a Nordic patent authority or the European Patent Office on an application whose priority is claimed: refund of EUR 300
Protest fee (PCT Rule 40.2(e)):	None
Late furnishing fee (PCT Rule 13ter.1(c)):	EUR 200
Languages accepted for international search:	English, Finnish, Swedish
Does the Authority accept informal comments on earlier search results where an international application claims priority from an earlier application already searched by this Authority?	Yes, the applicant may submit informal comments to overcome objections raised in the search report and written opinion for the priority application. At the PRH this service is called "PCT Direct". Informal comments should be sent to the receiving Office together with the international application in the form of a separate letter entitled "PCT Direct/informal comments". PCT Direct submissions are published on PATENTSCOPE.

*[Continued on next page]*

<sup>1</sup> This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).

<sup>2</sup> This fee is payable to the International Searching Authority and only in particular circumstances.

<b>D</b>	<b>International Searching Authorities</b>	<b>D</b>
<b>FI</b>	<b>FINNISH PATENT AND REGISTRATION OFFICE (PRH)</b>	<b>FI</b>

*[Continued]*

Types of physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings:	None. Physical media are not accepted. Sequence listings must be filed in electronic form (see Annex C)
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of Finnish patent law
Waiver of power of attorney:	
Has the Authority waived the requirement that a separate power of attorney be submitted?	Yes <sup>3</sup>
Particular instances in which a separate power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing
Has the Authority waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>3</sup>
Particular instances in which a copy of a general power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing

<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**E**

# International Preliminary Examining Authorities

**E****FI**

## FINNISH PATENT AND REGISTRATION OFFICE (PRH)

**FI**

Preliminary examination fee (PCT Rule 58): <sup>1</sup>	Euro (EUR)	600
Additional preliminary examination fee (PCT Rule 68.3): <sup>2</sup>	EUR	600
Handling fee (PCT Rule 57.1): <sup>3</sup>	EUR	196
Copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	The applicant receives, together with the international preliminary examination report, a copy of each document cited in the report, free of charge. Elected Offices also receive a first set of copies, upon request, free of charge.	
How to obtain copies:	Additional copies are available to applicants and elected Offices by e-mail at: pct@prh.fi.	
Fee(s):	None	
Fee for copies of documents contained in the file of the international application (PCT Rule 94.2):	EUR	0.60 per page
Conditions for refund and amount of refund of the preliminary examination fee:	Money paid by mistake, without cause, or in excess, will be refunded. In the cases provided for under PCT Rule 58.3: refund of 100% If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of 100%	
Protest fee (PCT Rule 68.3(e)):	None	
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .2):	EUR	200
Languages accepted for international preliminary examination:	English, Finnish, Swedish	
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of any subject matter which is examined under the patent grant procedure in accordance with Finnish patent law	

*[Continued on next page]*

<sup>1</sup> This fee is payable to the International Preliminary Examining Authority.

<sup>2</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

<sup>3</sup> This fee is payable to the International Preliminary Examining Authority. It is reduced by 90% if certain conditions apply (see Annex C(IB)).

**E**

**International Preliminary  
Examining Authorities**

**E**

**FI**

**FINNISH PATENT AND  
REGISTRATION OFFICE (PRH)**

**FI**

*[Continued]*

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**Waiver of power of attorney:**

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>4</sup>

Particular instances in which a separate power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form or in the demand form at the time of their filing

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>4</sup>

Particular instances in which a copy of a general power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form or in the demand form at the time of their filing

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<sup>4</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**B1****Information on Contracting States****B1****FR****FRANCE****FR****General information**

Name of Office:	Institut national de la propriété industrielle (INPI) (France) National Institute of Industrial Property (INPI) (France)
Location and mailing address:	15 rue des Minimes, CS50001, 92677 Courbevoie Cedex, France
Telephone:	01 56 65 89 98 (national calls) (33) 1 71 08 71 63 (international calls)
Facsimile machine:	(33) 1 56 65 86 00
E-mail:	contact@inpi.fr
Internet:	www.inpi.fr
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make international and national applications available to the WIPO DAS <sup>1</sup>
Competent receiving Office for nationals and residents of France:	National Institute of Industrial Property (France), European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation <sup>2</sup> restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Applications by natural or legal persons having a residence or principal place of business in France <sup>3</sup>
Competent designated (or elected) Office if France is designated (or elected):	European Patent Office (EPO) (see National Phase)
May France be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	European patents

*[Continued on next page]*<sup>1</sup> For applications filed with the Office on or after 1 October 2019.<sup>2</sup> Intellectual Property Code, Article L 614-18.<sup>3</sup> Unless the priority of an earlier application filed in France is claimed.

**B1**

## Information on Contracting States

**B1**

**FR**

**FRANCE**

**FR**

*[Continued]*

Provisions of the law of France concerning international-type search:

None (but the search carried out by the European Patent Office (EPO) on national applications is equivalent to an international-type search)

Provisional protection after international publication:

Designation for the purposes of a European patent:

(1) International application published in one of the EPO official languages: damages, possibly seizure of the articles infringing the patent; however, the court hearing the infringement action stays proceedings until the patent is granted; any national requirements relating to the translation of the claims in the application must be met.

(2) International application published in a language which is not an EPO official language: the protection referred to in (1) does not become effective until the EPO publishes the international application supplied to it in one of its official languages.

**Information of interest if France is designated (or elected)  
See European Patent Organisation (EP) in Annex B2**

**C****Receiving Offices****C****FR****NATIONAL INSTITUTE OF  
INDUSTRIAL PROPERTY (INPI) (FRANCE)****FR**

Competent receiving Office for nationals and residents of:	France
Language in which international applications may be filed:	French
Number of copies on paper required by the receiving Office:	3
Does the receiving Office accept the filing of international applications in electronic form? <sup>1</sup>	Yes <sup>2</sup>
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “due care” criterion to such requests
Competent International Searching Authority:	European Patent Office
Competent International Preliminary Examining Authority:	European Patent Office
Fees payable to the receiving Office:	Currency: Euro (EUR)
Transmittal fee:	EUR 62
International filing fee:	EUR 1,305
Fee per sheet in excess of 30:	EUR 15
Reductions (under Schedule of Fees, item 4):	
Electronic filing (the request in character coded format):	EUR 196
Electronic filing (the request, description, claims and abstract in character coded format):	EUR 294
Search fee:	See Annex D(EP)
Fee for priority document:	EUR 15
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	EUR 156

[Continued on next page]

<sup>1</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>2</sup> For the relevant notification by the Office, refer to *PCT Gazette* No. 18/2003, pages 9656 *et seq.*

<b>C</b>	<b>Receiving Offices</b>	<b>C</b>
<b>FR</b>	<b>NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI) (FRANCE)</b>	<b>FR</b>

*[Continued]*

Is an agent required by the receiving Office?	No, if the applicant resides in a State member of the European Union or party to the Agreement on the European Economic Area Yes, if he is a non-resident
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Who can act as agent?	Any natural or legal person registered to practice before the Office
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Waiver of power of attorney:

Has the Office waived the requirement that a separate power of attorney be submitted?

Particular instances in which a separate power of attorney is required:

Yes<sup>3</sup>

The Office continues to require that a power of attorney be submitted in the following instances:

If the agent is:

- a person indicated in article L.422-5 of the Code of Intellectual Property,
- an enterprise or a public institution contractually bound to the applicant,
- a specialized professional organization;

In case of reasonable doubt regarding the agent's entitlement to act;

In case of a common representative.

Has the Office waived the requirement that a copy of a general power of attorney be submitted?

Particular instances in which a copy of a general power of attorney is required:

Yes<sup>3</sup>

The Office continues to require that a power of attorney be submitted in the following instances:

If the agent is:

- a person indicated in article L.422-5 of the Code of Intellectual Property,
- an enterprise or a public institution contractually bound to the applicant,
- a specialized professional organization;

In case of reasonable doubt regarding the agent's entitlement to act;

In case of a common representative.

<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

**B1****Information on Contracting States****B1****GB****UNITED KINGDOM****GB****General information**

Name of Office:	Intellectual Property Office <sup>1</sup> (United Kingdom)
Location and mailing address:	Concept House, Cardiff Road, Newport, South Wales NP10 8QQ, United Kingdom. Filings by hand may additionally be made at: <sup>2</sup> 3 <sup>rd</sup> Floor, 10 Victoria Street, London SW1H 0NB, United Kingdom
Telephone:	(44-1633) 81 45 86 (for international applications) (44-1633) 81 40 00 (operator service) (44-3000) 20 00 15 (Minicom number for deaf or hard of hearing) 0300 300 2000 (within the United Kingdom)
E-mail:	pct@ipo.gov.uk (for PCT enquiries only) information@ipo.gov.uk (for general enquiries only)
Internet:	www.gov.uk/government/organisations/intellectual-property-office
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by e-mail <sup>3</sup>
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	No, only upon invitation
Does the Office send notifications via e-mail in respect of international applications?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make national applications filed in electronic form available to the WIPO DAS <sup>4</sup>

*[Continued on next page]*

<sup>1</sup> Intellectual Property Office is an operating name of the Patent Office.

<sup>2</sup> The London address should be used for hand filings only. All postal correspondence must be sent to the Newport address.

<sup>3</sup> The following address should be used for the filing of documents by e-mail: [forms@ipo.gov.uk](mailto:forms@ipo.gov.uk)

<sup>4</sup> For further details on how to request this Office to make applications available to DAS see, [www.gov.uk/government/publications/how-to-file-documents-with-the-intellectual-property-office](http://www.gov.uk/government/publications/how-to-file-documents-with-the-intellectual-property-office).

# B1 Information on Contracting States B1

## GB UNITED KINGDOM GB

[Continued]

Competent receiving Office for nationals and residents of the United Kingdom:	Intellectual Property Office <sup>5</sup> (United Kingdom), European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation <sup>6</sup> restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Applications by residents <sup>7</sup>
Competent designated (or elected) Office if the United Kingdom is designated (or elected):	National protection: Intellectual Property Office <sup>5</sup> (United Kingdom) (see National Phase) European patent: European Patent Office (EPO) (see National Phase)
May the United Kingdom be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	National: Patents European: Patents
Provisions of the law of the United Kingdom concerning international-type search:	None
Provisional protection after international publication:	Where the designation is made for the purposes of a national patent: See Sections 89, 89A and 89B of the Patents Act 1977. The publication of the international application in English by the International Bureau of WIPO, or of the translation into English by the Intellectual Property Office <sup>5</sup> (United Kingdom), gives the applicant generally the same right as he would have had, if the patent had been granted on the date of publication of the application or of the translation, to bring proceedings in the court or before the Comptroller for damages in respect of any act which would have infringed a patent. However, such proceedings may only be brought after grant of the patent. Section 89B(3), in addition, gives effect to the option specified in PCT Article 29(2)(iii).

[Continued on next page]

<sup>5</sup> See footnote 1.

<sup>6</sup> Patents Act 1977, Section 23.

<sup>7</sup> In most cases, a United Kingdom resident may file an application direct at the European Patent Office or at the International Bureau of WIPO. However, restrictions apply where the application contains information which relates to military technology or which might be prejudicial to United Kingdom national security or the safety of the public. In these cases, a United Kingdom resident may only file such an application direct at the European Patent Office or at the International Bureau of WIPO: (i) after having obtained written authorization from the Office; or (ii) after an application for a patent for the same invention has been filed at the Office and not less than six weeks have elapsed without the Comptroller of the Office giving a direction prohibiting publication or communication of the invention. These restrictions do not apply to an application for a patent for an invention for which an application for a patent has first been filed in a country outside the United Kingdom by a person resident outside the United Kingdom. Further details can be obtained from the Office: Security Section, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ; tel: (44-1633) 81 35 58.

**B1****Information on Contracting States****B1****GB****UNITED KINGDOM****GB***[Continued]*

Provisional protection after international publication (*cont'd*):

Where the designation is made for the purposes of a European patent:

See Sections 78(7) and 79(3) of the Patents Act 1977.

(1) International application published in English: the right referred to above applies once the application has been published by the International Bureau of WIPO.

(2) International application published in French or German: the right referred to in paragraph (1) does not become effective until a translation into English of the claims has been filed at, and published by, the Intellectual Property Office<sup>8</sup> (United Kingdom) and the prescribed fee paid, or unless the applicant has supplied the infringer, before the infringing act occurred, with a translation into English of the claims.

(3) International application published in a language which is not an EPO official language: the right referred to above does not become effective until the EPO republishes the international application supplied to it in one of its official languages except that if the EPO republishes the application in French or German, paragraph (2) applies.

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**Information of interest if the United Kingdom is designated (or elected)**


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**For national protection**


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Time when the name and address of the inventor must be given if the United Kingdom is designated (or elected):

May be in the request or must be furnished within 33 months from the priority date

Are there special provisions concerning the deposit of microorganisms and other biological material?

Yes (see Annex L)

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**For a European patent — See European Patent Organisation (EP) in Annex B2**


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<sup>8</sup> See footnote 1.

# C Receiving Offices C

## GB INTELLECTUAL PROPERTY OFFICE<sup>1</sup> GB

### (UNITED KINGDOM)

Competent receiving Office for nationals and residents of:	United Kingdom; <sup>2</sup> also for residents of the Isle of Man, Gibraltar and the Bailiwick of Guernsey
Language in which international applications may be filed:	English or Welsh <sup>3</sup>
Language accepted for language-dependent free text in the sequence listing:	Same language as the international application (English or Welsh); or both
Language in which the request may be filed:	English
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>4, 5</sup>	Yes <sup>6, 7</sup>
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “unintentional” criterion to such requests
Competent International Searching Authority:	European Patent Office
Competent International Preliminary Examining Authority:	European Patent Office

*[Continued on next page]*

<sup>1</sup> Intellectual Property Office is an operating name of the Patent Office.

<sup>2</sup> By virtue of the British Nationality Act 1981, United Kingdom nationality is afforded to British Citizens, British Dependent Territories Citizens, British Overseas Citizens, British Subjects and British Protected Persons. Questions about the nationality and residence of applicants from dependent territories of the United Kingdom should be referred to the Patents Legal Section, Intellectual Property Office.

<sup>3</sup> If the language in which the international application is filed is not accepted by the International Searching Authority (see Annex D), the applicant will have to furnish a translation (PCT Rule 12.3).

<sup>4</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>5</sup> Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>6</sup> For the relevant notification by the Office, refer to *PCT Gazette* No. 32/2004, pages 18092 *et seq.*

<sup>7</sup> The Office accepts the filing of international applications in electronic form using ePCT-Filing. For the relevant notifications by the Office, refer to *Official Notices (PCT Gazette)* dated 28 April 2022, pages 103 *et seq.* and 4 August 2022, page 206.

**C** **Receiving Offices** **C**

**GB** **INTELLECTUAL PROPERTY OFFICE<sup>8</sup>** **GB**

**(UNITED KINGDOM)**

[Continued]

<b>Fees payable to the receiving Office:</b>		<b>Currency:</b> Pound sterling (GBP)
Transmittal fee:		GBP 75
International filing fee:		GBP 1,132
Fee per sheet in excess of 30:		GBP 13
Reductions (under Schedule of Fees, item 4):		
Electronic filing (the request in character coded format):		GBP 170
Electronic filing (the request, description, claims and abstract in character coded format):		GBP 255
Search fee:		See Annex D(EP)
Fee for priority document:		GBP 20
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):		GBP 150
<b>Is an agent required by the receiving Office?</b>		No
<b>Who can act as agent?</b>		Any individual, partnership or body corporate who resides in or has a place of business in the United Kingdom, the Isle of Man or a Member State of the European Economic Area (EEA). <sup>9</sup> A list of registered patent attorneys may be obtained from the following address: The Registrar, c/o The Chartered Institute of Patent Attorneys, 2 <sup>nd</sup> Floor Halton House, 20-23 Holborn, London, EC1N 2JD <sup>10</sup>
<b>Waiver of power of attorney:</b>		
Has the Office waived the requirement that a separate power of attorney be submitted?		Yes <sup>11</sup>
Particular instances in which a separate power of attorney is required:		Where an agent or common representative who is not indicated on the request form at the time of filing performs any action after filing; or where it is unclear that an agent or common representative has power to act on behalf of the applicant.
Has the Office waived the requirement that a copy of a general power of attorney be submitted?		Yes <sup>11</sup>
Particular instances in which a copy of a general power of attorney is required:		Where an agent or common representative who is not indicated on the request form at the time of filing performs any action after filing; or where it is unclear that an agent or common representative has power to act on behalf of the applicant.

<sup>8</sup> See footnote 1.

<sup>9</sup> For international applications filed on or after 1 January 2021, any agent appointed must have an address for service in the United Kingdom, the Isle of Man, the Channel Islands or Gibraltar.

<sup>10</sup> E-mail: mail@cipa.org.uk; Internet: www.cipa.org.uk; telephone: (44-20) 74 05 94 50; facsimile: (44-20) 74 30 04 71.

<sup>11</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4, see also International Phase, paragraph 11.048).

**B1****Information on Contracting States****B1****IT****ITALY****IT****General information**

Name of Office:	Ufficio Italiano Brevetti e Marchi Italian Patent and Trademark Office
Location and mailing address:	19, via Molise, 00187 Roma, Italy
Telephone:	(39-06) 4705-5800
Facsimile machine:	(39-06) 4705-5632
E-mail:	uibm.pct@mise.gov.it
Internet:	www.uibm.gov.it
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents except the international application
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make international and national applications available to the WIPO DAS <sup>1</sup>
Competent receiving Office for nationals and residents of Italy:	Italian Patent and Trademark Office, European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation <sup>2</sup> restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Applications by residents <sup>3</sup>

*[Continued on next page]*

<sup>1</sup> For applications filed with the Office on or after 1 October 2018.

<sup>2</sup> Legislative Decree No. 30 of 10 February 2005, Article 198(1).

<sup>3</sup> Unless the international application claims the priority of a national application filed in Italy more than 90 days previously and such application has not been made subject of the official secrets regulation.

**B1****Information on Contracting States****B1****IT****ITALY****IT***[Continued]*

Competent designated (or elected) Office if Italy is designated (or elected):	National protection: <sup>4</sup> Italian Patent and Trademark Office (see National Phase)
	European patent: European Patent Office (EPO) (see National Phase)
May Italy be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	National: <sup>4</sup> Patents, utility models (a utility model may be sought instead of a national patent)
	European: Patents
Provisions of the law of Italy concerning international-type search:	None
Provisional protection after international publication:	<p>Where the designation is made for the purposes of a national patent: An international application designating Italy which has been published under PCT Article 21 confers provisional protection, as provided for in Article 55 c.1-<i>bis</i> of the Italian Industrial Property Code, as from the date on which the owner of the application made available to the public, through the Italian Patent and Trademark Office, a translation of the application into Italian language, or from the date on which the owner of the application notified the alleged infringer directly of the translation.</p> <p>Where the designation is made for the purposes of a European patent: After publication by the EPO of the international application in a translation into one of its official languages furnished to it, the applicant may, as from the date on which a translation into Italian of the claims is made available to the public or communicated to the user, obtain damages and possibly the description and seizure of the articles infringing the patent and anything used in the making thereof.</p>

**Information of interest if Italy is designated (or elected)****For national protection**

Time when the name and address of the inventor must be given if Italy is designated (or elected):	May be in the request or may be furnished later. If the data concerning the inventor are missing at the expiration of the time limit under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.
Are there special provisions concerning the deposit of microorganisms and other biological material?	Yes (see Annex L)

**For a European patent – See European Patent Organisation (EP) in Annex B2**

<sup>4</sup> For international applications filed on or after 1 July 2020.  
(1 October 2020)

**C**  
**IT****Receiving Offices**  
**ITALIAN PATENT AND**  
**TRADEMARK OFFICE****C**  
**IT**

Competent receiving Office for nationals and residents of:	Italy
Language in which international applications may be filed:	English, French, German or Italian. <sup>1</sup> In accordance with Article 152(2) of Decree-Law No. 30 of 10 February 2005, an international application filed in English, French or German by a resident of Italy must be accompanied by a summary in Italian which defines in a comprehensive manner the characteristics of the invention and a copy of any drawings (only for the purposes of Article 198(1) of the above mentioned Decree-Law) if no priority of an earlier national (Italian) application is claimed or, where such priority is claimed, if the international application is filed prior to the expiration of 90 days from the filing date of that earlier national application.
Language accepted for language-dependent free text in the sequence listing:	English, French, German or Italian; or English and another filing language
Language in which the request may be filed:	English, French or German
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>2, 3</sup>	Yes, the Office accepts electronic filing via ePCT-Filing <sup>4</sup>
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “due care” criterion to such requests
Competent International Searching Authority:	European Patent Office
Competent International Preliminary Examining Authority:	European Patent Office

[Continued on next page]

<sup>1</sup> If the language in which the international application is filed is not accepted by the International Searching Authority (see Annex D), the applicant will have to furnish a translation (PCT Rule 12.3).

<sup>2</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>3</sup> Where the international application contains a sequence listing as a separate part of the description, this must be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>4</sup> For the relevant notifications by the Office, refer to the *Official Notices (PCT Gazette)* dated 23 November 2017, pages 179 *et seq.* and 4 August 2022, pages 206 *et seq.*

**C**  
**IT**

# Receiving Offices

## ITALIAN PATENT AND TRADEMARK OFFICE

**C**  
**IT***[Continued]*

Fees payable to the receiving Office:		Currency: Euro (EUR)	
Transmittal fee:		EUR	30.99
International filing fee:		EUR	1,305
Fee per sheet in excess of 30:		EUR	15
Reductions (under Schedule of Fees, item 4):			
Electronic filing (the request in character coded format):		EUR	196
Electronic filing (the request, description, claims and abstract in character coded format):		EUR	294
Search fee:		See Annex D(EP)	
Fee for priority document:			
			<i>Paper copy      Electronic copy</i>
	— for the request to prepare the priority document (in fee stamps)	EUR	16      16
	— for every four pages or fraction of four pages (description, claims, abstract, drawings, filing certificate and certificate of authenticity) (in fee stamps), plus	EUR	16      —
	— for the download of the electronic copy (in fee stamps), plus	EUR	—      16
	— for a patent application or	EUR	7      3
	— for a utility model application	EUR	5      3
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):		EUR	15 (online) EUR 16 (on paper) (in fee stamps)
Is an agent required by the receiving Office?	No		
Who can act as agent?	<p>Any patent attorney recorded in the official register established by the Board of the Industrial Property Consultants Institute<sup>5</sup></p> <p>Citizens of the European Union qualified to practice as patent attorney in another member State, on a temporary basis, pursuant to the procedure under the legislative Decree No. 206/2007</p> <p>Any Italian lawyer or attorney-at-law whose name appears in the respective professional roll or any law firm employing such a lawyer or attorney-at-law<sup>6</sup></p>		

*[Continued on next page]*

<sup>5</sup> The list of patent attorneys can be obtained from the Ordine dei Consulenti in Proprietà Industriale (Board of the Industrial Property Consultants Institute) (<https://www.ordine-brevetti.it>).

<sup>6</sup> For further details, refer to <https://www.consiglionazionaleforense.it>.

**C**  
**IT****Receiving Offices**  
**ITALIAN PATENT AND**  
**TRADEMARK OFFICE****C**  
**IT***[Continued]***Waiver of power of attorney:**

Has the Office waived the requirement that a separate power of attorney be submitted?

Particular instances in which a separate power of attorney is required:

Yes<sup>7</sup>

The Office continues to require that a power of attorney be submitted in the following instances:

If the agent is not:

- a patent attorney or an attorney-at-law authorized to practice in Italy (recorded in the pertinent official register or professional roll) or any law firm employing such a lawyer or attorney-at-law;
- a patent attorney or an attorney-at-law qualified to practice in another member State of the European Union, authorized to pursue certain professional activities in Italy on a temporary basis (refer to legislative Decree No. 206/2007);

In case of reasonable doubt regarding the agent's entitlement to act;

In case of a common representative.

Has the Office waived the requirement that a copy of a general power of attorney be submitted?

Particular instances in which a copy of a general power of attorney is required:

Yes<sup>7</sup>

The Office continues to require that a power of attorney be submitted in the following instances:

If the agent is not:

- a patent attorney or an attorney-at-law authorized to practice in Italy (recorded in the pertinent official register or professional roll) or any law firm employing such a lawyer or attorney-at-law;
- a patent attorney or an attorney-at-law qualified to practice in another member State of the European Union, authorized to pursue certain professional activities in Italy on a temporary basis (refer to legislative Decree No. 206/2007);

In case of reasonable doubt regarding the agent's entitlement to act.

<sup>7</sup> For international applications filed on or after 1 March 2021. Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

**B1****Information on Contracting States****B1****MC****MONACO****MC****General information**

Name of Office:	Division de la propriété intellectuelle, Direction de l'expansion économique (Monaco) Intellectual Property Division, Department of Economic Expansion (Monaco)
Location and mailing address:	9, rue du Gabian, MC 98000 Monaco (Principauté)
Telephone:	(377) 98 98 98 01
Facsimile machine:	(377) 92 05 75 20
E-mail:	<a href="mailto:mcipo@gouv.mc">mcipo@gouv.mc</a>
Internet:	<a href="https://mcipo.gouv.mc">https://mcipo.gouv.mc</a>
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	No
Does the Office send notifications via e-mail in respect of international applications?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Competent receiving Office for nationals and residents of Monaco:	European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Competent designated (or elected) Office if Monaco is designated (or elected):	European Patent Office (EPO) (see National Phase)
May Monaco be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	European patents
Provisions of the law of Monaco concerning international-type search:	None

*[Continued on next page]*

**B1**

## **Information on Contracting States**

**B1**

**MC**

**MONACO**

**MC**

*[Continued]*

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Provisional protection after international publication:

Designation for the purposes of a European patent:

(1) International application published in one of the EPO official languages: damages, possibly seizure of the articles infringing the patent; however, the court hearing the infringement action stays proceedings until the patent is granted; any national requirements relating to the translation of the claims in the application must be met.

(2) International application published in a language which is not an EPO official language: the protection referred to in (1) does not become effective until the EPO publishes the international application supplied to it in one of its official languages.

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**Information of interest if Monaco is designated (or elected)**

**See European Patent Organisation (EP) in Annex B2**

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**B1****Information on Contracting States****B1****ME****MONTENEGRO****ME****General information**

Name of Office:	Ministarstvo ekonomskog razvoja i turizma Ministry of Economic Development and Tourism (Montenegro)
Location and mailing address:	Rimski trg br. 46, 81 000 Podgorica, Montenegro
Telephone:	(382) 20 234 591
E-mail:	<a href="mailto:dragana.ranitovic@mek.gov.me">dragana.ranitovic@mek.gov.me</a>
Internet:	<a href="http://www.gov.me/mek">www.gov.me/mek</a>
Competent receiving Office for nationals and residents of Montenegro:	European Patent Office (EPO) <sup>1</sup> or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Applications by nationals and residents <sup>2</sup>
Competent designated (or elected) Office if Montenegro is designated (or elected):	European Patent Office (EPO) (see National Phase)
Types of protection available via the PCT:	European patents <sup>3</sup>
Provisional protection after international publication:	Designation is made for the purposes of a European patent (see European Patent Convention Articles 67, 150 and 158) and: (1) the international application is published in one of the EPO official languages: this gives the applicant the right to seek compensation reasonable in the circumstances for any infringement; or (2) the international application is published in a language which is not an EPO official language: then the protection referred to in paragraph (1) does not become effective until the EPO publishes the international application supplied to it in one of its official languages.

**Information of interest if Montenegro is designated (or elected)**  
**See European Patent Organisation (EP) in Annex B2**

<sup>1</sup> For all international applications filed on or after 1 October 2022.

<sup>2</sup> Any international application where the applicant has Montenegrin nationality or has his/her residence or its seat in Montenegro, and which concerns an invention of significance for the defence and security of Montenegro, will be subject to compulsory filing with the Ministry of Defence in accordance with Articles 124-125 of Montenegrin Patent Law, and shall thus not be filed with the European Patent Office (EPO) nor the International Bureau.

<sup>3</sup> On 1 October 2022, the European Patent Convention entered into force in Montenegro and Article 153a of Montenegrin Patent Law applies to all international applications filed as of that date. Under this Article, any designation or election of Montenegro in an international application filed as of the date of entry into force of the EPC in Montenegro will have the effect of a request for grant of a European patent for Montenegro. For further information, please refer to the National Chapter EP.

**B1****Information on Contracting States****B1****NL****NETHERLANDS****NL****General information**

Name of Office:	Octrooiencentrum Nederland Netherlands Patent Office
Location:	Prinses Beatrixlaan 2, 2595 AL Den Haag, Netherlands
Mailing address:	<a href="#">P.O. Box 10366, 2501 HJ Den Haag, Netherlands</a>
Telephone:	(31-88) 042 66 60
E-mail:	octrooiencentrum@rvo.nl
Internet:	<a href="http://www.rvo.nl/octrooien">www.rvo.nl/octrooien</a>
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	No
Does the Office send notifications via e-mail in respect of international applications?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make international and national applications available to the WIPO DAS
Competent receiving Office for nationals and residents of the Netherlands:	Netherlands Patent Office, European Patent Office (EPO) or International Bureau of WIPO (IB), at the choice of the applicant (see Annex C)
Competent designated (or elected) Office if the Netherlands is designated (or elected):	European Patent Office (EPO) (see National Phase)

*[Continued on next page]*

**B1****Information on Contracting States****B1****NL****NETHERLANDS****NL***[Continued]*

May the Netherlands be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	European patents
Provisions of the law of the Netherlands concerning international-type search:	Article 34(2) of the Patents Act 1995 and Article 6(3) of the Patent Rules 1995
Provisional protection after international publication:	<p>Designation for the purposes of a European patent:</p> <p>(1) International application published in one of the EPO official languages: compensation reasonable in the circumstances, on condition that any national requirements relating to the translation of the claims in the application have been met.</p> <p>(2) International application published in a language which is not an EPO official language: the protection referred to in (1) does not become effective until the EPO publishes the international application supplied to it in one of its official languages.</p>

**Information of interest if the Netherlands is designated (or elected)**  
**See European Patent Organisation (EP) in Annex B2**

**C****Receiving Offices****C****NL****NETHERLANDS PATENT OFFICE****NL**

Competent receiving Office for nationals and residents of:	Netherlands
Language in which international applications may be filed:	Dutch, English, French or German <sup>1</sup>
Language accepted for language-dependent free text in the sequence listing:	Same as above <sup>2</sup>
Language in which the request may be filed:	English, French or German
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>3, 4, 5</sup>	Yes, the Office accepts electronic filing via EPO Online Filing. Offline filings may be furnished on CD-R.
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “due care” criterion to such requests
Competent International Searching Authority:	European Patent Office
Competent International Preliminary Examining Authority:	European Patent Office

*[Continued on next page]*

<sup>1</sup> If the language in which the international application is filed is not a language of publication and no translation is required for the purposes of international search (PCT Rule 12.3(a)), the applicant will have to furnish a translation of the application into English, French or German (PCT Rule 12.4(a)).

<sup>2</sup> The Office has not specifically notified the International Bureau of the language that it accepts under PCT Rule 12.1(d).

<sup>3</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>4</sup> Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format. If the receiving Office does not accept international applications in electronic form in such format, the international application will be transmitted to the International Bureau as receiving Office (PCT Rule 19.4 (a)(ii-bis)).

<sup>5</sup> For the relevant notifications by the Office, refer to *PCT Gazette* No. 11/2005, pages 7068 *et seq.* and *Official Notices (PCT Gazette)* dated 27 September 2018, page 300.

**C****Receiving Offices****C****NL****NETHERLANDS PATENT OFFICE****NL***[Continued]*

Fees payable to the receiving Office:	Currency: Euro (EUR)
Transmittal fee:	EUR 50
International filing fee:	EUR 1,305
Fee per sheet in excess of 30:	EUR 15
Reductions (under Schedule of Fees, item 4):	
Electronic filing (the request in character coded format):	EUR 196
Electronic filing (the request, description, claims and abstract in character coded format):	EUR 294
Search fee:	See Annex D(EP)
Fee for priority document:	EUR 9
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	EUR 161
Is an agent required by the receiving Office?	No
Who can act as agent?	Any registered patent attorney or any registered lawyer. A list of professional representatives in the Netherlands is available in the Office.
Waiver of power of attorney:	
Has the Office waived the requirement that a separate power of attorney be submitted?	Yes <sup>6</sup>
Particular instances in which a separate power of attorney is required:	None
Has the Office waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>6</sup>
Particular instances in which a copy of a general power of attorney is required:	None

<sup>6</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048). (1 July 2022)

**B1****Information on Contracting States****B1****PL****POLAND****PL****General information**

Name of Office:	Urząd Patentowy Rzeczypospolitej Polskiej Patent Office of the Republic of Poland
Location:	Al. Niepodległości 188/192, PL-00-950 Warszawa, Poland
Mailing address:	P.O. Box 203, PL-00-950 Warszawa, Poland
Telephone:	(48-22) 579 01 27 ( <a href="#">International Applications Division</a> ) (48-22) 579 05 55 ( <a href="#">Contact Center</a> )
Facsimile machine:	(48-22) 579 03 63
E-mail:	plpctteam@uprp.gov.pl
Internet:	<a href="https://www.uprp.gov.pl">https://www.uprp.gov.pl</a>
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Competent receiving Office for nationals and residents of Poland:	Patent Office of the Republic of Poland, European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation <sup>1</sup> restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Applications by nationals and residents
Competent designated (or elected) Office if Poland is designated (or elected):	National protection: Patent Office of the Republic of Poland (see National Phase) European patent: European Patent Office (EPO) (see National Phase)
May Poland be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	National: Patents, utility models European: Patents
Provisions of the law of Poland concerning international-type search:	None

*[Continued on next page]*<sup>1</sup> Industrial Property Law, Article 40.

**B1****Information on Contracting States****B1****PL****POLAND****PL***[Continued]*

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Provisional protection after international publication:

Where the designation is made for the purposes of a national patent:  
The applicant must submit to the Office a translation of the international application into Polish. The provisional protection applies as from the date of the subsequent publication of the translation of the international application (bibliographic data, abstract and figure of drawings, if any) in the Official Gazette of the Patent Office [*Biuletyn Urzędu Patentowego*].

Where the designation is made for the purposes of a European patent:

Information not yet available

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**Information of interest if Poland is designated (or elected)**

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**For national protection**

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Time when the name and address of the inventor must be given if Poland is designated (or elected):

May be in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

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Are there special provisions concerning the deposit of microorganisms and other biological material?

Yes (see Annex L)

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**For a European patent — See European Patent Organisation (EP) in Annex B2**

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Fees payable to the receiving Office ( <i>cont'd</i> ):	Currency: Polish zloty (PLN)
Search fee:	Equivalent in PLN of the search fee payable to the European Patent Office in EUR: see Annex D(EP) or (XV)
Fee for priority document:	For a patent or a utility model: PLN 60 (up to 20 sheets) or PLN 125 (for more than 20 sheets)
Fee for requesting restoration of the right of priority (PC Rule 26 <i>bis</i> .3(d)):	PLN 80
Is an agent required by the receiving Office?	Yes, if the applicant has neither a residence nor a principal place of business in Poland, or in another member State of the European Union or the European Free Trade Association
Who can act as agent?	Any patent attorney registered to practice before the Office <sup>7</sup>

(27 October 2022)

**B1****Information on Contracting States****B1****SE****SWEDEN****SE****General information**

Name of Office:	Patent-och registreringsverket Swedish Intellectual Property Office (PRV)
Location:	Valhallavägen 136, Stockholm, Sweden
Mailing address:	P.O. Box 5055, S-102 42 Stockholm, Sweden
Telephone:	(46-8) 782 28 00
Facsimile machine:	(46-8) 666 02 86
E-mail:	prv@prv.se
Internet:	www.prv.se
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	No, only upon invitation
Does the Office send notifications via e-mail in respect of international applications?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Does the Office excuse delays in meeting time limits due to the unavailability of electronic means of communication (PCT Rule 82 <sup>quater</sup> .2(a))?	Yes, the Office excuses delays in meeting time limits where the permitted electronic means of communication were unavailable at least one whole day (24 hours) and where the respective action was performed on the next working day on which the said electronic means of communication were available. <sup>1</sup>
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make international and national applications available to the WIPO DAS <sup>2</sup>

[Continued on next page]

<sup>1</sup> For the relevant notification by the Office refer to the *Official Notices (PCT Gazette)* dated 25 June 2020, page 139.

<sup>2</sup> For further details on how to request this Office to make applications available to DAS, see <https://www.prv.se/en/ip-professional/patents/digital-access-service-das/>

**B1****Information on Contracting States****B1****SE****SWEDEN****SE***[Continued]*

Competent receiving Office for nationals and residents of Sweden:

Does national legislation<sup>3</sup> restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?

Swedish Intellectual Property Office (PRV), European Patent Office (EPO) or International Bureau of WIPO (IB), at the choice of the applicant (see Annex C)

Yes, filing restrictions apply to:

Inventions made in Sweden

Applications by residents

Inventions owned by Swedish companies

Competent designated (or elected) Office if Sweden is designated (or elected):

National protection: Swedish Intellectual Property Office (PRV) (see National Phase)

European patent: European Patent Office (EPO) (see National Phase)

May Sweden be elected?

Yes (bound by Chapter II of the PCT)

Types of protection available via the PCT:

National: Patents

European: Patents

Provisions of the law of Sweden concerning international-type search:

Section 9 of the Patents Act and Section 5 of the Decree implementing that Act

Provisional protection after international publication:

Where the designation is made for the purposes of a national patent:  
After international publication, the furnishing of a translation into Swedish or English<sup>4</sup> or, if the international application was filed in Swedish or English<sup>4</sup>, of a copy of the application as filed, gives the applicant provisional protection in the sense that he, upon grant of the patent, is entitled to damages. These are limited to what is judged reasonable in the circumstances and the protection is limited to what is claimed in both the application and the patent. See Sections 33, 58 and 60 of the Patents Act.

Where the designation is made for the purposes of a European patent:

Compensation reasonable in the circumstances, on condition that any national requirements relating to the translation into Swedish of the claims of the application have been met, and upon grant of the patent. Protection is limited to what is claimed in both the application and the patent (see Section 88 of the Patents Act).

*[Continued on next page]*

<sup>3</sup> The Defence Inventions Act, Section 4.

<sup>4</sup> For further details, see paragraph SE.02 of the National Chapter SE.

**B1****Information on Contracting States****B1****SE****SWEDEN****SE***[Continued]*

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**Information of interest if Sweden is designated (or elected)**

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**For national protection**

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Time when the name and address  
of the inventor must be given  
if Sweden is designated (or elected):

May be in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1)(a), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

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Are there special provisions concerning  
the deposit of microorganisms and other  
biological material?

Yes (see Annex L)

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**For a European patent — See European Patent Organisation (EP) in Annex B2**

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<b>C</b>	<b>Receiving Offices</b>	<b>C</b>
<b>SE</b>	<b>SWEDISH INTELLECTUAL PROPERTY OFFICE (PRV)</b>	<b>SE</b>

Competent receiving Office for nationals and residents of:	Sweden
Language in which international applications may be filed:	Danish, English, Finnish, Norwegian or Swedish <sup>1</sup>
Language accepted for language-dependent free text in the sequence listing:	Danish, English, Finnish, Norwegian or Swedish; or English and another filing language
Language in which the request may be filed:	English
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>2,3,4</sup>	Yes, the Office accepts XML and PDF files filed using ePCT-Filing or EPO Online Filing
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “due care” criterion to such requests
Competent International Searching Authority:	European Patent Office, Nordic Patent Institute or Swedish Intellectual Property Office (PRV)
Competent International Preliminary Examining Authority:	European Patent Office, Nordic Patent Institute or Swedish Intellectual Property Office (PRV)

*[Continued on next page]*

<sup>1</sup> If the language in which the international application is filed is not accepted by the International Searching Authority (see Annex D), the applicant will have to furnish a translation (PCT Rule 12.3). If the language in which the international application is filed is not a language of publication and no translation is required for the purposes of international search (PCT Rule 12.3(a)), the applicant will have to furnish a translation of the application into English (PCT Rule 12.4(a)).

<sup>2</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>3</sup> Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>4</sup> For the relevant notifications by the Office, refer to the *Official Notices (PCT Gazette)* dated 31 May 2018, pages 244 *et seq.* and 21 July 2022, page 189.

Fees payable to the receiving Office:	Currency: Swedish krona (SEK)
Transmittal fee:	SEK 1,200
International filing fee:	SEK 13,470 (14,650) <sup>5</sup>
Fee per sheet in excess of 30:	SEK 150 (170) <sup>5</sup>
Reductions (under Schedule of Fees, item 4):	
Electronic filing (the request in character coded format):	SEK 2,020 (2,200) <sup>5</sup>
Electronic filing (the request, description, claims and abstract in character coded format):	SEK 3,030 (3,300) <sup>5</sup>
Search fee:	See Annex D(EP), (SE) or (XN)
Fee for priority document:	None
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	SEK 1,000
Is an agent required by the receiving Office?	No, if the applicant resides in Sweden May be required if he is a non-resident
Who can act as agent?	Any natural or legal person
Waiver of power of attorney:	
Has the Office waived the requirement that a separate power of attorney be submitted?	Yes <sup>6</sup>
Particular instances in which a separate power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing
Has the Office waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>6</sup>
Particular instances in which a copy of a general power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing

(27 October 2022)

**SISA                      International Searching Authorities                      SISA**  
**(Supplementary Search)**  
**SE                      SWEDISH INTELLECTUAL PROPERTY                      SE**  
**OFFICE (PRV)**

Fees payable to the International Bureau: <sup>1</sup>		Currency:	Swiss franc (CHF)
Supplementary search fee (PCT Rule 45 <i>bis</i> .3): <sup>2</sup>		CHF	1,809
Supplementary search handling fee (PCT Rule 45 <i>bis</i> .2):		CHF	200
Late payment fee (PCT Rule 45 <i>bis</i> .4(c)):		CHF	100
Fees payable to the Authority:		Currency:	Swedish krona (SEK)
Late furnishing fee (PCT Rules 13 <i>ter</i> .1(c) and 45 <i>bis</i> .5(c)):		None	
Fee for copies of documents cited in the supplementary international search report (PCT Rule 45 <i>bis</i> .7(c)):		All documents cited in the supplementary international search report are available free of charge from PRV's online service "Cited Documents" at <a href="https://www.prv.se/en/patents/patent-online-services/">https://www.prv.se/en/patents/patent-online-services/</a> The cited documents may also be ordered in paper form at the following cost:	
		SEK	0 for less than 10 pages
		SEK	50 for 10 pages
	plus	SEK	2 for each page over 10
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1 <i>ter</i> ):		SEK	0 for less than 10 pages
		SEK	50 for 10 pages
	plus	SEK	2 for each page over 10
Conditions for refund and amount of refund of the supplementary search fee:		Money paid by mistake, without cause, or in excess, will be refunded. The International Bureau shall refund this fee where the supplementary search request has not yet been transmitted to the Authority and the international application is withdrawn or considered withdrawn, or the supplementary search request is withdrawn or considered not to have been submitted (see PCT Rule 45 <i>bis</i> .3(d)): refund of 100% The Authority shall refund this fee where work has not yet started and the supplementary search request is considered not to have been submitted (see PCT Rule 45 <i>bis</i> .3(e)): refund of 100%	
Languages accepted for supplementary international search:		Danish, English, Finnish, Norwegian and Swedish	
Subject matter that will not be searched:		The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of Swedish patent law	

[Continued on next page]

<sup>1</sup> For further details on the payment of fees to the International Bureau, see the WIPO website at <http://www.wipo.int/pct/en/fees/special.html>.

<sup>2</sup> This fee is linked to the search fee charged by the European Patent Office and will be revised from time to time to reflect currency fluctuations between the Swedish krona and the Swiss franc.

**SISA                      International Searching Authorities                      SISA**  
**(Supplementary Search)**  
**SE                      SWEDISH INTELLECTUAL PROPERTY                      SE**  
**OFFICE (PRV)**

*[Continued]*

Scope of documentation included in the supplementary international search:	In addition to PCT minimum documentation, the Authority shall include at least the documents in its search collection in: Danish, Finnish, Norwegian and Swedish
Limitations on supplementary international search:	The Authority shall notify the International Bureau if demand for supplementary international search exceeds available resources
Types of physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings:	Diskette formatted 1.44 Mo, CD-ROM, CD-R
Waiver of power of attorney:	
Has the Authority waived the requirement that a separate power of attorney be submitted?	Yes <sup>3</sup>
Particular instances in which a separate power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing
Has the Authority waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>3</sup>
Particular instances in which a copy of a general power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing

<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

# D International Searching Authorities D

## SE SWEDISH INTELLECTUAL PROPERTY SE

### OFFICE (PRV)

Search fee (PCT Rule 16): <sup>1</sup>	<div>Swedish krona (SEK) 18,000</div> <div>Danish krone (DKK) 13,200</div> <div>Euro (EUR) 1,775</div> <div>Icelandic krona (ISK) 251,800</div> <div>Norwegian krone (NOK) 17,710</div> <div>Swiss franc (CHF) 1,809</div> <div>US dollar (USD) 1,816</div>
Additional search fee (PCT Rule 40.2): <sup>2</sup>	SEK 18,000
Fee for copies of documents cited in the international search report (PCT Rule 44.3):	<p>All documents cited in the international search report are available free of charge from PRV's online service "Cited Documents" at <a href="https://www.prv.se/en/patents/patent-online-services/">https://www.prv.se/en/patents/patent-online-services/</a></p> <p>The cited documents may also be ordered in paper form at the following cost:</p> <div> <div>SEK 0 for less than 10 pages</div> <div>SEK 50 for 10 pages</div> <div>plus SEK 2 for each page over 10</div> </div>
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1 <sup>ter</sup> ):	<div>SEK 0 for less than 10 pages</div> <div>SEK 50 for 10 pages</div> <div>plus SEK 2 for each page over 10</div>
Conditions for refund and amount of refund of the search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%</p> <p>Where an earlier international or international-type search has already been made by this Authority on an application whose priority is claimed: the search fee will be refunded in part if the search can be based in full or in part on the search that was carried out by the Authority</p> <p>Where a search and examination report issued on an application filed with the Danish Patent Office, the European Patent Office, the Finnish Patent and Registration Office (PRH), the Icelandic Intellectual Property Office (ISIPO), the Norwegian Industrial Property Office or the Swedish Intellectual Property Office (PRV), the priority of which is claimed, is furnished together with the international application: refund of SEK 2,800</p> <p>Where an earlier international application, the priority of which is claimed, is furnished together with an international search report issued by the European Patent Office, the Finnish Patent and Registration Office (PRH) or the Nordic Patent Institute: refund of SEK 2,800</p> <p>Where an earlier international application, the priority of which is claimed, is furnished together with an international-type search report issued by the Finnish Patent and Registration Office (PRH) or the Nordic Patent Institute: refund of SEK 2,800</p>

*[Continued on next page]*

<sup>1</sup> This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).

<sup>2</sup> This fee is payable to the International Searching Authority and only in particular instances.

# D International Searching Authorities D

## SE SWEDISH INTELLECTUAL PROPERTY SE

### OFFICE (PRV)

*[Continued]*

Protest fee (PCT Rule 40.2(e)):	None
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .1(c)):	None
Languages accepted for international search:	Danish, English, Finnish, French, <sup>3</sup> Norwegian and Swedish
Types of physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings	Diskette formatted 1.44 Mo, CD-ROM, CD-R
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of Swedish patent law
Waiver of power of attorney:	
Has the Authority waived the requirement that a separate power of attorney be submitted?	Yes <sup>4</sup>
Particular instances in which a separate power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing
Has the Authority waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>4</sup>
Particular instances in which a copy of a general power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing

<sup>3</sup> French is not accepted for international applications filed with the receiving Office of, or acting for, Denmark, Finland, Iceland, Norway or Sweden.

<sup>4</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90<sup>bis</sup>.1 to 90<sup>bis</sup>.4; see also International Phase, paragraph 11.048).

# E International Preliminary Examining Authorities E

## SE SWEDISH INTELLECTUAL PROPERTY OFFICE (PRV) SE

Preliminary examination fee (PCT Rule 58): <sup>1</sup>	Swedish krona (SEK)	5,000									
Additional preliminary examination fee (PCT Rule 68.3): <sup>2</sup>	SEK	5,000									
Handling fee (PCT Rule 57.1): <sup>3</sup>	SEK	2,020 (2,200) <sup>4</sup>									
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	<p>All documents cited in the international preliminary examination report are available free of charge from PRV's online service "Cited Documents" at <a href="https://www.prv.se/en/patents/patent-online-services/">https://www.prv.se/en/patents/patent-online-services/</a>. The cited documents may also be ordered in paper form at the following cost:</p> <table> <tr> <td>SEK</td><td>0</td><td>for less than 10 pages</td></tr> <tr> <td>SEK</td><td>50</td><td>for 10 pages</td></tr> <tr> <td>plus SEK</td><td>2</td><td>for each page over 10</td></tr> </table>		SEK	0	for less than 10 pages	SEK	50	for 10 pages	plus SEK	2	for each page over 10
SEK	0	for less than 10 pages									
SEK	50	for 10 pages									
plus SEK	2	for each page over 10									
Fee for copies of documents contained in the file of the international application (PCT Rule 94.2):	<table> <tr> <td>SEK</td><td>0</td><td>for less than 10 pages</td></tr> <tr> <td>SEK</td><td>50</td><td>for 10 pages</td></tr> <tr> <td>plus SEK</td><td>2</td><td>for each page over 10</td></tr> </table>	SEK	0	for less than 10 pages	SEK	50	for 10 pages	plus SEK	2	for each page over 10	
SEK	0	for less than 10 pages									
SEK	50	for 10 pages									
plus SEK	2	for each page over 10									
Conditions for refund and amount of refund of the preliminary examination fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>In the cases provided for under PCT Rule 58.3:</p> <ul style="list-style-type: none"> <li>— in case of PCT Rules 54.4 and 58bis.1(b): refund of 100%;</li> <li>— in case of PCT Rule 60.1(c), refund of the amount paid less the amount of the current transmittal fee.</li> </ul> <p>If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of 100%</p>										
Protest fee (PCT Rule 68.3(e)):	None										
Late furnishing fee (PCT Rule 13ter.2):	None										
Languages accepted for international preliminary examination:	Danish, English, Finnish, French <sup>5</sup> , Norwegian, Swedish										

*[Continued on next page]*

<sup>1</sup> This fee is payable to the International Preliminary Examining Authority.

<sup>2</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

<sup>3</sup> This fee is payable to the International Preliminary Examining Authority. It is reduced by 90% if certain conditions apply (see Annex C(IB)).

<sup>4</sup> The amount in parentheses is applicable as from 1 November 2022.

<sup>5</sup> French is not accepted for international applications filed with the receiving Office of, or acting for, Denmark, Finland, Iceland, Norway or Sweden.

<b>E</b>	<b>International Preliminary Examining Authorities</b>	<b>E</b>
<b>SE</b>	<b>SWEDISH INTELLECTUAL PROPERTY OFFICE (PRV)</b>	<b>SE</b>

*[Continued]*

Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of any subject matter examined under the patent grant procedure in accordance with the provisions of Swedish patent law
<b>Waiver of power of attorney:</b>	
Has the Authority waived the requirement that a separate power of attorney be submitted?	Yes <sup>6</sup>
Particular instances in which a separate power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form or in the demand form at the time of their filing
Has the Authority waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>6</sup>
Particular instances in which a copy of a general power of attorney is required:	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form or in the demand form at the time of their filing

<sup>6</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048). (15 September 2022)

**B1****Information on Contracting States****B1****SM****SAN MARINO****SM****General information**

Name of Office:	Ufficio di Stato Brevetti e Marchi (USBM) Patent and Trademark Office (San Marino)
Location and mailing address:	Via 28 Luglio 212, 47893 Republic of San Marino
Telephone:	(378) 549 882 982
Facsimile machine:	(378) 549 883 856
E-mail:	info.brevettiemarchi@pa.sm
Internet:	www.usbm.sm
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within one month from the date of the transmission
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes
Competent receiving Office for nationals and residents of San Marino:	European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Competent designated (or elected) Office if San Marino is designated (or elected):	European Patent Office (EPO) (see National Phase)
May San Marino be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	European <a href="#">patents</a>
Provisions of the law of San Marino concerning international-type search:	None
Provisional protection after international publication:	<p><a href="#">Designation for the purposes of a European patent</a> (see European Patent Convention Articles 67, 150 and 158) and:</p> <p>(1) the international application is published in one of the EPO official languages: this gives the applicant the right to seek compensation reasonable in the circumstances for any infringement; or</p> <p>(2) the international application is published in a language which is not an EPO official language: then the protection referred to in paragraph (1) does not become effective until the EPO publishes the international application supplied to it in one of its official languages.</p>

**Information of interest if San Marino is designated (or elected)****[See European Patent Organisation \(EP\) in Annex B2](#)**

**B1****Information on Contracting States****B1****TR****TÜRKİYE****TR****General information**

Name of Office:	Türk Patent ve Marka Kurumu (Turkpatent) Turkish Patent and Trademark Office (Turkpatent)
Location and mailing address:	Hipodrom Caddesi No. 13, 06560 Yenimahalle, Ankara, <a href="#">Türkiye</a>
Telephone:	(90-312) 303 10 00 (90-312) 303 11 82 (Patent Dept.)
Facsimile machine:	(90-312) 303 11 73 (90-312) 303 12 20 (Patent Dept.)
E-mail:	contact@turkpatent.gov.tr
Internet:	www.turkpatent.gov.tr
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	No
Does the Office send notifications via e-mail in respect of international applications?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes, provided that the delivery service is DHL
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make international and national applications available to the WIPO DAS <sup>1</sup>
Competent receiving Office for nationals and residents of <a href="#">Türkiye</a> :	Turkish Patent and Trademark Office (Turkpatent), European Patent Office (EPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Does national legislation <sup>2</sup> restrict the filing of international applications with the European Patent Office (EPO) or the International Bureau of WIPO?	Yes, filing restrictions apply to: Applications by residents <sup>3</sup>
Competent designated (or elected) Office if <a href="#">Türkiye</a> is designated (or elected):	National protection: Turkish Patent and Trademark Office (Turkpatent) (see National Phase) European patent: European Patent Office (EPO) (see National Phase)

*[Continued on next page]*

<sup>1</sup> For further details refer to: [https://www.wipo.int/das/en/participating\\_offices/details.jsp?id=12457](https://www.wipo.int/das/en/participating_offices/details.jsp?id=12457)

<sup>2</sup> Law No. 6769 of 22 December 2016, on Industrial Property, Art. 124(9).

<sup>3</sup> A resident of [Türkiye](#) must file an international application concerning a subject matter of significance for national security directly with the Turkish Patent and Trademark Office (Turkpatent).

**B1**  
**TR****Information on Contracting States****TÜRKİYE***[Continued]***B1**  
**TR**

May Türkiye be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	National: Patents, utility models, patents of addition European: Patents
Provisions of the law of Türkiye concerning international-type search:	None
Provisional protection after international publication:	<p>Where the designation is made for the purposes of a national patent: An international patent application designating Türkiye benefits from provisional protection as from the date on which a translation of the application as submitted by the applicant has been published by the Turkish Patent and Trademark Office (Turkpatent) or has been notified to the alleged infringer (Law No. 6769 of 22 December 2016, on Industrial Property, Art. 97(4) and (5)).</p> <p>Where the designation is made for the purposes of a European patent: A published European patent application designating Türkiye benefits from provisional protection as from the date on which a translation of the claims as submitted by the applicant has been published by the Turkish Patent and Trademark Office (Turkpatent) or has been notified to the alleged infringer (Implementing Regulations to the Convention on the Grant of European Patents (EPC) (as amended by Regulations No. 26883 of 22 May 2008, Art.8)).</p>

**Information of interest if Türkiye is designated (or elected)****For national protection**

Time when the name and address of the inventor must be given if Türkiye is designated (or elected):	Must be in the request. If the data concerning the inventor are not in the request, they must be furnished within the time limit applicable under PCT Article 22 or 39(1).
Are there special provisions concerning the deposit of microorganisms and other biological material?	Yes (see Annex L)

**For a European patent — See European Patent Organisation (EP) in Annex B2**

# C                      Receiving Offices                      C

## TR                      TURKISH PATENT AND TRADEMARK                      TR

### OFFICE (TURKPATENT)

Competent receiving Office for nationals and residents of:	Türkiye
Language in which international applications may be filed:	English, French, German or Turkish <sup>1, 2</sup>
Language accepted for language-dependent free text in the sequence listing:	English, or the same language as the international application (French, German or Turkish); or English and another filing language
Language in which the request may be filed:	English, French or German
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>3, 4</sup>	Yes, the Office accepts electronic filing via ePCT-Filing <sup>5</sup>
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “due care” criterion to such requests
Competent International Searching Authority:	European Patent Office or Turkish Patent and Trademark Office (Turkpatent)
Competent International Preliminary Examining Authority:	European Patent Office or Turkish Patent and Trademark Office (Turkpatent)

*[Continued on next page]*

<sup>1</sup> If the language in which the international application is filed is not accepted by the International Searching Authority (see Annex D), the applicant will have to furnish a translation (PCT Rule 12.3).

<sup>2</sup> If the language in which the international application is filed is not a language of publication and no translation is required for the purposes of international search (PCT Rule 12.3(a)), the applicant will have to furnish a translation of the application into English, French or German (PCT Rule 12.4(a)).

<sup>3</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>4</sup> Where the international application contains a sequence listing as a separate part of the description, this must be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>5</sup> For the relevant notifications by the Office, refer to the *Official Notices (PCT Gazette)* dated 28 May 2015, pages 87 *et seq.* and 22 September 2022, pages 263 *et seq.*

<b>C</b>	<b>Receiving Offices</b>	<b>C</b>
<b>TR</b>	<b>TURKISH PATENT AND TRADEMARK OFFICE (TURKPATENT)</b>	<b>TR</b>

[Continued]

Fees payable to the receiving Office:	Currency: Swiss franc (CHF)
Transmittal fee:	None
International filing fee: <sup>6</sup>	CHF 1,330
Fee per sheet in excess of 30: <sup>6</sup>	CHF 15
Reductions (under Schedule of Fees, item 4):	
Electronic filing (the request in character coded format):	CHF 200
Electronic filing (the request, description, claims and abstract in character coded format):	CHF 300
Search fee:	See Annex D(EP) or (TR)
Fee for priority document (PCT Rule 17.1(b)):	CHF 30
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	None
Is an agent required by the receiving Office?	No, if the applicant resides in Türkiye Yes, if he is a non-resident
Who can act as agent?	Any natural or legal person registered to practice as a patent attorney before the Office
Waiver of power of attorney:	
Has the Office waived the requirement that a separate power of attorney be submitted?	Yes <sup>7</sup>
Particular instances in which a separate power of attorney is required:	Where there is an unresolved dispute about who is the agent representing the applicant(s); or upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.
Has the Office waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>7</sup>
Particular instances in which a copy of a general power of attorney is required:	Where there is an unresolved dispute about who is the agent representing the applicant(s); or upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

<sup>6</sup> This fee is reduced by 90% if certain conditions apply (see Annex C(IB)).

<sup>7</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

# SISA      International Searching Authorities      SISA

## (Supplementary Search)

### TR      TURKISH PATENT AND TRADEMARK      TR

### OFFICE (TURKPATENT)

Fees payable to the International Bureau: <sup>1</sup>		Currency: Swiss franc (CHF)	
Supplementary search fee (PCT Rule 45bis.3):	– for a full search:	CHF	1,809
	– for a search only on the documents in Turkish held in the search collection of the Authority:	CHF	50
Supplementary search handling fee (PCT Rule 45bis.2):	CHF	200	
Late payment fee (PCT Rule 45bis.4(c)):	CHF	100	
Fees payable to the Authority:		Currency: Turkish lira (TRY)	
Late furnishing fee (PCT Rules 13ter.1(c) and 45bis.5(c)):	TRY	200	
Fee for copies of documents cited in the supplementary international search report (PCT Rule 45bis.7(c)):	TRY	1.50	per document
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1ter):	TRY	1.50	per document
Conditions for refund and amount of refund of the supplementary search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>The Authority shall refund this fee if, before it has started the supplementary international search in accordance with PCT Rule 45bis.5(a), the supplementary search request is considered not to have been submitted under PCT Rule 45bis.5(g): refund of 100%</p>		
Languages accepted for supplementary international search:	English and Turkish		
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of Turkish patent law		
Scope of documentation included in the supplementary international search:	In addition to PCT minimum documentation, the Authority shall include at least the documents in Turkish held in its search collection		
Limitations on supplementary international search:	The Authority shall notify the International Bureau if the demand for supplementary international search clearly exceeds the resources available and also when normal conditions have been reestablished		

[Continued on next page]

<sup>1</sup> For further details on the payment of fees to the International Bureau, see the WIPO website at <http://www.wipo.int/pct/en/fees/special.html>

<b>SISA</b>	<b>International Searching Authorities</b> <b>(Supplementary Search)</b>	<b>SISA</b>
<b>TR</b>	<b>TURKISH PATENT AND TRADEMARK</b> <b>OFFICE (TURKPATENT)</b>	<b>TR</b>

*[Continued]*

Types of [physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings](#):

The entire printable copy of the sequence listing and identifying data should be contained within one text file on a single CD-ROM, CD-R, DVD or DVD-R.

Waiver of power of attorney:

Has the Office waived the requirement that a separate power of attorney be submitted?

Yes<sup>2</sup>

Particular instances in which a separate power of attorney is required:

Where there is an unresolved dispute about who is the agent representing the applicant(s); or upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

Has the Office waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>2</sup>

Particular instances in which a copy of a general power of attorney is required:

Where there is an unresolved dispute about who is the agent representing the applicant(s); or upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

<sup>2</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

# D International Searching Authorities D

## TR TURKISH PATENT AND TRADEMARK TR

### OFFICE (TURKPATENT)

Search fee (PCT Rule 16): <sup>1</sup>	Turkish lira (TRY)	18,250
	Euro (EUR)	1,775
	Swiss franc (CHF)	1,809
	US dollar (USD)	1,816
Additional search fee (PCT Rule 40.2): <sup>2</sup>	TRY	18,250
Fee for copies of documents cited in the international search report (PCT Rule 44.3):	TRY	1.50 per document
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1 <sup>ter</sup> ):	TRY	1.50 per document
Conditions for refund and amount of refund of the search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%</p> <p>Where the Authority benefits from the results of an earlier search: refund of 50%</p>	
Protest fee (PCT Rule 40.2(e)):	TRY	1,000
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .1(c)):	TRY	200
Languages accepted for international search:	English and Turkish	
Types of physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings:	The entire printable copy of the sequence listing and identifying data should be contained within one text file on a single CD-ROM, CD-R, DVD or DVD-R.	
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of Turkish patent law	

*[Continued on next page]*

<sup>1</sup> This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).

<sup>2</sup> This fee is payable to the International Searching Authority and only in particular circumstances.

<b>D</b>	<b>International Searching Authorities</b>	<b>D</b>
<b>TR</b>	<b>TURKISH PATENT AND TRADEMARK OFFICE (TURKPATENT)</b>	<b>TR</b>

*[Continued]*

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Waiver of power of attorney:

Has the Office waived the requirement that a separate power of attorney be submitted?

Yes<sup>3</sup>

Particular instances in which a separate power of attorney is required:

Where there is an unresolved dispute about who is the agent representing the applicant(s); or upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

Has the Office waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>3</sup>

Particular instances in which a copy of a general power of attorney is required:

Where there is an unresolved dispute about who is the agent representing the applicant(s); or upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

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<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

# E International Preliminary Examining Authorities E

## TR TURKISH PATENT AND TRADEMARK OFFICE (TURKPATENT) TR

Preliminary examination fee (PCT Rule 58): <sup>1</sup>	Turkish lira (TRY)	1,000
Additional preliminary examination fee (PCT Rule 68.3): <sup>2</sup>	TRY	1,000
Handling fee (PCT Rule 57.1): <sup>3</sup>	CHF	200
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	TRY	1.50 per document
Fee for copies of documents contained in the file of the international application (PCT Rule 94.2):	TRY	1.50 per document
Conditions for refund and amount of refund of the preliminary examination fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>In the cases provided for under PCT Rule 58.3: refund of 100%</p> <p>If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of 100%</p>	
Protest fee (PCT Rule 68.3(e)): <sup>2</sup>	TRY	1,000
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .2): <sup>2</sup>	TRY	200
Languages accepted for international preliminary examination:	English and Turkish	
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of any subject matter examined under the patent grant procedure in accordance with the provisions of Turkish patent law	

*[Continued on next page]*

<sup>1</sup> This fee is payable to the International Preliminary Examining Authority.

<sup>2</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

<sup>3</sup> This fee is payable to the International Preliminary Examining Authority. It is reduced by 90% if certain conditions apply (see corresponding footnote to Annex C(IB)).

<b>E</b>	<b>International Preliminary Examining Authorities</b>	<b>E</b>
<b>TR</b>	<b>TURKISH PATENT AND TRADEMARK OFFICE (TURKPATENT)</b>	<b>TR</b>

*[Continued]*

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Waiver of power of attorney:

Has the Office waived the requirement that a separate power of attorney be submitted?

Yes<sup>4</sup>

Particular instances in which a separate power of attorney is required:

Where there is an unresolved dispute about who is the agent representing the applicant(s); or upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

Has the Office waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>4</sup>

Particular instances in which a copy of a general power of attorney is required:

Where there is an unresolved dispute about who is the agent representing the applicant(s); or upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing.

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<sup>4</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**B2****Information on Intergovernmental  
Organizations****B2****XN****NORDIC PATENT INSTITUTE****XN****General information**

Name of Office:	Nordic Patent Institute
Location and mailing address:	Helgeshoj Allé 81, 2630 Taastrup, Denmark
Telephone:	(45-43) 50 85 00
Facsimile machine:	(45-43) 50 80 08
E-mail:	npi@npi.int
Internet:	www.npi.int
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes

**SISA**

# International Searching Authorities (Supplementary Search)

**SISA****XN****NORDIC PATENT INSTITUTE****XN**

<b>Fees payable to the International Bureau:<sup>1</sup></b> Supplementary search fee (PCT Rule 45bis.3): <sup>2</sup>  Supplementary search handling fee (PCT Rule 45bis.2): Late payment fee (PCT Rule 45bis.4(c)):	<b>Currency:</b> Swiss franc (CHF) – for a full search: CHF 1,809 – for a search of only the documentation in Danish, Icelandic, Norwegian and Swedish: CHF 548  CHF 200  CHF 100
<b>Fees payable to the Authority:</b> Review fee (PCT Rule 45bis.6(c)): Fee for copies of documents cited in the supplementary international search report (PCT Rule 45bis.7(c)): Fee for copies of documents contained in the file of the international application (PCT Rule 94.1ter):	<b>Currency:</b> Danish krona (DKK)  DKK 8,000  DKK 50  DKK 3.25 per page
<b>Conditions for refund and amount of refund of the supplementary search fee:</b>	Money paid by mistake, without cause, or in excess, will be refunded.  The International Bureau shall refund this fee where the supplementary search request has not yet been transmitted to the Authority and the international application is withdrawn or considered withdrawn, or the supplementary search request is withdrawn or considered not to have been submitted (see PCT Rule 45bis.3(d)): refund of 100%  The Authority shall refund this fee where work has not yet started and the supplementary search request is considered not to have been submitted (see PCT Rule 45bis.3(e)): refund of 100%
<b>Languages accepted for supplementary international search:</b>	Danish, English, Icelandic, Norwegian and Swedish
<b>Subject matter that will not be searched:</b>	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of the Danish, Icelandic and Norwegian patent laws
<b>Scope of documentation included in the supplementary international search:</b>	In addition to PCT minimum documentation, the Authority shall include at least the documents held in its search collection in: Danish, Icelandic, Norwegian and Swedish
<b>Limitations on supplementary international search:</b>	The Authority shall conduct a maximum of 500 supplementary international searches per year

[Continued on next page]

<sup>1</sup> For further details on the payment of fees to the International Bureau, see the WIPO website at <http://www.wipo.int/pct/en/fees/special.html>.

<sup>2</sup> This fee is fixed by the Authority in Danish kroner and will be revised from time to time to reflect currency fluctuations between the Danish krona and the Swiss franc.

**SISA**

# International Searching Authorities (Supplementary Search)

**SISA****XN****NORDIC PATENT INSTITUTE****XN***[Continued]*

Types of physical media accepted for the  
furnishing of nucleotide and/or amino  
acid sequence listings:

CD-ROM, CD-R, DVD-ROM or DVD-R

## Waiver of power of attorney:

Has the Authority waived the requirement  
that a separate power of attorney be  
submitted?

Yes<sup>3</sup>

Particular instances in which a separate  
power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a  
common representative who was not indicated in the request form at  
the time of filing

Has the Authority waived the requirement  
that a copy of a general power of attorney  
be submitted?

Yes<sup>3</sup>

Particular instances in which a copy of a  
general power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a  
common representative who was not indicated in the request form at  
the time of filing

<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

**D**  
**XN****International Searching Authorities****NORDIC PATENT INSTITUTE****D**  
**XN**

Search fee (PCT Rule 16): <sup>1</sup>	Danish krone (DKK)	13,200
	Euro (EUR)	1,775
	Icelandic krona (ISK)	251,800
	Norwegian krone (NOK)	17,710
	Swedish krona (SEK)	18,000
	Swiss franc (CHF)	1,809
	US dollar (USD)	1,816
Additional search fee (PCT Rule 40.2): <sup>2</sup>	DKK	13,200
Fee for copies of documents cited in the international search report (PCT Rule 44.3):	DKK	50 per document
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1 <i>ter</i> ):	DKK	3.25 per page
Conditions for refund and amount of refund of the search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%</p> <p>Where the Authority benefits from an earlier international or international-type search: refund of 50%</p> <p>Where on an earlier application, the priority of which is claimed, a search report has been issued by the Danish Patent and Trademark Office, the Icelandic Intellectual Property Office (ISIPO), the Norwegian Industrial Property Office or the Swedish Intellectual Property Office (PRV) and where the Authority benefits from that search report: refund of 25%</p>	
Protest fee (PCT Rule 40.2(e)):	DKK	8,000
Languages accepted for international search:	Danish, English, Icelandic, Norwegian and Swedish	
Types of physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings:	CD-ROM, CD-R, DVD-ROM or DVD-R	
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of the Danish, Icelandic and Norwegian patent laws	

*[Continued on next page]*<sup>1</sup> This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).<sup>2</sup> This fee is payable to the International Searching Authority and only in particular circumstances.

**D**

## **International Searching Authorities**

**D**

**XN**

**NORDIC PATENT INSTITUTE**

**XN**

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### Waiver of power of attorney:

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>3</sup>

Particular instances in which a separate power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>3</sup>

Particular instances in which a copy of a general power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing

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<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

<b>E</b>	<b>International Preliminary Examining Authorities</b>	<b>E</b>
<b>XN</b>	<b>NORDIC PATENT INSTITUTE</b>	<b>XN</b>

Preliminary examination fee (PCT Rule 58): <sup>1</sup>	Danish krone (DKK)	5,000
Additional preliminary examination fee (PCT Rule 68.3): <sup>2</sup>	DKK	5,000
Handling fee (PCT Rule 57.1): <sup>3</sup>	DKK	1,460
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	DKK	50 per document
Fee for copies of documents contained in the file of the international application (PCT Rule 94.2):	DKK	3.25 per page
Conditions for refund and amount of refund of the preliminary examination fee:	Money paid by mistake, without cause, or in excess, will be refunded. In the cases provided for under PCT Rule 58.3: — in the case of PCT Rules 54.4, 54bis.1(b) and 58bis.1(b): refund of 100%; — in the case of PCT Rule 60.1(c): refund of the amount paid less the current amount of the transmittal fee. If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of 100%	
Protest fee (PCT Rule 68.3(e)):	DKK	8,000
Languages accepted for international preliminary examination:	Danish, English, Icelandic, Norwegian and Swedish	
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of any subject matter examined under the patent grant procedure in accordance with the provisions of the Danish, Icelandic and Norwegian patent laws	

*[Continued on next page]*

<sup>1</sup> This fee is payable to the International Preliminary Examining Authority.

<sup>2</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

<sup>3</sup> This fee is payable to the International Preliminary Examining Authority. It is reduced by 90% if certain conditions apply (see Annex C(IB)).

**E**

**International Preliminary  
Examining Authorities**

**E**

**XN**

**NORDIC PATENT INSTITUTE**

**XN**

*[Continued]*

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**Waiver of power of attorney:**

Has the Authority waived the requirement  
that a separate power of attorney be  
submitted?

Yes<sup>4</sup>

Particular instances in which a separate  
power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a  
common representative who was not indicated on the request form  
or on the demand form at the time of their filing

Has the Authority waived the requirement  
that a copy of a general power of attorney  
be submitted?

Yes<sup>4</sup>

Particular instances in which a copy of a  
general power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a  
common representative who was not indicated on the request form  
or on the demand form at the time of their filing

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<sup>4</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**B2**

## Information on Intergovernmental Organizations

**B2****XV**

### VISEGRAD PATENT INSTITUTE (VPI)

**XV**

#### General information

Name of Office:	Visegrad Patent Institute (VPI)
Location:	II. János Pál Pápa tér 7, 1081 Budapest, Hungary
Mailing address:	P.O. Box 415, 1438 Budapest, Hungary
Telephone:	<a href="tel:(361)9515770">(361) 951 57 70</a>
E-mail:	<a href="mailto:secretariat@vpi.int">secretariat@vpi.int</a>
Internet:	<a href="http://www.vpi.int">http://www.vpi.int</a>
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes

**SISA**

# International Searching Authorities (Supplementary Search)

**SISA****XV****VISEGRAD PATENT INSTITUTE (VPI)****XV**

Fees payable to the International Bureau: <sup>1</sup>	Currency: Swiss franc (CHF)	CHF 1,809
Supplementary search fee (PCT Rule 45bis.3): <sup>2</sup>	– for a full search: – for a search of only the documentation in Czech, Hungarian, Polish and Slovak:	
Supplementary search handling fee (PCT Rule 45bis.2):	CHF 200	CHF 560
Late payment fee (PCT Rule 45bis.4(c)):	CHF 100	
Fees payable to the Authority:	Currency: Euro (EUR)	
Review fee (PCT Rule 45bis.6(c)):	EUR 875	
Fee for copies of documents cited in the supplementary international search report (PCT Rule 45bis.7(c)):	EUR 0.80 per page	
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1ter):	EUR 0.80 per page	
Conditions for refund and amount of refund of the supplementary search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>The International Bureau shall refund this fee where the supplementary search request has not yet been transmitted to the Authority and the international application is withdrawn or considered withdrawn, or the supplementary search request is withdrawn or considered not to have been submitted (see PCT Rule 45bis.3(d)): refund of 100%</p> <p>The Authority shall refund this fee where work has not yet started and the supplementary search request is considered not to have been submitted (see PCT Rule 45bis.3(e)): refund of 100%</p>	
Languages accepted for supplementary international search:	Czech, English, Hungarian, Polish and Slovak	
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of Czech, Hungarian, Polish and Slovak patent laws	
Scope of documentation included in the supplementary international search:	In addition to the PCT minimum documentation, the Authority shall include at least the documents held in its search collection in: Czech, Hungarian, Polish and Slovak	
Limitations on supplementary international search:	None	

[Continued on next page]

<sup>1</sup> For further details on the payment of fees to the International Bureau, see the WIPO website at <http://www.wipo.int/pct/en/fees/special.html>.

<sup>2</sup> This fee is fixed by the Authority in euro and will be revised from time to time to reflect currency fluctuations between the euro and the Swiss franc.

**SISA**

# International Searching Authorities (Supplementary Search)

**SISA****XV****VISEGRAD PATENT INSTITUTE (VPI)****XV***[Continued]*

Types of physical media accepted for the  
furnishing of nucleotide and/or amino  
acid sequence listings:

CD-ROM, CD-R, DVD-ROM or DVD-R

Waiver of power of attorney:

Has the Authority waived the requirement  
that a separate power of attorney be  
submitted?

Yes<sup>3</sup>

Particular instances in which a separate  
power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a  
common representative who was not indicated in the request form at  
the time of filing

Has the Authority waived the requirement  
that a copy of a general power of attorney  
be submitted?

Yes<sup>3</sup>

Particular instances in which a copy of a  
general power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a  
common representative who was not indicated in the request form at  
the time of filing

<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

# D International Searching Authorities D

## XV VISEGRAD PATENT INSTITUTE (VPI) XV

Search fee (PCT Rule 16): <sup>1</sup>	Euro (EUR) 1,775 Hungarian forint (HUF) 680,100 Swiss franc (CHF) 1,809 US dollar (USD) 1,816
Additional search fee (PCT Rule 40.2): <sup>2</sup>	EUR 1,775
Fee for copies of documents cited in the international search report (PCT Rule 44.3):	EUR 0.80 per page
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1 <sup>ter</sup> ):	EUR 0.80 per page
Conditions for refund and amount of refund of the search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded.</p> <p>Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%</p> <p>Where the Authority benefits from the results of an earlier search carried out by any of the national Offices of the Contracting States or from an earlier international search report or international-type search report: refund of 40%</p>
Protest fee (PCT Rule 40.2(e)):	EUR 875
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .1(c)):	EUR 230
Languages accepted for international search:	Czech, English, Hungarian, Polish and Slovak
Types of physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings:	CD-ROM, CD-R, DVD-ROM or DVD-R
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of Czech, Hungarian, Polish and Slovak patent laws

*[Continued on next page]*

<sup>1</sup> This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).

<sup>2</sup> This fee is payable to the International Searching Authority and only in particular circumstances.

<b>D</b>	<b>International Searching Authorities</b>	<b>D</b>
<b>XV</b>	<b>VISEGRAD PATENT INSTITUTE (VPI)</b>	<b>XV</b>

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Waiver of power of attorney:

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>3</sup>

Particular instances in which a separate power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>3</sup>

Particular instances in which a copy of a general power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form at the time of filing

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<sup>3</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

# E E

## International Preliminary Examining Authorities

### XV XV

#### VISEGRAD PATENT INSTITUTE (VPI)

Preliminary examination fee (PCT Rule 58): <sup>1</sup>	Euro (EUR)	900
Additional preliminary examination fee (PCT Rule 68.3): <sup>2</sup>	EUR	900
Handling fee (PCT Rule 57.1): <sup>3, 4</sup>	EUR	196
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	EUR	0.95 per page
Fee for copies of documents contained in the file of the international application (PCT Rule 94.2):	EUR	0.95 per page
Conditions for refund and amount of refund of the preliminary examination fee:	Money paid by mistake, without cause, or in excess, will be refunded. In the cases provided for under PCT Rule 58.3: refund of 100% If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of 100%	
Protest fee (PCT Rule 68.3(e)):	EUR	875
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .2):	EUR	230
Languages accepted for international preliminary examination:	Czech, English, Hungarian, Polish and Slovak	
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of any subject matter examined under the patent grant procedure in accordance with the provisions of Czech, Hungarian, Polish and Slovak patent laws	

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<sup>1</sup> This fee is payable to the International Preliminary Examining Authority.

<sup>2</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

<sup>3</sup> This fee is payable to the International Preliminary Examining Authority. It is reduced by 90% if certain conditions apply (see Annex C(IB)).

<sup>4</sup> The late payment fee, as set out in PCT Rule 58<sup>bis</sup>, is payable to the International Preliminary Examining Authority.

# E International Preliminary E Examining Authorities

## XV VISEGRAD PATENT INSTITUTE (VPI) XV

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### Waiver of power of attorney:

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>5</sup>

Particular instances in which a separate power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form or on the demand form at the time of their filing

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>5</sup>

Particular instances in which a copy of a general power of attorney is required:

Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated on the request form or on the demand form at the time of their filing

<sup>5</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**B1****Information on Contracting States****B1****BA****BOSNIA AND HERZEGOVINA****BA****General information**

Name of Office:	Institute for Intellectual Property of Bosnia and Herzegovina
Location and mailing address:	<p>Head Office: Kneza Domagoja bb, 88000 Mostar, Bosnia and Herzegovina</p> <p>Branch Offices: Banja Luka: Akademika Jovana Surutke 13/III, 78000 Banja Luka, Bosnia and Herzegovina</p> <p>Sarajevo: Bulevar Meše Selimovića 95, <a href="#">Lamela C, 3 sprat</a>, 71000 Sarajevo, Bosnia and Herzegovina</p>
Telephone:	<p>Head Office: (387-36) 33 43 81</p> <p>Branch Offices: (387-51) 22 68 40 (Banja Luka) (387-33) 65 27 65 (Sarajevo)</p>
Facsimile machine:	<p>Head Office: (387-36) 31 84 20</p> <p>Branch Offices: (387-51) 22 68 41 (Banja Luka) (387-33) 65 27 57 (Sarajevo)</p>
E-mail:	info@ipr.gov.ba
Internet:	www.ipr.gov.ba
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile and e-mail
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 15 days from the date of the transmission
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes, provided that the delivery service is a recognized delivery service
Competent receiving Office for nationals and residents of Bosnia and Herzegovina:	Institute for Intellectual Property of Bosnia and Herzegovina or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Competent designated (or elected) Office if Bosnia and Herzegovina is designated (or elected):	<p>National protection: Institute for Intellectual Property of Bosnia and Herzegovina (see National Phase)</p> <p>Extension of European patent: European Patent Office (EPO) (see National Phase)</p>
May Bosnia and Herzegovina be elected?	Yes (bound by Chapter II of the PCT)

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**B1****Information on Contracting States****B1****BA****BOSNIA AND HERZEGOVINA****BA***[Continued]*

Types of protection available via the PCT:	National:	Patents, consensual patents
	European:	Extended European patents

Provisions of the law of Bosnia and Herzegovina concerning international-type search:	None
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Provisional protection after international publication:	None
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**Information of interest if Bosnia and Herzegovina is designated (or elected)****For national protection**

Time when the name and address of the inventor must be given if Bosnia and Herzegovina is designated (or elected):	Must be in the request. If the data concerning the inventor are missing at the expiration of the time limit under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.
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Are there special provisions concerning the deposit of microorganisms and other biological material?	Yes (see Annex L)
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**For extension of a European patent — See European Patent Organisation (EP) in Annex B2, Summary (EP) and National Chapters EP and BA**

**C****Receiving Offices****C****BA****INSTITUTE FOR INTELLECTUAL PROPERTY  
OF BOSNIA AND HERZEGOVINA****BA**

Competent receiving Office for nationals and residents of:	Bosnia and Herzegovina
Language in which international applications may be filed:	English
Language in which the request may be filed:	English
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests
Competent International Searching Authority:	European Patent Office
Competent International Preliminary Examining Authority:	European Patent Office
Fees payable to the receiving Office:	Currency: Convertible mark (BAM) and Euro (EUR)
Transmittal fee:	BAM 50
International filing fee: <sup>1</sup>	EUR 1,305
Fee per sheet in excess of 30: <sup>1</sup>	EUR 15
Search fee:	See Annex D(EP)
Fee for priority document:	BAM 40
Is an agent required by the receiving Office?	No, if the applicant resides in Bosnia and Herzegovina Yes, if he is a non-resident
Who can act as agent?	Any person registered to practice before the Office

<sup>1</sup> This fee is reduced by 90% if certain conditions apply (see Annex C(IB)).

**B1****Information on Contracting States****B1****MA****MOROCCO****MA****General information**

Name of Office:	Office marocain de la propriété industrielle et commerciale (OMPIC) Moroccan Office of Industrial and Commercial Property (OMPIC)
Location:	Route de Nouasser, R.S. 114, Km 9,5-Sidi Maarouf, Casablanca, Morocco
Mailing address:	B.P. 8072, Casablanca Oasis, Casablanca, Morocco
Telephone:	(212-522) 58 64 00/10
Facsimile machine:	(212-522) 33 54 80
E-mail:	pct@ompic.ma (for enquiries concerning PCT applications)
Internet:	www.ompic.ma
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make international and national applications available to the WIPO DAS
Competent receiving Office for nationals and residents of Morocco:	Moroccan Office of Industrial and Commercial Property (OMPIC) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Competent designated (or elected) Office if Morocco is designated (or elected):	Moroccan Office of Industrial and Commercial Property (OMPIC) (see National Phase)
May Morocco be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	National: Patents European: Validation of European patents
Provisions of the law of Morocco concerning international-type search:	None
Provisional protection after international publication:	The applicant enjoys the rights defined in Law No. 17-97 on the Protection of Industrial Property (as modified and completed by Law No. 31-05 in 2006 and Law No. 23-13 in 2014 (see articles 16, 44 and 51) as from the date of publication of the international application under PCT Article 21

*[Continued on next page]*

<b>B1</b>	<b>Information on Contracting States</b>	<b>B1</b>
<b>MA</b>	<b>MOROCCO</b>	<b>MA</b>

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**Information of interest if Morocco is designated (or elected)**

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Time when the name and address  
of the inventor must be given  
if Morocco is designated (or elected):

If the data concerning the inventor are not in the request, they must  
be furnished within the time limit applicable under PCT Article 22  
or 39(1).

Are there special provisions concerning  
the deposit of microorganisms and other  
biological material?

Yes (see Annex L)

**C****Receiving Offices****C****MA****MOROCCAN OFFICE OF INDUSTRIAL  
AND COMMERCIAL PROPERTY (OMPIC)****MA**

Competent receiving Office for nationals and residents of:	Morocco
Language in which international applications may be filed:	French <sup>1</sup>
Language accepted for language-dependent free text in the sequence listing:	French
Language in which the request may be filed:	French
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>2, 3</sup>	Yes, the Office accepts electronic filing via ePCT-Filing <sup>4</sup>
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, please refer to the Office for the applicable criteria for such requests
Competent International Searching Authority:	Austrian Patent Office, European Patent Office, Federal Service for Intellectual Property (Rospatent) (Russian Federation) or Swedish Intellectual Property Office (PRV)
Competent International Preliminary Examining Authority:	Austrian Patent Office, European Patent Office, <sup>5</sup> Federal Service for Intellectual Property (Rospatent) (Russian Federation) or Swedish Intellectual Property Office (PRV)

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<sup>1</sup> If the language in which the international application is filed is not accepted by the International Searching Authority (see Annex D), the applicant will have to furnish a translation (PCT Rule 12.3).

<sup>2</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see "Fees payable to the receiving Office").

<sup>3</sup> Where the international application contains a sequence listing as a separate part of the description, this must be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format.

<sup>4</sup> For the relevant notification by the Office, refer to the *Official Notices (PCT Gazette)* dated 6 April 2017, pages 63 *et seq.*

<sup>5</sup> The Office is competent only if the international search is or has been carried out by that Office, by the Austrian Patent Office or by the Swedish Intellectual Property Office (PRV).

<b>C</b>	<b>Receiving Offices</b>	<b>C</b>
<b>MA</b>	<b>MOROCCAN OFFICE OF INDUSTRIAL AND COMMERCIAL PROPERTY (OMPIC)</b>	<b>MA</b>

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Fees payable to the receiving Office:	Currency: Moroccan dirham (MAD) and Swiss franc (CHF)
Transmittal fee:	None
International filing fee: <sup>6</sup>	CHF 1,330
Fee per sheet in excess of 30: <sup>6</sup>	CHF 15
Reductions (under Schedule of Fees, item 4):	
Electronic filing (the request in character coded format):	CHF 200
Electronic filing (the request, description, claims and abstract in character coded format):	CHF 300
Search fee:	See Annex D(AT), (EP), (RU) or (SE)
Fee for priority document (PCT Rule 17.1(b)):	None
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	None
Is an agent required by the receiving Office?	Yes, if the applicant is a legal person, or a natural person not resident in Morocco
Who can act as agent?	Any natural or legal person resident in Morocco

<sup>6</sup> This fee is reduced by 90% if certain conditions apply (see Annex C(IB)).  
(1 July 2022)

**B1****Information on Contracting States****B1****US****UNITED STATES OF AMERICA****US****General information**

Name of Office:	United States Patent and Trademark Office (USPTO)
Location:	Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314, United States of America (first floor of the south side of the Randolph Building, with street level access from Ballenger Avenue)
Mailing address:	Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, USA
Telephone:	(1-571) 272 43 00 (PCT Help Desk) (1-866) 217 91 97 (Toll free technical support for electronic filing) (1-571) 272-41 00 (Local technical support for electronic filing)
Facsimile machine:	(1-571) 273 83 00 (PCT Operations – only available for certain documents) <sup>1</sup> (1-571) 273 83 00 (USPTO Central Fax – only available for certain documents) <sup>1</sup> (1-571) 273 04 19 (PCT Help Desk)
E-mail: <sup>2</sup>	PCTHelp@uspto.gov
Internet:	<a href="https://www.uspto.gov/patentcooperationtreaty">https://www.uspto.gov/patentcooperationtreaty</a>
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All documents except the following: certified documents including priority documents; documents needed to receive an international filing date under PCT Article 11; authorizations charging the basic national fee to a deposit account; when necessary, a copy of the international application for entry into the national phase; documents directly related to a secrecy order.
Must the original of the document be furnished in all cases?	No, only upon invitation
Does the Office send notifications via e-mail in respect of international applications?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No

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<sup>1</sup> For details of which documents may be sent by facsimile, see “Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?”

<sup>2</sup> As from 1 January 2022, for one year on a pilot basis, for submitting general and non time sensitive questions regarding the PCT and the procedures applicable to international applications filed under the PCT and U.S. national phase applications submitted under 35 U.S.C. §371. It should be noted that this e-mail address is not intended for case specific or time sensitive inquiries, which should still be directed by telephone to the PCT Help Desk ((1-571) 272 43 00).

# B1 Information on Contracting States B1

## US UNITED STATES OF AMERICA US

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Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make national applications filed in electronic form available to the WIPO DAS <sup>4</sup>
Competent receiving Office for nationals and residents of the United States of America:	United States Patent and Trademark Office (USPTO) or International Bureau of WIPO, <sup>5</sup> at the choice of the applicant (see Annex C)
Does national legislation <sup>6</sup> restrict the filing of international applications with the International Bureau of WIPO?	Yes, filing restrictions apply to: Inventions made in the United States of America
Competent designated (or elected) Office if the United States of America is designated (or elected):	United States Patent and Trademark Office (USPTO) (see National Phase)
May the United States of America be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	Patents
Provisions of the law of the United States of America concerning international-type search:	Sections 1.104(a)(3) and (a)(4) and 1.21(e) of the Code of Federal Regulations, Title 37 (37 CFR)  Note: The USPTO does not require that a formal report of an international-type search be prepared in order to obtain a search fee refund in a later filed international application.
Provisional protection after international publication:	The patentee is entitled to obtain a reasonable royalty commencing on the date of the publication under PCT Article 21(2)(a) of the international application, or if the publication is in a language other than English, on the date the USPTO receives a translation of the international application in the English language. The right to obtain a reasonable royalty is not available unless the invention as claimed in the patent is substantially identical to the invention claimed in the published international application. For details, see the US National Chapter in National Phase, paragraph US.47 (see also 35 USC 154(d)).

### Information of interest if the United States of America is designated (or elected)

#### WARNING

[Continued on next page]

<sup>4</sup> For further details on how to request this Office to make applications available to the DAS see <https://www.uspto.gov/patents-getting-started/international-protection/electronic-priority-document-exchange-pdx>. However, the applicant may not request the receiving Office of the United States of America (RO/US) to obtain a priority document from a digital library and transmit it to the International Bureau pursuant to PCT Rule 17.1(b-bis).

<sup>5</sup> Applicants may file with the International Bureau only if the national security provisions allow filing of patent applications abroad. Compliance with such provisions is the applicant's responsibility and will not be checked by the International Bureau.

<sup>6</sup> Title 35, United States Code, Patents, Sections 181 and 184-188. See also 37 CFR 5.11-5.20.

**B1****Information on Contracting States****B1****US****UNITED STATES OF AMERICA****US***[Continued]*

“Prior art effect” of subject matter disclosed in a US patent issued on the basis of an international application:

The United States of America made a declaration under PCT Article 64(4). However, this declaration only applies to applications that are not subject to the First Inventor to File provisions of the America Invents Act, that is, applications that contain or ever contained a claim having an effective filing date prior to 16 March 2013.<sup>7</sup>

Time when the name and address of the inventor must be given if the United States of America is designated (or elected):

May be in the request or may be furnished later. If the data concerning the inventor is missing at the expiration of the time limit under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

Are there special provisions concerning the deposit of microorganisms and other biological material?

Yes (see Annex L)

<sup>7</sup> Additional information regarding the applicability of the First Inventor to File provisions of the America Invents Act can be found at: <https://www.uspto.gov/patent/first-inventor-file-fitf-resources>

**C****Receiving Offices****C****US****UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)****US**

Competent receiving Office for nationals and residents of:	United States of America
Language in which international applications may be filed:	English
Language accepted for language-dependent free text in the sequence listing:	English <sup>1</sup>
Language in which the request may be filed:	English
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>2, 3</sup>	Yes <sup>4</sup>
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “unintentional” criterion to such requests
Competent International Searching Authority:	Australian Patent Office, <sup>5</sup> European Patent Office, Federal Service for Intellectual Property (Rospatent) (Russian Federation), Intellectual Property Office of Singapore, Israel Patent Office, <sup>6</sup> Japan Patent Office (JPO), <sup>7</sup> Korean Intellectual Property Office or United States Patent and Trademark Office
Competent International Preliminary Examining Authority:	Australian Patent Office, <sup>8</sup> European Patent Office, <sup>8</sup> Federal Service for Intellectual Property (Rospatent) (Russian Federation), Intellectual Property Office of Singapore, <sup>8</sup> Israel Patent Office, <sup>8</sup> Japan Patent Office (JPO), <sup>8</sup> Korean Intellectual Property Office or United States Patent and Trademark Office

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<sup>1</sup> The Office does not permit the language-dependent free text of the sequence listing part of the description to be filed in more than one language, under PCT Rule 12.1(d).

<sup>2</sup> Where the international application is filed in electronic form, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>3</sup> Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no fees are due for sequence listings filed in this format. [Where the international application is filed on paper, a sequence listing part of the description should be furnished in WIPO Standard ST.26 XML format on physical medium.](#)

<sup>4</sup> The USPTO accepts the filing of international applications in electronic form according to its national law and technical systems (see Section 703(d) and 703(f)(ii) of the PCT Administrative Instructions). For more information, see <https://www.uspto.gov/patents/apply>. Technical support for filing international applications electronically is available from the Patent Electronic Business Center (EBC) at (1-866) 217 91 97. Note that the applicable national law and technical systems provide for requirements which are different from, and not compatible with, the requirements of Section 703(b)(ii) to (iv) of the PCT Administrative Instructions (see *PCT Gazette* No. 18/2002, page 8974). Applicants may, however, use ePCT or PCT-SAFE to generate a .zip file containing a validated request form, and then submit the .zip file electronically via EFS-Web or Patent Center. For further details, see <https://www.federalregister.gov/documents/2020/09/30/2020-18743/facilitating-the-use-of-the-world-intellectual-property-organizations-epct-system-to-prepare>

<sup>5</sup> This Office has limited its availability as International Searching Authority to 250 international applications per quarter. For further details, see <https://www.uspto.gov/web/offices/com/sol/og/2014/week52/TOC.htm#ref20>

<sup>6</sup> This Authority is competent only where it has not received more than 100 international applications from the USPTO during the relevant fiscal quarter. For further information, see <http://www.uspto.gov/sites/default/files/documents/mod-ilpo-isa-ipea.pdf>

<sup>7</sup> This Authority is competent only if it has not received more than 8,400 international applications from the USPTO during the five year period from 1 July 2018 to 30 June 2023, not more than 300 applications per quarter during the first and second years, and not more than 500 applications per quarter during the third, fourth and fifth years.

<sup>8</sup> This Authority is competent only if the international search is or has been carried out by that Office.

**C**  
**US**

**Receiving Offices**  
**UNITED STATES PATENT AND**  
**TRADEMARK OFFICE (USPTO)**

**C**  
**US**

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Fees payable to the receiving Office: <sup>9</sup>	Currency: US dollar (USD)		
Transmittal fee: <sup>10</sup>		<i>Small entity</i> <sup>11</sup>	<i>Micro entity</i> <sup>12</sup>
	USD 260	130	65
International filing fee:	USD 1,437		
Fee per sheet in excess of 30:	USD 16		
Reductions (under Schedule of Fees, item 4):			
Electronic filing (EFS-Web/ Patent Center without ePCT or PCT-EASY.zip file):	USD 108		
Electronic filing (EFS-Web/ Patent Center with ePCT or PCT-EASY.zip file):	USD 216		
Search fee:	See Annex D(AU), (EP), (IL), (JP) <sup>13</sup> , (KR), (RU), (SG) or (US)		
Fee for priority document:	USD 0		
Fee for requesting restoration of the right of priority (PCT Rule 26bis.3(d)):	USD 2,100	<i>Small entity</i> <sup>11</sup> 1,050	<i>Micro entity</i> <sup>12</sup> 525
Is an agent required by the receiving Office?	No		
Who can act as agent?	Patent attorneys and patent agents registered to practice before the Office. A list of registered patent attorneys and agents may be obtained on the Internet at <a href="https://oedci.uspto.gov/OEDCI/">https://oedci.uspto.gov/OEDCI/</a>		
Waiver of power of attorney:			
Has the Office waived the requirement that a separate power of attorney be submitted?	Yes <sup>14</sup>		
Particular instances in which a separate power of attorney is required:	Where it is unclear whether a purported agent has the power to act on behalf of the applicant, and for certain changes under PCT Rule 92bis		
Has the Office waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>14</sup>		
Particular instances in which a copy of a general power of attorney is required:	Where it is unclear whether a purported agent has the power to act on behalf of the applicant, and for certain changes under PCT Rule 92bis		

<sup>9</sup> The amounts of these fees change periodically. The receiving Office or the current USPTO Fee Schedule at: [www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule](http://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule) should be consulted for the applicable amounts.

<sup>10</sup> In addition, there is a non-electronic filing fee applicable to international applications filed other than by the Office electronic filing system (EFS) of USD 400, or in the case of filings by small or micro entities, USD 200.

<sup>11</sup> This amount is applicable in case of filing by a “small entity”. For further details on the entitlement to and the establishment of “small entity” status, see [www.uspto.gov/web/offices/pac/mpep/s509.html#d0e30961](http://www.uspto.gov/web/offices/pac/mpep/s509.html#d0e30961) and 37 CFR 1.27 at: [www.uspto.gov/web/offices/pac/mpep/consolidated\\_rules.pdf](http://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf).

<sup>12</sup> This amount is applicable in case of filing by a “micro entity”. For further details on the entitlement to and the establishment of “micro entity” status, see [www.uspto.gov/web/offices/pac/mpep/s509.html#ch500\\_d1ff69\\_210b3\\_1ca](http://www.uspto.gov/web/offices/pac/mpep/s509.html#ch500_d1ff69_210b3_1ca) and 37 CFR 1.29 at: [www.uspto.gov/web/offices/pac/mpep/consolidated\\_rules.pdf](http://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf).

<sup>13</sup> See footnote 7.

<sup>14</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

**D  
US****International Searching Authorities  
UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)<sup>1</sup>****D  
US**

Search fee (PCT Rule 16): <sup>2,3</sup>		<i>Small entity</i> <sup>4</sup>	<i>Micro entity</i> <sup>5</sup>
US dollar (USD)	2,180	(1,090)	(545)
Euro (EUR)	2,132	(1,066)	(533)
New Zealand dollar (NZD)	3,368	(1,684)	(842)
	[3,820]	(1,910)	(955)] <sup>6</sup>
South African rand (ZAR)	35,440	(17,720)	(8,860)
	[39,360]	(19,680)	(9,840)] <sup>6</sup>
Swiss franc (CHF)	2,018	(1,009)	(505)
Additional search fee (PCT Rule 40.2): <sup>3,7</sup>		<i>Small entity</i> <sup>4</sup>	<i>Micro entity</i> <sup>5</sup>
USD	2,180	(1,090)	(545)
Fee for copies of documents cited in the international search report (PCT Rule 44.3):		US patent document USD 3 per copy <sup>8</sup> Non-US patent documents, none; the applicant receives, together with the international search report, a copy of each cited document that is not a U.S. patent document or a published international application.	
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1ter):		USD 3 per copy of US patent document USD 25 per copy of non-US patent document See 37 CFR 1.19 for other document supply fees	
Protest fee (PCT Rule 40.2(e)):		None	
Late furnishing fee (PCT Rule 13ter.1c):		<i>Small entity</i> <sup>4</sup>	<i>Micro entity</i> <sup>5</sup>
USD	320	(160)	(80)

[Continued on next page]

<sup>1</sup> The Office participates in the IP5 pilot project on collaborative search and examination under the PCT. For further information see: [www.uspto.gov/patents-getting-started/international-protection/patent-cooperation-treaty/pct-collaborative-search](http://www.uspto.gov/patents-getting-started/international-protection/patent-cooperation-treaty/pct-collaborative-search)

<sup>2</sup> This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).

<sup>3</sup> The amount of this fee changes periodically. The International Searching Authority or the current USPTO Fee Schedule at: [www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule](http://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule) should be consulted for the applicable amount.

<sup>4</sup> The amount in parentheses is applicable in case of filing by a "small entity". For further details on the entitlement to and the establishment of "small entity" status, see [www.uspto.gov/web/offices/pac/mpep/s509.html#d0e30961](http://www.uspto.gov/web/offices/pac/mpep/s509.html#d0e30961) and 37 CFR 1.27 at: [www.uspto.gov/web/offices/pac/mpep/consolidated\\_rules.pdf](http://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf)

<sup>5</sup> The amount in parentheses is applicable in case of filing by a "micro entity". For further details on the entitlement to and the establishment of "micro entity" status, see [www.uspto.gov/web/offices/pac/mpep/s509.html#ch500\\_d1ff69\\_210b3\\_1ca](http://www.uspto.gov/web/offices/pac/mpep/s509.html#ch500_d1ff69_210b3_1ca) and 37 CFR 1.29 at: [www.uspto.gov/web/offices/pac/mpep/consolidated\\_rules.pdf](http://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf)

<sup>6</sup> The amounts in square brackets are applicable as from 1 December 2022.

<sup>7</sup> This fee is payable to the International Searching Authority and only in particular circumstances.

<sup>8</sup> From 3 July 2007, the USPTO no longer mails paper copies of cited U.S. patents and U.S. patent application publications cited in search reports, written opinions or international preliminary examination reports in international applications. From 29 October 2013, the USPTO also no longer mails copies of published international applications cited in international applications. However, electronic copies may be viewed at the USPTO's Internet web site ([www.uspto.gov/patents-application-process/search-patents](http://www.uspto.gov/patents-application-process/search-patents)). The copies can also be printed for free. Copies can also be purchased online ([ebiz1.uspto.gov/oems25p/index.html](http://ebiz1.uspto.gov/oems25p/index.html)) or obtained from the USPTO Office of Public Records ((1-800) 972 63 82 or (571) 272 31 50) at the fee indicated above.

**D****International Searching Authorities****D****US****UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)<sup>9</sup>****US***[Continued]*

Conditions for refund and amount of refund of the search fee:

Money paid by mistake, without cause, or in excess, will be refunded.

Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%

Languages accepted for international search:

English

Does the Authority require that nucleotide and/or amino acid sequence listings be furnished in electronic form (PCT Rule 13*ter*.1)?

Yes

Which types of electronic carrier does the Authority require?

Diskette: 3.50 inch, 1.44 MB storage; 3.50 inch, 720 KB storage; 5.25 inch, 1.2 MB storage; 5.25 inch, 360 KB storage

Magnetic tape: 0.5 inch, up to 24,000 feet; Density: 1,600 or 6,250 bits per inch, 9 track; Format: Unix tar command; specify blocking factor (not "block size"); Line Terminator: ASCII Carriage Return plus ASCII Line Feed

8 mm Data Cartridge: Format: Unix tar command; specify blocking factor (not "block size"); Line Terminator: ASCII Carriage Return plus ASCII Line Feed

Compact disc: Format ISO 9660 or High Sierra Format

Magneto Optical Disk: Size/Storage Specifications: 5.25 inch, 640 MB

Subject matter that will not be searched:

The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter searched under the patent grant procedure in accordance with the provisions of United States patent law

Waiver of power of attorney:

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>10</sup>

Particular instances in which a separate power of attorney is required:

Where it is unclear whether a purported agent has the power to act on behalf of the applicant, and for certain changes under PCT Rule 92*bis*

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>10</sup>

Particular instances in which a copy of a general power of attorney is required:

Where it is unclear whether a purported agent has the power to act on behalf of the applicant, and for certain changes under PCT Rule 92*bis*

<sup>9</sup> See footnote 1.

<sup>10</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4, see also International Phase, paragraph 11.048).

# E International Preliminary Examining Authorities E

## US UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)<sup>1</sup> US

Preliminary examination fee (PCT Rule 58): <sup>2, 3</sup>				<i>Small entity</i> <sup>4</sup>	<i>Micro entity</i> <sup>5</sup>
	US dollar (USD)	640	(800)	320	(400) 160 (200)
The amount in parentheses is payable when the international search was not carried out by the USPTO.					
Additional preliminary examination fee (PCT Rule 68.3): <sup>6</sup>		<i>Small entity</i> <sup>4</sup>	<i>Micro entity</i> <sup>5</sup>		
	USD	640	(320)	(160)	
Handling fee (PCT Rule 57.1): <sup>7</sup>	USD	216			
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	None; the applicant receives, together with the international preliminary examination report, a copy of each additional document not cited in the international search report which is not a U.S. patent document or a published international application. <sup>8</sup>				
Fee for copies of documents contained in the file of the international application (PCT Rule 94.2):	USD	3	per copy of US patent document		
	USD	25	per copy of non-US patent document		
	See 37 CFR 1.19 for other document supply fees				
Protest fee (PCT Rule 68.3(e)):	None				
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .2):		<i>Small entity</i> <sup>4</sup>	<i>Micro entity</i> <sup>5</sup>		
	USD	320	(160)	(80)	

[Continued on next page]

<sup>1</sup> The USPTO may act as International Preliminary Examining Authority only if the international search is or has been performed by that Office, except that the USPTO may act as International Preliminary Examining Authority for international applications filed by at least one resident or national of the United States of America with the USPTO or the International Bureau of WIPO as receiving Office where the selected ISA is competent for residents or nationals of the United States of America.

<sup>2</sup> This fee is payable to the International Preliminary Examining Authority.

<sup>3</sup> The amounts of these fees change periodically. The International Preliminary Examining Authority or the current USPTO Fee Schedule at: [www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule](http://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule) should be consulted for the applicable amounts.

<sup>4</sup> This amount is applicable in case of filing by a "small entity". For further details on the entitlement to and the establishment of "small entity" status, see [www.uspto.gov/web/offices/pac/mpep/s509.html#d0e30961](http://www.uspto.gov/web/offices/pac/mpep/s509.html#d0e30961) and 37 CFR 1.27 at: [www.uspto.gov/web/offices/pac/mpep/consolidated\\_rules.pdf](http://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf)

<sup>5</sup> This amount is applicable in case of filing by a "micro entity". For further details on the entitlement to and the establishment of "small entity" status, see [www.uspto.gov/web/offices/pac/mpep/s509.html#ch500\\_d1ff69\\_210b3\\_1ca](http://www.uspto.gov/web/offices/pac/mpep/s509.html#ch500_d1ff69_210b3_1ca) and 37 CFR 1.29 at: [www.uspto.gov/web/offices/pac/mpep/consolidated\\_rules.pdf](http://www.uspto.gov/web/offices/pac/mpep/consolidated_rules.pdf)

<sup>6</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

<sup>7</sup> This fee is payable to the International Preliminary Examining Authority. It is reduced by 90% if certain conditions apply (see Annex C(IB)).

<sup>8</sup> From 3 July 2007, the USPTO no longer mails paper copies of cited U.S. patents and U.S. patent application publications cited in search reports, written opinions or international preliminary examination reports in international applications. From 29 October 2013, the USPTO also no longer mails copies of published international applications cited in international applications. However, electronic copies may be viewed at the USPTO's Internet web site ([www.uspto.gov/patents-application-process/search-patents](http://www.uspto.gov/patents-application-process/search-patents)). The copies can also be printed for free. Copies can also be purchased online ([ebiz1.uspto.gov/oems25p/index.html](http://ebiz1.uspto.gov/oems25p/index.html)) or obtained from the USPTO Office of Public Records ((1-800) 972 63 82 or (571) 272 31 50) at the fee indicated above.

**E**

# International Preliminary Examining Authorities

**E****US**

## UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)<sup>9</sup>

**US***[Continued]*

Conditions for refund and amount of refund of the preliminary examination fee:

Money paid by mistake, without cause, or in excess, will be refunded.

In the cases provided for under PCT Rule 58.3 where the demand is considered as if it had not been submitted (PCT Rules 54.4, 58*bis*.1(b) or 60.1(c)): refund of 100%

If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of the amount paid less a processing fee equivalent to the transmittal fee (see Annex C(US))

Languages accepted for international preliminary examination:

English

Subject matter that will not be examined:

The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of any subject matter examined under the patent grant procedure in accordance with the provisions of United States patent law

Waiver of power of attorney:

Has the Authority waived the requirement that a separate power of attorney be submitted?

Yes<sup>10</sup>

Particular instances in which a separate power of attorney is required:

Where it is unclear whether a purported agent has the power to act on behalf of the applicant, and for certain changes under PCT Rule 92*bis*

Has the Authority waived the requirement that a copy of a general power of attorney be submitted?

Yes<sup>10</sup>

Particular instances in which a copy of a general power of attorney is required:

Where it is unclear whether a purported agent has the power to act on behalf of the applicant, and for certain changes under PCT Rule 92*bis*

<sup>9</sup> See footnote 1.

<sup>10</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).

**B1****Information on Contracting States****B1****JP****JAPAN****JP****General information**

Name of Office:	Tokkyocho Japan Patent Office (JPO)
Location and mailing address:	3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo 100-8915, Japan
Telephone:	(81-3) 3592 13 08
Facsimile machine:	(81-3) 3501 06 59 (PCT Affairs) (81-3) 3501 68 03 (filing of documents)
E-mail:	PA1A31@jpo.go.jp
Internet:	www.jpo.go.jp/e/index.html
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	Only documents needed to receive an international filing date under PCT Article 11
Must the original of the document be furnished in all cases?	No, only upon invitation
Does the Office send notifications via e-mail in respect of international applications?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes, provided the delivery service satisfies the prescribed criteria and is approved by the Minister for Internal Affairs and Communications, under the Japanese Law Concerning Correspondence Delivery Provided by Private-Sector Operators. A list of approved delivery services (in Japanese) is available at the following web site: <a href="http://www.soumu.go.jp/yusei/tokutei_g.html">www.soumu.go.jp/yusei/tokutei_g.html</a>
Does the Office excuse delays in meeting time limits due to the unavailability of electronic means of communication (PCT Rule 82 <sup>quater</sup> .2(a))?	Yes, the Office excuses a delay in meeting a time limit where such delay is caused by the special maintenance or unavailability of permitted electronic means of communication at the Office <sup>1</sup> , provided that the duration of such maintenance or unavailability is at least 24 hours, and that the respective action is performed on the next working day on which the said electronic means of communication became available. <sup>2</sup>
Is the Office prepared to allow applicants to make applications available to the WIPO Digital Access Service for Priority Documents (DAS) (PCT Rule 17.1(b-bis))?	Yes, the Office is prepared to allow applicants to make national applications available to the WIPO DAS <sup>3</sup>

[Continued on next page]

<sup>1</sup> Information concerning maintenance and unavailability of the JPO online filing software (in Japanese) is available at: [http://dl-sv1.pcinfo.jpo.go.jp/docs/error/server\\_status.html](http://dl-sv1.pcinfo.jpo.go.jp/docs/error/server_status.html)

<sup>2</sup> For the relevant notification by the Office refer to the *Official Notices (PCT Gazette)* dated 17 September 2020, page 191.

<sup>3</sup> For further details on how to request this Office to make applications available to DAS, see <https://www.jpo.go.jp/e/system/process/shutugan/yusen/das/index.html>

**B1****Information on Contracting States****B1****JP****JAPAN****JP***[Continued]*

Competent receiving Office for nationals and residents of Japan:	Japan Patent Office (JPO) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Competent designated (or elected) Office if Japan is designated (or elected):	Japan Patent Office (JPO) (see National Phase)
May Japan be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	Patents, utility models
Provisions of the law of Japan concerning international-type search:	None
Provisional protection after international publication:	The applicant is entitled to the rights analogous to those provided under Section 65 of the Patent Law from the time of the international publication of the international application if the international publication is in Japanese and from the time of the publication of a Japanese translation by the Japan Patent Office (JPO) if the international publication is in a language other than Japanese (see Sec. 184-10 of the Patent Law).

**Information of interest if Japan is designated (or elected)**

Time when the name and address of the inventor must be given if Japan is designated (or elected):	Must be in the request. If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation (see the Summary).
Are there special provisions concerning earlier national applications from which priority is claimed and what are the effects of these provisions?	Articles 41 and 42 of the Japan Patent Law and Articles 8 and 9 of the Japan Utility Model Law provide that the filing of an international application which contains the designation of Japan and claims the priority of an earlier national application having effect in Japan shall have the result that the earlier national application will be considered withdrawn after the expiration of 16 months <sup>4</sup> from the filing date of that earlier application. If the applicant of an international application which claims the priority of an earlier national application wants to avoid this effect, the designation of Japan will have to be withdrawn before the expiration of 16 months <sup>4</sup> from the filing date of that earlier application, in order to avoid automatic withdrawal of the earlier-filed national application.
Are there special provisions concerning the deposit of microorganisms and other biological material?	Yes (see Annex L)

<sup>4</sup> The period is applicable to international applications filed on or after 1 April 2015. The period is 15 months for international applications filed before 1 April 2015.

# C Receiving Offices C

## JP JAPAN PATENT OFFICE (JPO) JP

Competent receiving Office for nationals and residents of:	Japan
Language in which international applications may be filed:	English or Japanese
Language accepted for language-dependent free text in the sequence listing:	English; or English and any other language
Language in which the request may be filed:	English or Japanese
Number of copies on paper required by the receiving Office:	1
Does the receiving Office accept the filing of international applications in electronic form? <sup>1, 2, 3</sup>	Yes, the Office accepts XML files with JPEGs as well as TIFFs for the drawings filed using JPO PAS
Does the receiving Office accept requests for restoration of the right of priority (PCT Rule 26bis.3)?	Yes, the Office applies the “due care” criterion to such requests
Competent International Searching Authority:	European Patent Office, <sup>4</sup> Indian Patent Office, <sup>4</sup> Intellectual Property Office of Singapore <sup>4</sup> or Japan Patent Office (JPO)
Competent International Preliminary Examining Authority:	European Patent Office, <sup>5</sup> Indian Patent Office, Intellectual Property Office of Singapore <sup>5</sup> or Japan Patent Office (JPO) <sup>5</sup>
Fees payable to the receiving Office:	Currency: Japanese yen (JPY)
Transmittal fee:	JPY 17,000 <sup>6</sup>
International filing fee:	JPY 179,000 (190,300) <sup>7</sup>
Fee per sheet in excess of 30:	JPY 2,000 (2,100) <sup>7</sup>
Reductions (under Schedule of Fees, item 4):	
Electronic filing (the request, description, claims and abstract in character coded format):	JPY 40,400 (42,900) <sup>7</sup>
Search fee:	See Annex D(EP), (IN), (JP) or (SG)
Fee for priority document:	JPY 1,400
Fee for transmitting copies of earlier search and other documents (PCT Rule 12bis.1(c)):	JPY 1,700

[Continued on next page]

<sup>1</sup> Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions, the total amount of the international filing fee is reduced (see “Fees payable to the receiving Office”).

<sup>2</sup> Where the international application contains a sequence listing as a separate part of the description, this should be furnished in accordance with Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.26 XML format; no additional fees are due for sequence listings filed in this format.

<sup>3</sup> For the relevant notification by the Office, refer to the *Official Notices (PCT Gazette)* dated 9 September 2022, pages 246 *et seq.*

<sup>4</sup> The Office is competent only if the international application is filed in English (PCT Rule 12.3 does not apply).

<sup>5</sup> The Office is competent only if the international search is or has been carried out by that Office.

<sup>6</sup> This fee is reduced if the application is filed in Japanese by applicants who are eligible for fee reductions, such as small or medium-sized enterprises, micro enterprises and academic institutions. For further details on the eligibility, see [https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet\\_e.pdf](https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet_e.pdf)

<sup>7</sup> The amount in parentheses is applicable as from 1 November 2022.

<b>C</b>	<b>Receiving Offices</b>	<b>C</b>
<b>JP</b>	<b>JAPAN PATENT OFFICE (JPO)</b>	<b>JP</b>

[Continued]

Is an agent required by the receiving Office?	No, if the applicant resides in Japan Yes, if he is a non-resident
Who can act as agent?	Any patent attorney or attorney-at-law resident in Japan, or any firm registered to practice before the Office
Waiver of power of attorney: Has the Office waived the requirement that a separate power of attorney be submitted? Particular instances in which a separate power of attorney is required:  Has the Office waived the requirement that a copy of a general power of attorney be submitted? Particular instances in which a copy of a general power of attorney is required:	Yes <sup>8</sup>  Where an agent or a common representative who is not indicated on the request form at the time of filing performs any action after filing; or in case of doubt as to the agent's entitlement to act.  Yes <sup>8</sup>  Where an agent or a common representative who is not indicated on the request form at the time of filing performs any action after filing; or in case of doubt as to the agent's entitlement to act.

<sup>8</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90*bis*.1 to 90*bis*.4; see also International Phase, paragraph 11.048).  
(27 October 2022)

<b>D</b>	<b>International Searching Authorities</b>	<b>D</b>
<b>JP</b>	<b>JAPAN PATENT OFFICE (JPO)<sup>1</sup></b>	<b>JP</b>
Search fee (PCT Rule 16): <sup>2</sup>	Japanese yen (JPY) 143,000 <sup>3</sup> 169,000 <sup>4</sup> Euro (EUR) 1,034 <sup>3</sup> 1,222 <sup>4</sup> Singapore dollar (SGD) 1,743 <sup>4</sup> Swiss franc (CHF) 1,062 <sup>3</sup> (999) <sup>3, 5</sup> 1,255 <sup>4</sup> (1,181) <sup>4, 5</sup> US dollar (USD) 1,057 <sup>3</sup> 1,250 <sup>4</sup> Won (KRW) 1,404,000 <sup>3</sup>	
Additional search fee (PCT Rule 40.2): <sup>6</sup>	JPY 105,000 <sup>3</sup> 168,000 <sup>4</sup>	
Copies of documents cited in the international search report (PCT Rule 44.3):	The applicant receives, together with the international search report, a copy of each document containing non-patent literature cited in the report, free of charge.	
How to obtain copies:	Requests for copies of documents should be made using the relevant form available at: <a href="https://www.jpo.go.jp/system/patent/pct/tetuzuki/document/tokkyo_jyouyaku-jitumu/22.pdf#page=63">https://www.jpo.go.jp/system/patent/pct/tetuzuki/document/tokkyo_jyouyaku-jitumu/22.pdf#page=63</a>	
Fee(s):	JPY 1,400 per request	
Conditions for refund and amount of refund of the search fee:	Money paid by mistake, without cause, or in excess, will be refunded. Refund of JPY 57,000 <sup>7</sup> (JPY 67,000) <sup>4</sup> upon request where the Authority benefits from one of the following earlier searches to a considerable extent: <ul style="list-style-type: none"> <li>(i) where, the international application claims the priority of an earlier international application which has been the subject of an international search made by the Authority, the international search of the earlier international application;</li> <li>(ii) the earlier search of a Japanese national application for a patent or for a utility model registration which was filed by the same applicant as that of the international application.</li> </ul>	
Protest fee (PCT Rule 40.2(e)):	None	
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .1(c)):	None	

[Continued on next page]

<sup>1</sup> The Office participates in the IP5 pilot project on collaborative search and examination under the PCT. For further information see: [www.jpo.go.jp/e/system/patent/pct/pct\\_kyoudouchousa\\_shikou.html](http://www.jpo.go.jp/e/system/patent/pct/pct_kyoudouchousa_shikou.html)

<sup>2</sup> This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).

<sup>3</sup> For international applications filed in Japanese or for which a translation into Japanese has been furnished under PCT Rule 12.3. This fee is reduced for applications by applicants who are eligible for fee reductions, such as small or medium-sized enterprises, micro enterprises and academic institutions. For further details on the eligibility, see [https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet\\_e.pdf](https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet_e.pdf)

<sup>4</sup> For international applications filed in English or for which a translation into English has been furnished under PCT Rule 12.3.

<sup>5</sup> The amount in parentheses is applicable as from 1 November 2022.

<sup>6</sup> This fee is payable to the International Searching Authority and only in particular circumstances.

<sup>7</sup> The amount of the refund of the search fee is reduced where the fee reduction for the search fee (see footnote 3) was applied.

# D International Searching Authorities D

## JP JAPAN PATENT OFFICE (JPO)<sup>8</sup> JP

[Continued]

Languages accepted for international search:	English, <sup>9</sup> Japanese <sup>9</sup>
Types of physical media accepted for the furnishing of nucleotide and/or amino acid sequence listings:	Diskette, CD-R
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of any subject matter which is searched under the patent grant procedure in accordance with the provisions of the Japanese Patent Act, and methods for treatment of the human body by surgery or therapy, as well as diagnostic methods
Waiver of power of attorney:	
Has the Authority waived the requirement that a separate power of attorney be submitted?	Yes <sup>10</sup>
Particular instances in which a separate power of attorney is required:	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any actions after filing; or in case of doubt as to the agent's entitlement to act.
Has the Authority waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>10</sup>
Particular instances in which a copy of a general power of attorney is required:	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any actions after filing; or in case of doubt as to the agent's entitlement to act.

<sup>8</sup> See footnote 1.

<sup>9</sup> The following languages are accepted:

- Japanese or English for international applications filed with the Japan Patent Office as a receiving Office;
- English or a translation under PCT Rule 12.3 into English from other accepted languages for international applications filed with the receiving Office of Brunei Darussalam, Cambodia, India, Indonesia, Malaysia, the Philippines, Singapore, Thailand, the United States of America and Viet Nam;
- Japanese or a translation under PCT Rule 12.3 into Japanese from Korean or English for international applications filed with the receiving Office of the Republic of Korea, or Japanese or a translation under PCT Rule 12.3 into Japanese from any other languages for international applications filed with the International Bureau as a receiving Office (RO/IB) acting for the Republic of Korea; and
- Japanese, English or a translation under PCT Rule 12.3 into Japanese or English from any other languages for international applications filed with RO/IB acting for Brunei Darussalam, Cambodia, India, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, the Philippines, Singapore, Thailand, the United States of America and Viet Nam.

<sup>10</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

# E International Preliminary Examining Authorities E

## JP JAPAN PATENT OFFICE (JPO)<sup>1</sup> JP

Preliminary examination fee (PCT Rule 58): <sup>2</sup>	Japanese yen (JPY)	34,000 <sup>3</sup>	(69,000) <sup>4</sup>
Additional preliminary examination fee (PCT Rule 68.3): <sup>5</sup>	JPY	28,000 <sup>3</sup>	(45,000) <sup>4</sup>
Handling fee (PCT Rule 57.1): <sup>6</sup>	JPY	26,900	(28,600) <sup>7</sup>
Copies of documents cited in the international preliminary examination report (PCT Rule 71.2): How to obtain copies:	<p>The applicant receives, together with the international preliminary examination report a copy of each document containing non-patent literature not cited in the international search report, free of charge.</p> <p>Requests for copies of documents should be made using the relevant form available at:  <a href="https://www.jpo.go.jp/system/patent/pct/tetuzuki/document/tokkyo_jyouyaku-jitumu/22.pdf#page=63">https://www.jpo.go.jp/system/patent/pct/tetuzuki/document/tokkyo_jyouyaku-jitumu/22.pdf#page=63</a></p>		
Fee(s):	JPY	1,400	per request
Fee for copies of documents contained in the file of the international application (PCT Rule 94.2):	JPY	1,400	per request
Conditions for refund and amount of refund of the preliminary examination fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded</p> <p>In the cases provided for under PCT Rule 58.3: refund of 100%</p> <p>If the international application or the demand is withdrawn before the start of the international preliminary examination: no refund</p>		
Protest fee (PCT Rule 68.3(e)):	None		
Late furnishing fee (PCT Rule 13 <sup>ter</sup> .2):	None		

*[Continued on next page]*

<sup>1</sup> The Japan Patent Office (JPO) may act as International Preliminary Examining Authority only if the international search is or has been performed by that Office.

<sup>2</sup> This fee is payable to the International Preliminary Examining Authority.

<sup>3</sup> This fee is reduced for (i) applications filed in Japanese or (ii) applications for which translations into Japanese have been furnished, for the purposes of International Search under PCT Rule 12.3, by applicants who are eligible for fee reductions, such as small or medium-sized enterprises, micro enterprises and academic institutions. For further details, see [https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet\\_e.pdf](https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet_e.pdf)

<sup>4</sup> For preliminary examinations carried out in English.

<sup>5</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

<sup>6</sup> This fee is payable to the International Preliminary Examining Authority. It is reduced by 90% if certain conditions apply (see Annex C(IB)).

<sup>7</sup> The amount in parentheses is applicable as from 1 November 2022.

**E**  
  
**JP**

**International Preliminary  
Examining Authorities**  
  
**JAPAN PATENT OFFICE (JPO)<sup>8</sup>**

**E**  
  
**JP**

*[Continued]*

Languages accepted for international preliminary examination:	English, <sup>9</sup> Japanese <sup>9</sup>
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of any subject matter which is examined under the patent grant procedure in accordance with the provisions of the Japanese Patent Act, and methods for treatment of the human body by surgery or therapy, as well as diagnostic methods
Waiver of power of attorney:	
Has the Authority waived the requirement that a separate power of attorney be submitted?	Yes <sup>10</sup>
Particular instances in which a separate power of attorney is required:	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any actions after filing; or in case of doubt as to the agent's entitlement to act.
Has the Authority waived the requirement that a copy of a general power of attorney be submitted?	Yes <sup>10</sup>
Particular instances in which a copy of a general power of attorney is required:	Where an agent or a common representative who is not indicated in the request form at the time of filing performs any actions after filing; or in case of doubt as to the agent's entitlement to act.

<sup>8</sup> See footnote 1.

<sup>9</sup> The following languages are accepted:

- Japanese or English for international applications filed with the Japan Patent Office as a receiving Office;
- English or a translation under PCT Rule 12.3 into English from other accepted languages for international applications filed with the receiving Office of Brunei Darussalam, Cambodia, India, Indonesia, Malaysia, the Philippines, Singapore, Thailand, the United States of America and Viet Nam;
- Japanese or a translation under PCT Rule 12.3 into Japanese from Korean or English for international applications filed with the receiving Office of the Republic of Korea, or Japanese or a translation under PCT Rule 12.3 into Japanese from any other languages for international applications filed with the International Bureau as a receiving Office (RO/IB) acting for the Republic of Korea; and
- Japanese, English or a translation under PCT Rule 12.3 into Japanese or English from any other languages for international applications filed with RO/IB acting for Brunei Darussalam, Cambodia, India, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, the Philippines, Singapore, Thailand, the United States of America and Viet Nam.

<sup>10</sup> Waivers of powers of attorney do not apply (PCT Rule 90.4(e) and 90.5(d)) where the agent or common representative submits any notice of withdrawal during the international phase (PCT Rule 90bis.1 to 90bis.4; see also International Phase, paragraph 11.048).

## **PCT Applicant's Guide**

### **Annexes AG-NP**

**selection:**

**EP,**

**AT, DE, DK, ES, FI, ~~FR~~, GB, IT, ~~MC~~, ~~ME~~,**

**~~NL~~, PL, SE, ~~SM~~, TR**

**BA, MA**

**US, JP**

**(the states with strikethrough have closed the national route – need to go via EP regional phase)**

**Note:**

- AG-IP, AG-NP and its Annexes are not listed in the REE/IPREE
- for EP, references to the AG-IP Annex are, as a rule, not valid legal basis in a DI answer. For full marks, references need to be given to PCT/EPC Articles/Rules, OJ EPO (e.g., EPO-WIPO Agreement), even though sometimes alternative legal basis may be accepted.

## Our selection

Source : <https://www.wipo.int/pct/en/guide/index.html>, status 31 October 2022

The current document comprises a compilation of the Annexes to the PCT Applicant's Guide of **only a small subset of all states and authorities**. Whether the subset is sufficient to cover exam questions in the exam, or other states are being tested in the exam, is not known to the editor.

If a candidate wants to take more Annexes than only those in our selection, the candidate is referred to the The Special edition prepared by the IB.

## The Special edition prepared by the IB

The IB prepared a special edition of the AG for EQE candidates, available at:

<https://pctllegal.wipo.int/eGuide/ege/documents.xhtml>

The webpage provides:

“In order to assist candidates in the preparation of training materials for the European Qualifying Examination (EQE) for prospective European patent attorneys, the International Bureau, with the agreement of the Examination Board for the EQE, has made available a special edition of the PCT Applicant's Guide containing individual annex and the introductions to the International Phase and the National Phase, as of 31 October 2022.”

The Special edition prepared by the IB comprises the Introductions in HTML only and the Annexes of the PCT Applicants' Guide for **ALL** PCT States and PCT Authorities in pdf only. Unlike earlier years, the IB does not provide a single large pdf of all documents.

## Note:

The PCT Applicant's Guide and its Annexes are not explicitly mentioned in the REE/IPREE, such that they may not be considered the correct legal basis to attract marks if the true legal basis is found in the PCT Articles or Rules, the EPC Articles or Rules, OJ EPO (such as the EPO-WIPO Agreement and updates thereto), GL/PCT-EPO, GL/EPO, or other documents explicitly mentioned in Rule 22(1) IPREE.

# EUROPEAN PATENT OFFICE (EPO)

## AS DESIGNATED (OR ELECTED) OFFICE

### CONTENTS

THE ENTRY INTO THE NATIONAL PHASE — SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex EP.I
Entry into the European phase (EPO as designated or elected Office) (EPO Form 1200) .....	Annex EP.II
Designation of inventor (EPO Form 1002) .....	Annex EP.III
Authorisation (EPO Form 1003) .....	Annex EP.IV
General Authorisation (EPO Form 1004) .....	Annex EP.V

#### List of abbreviations:

EPC: Convention on the Grant of European Patents (European Patent Convention)

Rfees: Rules relating to Fees (of the European Patent Office)

OJ EPO: Official Journal of the European Patent Office

Euro-PCT Guide (<http://www.epo.org/applying/international.html>)

**SUMMARY****Designated  
(or elected) Office****SUMMARY****EP****EUROPEAN PATENT OFFICE (EPO)****EP****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into:	English, French or German
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, if the applicant wishes the amendments to form the basis for the proceedings, together with any statement under PCT Article 19 <sup>1</sup> ), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary report on patentability (Chapter II) and claims amended under PCT Article 19, if the applicant wishes these amendments to form the basis for the proceedings, together with any statement under PCT Article 19 <sup>1</sup> ), abstract
Is a copy of the international application required?	No
National fee:	Currency: Euro (EUR) Filing fee: <sup>2, 3</sup> – for online filings: EUR 130 – for non-online filings: EUR 270 Additional fee for pages in excess of 35 for the 36 <sup>th</sup> and each subsequent page: EUR 16 Designation fee for one or more EPO Contracting States designated: <sup>4</sup> EUR 630 Extension fee for each extension State (extension of the European patent to Bosnia and Herzegovina): <sup>4</sup> EUR 102

*[Continued on next page]*

<sup>1</sup> Where the applicant furnishes only one translation of the international application, or any part of it, either as originally filed or as amended, the Office will invite the applicant to furnish the missing translation within a reasonable time limit. If the translation of the amended part or of the international application as initially filed is missing and is not furnished, the international application will be considered withdrawn. However, it should be noted that, if the translation of the claims as amended under PCT Article 19(1) is not furnished in due time, only those claims will be disregarded (PCT Rule 49.5(c-bis)) and the international application will not be considered withdrawn.

<sup>2</sup> Must be paid within 31 months from the priority date. For claims fees see also paragraph EP.08 of National Chapter EP.

<sup>3</sup> See the Decision of the EPO's Administrative Council dated 15 December 2021 (CA/D 13/21), OJ EPO 2022, A2.

<sup>4</sup> The designation, extension and validation fees are payable within 31 months from the priority date or six months after the date of publication of the international search report, whichever expires later.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****EP****EUROPEAN PATENT OFFICE (EPO)****EP***[Continued]*

National fee ( <i>cont'd</i> ):	Fee for validation of the European patent in:	
	– Cambodia: <sup>5, 6</sup>	EUR 180
	– Morocco: <sup>5, 7</sup>	EUR 240
	– Republic of Moldova: <sup>5, 8</sup>	EUR 200
	– Tunisia: <sup>5, 9</sup>	EUR 180
	Claims fee: <sup>10</sup>	
	– for the 16 <sup>th</sup> and each subsequent claim up to the limit of 50:	EUR 250
	– for the 51 <sup>st</sup> and each subsequent claim:	EUR 630
	Search fee: <sup>10</sup>	
	– for (international) applications filed before 1 July 2005:	EUR 950
	– for (international) applications filed on or after 1 July 2005:	EUR 1.390
	Fee for further processing:	
	– in the event of late payment of a fee:	50% of the relevant fee
	– other cases:	EUR 275
	Fee for late furnishing of a sequence listing:	EUR 245
	Examination fee: <sup>11</sup>	
	– for (international) applications filed before 1 July 2005:	EUR 1,955
	– for (international) applications filed on or after 1 July 2005 for which no supplementary European search report is drawn up:	EUR 1,955
	– for all other (international) applications filed on or after 1 July 2005:	EUR 1,750
	Renewal fee for the third year: <sup>12</sup>	EUR 505

*[Continued on next page]*<sup>5</sup> See footnote 4.<sup>6</sup> Validation of the European patent in Cambodia is only available for international applications filed on or after 1 March 2018. See OJ EPO 2/2018, A16. (It should be noted that under the Law on Patents in force in Cambodia, pharmaceutical products are excluded from patent protection).<sup>7</sup> Validation of the European patent in Morocco is only available for international applications filed on or after 1 March 2015. See OJ EPO 2/2015, A18-A20.<sup>8</sup> Validation of the European patent in the Republic of Moldova is only available for international applications filed on or after 1 November 2015. See OJ EPO 10/2015, A85.<sup>9</sup> Validation of the European patent in Tunisia is only available for international applications filed on or after 1 December 2017. See OJ EPO 10/2017, A85.<sup>10</sup> See footnote 2.<sup>11</sup> A request for examination must be made and the examination fee must be paid within the time limit applicable under PCT Article 22 or 39(1) and EPC Rule 159(1) or six months after the date of publication of the international search report, whichever expires later.<sup>12</sup> This fee is due before the expiration of the month containing the second anniversary (24 months) of the international filing date; it is due within 31 months from the priority date if that 31-month time limit expires later.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****EP****EUROPEAN PATENT OFFICE (EPO)****EP***[Continued]*Exemptions, reductions or refunds of fees:<sup>13</sup>

No search fee is payable

- where the international search report has been established by the EPO;
- where the international application has been filed before 1 July 2005 and the international search report has been established by the Austrian Patent Office, the Spanish Patent and Trademark Office or the Swedish Intellectual Property Office (PRV);
- where the international application has been filed between 1 April 2005 and 30 June 2005 and the international search report has been established by the Finnish Patent and Registration Office (PRH).

The search fee is reduced

- by EUR 1,185<sup>14</sup> for international applications for which the international search report or a supplementary international search report has been established by the Austrian Patent Office, or in accordance with the Protocol on Centralisation by the Finnish Patent and Registration Office (PRH), the Nordic Patent Institute, the Spanish Patent and Trademark Office, the Swedish Intellectual Property Office (PRV), the Turkish Patent and Trademark Office (Turkpatent) or the Visegrad Patent Institute.

The search fee is refunded fully or in part where the supplementary European search report is based on an earlier search report prepared by the Office.

The examination fee is reduced by 75% where the international preliminary report on patentability (Chapter II) has been established by the EPO.<sup>15</sup>Furthermore, in certain cases the examination fee is reduced by 30% for language reasons.<sup>15</sup>Special requirements of the Office (PCT Rule 51*bis*):<sup>16</sup>

Name, country and place of residence of the inventor if they have not been furnished in the "Request" part of the international application or in a declaration in accordance with PCT Rule 4.17(i)

Address, nationality and residence of the applicant if they have not been furnished in the "Request" part of the international application

Appointment of an agent if the applicant has neither a residence nor his principal place of business within the territory of one of the Contracting States of the European Patent Convention

Furnishing of a nucleotide and/or amino acid sequence listing if it is not otherwise available to the EPO

*[Continued on next page]*<sup>13</sup> See OJ EPO 2019, A3, OJ EPO 2022, A8 and OJ EPO 2022, A29.<sup>14</sup> See footnote 3.<sup>15</sup> See also paragraph EP.14 of National Chapter EP and OJ EPO 2/2014, A23.<sup>16</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1) (31 months from the priority date), the Office will invite the applicant to comply with the requirement within two months. In respect of nucleotide and/or amino acid sequence listings, see also OJ EPO 6/2011, page 372 and OJ EPO 11/2013, page 542.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****EP****EUROPEAN PATENT OFFICE (EPO)****EP***[Continued]*

Who can act as agent?

Any professional representative entered on the relevant list maintained by the EPO (the directory of professional representatives can be consulted on the EPO website)<sup>17</sup>

Any legal practitioner qualified to practice in patent matters in one of the States party to the European Patent Convention and who has his place of business in that State

Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?

Yes, the Office applies the “due care” criterion to such requests

<sup>17</sup> See <http://www.epo.org/applying/online-services/representatives.html>

## THE PROCEDURE IN THE NATIONAL PHASE

*Detailed information on the procedure before the EPO as designated Office and as elected Office can also be found in Chapter 5 of the “Euro-PCT Guide” (“PCT procedure before the EPO”), available on the EPO website [www.epo.org/applying/international.html](http://www.epo.org/applying/international.html)*

Euro-PCT Guide, 5.1.015  
et seq.

**EP.01 FORM FOR ENTERING THE NATIONAL PHASE.** The EPO has available a special form for entering the national phase (EPO Form 1200—see Annex EP.II).

The EPO strongly recommends that applicants use the latest version of this form which contains detailed explanatory notes. The form is also available on the EPO's website: [www.epo.org/applying/forms-fees/forms.html](http://www.epo.org/applying/forms-fees/forms.html). The form may be filed electronically (using EPO Online Filing (OLF), Online Filing 2.0 or the EPO Web-Form Filing service (see OJ EPO 2021, A42)).

EPC Art. 14  
153(4)  
Euro-PCT Guide, 5.1.013  
5.1.014

**EP.02 LANGUAGE OF PROCEEDINGS.** The language of proceedings is one of the EPO official languages (English, French or German). If the international application has been published in one of those languages, this language is the language of proceedings; if not, the language of the translation which must be submitted upon entry into the European phase will be the language of the proceedings (see paragraph EP.03). The language of proceedings cannot be changed subsequently.

EPC Rule 3(1), 3(2)  
Euro-PCT Guide, 5.5.004

In written proceedings, the applicant may use any official language of the EPO. However, amendments (see paragraph EP.18) to the application itself must be filed in the language of the proceedings.

EPC Art. 153(4)  
EPC Rule 159(1)(a)  
Euro-PCT Guide, 5.5.001,  
5.5.010  
et seq.

PCT Art. 19(1)  
PCT Rules 49.3  
70.16  
74(1)

**EP.03 TRANSLATION OF THE APPLICATION.** If the Euro-PCT application was not published by the International Bureau in an official language of the EPO (English, French, German), the applicant must, within the 31-month time limit, submit to the EPO a translation of the application into one of the official languages (Form 1200, Section 7). In addition to those elements of the translation which must be furnished within the time limit of 31 months from the priority date (the description, the claims and any text in the drawings as originally filed and the abstract as published), the following elements should also be included:

if the EPO acts as **designated** Office:

- any amendments made to the claims under PCT Article 19 in the form of a translation of the complete set of claims furnished in replacement of all claims originally filed only if the applicant wishes such amendments to form the basis of further proceedings. The amendments must be submitted together with, if submitted to the International Bureau, the statement under PCT Article 19(1) explaining the amendments and, in every case, the accompanying letter under PCT Rule 46.5(b) in an official language of the EPO. If a translation of the complete set of claims submitted under PCT Article 19 is not furnished or not accompanied by a translation of, if submitted to the International Bureau, the statement under PCT Article 19(1) and, in every case, the accompanying letter under PCT Rule 46.5(b), the amendments under PCT Article 19 will be disregarded for the further proceedings. If only the statement under PCT Article 19(1) is not available in an official language, only that document will be disregarded;

- any indication under PCT Rule 13bis.3 and 13bis.4, i.e., separately furnished reference to deposited biological material;

- any nucleotide and amino acid sequence listing under PCT Rule 5.2(a), unless the text in the sequence listing is available to the EPO in English;

- any request for rectification referred to in PCT Rule 91.3(d) as published in accordance with PCT Rule 48.2(a)(vii).

if the EPO acts as **elected** Office:

- translation of any annexes to the international preliminary report on patentability (Chapter II), i.e. regardless of whether protection is sought for the same version of the application documents as was the subject of that report. If any amendments under PCT Article 19 are annexed to the IPRP (Chapter II), a translation of those amendments must also always be filed.

If the applicant wishes the amendments to the claims made before the IB under PCT Article 19 to form the basis of the procedure before the EPO as elected Office, and these amendments are not annexed to the IPRP (Chapter II) (for instance because they were considered reversed by an amendment under PCT Article 34), then these amendments must also be furnished in translated form, as otherwise they will be disregarded for the further proceedings. Any statement under PCT Article 19(1) and, in every case, the letter under Rule PCT 46.5(b) must also be furnished in an official language of the EPO. If only the statement under PCT Article 19(1) is not available in an official language, only that document will be disregarded.

If the translation of all annexes to the IPRP (Chapter II) is not filed in due time, the applicant is invited to furnish the missing translation within two months of notification of a communication. If the applicant fails to comply, the Euro-PCT application is deemed to be withdrawn. The applicant may request further processing (or re-establishment of rights under PCT Rule 49.6 if the application is deemed withdrawn because the translation was not filed in due time. However, the fee is higher and stricter requirements apply. Therefore, this remedy has only advantages if the period for requesting further processing has already expired).

**EP.04 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

RFees Art. 5

**EP.05 FEES (METHOD OF PAYMENT).** The method of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex EP.I. Payments via a deposit account held with the EPO are only accepted if made online, i.e. in an electronically processable format (XML), using, e.g. the electronic EPO filing forms, the Online Fee Payment in Online services or the Central Fee Payment service (see OJ EPO 2022, A25). This also applies to automatic debit orders. Furthermore, any refund instructions to a deposit account must also be filed in an electronic processable format. For more details, see Extract from the Arrangements for deposit accounts (ADA) and their annexes in Annex EP.I and the Supplementary publication 4 to OJ EPO 2019.

PCT Art. 22(1), 39(1)  
EPC Art. 78(2)  
EPC Rule 159(1)(c)  
165  
RFees Art. 2(1).1  
OJ EPO 2009, 118  
Euro-PCT Guide, 5.7.001  
*et seq.*  
5.17.001

**EP.05a FILING FEE.** Within the 31-month time limit the European filing fee must be paid. This fee is composed of a basic fee and an additional fee which is due for the 36<sup>th</sup> and each subsequent page of the application. The additional fee is referred to as the “page fee”. The basic fee is reduced where EPO Form 1200 is filed via EPO Online Filing, Online Filing 2.0 or the EPO Web-Form Filing service. If the basic filing fee and/or, where applicable, the page fee, is not paid in full in due time, the application will be deemed withdrawn. In addition, the Euro-PCT application will not be considered as comprised in the state of the art under EPC Article 54(3).

EPC Rule 38(2)  
RFees Art. 2(1).1a  
OJ EPO 2009, 338  
Euro-PCT Guide, 5.7.004  
*et seq.*

**EP.05b PAGE FEE.** As a general rule, the page fee is based on the international application as published, regardless of the language of publication. The pages of the description, claims and drawings are counted, plus one page in total for any pages with the bibliographic data and the abstract. Amended claims under PCT Article 19 and/or PCT Article 34 are also considered part of the international publication and must be taken into account unless the applicant has indicated that the procedure in the European phase is not to be based on them. If (parts of) the description and/or claims are amended on entry into the European phase, the amended pages of the description and the amended set of claims replace the equivalent pages of the international application as published and, consequently, form then the basis for calculating the page fee.

However, the calculation of the page fee cannot be based on pages of the description or of the claims drafted partly in an official language of the EPO and partly in another language. Thus, special rules for calculating the page fee apply if the international application was not published in one of the official languages of the EPO **and** amendments are filed upon entry into the European phase. Detailed information regarding the correct calculation of the page fee in such case is provided in OJ EPO 2009, 338 and in the Guidelines for Examination in the EPO, A-III, 13.2. Completion of section 6 of EPO Form 1200 and the related table serves applicants to clearly indicate to the EPO the documents on which the further proceedings are to be based and to correctly compute the page fee.

Pages with amendments filed after expiry of the 31-month time limit are not taken into account in calculating the page fee. Furthermore, page fees will not be refunded if the number of pages is reduced during the proceedings before the EPO.

EPC Art. 79(2)

**EP.06 EUROPEAN DESIGNATION FEE.** A (flat) designation fee must be paid within

EPC Rules 39(1)  
159(1)(d)  
160  
RFees Art. 2 No. 3  
Euro-PCT Guide, 5.8.001  
*et seq.*

six months from the publication by the International Bureau of the international search report or before the expiration of the time limit applicable under PCT Articles 22(3) and 39(1)(b) and EPC Rule 159 (31 months from the filing date or, if priority has been claimed, the earliest priority date), whichever time limit expires later. If the designation fee is not paid in due time, the Euro-PCT application will be deemed withdrawn.

Euro-PCT Guide, 5.8.009  
*et seq.*  
OJ EPO 2009, 603  
OJ EPO 2015, A18-20  
A84  
A85  
OJ EPO 2016, A5  
A67  
OJ EPO 2017, A85  
OJ EPO 2018, A16

**EP.07 EXTENSION/VALIDATION.** International applications entering into the national phase at the EPO (European phase) can be extended to or validated in certain States which have concluded an Extension or Validation Agreement to that effect with the European Patent Organisation (they are indicated in the Summary), provided the Extension/Validation Agreement with the EPO was in force at the international filing date, the State concerned was designated for a national patent in the international application and the respective extension/validation fees have been paid, the amount of which is indicated in Annex EP.I. For payment of the extension/validation fee, the provisions for payment of the European designation fees apply *mutatis mutandis*. The request for extension/validation for a state is deemed withdrawn if the extension/validation fee is not paid to the EPO within the time limit laid down in the EPC for the payment of the designation fee (EPC Rule 159(1)(d) and EPC Rule 39(1), see paragraph EP.06). If the designation fee was paid but none of the extension/validation fees, no communication pointing out the failure to observe the time limit for payment of the extension/validation fees is issued. However, the applicant may still pay an extension/validation fee after expiry of the (basic) time limit for payment of the designation fee and the extension/validation fees with a 50% surcharge within a grace period of two months as from expiry of the basic time limit. Furthermore, where in the absence of payment of the designation fee in due time further processing can be requested in respect of the designation fee, the applicant may within two months from notification of the communication of the loss of rights also pay the extension/validation fee(s) with a 50% surcharge (see Guidelines for Examination in the EPO, A-III, 12.2). When an extension State accedes to the EPC, the Extension Agreement remains applicable to international applications filed prior to the date of accession.

EPC Rule 162  
Euro-PCT Guide, 5.11.004  
*et seq.*

**EP.08 CLAIMS FEES.** If the application documents on which the European grant procedure is to be based contain more than fifteen claims, a claims fee is payable within the 31-month period in respect of the sixteenth and each subsequent claim. A higher claims fee is payable in respect of the 51<sup>st</sup> and each subsequent claim. The claims fees must be calculated on the basis of the number of claims specified to form the basis for the further proceedings on entry into the national phase (that is, where amendments have been filed, the claims as amended under PCT Article 19 or 34(2) or the claims as submitted by the applicant under PCT Article 28 or 41 upon entering the national phase), unless the applicant uses the opportunity to amend the claims in response to the communication pursuant to EPC Rules 161 and 162 referred to in paragraph EP.18, the claims thus amended being then used as the basis for calculation of the claims fee and for the further proceedings. Where the applicant fails to pay the correct amount of the claims fees within the 31-month time limit, the EPO will invite him to pay the missing amount within the non-extendable six-month time limit set in the communication under EPC Rules 161 and 162. Where the number of claims changes as a consequence of a later (further) amendment filed in response to the communication pursuant to Rules 161 and 162, that number is to be used as the basis for calculating the amount of the claims fees to be paid. Where a claim fee is not paid in due time, a noting of loss of rights (EPC Rule 112(1)) is issued, giving the applicant the opportunity to request further processing (EPC Article 121) by paying the missing claims fee(s) together with the applicable fee for further processing within a period of two months from notification of the communication. If not paid within that period, the claim(s) concerned shall be deemed to be abandoned. Features of a claim deemed to have been abandoned and which are not otherwise to be found in the description or drawings cannot subsequently be reintroduced into the application and, in particular, the claims.

EPC Rule 163(1), (6)  
Euro-PCT Guide, 5.12.001  
*et seq.*  
OJ EPO 2021, A3  
OJ EPO 2021, A12

**EP.09 DESIGNATION OF THE INVENTOR.** A designation of inventor must only be filed upon entry into the European phase if within the 31-month time limit the inventor has not been designated or certain information, e.g. the country or place of residence, is missing. If not filed upon entry, the EPO will invite the applicant to file the missing information within two months from the notification of a communication under Rule 163(1) or (4) EPC. If the missing information is not furnished within the two-month time limit, the application is refused. For

further details, see the form for such designation in Annex EP.III. Legalization is not required.

EPC Art. 133  
134  
EPC Rules 152  
163(5), (6)  
OJ EPO 2007, Special  
Edition No. 3,  
page 128 *et seq.*  
Euro-PCT Guide, 5.3.006  
*et seq.*

**EP.10 APPOINTMENT OF AN AGENT AND POWER OF ATTORNEY.** Natural and legal persons having either their residence or their principal place of business within the territory of one of the EPC contracting states may act on their own behalf in proceedings before the EPO (EPC Article 133(1)). Natural and legal persons not having either a residence or their principal place of business within the territory of one of the EPC contracting states must be represented by a professional representative and act through him in all proceedings established by the EPC (see the Summary, “Who can act as agent?”). In case of failure to appoint the required professional representative, the applicant will be invited by the EPO to do so within two months. If the deficiency is not corrected in due time, the application is refused. Nevertheless, the applicant may act on his own behalf within the 31-month time limit applicable under PCT Articles 22(3) and 39(1)(b) and EPC Rule 159(1). Under no circumstances, however, may the applicant act through his agent appointed during the international phase if the latter is not an agent entitled to practice before the EPO. Payments can be made by anybody. A power of attorney (“Authorisation” or “General Authorisation”, see samples given in Annexes EP.IV and EP.V, respectively), generally, need not be filed by an agent who is a professional representative entered on the list maintained by the EPO. It is, however, necessary that he informs the EPO of his appointment. This applies even if the professional representative was appointed for the international phase, unless he was at the same time also explicitly appointed for the European phase before the EPO acting as Receiving Office. Legal practitioners entitled to practice before the EPO and employees representing an applicant under EPC Article 133(3) who are not professional representatives must always file a signed authorization or a reference to a general authorization already on file (for details, see the Decision of the President of the EPO dated 12 July 2007 on the filing of authorizations, OJ EPO 2007, Special edition No. 3, 128 *et seq.*). Only where the EPO acted as receiving Office and the authorization expressly empowered the legal practitioner or employee to act before the EPO in the national phase, is a new authorization not required. In the cases where a power of attorney is required, the EPO will invite the applicant or agent to file it within a period to be specified. If the authorization is not filed in due time, any procedural steps taken by the agent will be deemed not to have been taken.

EPC Art. 86(1)  
and (2)  
EPC Rules 51  
159(1)(g)  
RFees Art. 2 No. 4, 5  
Euro-PCT Guide, 5.11.001  
*et seq.*  
OJ EPO 2018, A2

**EP.11 RENEWAL FEES.** They are payable for the third and each subsequent year following the international filing date. Payment must be made before the expiration of the month containing the anniversary of the international filing date. Payment can then still be made, together with a 50% surcharge for late payment, before the expiration of the sixth month after the month containing the anniversary of the international filing date. It is to be noted that a renewal fee which is due within the 31-month time limit applicable under PCT Articles 22(3) and 39(1)(b) can be paid without surcharge up to the expiration of the 31-month time limit. The renewal fee can still validly be paid within six months after the expiration of the 31-month time limit, subject to the payment of the 50% surcharge. If the renewal fee is not paid within the six-month period, the application is deemed to be withdrawn. The failure to meet the time limit for paying the renewal fee with surcharge may be remedied by filing a request for re-establishment of rights (EPC Article 122, EPC Rule 136). The amounts of the renewal fees are indicated in Annex EP.I. For the calculation of aggregate time limits, see OJ EPO 1993, 229, point II-3. The renewal fee in respect of the third year may not be validly paid more than six months before it falls due. All other renewal fees may not be validly paid more than three months before they fall due.

EPC Art. 94  
Euro-PCT Guide, 5.10.001-  
5.10.003

**EP.12 REQUEST FOR EXAMINATION.** A European patent will be granted only if the substantive examination of the application shows it to meet the requirements of the EPC. Examination will only start upon explicit request. The request may be made by using the form referred to in paragraph EP.01 (see pre-crossed box 4.1 of EPO Form 1200, Annex EP.II). The request for examination is not deemed to be filed until after the examination fee has been paid.

EPC Rules 70(1)  
159(1)(f)  
160(1)  
Euro-PCT Guide, 5.10.004-  
5.10.007  
and  
5.10.011  
*et seq.*

**EP.13 TIME LIMIT FOR REQUESTING EXAMINATION.** Examination must be requested within six months from the publication by the International Bureau of the international search report or before the expiration of the time limit applicable under PCT Articles 22(3) and 39(1)(b) and EPC Rule 159(1) (31 months from the filing date or, if priority has been claimed, from the earliest priority date), whichever time limit expires later. If the request for examination is not filed or the examination fee (see paragraph EP.14) not paid in

due time, the Euro-PCT application is deemed to be withdrawn.

EPC Art. 94(1)  
RFees Art. 14(2)  
OJ EPO 2018, A4

**EP.14 FEE FOR EXAMINATION.** The request for examination is only effective if the examination fee has been paid. That fee must therefore be paid within the time limits set out in paragraph EP.13. The amount of the said fee is indicated in Annex EP.I.

Euro-PCT Guide, 5.10.009

(i) It is reduced by 75% where an international preliminary report on patentability (Chapter II) has been established by the EPO. If the report was established on certain parts of the international application, the reduction is allowed only if examination is to be performed on subject matter covered by the report.

EPC Art. 14(2)  
EPC Rule 6(3)-(6)  
RFees Art. 14(1)  
Euro-PCT Guide, 5.10.008  
OJ EPO 2014, A4, A23

(ii) Furthermore, a 30% reduction in the examination fee is available to SMEs, natural persons, non-profit organizations, universities or public research organizations having their residence or principal place of business in a EPC contracting state with an official language other than English, French or German if they file the request for examination in an official language of that state (“admissible non-EPO language”) and declare themselves to be entitled to do so (EPC Rule 6(6)). Since the request for examination is only effective if the examination fee has been paid, the request for examination in an admissible non-EPO language may still be filed up until the examination fee is paid. If the request for examination in an admissible non-EPO language is filed subsequently, it must be accompanied by a translation of the request for examination in the procedural language. (See Annex EP.II, EPO Form 1200, page 2, box 4).

RFees Art. 11  
Euro-PCT Guide, 5.10.010  
OJ EPO 2013, 153

(iii) If the conditions for both reductions are fulfilled, the examination fee is first reduced by 75%. The 30% reduction is applied to the resulting total and not to the full fee. Therefore, the total reduction in relation to the full fee is 82.50%.

RFees Art. 11(a), (b)  
Euro-PCT Guide, 5.9.014-  
5.9.015  
OJ EPO 2016, A48, A49

The examination fee is refunded in full if the application is withdrawn, refused or deemed to be withdrawn before substantive examination has begun. Fifty percent of the examination fee is refunded if the application is withdrawn, refused or deemed to be withdrawn after the examining division has begun but before expiry of the time limit for replying to the first invitation under Article 94(3) EPC issued by the examining division, or if no such invitation has been issued, before the date of the communication under Rule 71(3) EPC.

EPC Art. 121  
EPC Rules 135  
160  
Euro-PCT Guide, 5.19

**EP.15 CONSEQUENCES OF NON-FULFILMENT OF CERTAIN REQUIREMENTS.** EPC Rule 160 provides that if either the translation of the international application or the request for examination is not filed in due time or if the filing fee, including any additional fee for pages exceeding 35, the search fee, the examination fee or the designation fee is not paid in due time, the European patent application is deemed withdrawn. In these circumstances, the applicant will be informed of the deemed withdrawal and EPC Rule 112(2) shall apply. However, the loss of rights shall be deemed not to have occurred if, within two months of the EPO notification, further processing is requested by payment of the respective fee(s) for further processing and the omitted act is completed.

If the applicant neither filed the request for examination nor paid the examination fee in due time, further processing must be requested in respect of both omissions, i.e. in respect of filing the request for examination and payment of the examination fee. It follows that the applicant must file the request for examination and pay the examination fee together with two fees for further processing: a flat fee for further processing in respect of the request for examination and 50% of the examination fee.

EPC Art. 153(7)  
EPC Rules 70(2)  
70a(2)  
161  
Euro-PCT Guide, 5.9.001  
et seq.

**EP.16a SUPPLEMENTARY EUROPEAN SEARCH.** As a rule, a supplementary European search must be performed for each international application entering the European phase and a search fee must be paid.

The supplementary European search will be based on the last set of (amended) claims available to the EPO on the date of expiry of the time limit set under EPC Rule 161(2). Thus, any amendment to the claims which has been filed up to that date will be taken into account (see paragraph EP.18).

OJ EPO 2015, A94

Where the request for examination was filed before transmittal of the supplementary European search report, which is usually the case, the EPO invites the applicant, after transmittal of the supplementary European search report, to indicate whether he wishes to proceed further with the application before the EPO. The applicant may waive the right to receive such communication by informing the EPO thereof in due time.

– If the applicant does not wish to proceed further, he may withdraw the application

or he may simply refrain from answering the invitation within the time limit fixed in it and the application is deemed to be withdrawn. If the applicant wishes to proceed further, he must notify the EPO accordingly. He may, at the same time, respond to the supplementary European search report by filing amendments and/or comments on his application. The applicant is required to reply to a search opinion within the time limit set by the EPO in its communication under EPC Rule 70a(2) if the EPO has issued a negative written opinion (see Guidelines for Examination in the EPO, B-XI, 8 and EP.18).

No supplementary European search performed:

Euro-PCT Guide, 5.9.007 *et seq.* Dispensation applies and no search fee is to be paid if the international search report (or supplementary international search report)<sup>1</sup> was established by the EPO. In this case the applicant will be invited to comment on the written opinion of the ISA or on the IPRP (Chapter II), or on the supplementary international search report and to correct, if appropriate, any deficiencies noted therein and to amend the application within six months<sup>2</sup> from notification of the invitation (EPC Rule 161(1)); see Guidelines for Examination in the EPO, E-IX, 3.2 for more details.

Euro-PCT Guide, 5.9.016-5.9.017 EP.16b **SEARCH FEE.** If a supplementary European search report is to be established, the search fee must be paid within the 31-month time limit, and may be reduced as follows:

OJ EPO 2022, A2 by EUR 1,185 where the international search report was drawn up by the Austrian Patent Office, the Finnish Patent and Registration Office, the Nordic Patent Institute, the Spanish Patent and Trademark Office, the Swedish Intellectual Property Office (PRV), the Turkish Patent and Trademark Office (Turkpatent) or the Visegrad Patent Institute. This reduction also applies when a supplementary international search was established by the Austrian Patent Office, the Finnish Patent and Registration Office, the Nordic Patent Institute, the Swedish Intellectual Property Office (PRV), the Turkish Patent and Trademark Office (Turkpatent) or the Visegrad Patent Institute.

OJ EPO 2019, A4  
Euro-PCT Guide, 5.9.018 If the application claims the priority of an earlier application for which a search was carried out by the EPO, (a part of) the fee paid for the supplementary European search may be refunded. The level of any refund depends on the type of the earlier search and the extent to which the EPO benefits from the earlier search report when carrying out the supplementary search.

EPC Rules 30  
163(3)  
Euro-PCT Guide, 5.6.006 *et seq.*  
OJ EPO 11/2013, 542 EP.17 **NUCLEOTIDE AND AMINO ACID SEQUENCES.** If a Standard-compliant sequence listing in TXT format is contained in the international application under PCT Rule 5.2, furnished to the EPO acting as ISA/SISA or IPEA under PCT Rule 13<sup>ter</sup>.1(a) or made accessible to the EPO by other means, the applicant does not have to submit the Standard-compliant sequence listing again in TXT format on entry into the regional phase before the EPO as designated or elected Office.

Where, however, a Standard-compliant sequence listing in TXT format is not available to the EPO on the expiry of the period under Rule 159(1) EPC, the applicant will be invited to file a Standard-compliant sequence listing in TXT format within a non-extendable period of two months from the invitation and to pay the late furnishing fee. Furthermore, the applicant must enclose, together with the late filed sequence listing in TXT format, a declaration to the effect that the sequence listing does not extend beyond the content of the application as originally filed (see EPO Form 1200, Section 9.2). The filing of the sequence listing on paper / in PDF format is not required. However, if the sequence listing is also filed on paper / in PDF format, the applicant has to submit a statement that the sequence listing in electronic form and on paper or in PDF format are identical. EPC Rule 30(2) and (3) and Article 1 of the Decision of the President of the European Patent Office dated 28 April 2011 on the filing of sequence listings (OJ EPO 6/2011, 372) are to be applied accordingly (see EPC Rule 163(3) in conjunction with Article 5 of the above-mentioned decision of the President).

If any deficiencies are not remedied in due time after such an invitation – this also applies to the payment of the late furnishing fee – the application will be refused (EPC Rule 30(3)). The applicant may request further processing of the application under EPC Article 121 EPC. For international and European patent applications filed on or after 1 July 2022, the applicable sequence listing standard is WIPO Standard ST.26 (see Decision of the President of the EPO

<sup>1</sup> Applicable as from 1 July 2010 (see OJ EPO 12/2009, 594).

<sup>2</sup> Applicable as from 1 May 2011 (see OJ EPO 12/2010, 634).

dated 9 December 2021 on the filing of sequence listings, OJ EPO 2021, A96 and the corresponding notice, OJ EPO 2021, A97).

EPC Rule 161(1), (2)  
OJ EPO 2010, 634  
Euro-PCT Guide, 5.4.011  
*et seq.*

**EP.18 AMENDMENT OF THE APPLICATION; TIME LIMITS.** For the purpose of the procedure before the EPO as designated/elected Office the applicant may always file (voluntary) amendments within the 31-month time limit, and if he subsequently changes his mind he may file (further) amendments until expiry of the time limit set in the combined communication under EPC Rules 161 and 162. The applicant may also be required to file (mandatory) amendments to and/or comments on the application within the time limit set in the communication under EPC Rules 161 and 162. Whether or not a response is mandatory is clearly stated in the communication, its wording thus differing depending on the case (EPO Forms 1226AA, 1226BB or 1226CC).

The communication under EPC Rules 161 and 162 is issued for each application promptly once the application has entered the European phase and on condition that the ISR is available to the EPO. This means that it is also issued if the applicant has already filed, with Form 1200 or thereafter, amendments and/or comments to form the basis for the procedure in the European phase. Pursuant to EPC Rules 161 and 162 the time limit set in the communication is six months. This time limit cannot be extended.

OJ EPO 2015, A94

In order to accelerate the grant procedure the applicant can waive his right to the Rule 161/162 communication by crossing the box in Section 12.2, first checkbox, of EPO Form 1200. The waiver will only be effective if any claims fees due for the set of claims indicated as the basis for the procedure in the European phase have been paid and any mandatory substantive response to the WO-ISA / the IPRP (Chapter II) / the SISR, established by the EPO, was filed on entry into the European phase.

EPC Rule 70a(2)  
70a(3)  
137(3)

After expiry of the six-month time limit further possibilities for amending the application are limited. If no supplementary European search is carried out, it is at the discretion of the examining division to allow amendments. If a supplementary European search is carried out, the applicant always has one further opportunity to submit amendments upon receipt of the report. Thus, after issuance of the supplementary European search report the applicant may, first of all, comment on both the report and the search opinion and file (voluntary) amendments to the description, claims and drawings within the period specified in the communication under EPC Rule 70a(2) for indicating whether he wishes to proceed further with the application. Secondly, if any deficiencies are noted in the search opinion, the applicant will be required under EPC Rule 70a(2) to respond to the objections made. The application will be deemed withdrawn if the applicant does not submit a substantive reply to the communication under EPC Rule 70a(2) ("mandatory response"). The loss of rights can be remedied by requesting further processing. Amendments made thereafter require the consent of the examining division.

EPC Art. 123(2)

Amendments may under no circumstances go beyond the disclosure in the international application as filed.

EPC Rule 137(4)

Whenever amendments are filed, the applicant must identify them and indicate their basis in the application as filed. If he fails to do so, the examining division may issue a communication requesting correction of the omission within a non-extendable time limit of one month. If the deficiency is not remedied in due time, the application will be deemed withdrawn under EPC Article 94(4). The loss of rights can be remedied by requesting further processing.

EPC Art. 97(1)  
EPC Rule 71(3)-(6)

**EP.19 GRANTING OF THE EUROPEAN PATENT.** Prior to the decision to grant the European patent, the applicant will receive a communication containing both the text in which the Examining Division intends to grant the European patent and an invitation to pay the grant and printing fees and to supply a translation of the claims in the two other official languages of the EPO. Performance of these acts implies approval of the text.<sup>3</sup> If applicable, the communication will also include an invitation to pay additional claims fees.

EPC Rule 71(3)

**EP.20 FEE FOR GRANT, INCLUDING FEE FOR PUBLISHING AND CLAIMS FEE.** The amounts of the fees are indicated in Annex EP.I. They must be paid within four months from the communication pursuant to EPC Rule 71(3) referred to in paragraph EP.19.

EPC Rule 71(3)

**EP.21 TRANSLATION OF CLAIMS.** Within the same period, the claims must be

<sup>3</sup> For information concerning amended Rule 71 and new Rule 71a EPC, see the Notice from the European Patent Office dated 13 December 2011, OJ EPO 2/2012, 52.

translated into the two official languages of the EPO which are not the language of proceedings (see paragraphs EP.02 and EP.19).

PCT Art. 23(2)  
40(2)  
EPC Rule 159(1)  
Euro-PCT Guide, 5.1.022  
*et seq.*

**EP.22 EARLY PROCESSING OF NATIONAL PHASE.** If the applicant wishes the processing and the examination of his application to start earlier than the expiration of the time limit applicable under PCT Article 22(3) or 39(1)(b), he must file an express request for early processing. The request can be made by ticking the checkbox in section 12.1 of EPO Form 1200. Moreover, the applicant must fulfill the requirements for entry into the European phase as if the 31-month time limit provided for in EPC Rule 159(1) expired on the date he requests early processing (see OJ EPO No. 3/2013, 156 *et seq.*).

PCT Art. 25  
PCT Rule 51  
82bis  
EPC Rule 159(2)  
Euro-PCT Guide, 5.14.002-  
5.14.003

**EP.23 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. At the request of the applicant, the EPO may review whether a refusal by the receiving Office to accord a filing date, or a declaration on the part of the receiving Office that a Euro-PCT application or the designation of a state is considered withdrawn, or a finding by the International Bureau under PCT Article 12(3) is the result of an error or omission on the part of the authority concerned, in which case the Euro-PCT application can proceed as a European application.

To obtain such a review by the EPO as designated/elected Office, applicants must, within the two-month time limit under PCT Rule 51.1, request the International Bureau under PCT Article 25(1) to send copies of documents in the files promptly to the EPO as designated Office. Furthermore, the filing fee under EPC Rule 159(1)(c) must be paid and, where required, a translation of the Euro-PCT application furnished within the same two-month time limit (PCT Rule 51.3).

Applicants are recommended to undertake the remaining steps for entry into the European phase under EPC Rule 159(1) at the same time.

EPC Art. 106  
108

If, upon review under PCT Article 25, the EPO denies an error or omission on the part of the receiving Office or the International Bureau, a notice of appeal against this decision may be lodged within two months from the date of receipt of the decision. Within the same two-month time limit, a fee for appeal must be paid (for the amount, see Annex EP.I). Within four months from the date of receipt of the decision, grounds substantiating the notice of appeal must be filed. The Board of Appeal will then decide on the appeal.

PCT Art. 24(2)  
48(2)  
PCT Rule 82bis  
Euro-PCT Guide, 5.14.004  
PCT Rule 82bis.2  
EPC Art. 121  
EPC Rule 135

**EP.24 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.028 of the National Phase and to paragraph EP.15.

**EP.25 FURTHER PROCESSING.** Further processing of the application may be requested where the applicant has missed a time limit during the international or the national phase in respect of which further processing is not ruled out under Rule 135(2). If the request is granted, this has the effect that the legal consequence of the failure to observe the time limit is deemed not to have ensued. It must be made by completing the omitted act(s), as applicable, and payment of the fee(s) for further processing, the amount of which is indicated in Annex EP.I, within two months of the notification of the noting of loss of rights (EPC Rule 112(1)). The fee for further processing varies depending on whether the loss of rights occurred due to an omitted act (flat rate fee) or the late payment of a fee (50% of that fee). In some cases, both fees for further processing have to be paid, e.g. if further processing is requested for the late filing of the request for examination and the late payment of the examination fee (see paragraph EP.15).

PCT Rule 82bis.2  
EPC Art. 122  
EPC Rule 136

**EP.26 RE-ESTABLISHMENT OF RIGHTS.** Re-establishment of rights may be requested where the applicant lost any right because, in spite of all due care required by the circumstances having been taken, he was unable to observe a time limit during the international or the national phase. An application for re-establishment must be filed in writing within two months from the removal of the cause of non-compliance with the time limit(s) but not later than one year from the expiration of the time limit(s) which have not been observed. Within the said two months, the omitted act(s) must be completed, the respective fee(s) for re-establishment of rights (see Annex EP.I) must be paid and the request must state the grounds on which it is based and must set out the facts on which it relies. However, re-establishment of rights is ruled out in respect of any period for which further processing under EPC Article 121 is available. See Guidelines for Examination in the EPO, E-IX, 3 for more details.

EPC Rule 53(2)

**EP.27 PRIORITY DOCUMENTS.** Where the priority of an earlier application is claimed

OJ EPO 2021, A83  
OJ EPO 2019, A27  
Euro-PCT Guide, 5.13

for a Euro-PCT application, the priority document is sent by the International Bureau to the EPO, if the International Bureau received the priority document from the receiving Office or directly from the applicant or was able to retrieve it from a digital library. The EPO will, at the request of the applicant, include free of charge in the file of the European patent application a copy of the previous application from which priority is claimed, if it can be retrieved via the WIPO Digital Access Service (DAS), using the indicated DAS access code. Where for any reason the priority document has not been submitted by the time of entry into the national phase, the applicant will be invited to furnish the missing document(s) within two months from the date of a notification under EPC Rule 163(2). This time limit cannot be extended. If the priority document or the application number is not submitted within that time limit, the priority right is lost. The loss of rights may be remedied by requesting further processing.

EPC Rule 163(2)  
OJ EPO 2018, A93  
OJ EPO 2021, A42  
OJ EPO 2021, A84

A priority document may be filed in electronic form with the EPO only if it is digitally signed by the issuing authority and the signature is accepted by the EPO. A priority document cannot be filed by fax or Web-Form Filing.

No obligation to furnish the priority document:

The EPO as designated/elected Office will include a copy of the priority document free of charge in the file of a Euro-PCT application even without having received a copy from the International Bureau if the priority application is:

- a European patent application;
- an international application filed with the EPO as receiving Office.

For Euro-PCT applications having entered the European phase before 1 January 2022, the EPO will also include, free of charge, a copy of the priority document if the priority application is a patent or utility model application filed with the USPTO, KIPO or CNIPA.

For Euro-PCT applications entering the European phase on or after 1 January 2022, the EPO will discontinue to include US, Korean or Chinese priority documents in the file of the Euro-PCT application due to termination of the respective Agreements for the electronic exchange of priority documents (PDX). If for these cases the priority document is still missing on entry of the European phase, the applicant will be notified thereof and may submit the US, Korean or Chinese priority document via DAS or by filing the certified copy under Rule 53(1) EPC.

EPC Rule 53(3)  
OJ EPO 2013, 150  
Euro-PCT Guide, 5.13.011  
*et seq.*

Where the language of priority documents is not one of the official languages of the EPO (English, French or German) and the validity of the priority claim is relevant to the determination of the patentability of the invention concerned, the applicant is invited to file, within the time limit specified by the EPO, a translation in one of these three languages or a declaration that the international application is a complete translation of the priority application. Failure to comply with this invitation will result in the loss of the right of the relevant priority. For further information see Guidelines for Examination in the EPO, A-III, 6.8.

PCT Rule 49ter.1  
and .2  
EPC Art. 122  
OJ EPO 2007, 692  
Euro-PCT Guide, 5.13.017  
*et seq.*

**EP.28 RESTORATION OF PRIORITY.** If the international application was filed more than 12 months from the filing date of the earlier application whose priority is claimed, the applicant may file or resubmit a request for restoration of priority with the EPO as designated/elected Office.

A request for restoration of the right of priority under PCT Rule 49ter.2 may be granted provided the following requirements are met:

- the filing date is within two months from the date on which the priority period expired (PCT Rule 26bis.2(c)(iii));
- the failure to claim the right of priority within the priority period occurred in spite of all due care required by the circumstances having been taken; thus, the requirement of due care is applied by the EPO in accordance with its standing practice under EPC Article 122;
- the request for restoration of priority is filed within one month from the date on which the 31-month time limit for entry into the European phase expired (PCT Rule 49ter.2(b)(i)), or within one month from the receipt of a request for early processing (PCT Articles 23(2) or 40(2));
- the fee for restoration of priority levied by the EPO is duly paid within the same time limit (PCT Rule 49ter.2(b)(iii));
- the request for restoration of priority is accompanied by a statement of reasons for the failure and is preferably accompanied by any declaration or other evidence in support of the

statement of reasons (PCT Rule 49~~ter~~.2(b)(ii)).

EPC Art. 87(1)  
Euro-PCT Guide, 2.14

**EP.29 PROOF OF ENTITLEMENT TO CLAIM PRIORITY.** The applicant claiming the priority from a previous application must be the applicant of the latter or the successor in title to the applicant who filed the previous application. If the previous application was not filed by the applicant and the previous application or the priority right was transferred to him, the transfer (of the previous application or of the priority right) must have taken place before the filing date of the international application and must be a transfer valid under the applicable national law.

Euro-PCT Guide, 2.14

If the previous application was filed by several applicants, all the applicants for the previous application must be applicants for the international application or have transferred their rights to the applicant, or (at least) one of the applicants, of the international application. It is not sufficient if only one of several applicants of the previous application is named as applicant for the international application.

Proof of entitlement to claim the priority of an earlier application must be submitted in the proceedings before the EPO (only) if the validity of the priority right claimed becomes relevant. However, in order to enjoy in proceedings before the EPO a priority right as successor in title a transfer of the previous application or of the priority right must have taken place before the filing date of the international application. Any deficiencies cannot be remedied in the national phase before the EPO. Thus, applicants claiming the priority of a previous application and planning to enter the national phase before the EPO are strongly advised to ensure that on the international filing date all applicants of the previous application are either designated as applicants for the international application or have validly transferred their rights to the applicant, or (at least) one of the applicants, of the international application.

EPC Art. 82  
EPC Rule 164  
OJ EPO 2014, A70  
Euro-PCT Guide, 5.15

**EP.30 LACK OF UNITY.** If upon expiry of the time limit set in the communication under EPC Rules 161 and 162 for filing amendments, the documents that serve as the basis for the supplementary European search or for examination contain claims relating to an invention that was not searched by the EPO, and the application documents do not meet the requirement of unity of invention, the procedure under EPC Rule 164 applies (see OJ EPO 2014, A70).

The EPO did not act as (S)ISA:

- In this case the EPO draws up a partial supplementary European search report on those parts of the application which relate to the invention first mentioned in the claims and informs the applicant that, for the supplementary European search report to cover the other inventions, a further search fee must be paid in respect of each invention involved, within two months.

The EPO acted as (S)ISA:

- Where the supplementary European search report is dispensed with (see EP.16a) and the examining division considers that in the application documents which are to serve as the basis for examination an invention is claimed which was not searched by the EPO as (S)ISA, the examining division shall inform the applicant that a search will be performed in respect of any such invention for which a search fee is paid within a period of two months.

PCT Rule 20.5~~bis~~(d)  
20.8(b-~~bis~~)  
OJ EPO 2020, A81

**EP.31 INCORPORATION BY REFERENCE OF CORRECT ELEMENTS OR PARTS UNDER PCT RULE 20.5~~bis~~(d).** In the international phase, under PCT Rule 20.5~~bis~~(d), it is possible to incorporate by reference correct elements or parts into the application as originally filed without changing the international filing date, provided the requirements of PCT Rule 20.5~~bis~~(d) are fulfilled. However, where the receiving Office has allowed the incorporation of correct elements or parts, such incorporation will not be effective before the EPO as designated or elected Office due to the incompatibility of PCT Rule 20.5~~bis~~(d) with the EPC (see “International Phase”, paragraph 6.027).

In such cases, applicants may inform the EPO within the 31-month time limit under EPC Rule 159(1), or at the latest before a corresponding communication is issued, on the basis of which documents they wish to pursue the Euro-PCT application:

- a) on documents containing the correct elements or parts and with the filing date changed to the date of receipt of those elements or parts, or

- b) on the documents as originally filed and based on the initial filing date. In such case, the correct elements or parts incorporated by reference are disregarded.

If no such information is present on entry into the European phase, the EPO will send a

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communication under PCT Rule 20.8(c) and Rule 82~~ter~~.1(c) and (d) to clarify the situation for the proceedings before the EPO as designated or elected Office.

## FEES

### (Currency: Euro)<sup>1</sup>

Filing fee: <sup>2</sup>	
– for online filings	130
– for non-online filings	270
Additional fee for pages in excess of 35, for the 36 <sup>th</sup> and each subsequent page	16
Additional fee in the case of a divisional application filed in respect of any earlier application which is itself a divisional application	
– fee for a divisional application of second generation	225
– fee for a divisional application of third generation	455
– fee for a divisional application of fourth generation	680
– fee for a divisional application of fifth or any subsequent generation	910
Designation fee for one or more EPO Contracting States designated.	630
Extension fee for each extension State (extension of the European patent to certain States which are not EPO Contracting States—see Summary)	102
Fee for validation of the European patent in:	
– Cambodia: <sup>3</sup>	180
– Morocco: <sup>4</sup>	240
– Republic of Moldova: <sup>5</sup>	200
– Tunisia: <sup>6</sup>	180
Claims fee:	
– for the 16 <sup>th</sup> and each subsequent claim up to the limit of 50	250
– for the 51 <sup>th</sup> and each subsequent claim	630
Search fee in respect of a European or supplementary European search:	
– for international applications filed before 1 July 2005	950
– for international applications filed on or after 1 July 2005	1,390
Fee for further processing:	
– in the event of late payment of a fee	50% of the relevant fee
– in the event of late performance of the acts under Rule 71(3) EPC	275
– other cases	275
Fee for late furnishing of a sequence listing.	245
Examination fee:	
– for international applications filed before 1 July 2005	1,955
– for international applications filed on or after 1 July 2005 for which no supplementary European search report is drawn up	1,955
– for all other international applications filed on or after 1 July 2005	1,750
Renewal fees for European patent applications: <sup>7</sup>	
– for the 3 <sup>rd</sup> year counted from the international filing date	505
– for the 4 <sup>th</sup> year counted from the international filing date	630
– for the 5 <sup>th</sup> year counted from the international filing date	880
– for the 6 <sup>th</sup> year counted from the international filing date	1,125
– for the 7 <sup>th</sup> year counted from the international filing date	1,245

<sup>1</sup> This list is based on the Schedule of fees and expenses of the European Patent Office. For the currently valid version of this Schedule reference is made to the Guidance for the payment of fees and expenses, in the latest issue of the OJ EPO on to the EPO's website.

<sup>2</sup> See the Decision of the EPO's Administrative Council dated 15 December 2021 (CA/D 13/21), OJ EPO 2022, A2.

<sup>3</sup> Validation of the European patent in Cambodia is only available for international applications filed on or after 1 March 2018.

<sup>4</sup> Validation of the European patent in Morocco is only available for international applications filed on or after 1 March 2015.

<sup>5</sup> Validation of the European patent in the Republic of Moldova is only available for international applications filed on or after 1 November 2015.

<sup>6</sup> Validation of the European patent in Tunisia is only available for international applications filed on or after 1 December 2017.

<sup>7</sup> The obligation to pay renewal fees to the EPO ceases with the payment of the renewal fee due in respect of the year during which the grant of the European patent has been published in the *European Patent Bulletin*.

– for the 8 <sup>th</sup> year counted from the international filing date . . . . .	1,370
– for the 9 <sup>th</sup> year counted from the international filing date . . . . .	1,495
– for the 10 <sup>th</sup> and each subsequent year counted from the international filing date . . . . .	1,690
Additional fee for late payment of a renewal fee . . . . .	50% of the relevant fee
Fee for grant, <sup>8,9</sup> including fee for printing the European patent specification:	
– where the application documents to be printed comprise not more than 35 pages . . . . .	990
– where the application documents to be printed comprise more than 35 pages . . . . .	990
– plus for the 36 <sup>th</sup> and each subsequent page . . . . .	16
Fee for grant, <sup>9,10</sup> including fee for publication of the European patent specification . . . . .	990
Fee for reestablishment of rights/fee for requesting restoration/fee for reinstatement of rights . . . .	685
Fee for appeal <sup>11</sup> for an appeal filed:	
– by a natural person or an entity referred to in Rule 6, paragraphs 4 and 5 . . . . .	2,015
– by any other entity . . . . .	2,785

## Extract from the Rules Relating to Fees

### Article 5

#### *Payment of fees*

- (1) The fees due to the Office shall be paid in euro by payment or transfer to a bank account held by the Office.
- (2) The President of the Office may allow other methods of paying fees than those set out in paragraph 1.

### Article 6

#### *Particulars concerning payments*

- (1) Every payment must indicate the name of the person making the payment and must contain the necessary particulars to enable the Office to establish immediately the purpose of the payment.
- (2) If the purpose of the payment cannot immediately be established, the Office shall require the person making the payment to notify it in writing of this purpose within such period as it may specify. If he does not comply with this request in due time the payment shall be considered not to have been made.

### Article 7

#### *Date to be considered as the date on which payment is made*

- (1) The date on which any payment shall be considered to have been made to the Office shall be the date on which the amount of the payment or of the transfer is actually entered in a bank account held by the Office.
- (2) Where the President of the Office allows, in accordance with the provisions of Article 5, paragraph 2, other methods of paying fees than those set out in Article 5, paragraph 1, he shall also lay down the date on which such payments shall be considered to have been made.
- (3) Where, under the provisions of paragraphs 1 and 2, payment of a fee is not considered to have been made until after the expiry of the period in which it should have been made, it shall be considered that this period has been observed if evidence is provided to the Office that the person who made the payments fulfilled one of the following conditions in a Contracting State within the period within which the payment should have been made:
  - (i) he effected the payment through a banking establishment;
  - (ii) he duly gave an order to a banking establishment to transfer the amount of the payment
- (4) The Office may request the person who made the payment to produce evidence as to the date on which a condition according to paragraph 3 was fulfilled within a period to be specified by it. If he fails to comply with this request or if the evidence is insufficient, the period for payment shall be considered not to have been observed.

<sup>8</sup> Applicable to international applications entering the regional phase before 1 April 2009.

<sup>9</sup> See footnote 2.

<sup>10</sup> Applicable to international applications entering the regional phase on or after 1 April 2009.

<sup>11</sup> See OJ EPO 2018, A4 and A5.

**Article 8***Insufficiency of the amount paid*

A time limit for payment shall in principle be deemed to have been observed only if the full amount of the fee has been paid in due time. If the fee is not paid in full, the amount which has been paid shall be refunded after the period for payment has expired. The Office may, however, in so far as this is possible within the time remaining before the end of the period, give the person making the payment the opportunity to pay the amount lacking. It may also, where this is considered justified, overlook any small amounts lacking without prejudice to the rights of the person making the payment.

**Article 9***Refund of search fees*

- (1) The search fee paid for a European or supplementary European search shall be fully refunded if the European patent application is withdrawn or refused or deemed to be withdrawn at a time when the Office has not yet begun to draw up the search report.
- (2) Where the European search report is based on an earlier search report prepared by the Office on an application whose priority is claimed or an earlier application within the meaning of Article 76 of the Convention or of Rule 17 of the Convention, the Office shall refund to the applicant, in accordance with a decision of its President, an amount which shall depend on the type of earlier search and the extent to which the Office benefits from the earlier search report when carrying out the subsequent search.

**Article 11***Refund of examination fee*

The examination fee shall be refunded:

- (a) in full if the European patent application is withdrawn, refused or deemed to be withdrawn before substantive examination has begun;
- (b) at a rate of 50% if the European patent application is withdrawn after substantive examination has begun and before expiry of the time limit for replying to the first invitation under Article 94, paragraph 3, of the Convention issued by the Examining Division proper or, if no such invitation has been issued by the Examining Division, before the date of the communication under Rule 71, paragraph 3, of the Convention.

**Article 14***Reduction of fees*

- (1) The reduction laid down in Rule 6, paragraph 3, of the Convention shall be 30% of the filing fee or examination fee.
- (2) Where the European Patent Office has drawn up an international preliminary examination report, the examination fee shall be reduced by 75%. If the report was established on certain parts of the international application in accordance with Article 34, paragraph 3(c), PCT, the fee shall not be reduced if subject-matter not covered by the report is to be examined.

## **Extract from the Arrangement for deposit accounts which may be used for the settlement of fees or the cost of publications and other services payable to the EPO<sup>12</sup>**

**1. General provisions**

Under Articles 5(2) and 7(2) of its Rules relating to Fees (RFees), the EPO makes available, for any interested natural or legal person (or bodies equivalent to a legal person under the law applicable to them), deposit accounts for paying fees to the EPO. Deposit accounts are kept in euro only, at EPO headquarters in Munich.

**2. Formalities for opening and closing an account**

2.1 A deposit account may be opened at the request of the prospective account holder. He must provide all the necessary particulars about his person, occupation and address. This is done by completing and submitting the online request form on the EPO website under **Applying for a patent -> Fees -> Fee payments and refunds**. If his contact details change, the account holder must inform the EPO accordingly, also using the online request form.

2.2 A deposit account may be closed at the signed written request of the deposit account holder or his successors in title, filed by email attachment sent to support@epo.org, or by completing and submitting the online form available on the EPO website under **Applying for a patent -> Fees -> Fee payments and refunds** together with the

<sup>12</sup> Arrangements for deposit accounts (ADA) and their annexes (valid as from 1 October 2019): See Supplementary publication 4, OJ EPO 2019.

signed written request. From the request it must be evident that the requester and the deposit account holder are the same person.

Successors in title must provide the EPO with documentary proof of their entitlement.

2.5 A deposit account can be reopened at the request of the original account holder, made by selecting the appropriate option in the online request form referred to in point 2.1.

### **3. Replenishments, repayments of deposit account balances and transfers between deposit accounts**

3.1 Once the deposit account has been opened, its number is communicated to the holder, who must then make an initial payment commensurate with his requirements and the intended frequency of replenishment, so as to ensure that there are sufficient funds in the account.

3.2 Payments to replenish deposit accounts must be made into the EPO's bank account.<sup>13</sup> The payment must include the following information in the reference field of the bank transfer: "replenishment" (or "repl" for short) or "deposit", followed by the eight-digit number (starting with 28) of the EPO deposit account concerned.<sup>14</sup> Replenishments are credited to the deposit account on the date on which the payment is actually entered in the EPO bank account.

### **5. Debiting the account**

Subject to point 9, deposit accounts may be debited only in respect of fees payable to the EPO in connection with European and PCT proceedings.

#### **5.1. Types of debit orders and accepted means of filing**

5.1.1 Debiting occurs only on the basis of an electronic debit order signed by the account holder or the authorised representative. The signature may take the form of a text string signature, a facsimile signature, an enhanced electronic signature, or authentication with smart card if payment is made via Online Fee Payment or Central Fee Payment in Online services.

The debit order may be:

- a debit order for individual fees for one or more applications, i.e. a single or a batch debit order, or
- an automatic debit order<sup>15</sup> for a specific European or international patent application, authorising the EPO to debit fees automatically as the proceedings progress.

5.1.2 The debit order must be filed in an electronically processable format (XML) via one of the following:

- EPO Online Filing or online filing (CMS) using EPO Forms 1001E, 1200E, 2300E or 1038E, or Online Filing 2.0 using EPO Forms 1001E, 1200E or 1038E;
- EPO Online Filing or PCT-SAFE, CMS, and ePCT using the PCT fee calculation and payment feature or Online Filing 2.0 using the PCT fee calculator and payment feature with Forms PCT/RO/101 and PCT/IPEA/401;
- Online Fee Payment or Central Fee Payment in Online services.

5.1.3 Debit orders submitted in any other way, e.g. on paper, by fax, via the Web-Form Filing service or using a different format such as a PDF attachment or the annotation field in the online forms, are invalid and thus will not be carried out. The EPO will inform the party to the proceedings<sup>16</sup> accordingly as a courtesy service. The legal consequence of filing an invalid debit order is laid down in point 5.4.2.

#### **5.4 Payment date**

5.4.2 If a debit order is submitted via a non-accepted means of filing or in an invalid format, the date of receipt will not be regarded as the payment date. If this means that a time limit for paying a fee has expired, the party to the proceedings<sup>16</sup> may make use of any of the legal remedies available under the EPC or the PCT.

<sup>13</sup> The following account with the Commerzbank in Germany is available for payments and transfers: Nr. 3 338 800 00 (BLZ 700 800 00), IBAN DE20 7008 0000 0333 8800 00, BIC DRESDEFF700, Commerzbank AG, Leopoldstrasse 230, 80807 München, Germany.

<sup>14</sup> E.g. "replenishment 28XXXXXX", "repl 28XXXXXX" or "deposit 28XXXXXX".

<sup>15</sup> See point 7 ADA, the Arrangements for automatic debiting (Annex A.1 in this supplementary publication) and information from the EPO concerning the automatic debiting procedure (Annex A.2, loc. cit.).

<sup>16</sup> A party to the proceedings may be e.g. an applicant, opponent, appellant or, if the party is represented, its international agent or European representative.

### 5.5 Unavailability of the accepted electronic means of filing debit orders

If a payment period expires on a day on which one of the accepted means of filing debit orders under point 5.1.2 is not available at the EPO,<sup>17</sup> the payment period is extended to the first day thereafter on which all such means as are available for the type of application concerned can be accessed again. In the event of a general unavailability of electronic communication services, or if other like reasons within the meaning of Rule 134(5) EPC or Rule 82*quater*.1 PCT arise, payment periods are extended in accordance with these provisions.

## 7. Automatic debiting procedure

Deposit account holders may have their accounts debited automatically on the basis of an automatic debit order. The conditions applicable, and in particular the types of proceedings and fees covered, are laid down in the Arrangements for the automatic debiting procedure (AAD).<sup>18</sup>

## 8. Refund of fees

8.1 Fees will be refunded to any deposit account that the applicant, proprietor or appellant (if applicant or proprietor)<sup>19</sup> indicates in its refund instructions.

8.2 Refund instructions must be filed in an electronically processable format, via one of the following accepted means of filing so EPO Online Filing, CMS, Online Filing 2.0 and ePCT using EPO Forms 1001E, 1200E, 1038E, PCT Form PCT/RO/101, PCT-SFD (eOLF) or PCT/IPEA/401 (eOLF and Online Filing 2.0).

8.3 Refund instructions submitted in any other way, e.g. on paper, by fax, via the Web-Form Filing service or using a different format such as a PDF attachment or the annotation field in the online forms, are invalid and thus will not be processed. The EPO will inform the party concerned accordingly, as a courtesy service. Until valid instructions are filed, the party concerned will be invited to claim any refunds online.<sup>20</sup>

## Extract from the decision of the President of the European Patent Office concerning the payment of fees by credit card<sup>21</sup>

The President of the European Patent Office, having regard to Articles 5(2) and 7(2) of the Rules relating to Fees, has decided as follows:

### Article 1

#### *Credit card as a method of fee payment*

Fees due to the EPO may be paid by credit card under the conditions set forth in the present decision.

### Article 2

#### *Conditions for use*

Payments by credit card must be made in euro via the EPO's credit card fee payment service, using a credit card accepted by the EPO.

### Article 3

#### *Date of payment*

Payment by credit card is deemed to have been made on the date on which the transaction is approved. This date is indicated in the transaction confirmation made available to the payer.

### Article 5

#### *Entry into force*

This decision enters into force on 1 December 2017.

<sup>17</sup> See also notice from the EPO dated 22 October 2020 concerning the procedures and safeguards which apply under the EPC and the PCT in the event of outages of means of electronic filing and other online services (OJ EPO 2020, A120) .

<sup>18</sup> See Annex A.1 in this supplementary publication. See also Annex A.2 in this supplementary publication for information from the EPO concerning the automatic debiting procedure.

<sup>19</sup> If the party is represented, its international agent or European representative.

<sup>20</sup> See notice from the EPO dated 20 August 2019 concerning the revised fee refund procedures (OJ EPO 2019, A82).

<sup>21</sup> Decision of the President dated 22 August 2017 concerning the payment of fees by credit card: OJ EPO 2017, A72 and Notice from the European Patent Office dated 16 February 2022 concerning the payment of fees by credit card (OJ EPO 2022, A18).



**An das Europäische Patentamt  
To the European Patent Office  
A l'Office européen des brevets**

Nur für amtlichen Gebrauch / For official  
use only / Cadre réservé à l'administration

Tag des Eingangs / Date of receipt / Date de réception

**Eintritt in die euro-  
päische Phase (EPA  
als Bestimmungsamt  
oder ausgewähltes Amt)**

**Entry into the  
European phase  
(EPO as designated  
or elected Office)**

**Entrée dans la phase  
européenne (l'OEB  
agissant en qualité  
d'office désigné ou élu)**

Europäische Anmeldenummer oder, falls  
nicht bekannt, PCT-Aktenzeichen oder  
PCT-Veröffentlichungsnummer

European application number or, if  
not known, PCT application or PCT  
publication number

Numéro de la demande de brevet  
européen ou, à défaut, numéro de dépôt  
PCT ou de publication PCT

Zeichen des Anmelders oder Vertreters

Applicant's or representative's reference

Référence du demandeur ou du mandataire

1.

**Anmelder**

**Applicant**

**Demandeur**



Die Angaben über den (die) Anmelder sind  
in der internationalen Veröffentlichung  
enthalten oder vom Internationalen Büro  
nach der internationalen Veröffentlichung  
vermerkt worden.

Indications concerning the applicant(s) are  
contained in the international publication or  
recorded by the International Bureau after  
the international publication.

Les indications concernant le(s) deman-  
deur(s) figurent dans la publication  
internationale ou ont été enregistrées par  
le Bureau international après la publication  
internationale.



Änderungen, die das Internationale Büro  
noch nicht vermerkt hat, sind auf einem  
Zusatzblatt angegeben.

Changes which have not yet been  
recorded by the International Bureau  
are set out on an additional sheet.

Les changements qui n'ont pas encore été  
enregistrés par le Bureau international sont  
indiqués sur une feuille additionnelle.



Fehlende Angaben über den oder die  
Anmelder sind auf einem Zusatzblatt  
angegeben.

Indications missing for the applicant(s)  
are given on an additional sheet.

Les indications manquantes concernant  
un ou plusieurs demandeurs sont men-  
tionnées sur une feuille additionnelle.

**Zustellanschrift**  
(siehe Merkblatt II, 1)

**Address for correspondence**  
(see Notes II, 1)

**Adresse pour la correspondance**  
(voir notice II, 1)

Zeichen des Anmelders / Applicant's  
reference / Référence du demandeur

2.	Vertreter	Representative	Mandataire
	<b>Name und Geschäftsanschrift</b> (Nur einen Vertreter oder den Namen des Zusammenschlusses angeben, der in das Europäische Patentregister einzutragen ist und an den zugestellt wird)	<b>Name and address of place of business</b> (Name <b>only one</b> representative or association of representatives, to be listed in the Register of European Patents and to whom communications are to be notified)	<b>Nom et adresse professionnelle</b> (N'indiquer <b>qu'un seul</b> mandataire ou le nom du groupement de mandataires qui sera inscrit au Registre européen des brevets et auquel les significations seront faites)
	<div style="border: 1px solid black; height: 100px; margin: 10px 0;"></div> <div style="display: flex; justify-content: space-between;"> <span><b>Telefon / Telephone / Téléphone</b></span> <span><b>Fax / Téléfax</b></span> </div>		
	<input type="checkbox"/> Weitere(r) Vertreter auf Zusatzblatt	<input type="checkbox"/> Additional representative(s) on additional sheet	<input type="checkbox"/> Autre(s) mandataire(s) sur feuille supplémentaire
3.	<b>Vollmacht</b>	<b>Authorisation</b>	<b>Pouvoir</b>
	<input type="checkbox"/> Vollmacht ist beigelegt.	<input type="checkbox"/> Authorisation is attached.	<input type="checkbox"/> Un pouvoir est joint.
	<input type="checkbox"/> Allgemeine Vollmacht ist registriert unter Nr.:	<input type="checkbox"/> General authorisation is registered under No.:	<input type="checkbox"/> Un pouvoir général est enregistré sous le n° :
	<div style="border: 1px solid black; height: 20px; margin: 5px 0;"></div>		
	<input type="checkbox"/> Allgemeine Vollmacht ist eingereicht, aber noch nicht registriert.	<input type="checkbox"/> A general authorisation has been filed, but not yet registered.	<input type="checkbox"/> Un pouvoir général a été déposé, mais n'est pas encore enregistré.
	<input type="checkbox"/> Die beim EPA als PCT-Anmeldeamt eingereichte Vollmacht schließt ausdrücklich die europäische Phase ein.	<input type="checkbox"/> The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	<input type="checkbox"/> Le pouvoir déposé à l'OEB agissant en qualité d'office récepteur au titre du PCT inclut expressément la phase européenne.
4.	<b>Prüfungsantrag</b>	<b>Request for examination</b>	<b>Requête en examen</b>
4.1	<input checked="" type="checkbox"/> Hiermit wird die Prüfung der Anmeldung gemäß Artikel 94 EPÜ beantragt. Die Prüfungsgebühr wird (wurde) entrichtet.	<input checked="" type="checkbox"/> Examination of the application under Article 94 EPC is hereby requested. The examination fee is being (has been, will be) paid.	<input checked="" type="checkbox"/> Il est demandé par la présente que soit examinée la demande de brevet conformément à l'article 94 CBE. Il est (a été, sera) procédé au paiement de la taxe d'examen.
	<u>Prüfungsantrag</u> in einer zugelassenen Nichtamtssprache	<u>Request for examination</u> in an admissible non-EPO language	<u>Requête en examen</u> dans une langue non officielle autorisée
	<div style="border: 1px solid black; height: 20px; margin: 5px 0;"></div>		
	<input type="checkbox"/> Der/Jeder Anmelder erklärt hiermit, eine Einheit oder eine natürliche Person nach Regel 6 (4) EPÜ zu sein.	<input type="checkbox"/> The/Each applicant hereby declares that he is an entity or a natural person under Rule 6(4) EPC.	<input type="checkbox"/> Le/Chaque demandeur déclare par la présente être une entité ou une personne physique au sens de la règle 6(4) CBE.
5.	<b>Abschriften</b>	<b>Copies</b>	<b>Copies</b>
	<input type="checkbox"/> Zusätzliche Abschriften der im ergänzenden europäischen Recherchenbericht angeführten Schriftstücke werden beantragt.	<input type="checkbox"/> Additional copies of the documents cited in the supplementary European search report are requested.	<input type="checkbox"/> Prière de fournir des copies supplémentaires des documents cités dans le rapport complémentaire de recherche européenne.
	Anzahl der <b>zusätzlichen</b> Sätze von Abschriften	Number of <b>additional</b> sets of copies	Nombre de jeux <b>supplémentaires</b> de copies
	<div style="border: 1px solid black; height: 20px; margin: 5px 0;"></div>		
	<div style="border: 1px solid black; height: 20px; margin: 5px 0;"></div>		
	Zeichen des Anmelders / Applicant's reference / Référence du demandeur <div style="border: 1px solid black; width: 400px; height: 20px; margin: 5px 0;"></div>		

6.	Für das Verfahren vor dem EPA bestimmte Unterlagen	Documents intended for proceedings before the EPO	Pièces destinées à la procédure devant l'OEB
6.1	<p>Dem Verfahren vor dem EPA als <b>Bestimmungsamt</b> (PCT I) sind folgende Unterlagen zugrunde zu legen:</p> <p><input type="checkbox"/> die vom Internationalen Büro <b>veröffentlichten Anmeldungsunterlagen</b>; falls die Veröffentlichung einen geänderten Anspruchssatz gemäss Artikel 19 PCT enthält, ersetzt dieser die ursprünglich eingereichten Ansprüche</p> <p><input type="checkbox"/> soweit sie nicht ersetzt werden durch die beigefügten <b>Änderungen</b>.</p> <p><input type="checkbox"/> Stellungnahmen zu dem vom EPA als Internationaler Recherchenbehörde erstellten schriftlichen Bescheid und/oder Bemerkungen bzw. Stellungnahmen zu den Erläuterungen in dem vom EPA als mit der ergänzenden internationalen Recherche beauftragten Behörde erstellten ergänzenden internationalen Recherchenbericht (Regel 45 bis.7 e) PCT)</p> <p><i>Soweit erforderlich, sind weitere Angaben auf einem Zusatzblatt einzureichen.</i></p>	<p>Proceedings before the EPO as <b>designated Office</b> (PCT I) are to be based on the following documents:</p> <p>the <b>application documents published</b> by the International Bureau; where the publication includes a set of claims amended under Article 19 PCT, the latter replaces the originally filed claims</p> <p>unless replaced by the <b>amendments</b> enclosed.</p> <p>Comments on the written opinion established by the EPO as the International Searching Authority and/or observations or, where applicable, on the explanations given in the Supplementary International Search Report established by the EPO as the Supplementary International Searching Authority (Rule 45 bis.7(e) PCT)</p> <p><i>Where necessary, further details should be submitted on an additional sheet.</i></p>	<p>La procédure devant l'OEB agissant en qualité d'<b>office désigné</b> (PCT I) doit se fonder sur les pièces suivantes :</p> <p>les <b>pièces de la demande publiées</b> par le Bureau international; lorsque la publication contient des revendications modifiées conformément à l'article 19 PCT, ces dernières remplacent les revendications telles que déposées initialement</p> <p>dans la mesure où elles ne sont pas remplacées par les <b>modifications</b> jointes.</p> <p>Commentaires sur l'opinion écrite établie par l'OEB agissant en qualité d'administration chargée de la recherche internationale et/ou observations, ou, le cas échéant, commentaires sur les explications figurant dans le rapport de recherche internationale supplémentaire établi par l'OEB agissant en qualité d'administration chargée de la recherche internationale supplémentaire (règle 45 bis.7e) PCT)</p> <p><i>Le cas échéant, des informations complémentaires doivent être fournies sur une feuille additionnelle.</i></p>
6.2	<p><input type="checkbox"/> Dem Verfahren vor dem EPA als <b>ausgewähltem Amt</b> (PCT II) sind folgende Unterlagen zugrunde zu legen: die dem <b>internationalen vorläufigen Prüfungsbericht zugrunde gelegten Unterlagen</b>, einschließlich etwaiger Anlagen</p> <p><input type="checkbox"/> soweit sie nicht ersetzt werden durch die beigefügten <b>Änderungen</b>.</p> <p><input type="checkbox"/> Stellungnahmen zu dem vom EPA als mit der internationalen vorläufigen Prüfung beauftragter Behörde erstellten internationalen vorläufigen Prüfungsbericht und/oder Bemerkungen sind beigefügt.</p> <p><i>Soweit erforderlich, sind weitere Angaben auf einem Zusatzblatt einzureichen.</i></p>	<p>Proceedings before the EPO as <b>elected Office</b> (PCT II) are to be based on the following documents: the <b>documents on which the international preliminary examination report is based</b>, including any <b>annexes</b></p> <p>unless replaced by the <b>amendments</b> enclosed.</p> <p>Comments on the international preliminary examination report established by the EPO as the International Preliminary Examining Authority and/or observations are enclosed.</p> <p><i>Where necessary, further details should be submitted on an additional sheet.</i></p>	<p>La procédure devant l'OEB agissant en qualité d'<b>office élu</b> (PCT II) doit se fonder sur les pièces suivantes : les <b>pièces sur lesquelles se fonde le rapport d'examen préliminaire international</b>, y compris ses <b>annexes</b> éventuelles</p> <p>dans la mesure où elles ne sont pas remplacées par les <b>modifications</b> jointes.</p> <p>Les commentaires sur le rapport d'examen préliminaire international établi par l'OEB agissant en qualité d'administration chargée de l'examen préliminaire international et/ou les observations sont joints.</p> <p><i>Le cas échéant, des informations complémentaires doivent être fournies sur une feuille additionnelle.</i></p>
	<p><input checked="" type="checkbox"/> Sind dem EPA als mit der internationalen vorläufigen Prüfung beauftragter Behörde <b>Versuchsberichte</b> zugegangen, dürfen diese dem Verfahren vor dem EPA zugrunde gelegt werden.</p> <p><b>Anmerkung zu den Feldern 6.1 und 6.2:</b> Bei Anmeldungen, die mehr als 35 Seiten umfassen, sollen in der Tabelle auf Seite 8 Angaben betreffend die Berechnung der Zusatzgebühren gemacht werden.</p>	<p>If the EPO as International Preliminary Examining Authority has received <b>test reports</b>, these may be used as the basis of proceedings before the EPO.</p> <p><b>Note on sections 6.1 and 6.2:</b> For applications comprising more than 35 pages, indications regarding the calculation of the additional fee should be given in the table on page 8.</p>	<p>Si l'OEB, agissant en qualité d'administration chargée de l'examen préliminaire international, a reçu des <b>rapports d'essais</b>, ceux-ci peuvent être utilisés comme base dans la procédure devant l'OEB.</p> <p><b>Remarque concernant les rubriques 6.1 et 6.2 :</b> pour les demandes comportant plus de 35 pages, des indications relatives au calcul de la taxe additionnelle doivent figurer dans la table de la page 8.</p>
6.3	<p><input type="checkbox"/> Eine Kopie der Recherchenergebnisse der Behörde, bei der die frühere(n) Anmeldung(en), deren Priorität beansprucht wird, eingereicht wurde(n), ist beigefügt (Regel 141 (1) EPÜ).</p>	<p>For each of the previous applications whose priority is claimed a copy is attached of the search results produced by the authority with which the application was filed (Rule 141(1) EPC).</p>	<p>Il est joint une copie des résultats de toute recherche effectuée par l'administration auprès de laquelle la (les) demande(s) antérieure(s) dont la priorité est revendiquée a (ont) été déposée(s) (règle 141(1) CBE).</p>

Zeichen des Anmelders / Applicant's reference / Référence du demandeur

	7.	Übersetzungen	Translations	Traductions
		Beigefügt sind die nachfolgend angekreuzten Übersetzungen in einer der Amtssprachen des EPA (Deutsch, Englisch, Französisch):  <i>a) Im Verfahren vor dem EPA als <b>Bestimmungsamt oder ausgewähltem Amt</b> (PCT I + II):</i>	Translations in one of the official languages of the EPO (English, French, German) are enclosed as crossed below:  <i>(a) In proceedings before the EPO as <b>designated or elected Office</b> (PCT I + II):</i>	Vous trouverez, ci-joint, les traductions cochées ci-après dans l'une des langues officielles de l'OEB (allemand, anglais, français) :  <i>a) Dans la procédure devant l'OEB agissant en qualité d'<b>office désigné ou élu</b> (PCT I + II) :</i>
7.1	<input type="checkbox"/>	Übersetzung der <b>internationalen Anmeldung in der ursprünglich eingereichten Fassung</b> (Beschreibung, Ansprüche, etwaige Textbestandteile in den Zeichnungen), der veröffentlichten Zusammenfassung und etwaiger Angaben über biologisches Material nach Regel 13bis.3 und 13bis.4 PCT	Translation of the <b>international application</b> (description, claims, any text in the drawings) <b>as originally filed</b> , of the abstract as published and of any indication under Rule 13bis.3 and 13bis.4 PCT regarding biological material	Traduction de la <b>demande internationale telle que déposée initialement</b> (description, revendications, textes figurant éventuellement dans les dessins), de l'abrégé publié et de toutes indications visées aux règles 13bis.3 et 13bis.4 PCT concernant le matériel biologique
7.2	<input type="checkbox"/>	Übersetzung der <b>prioritätsbegründenden Anmeldung(en)</b> (nur nach Aufforderung durch das EPA, Regel 53 (3) EPÜ)	Translation of <b>the priority application(s)</b> (to be filed only at the EPO's request, Rule 53(3) EPC)	Traduction de la (des) <b>demande(s) dont la priorité est revendiquée</b> (à produire seulement sur invitation de l'OEB, règle 53(3) CBE)
7.3	<input type="checkbox"/>	Es wird hiermit erklärt, dass die internationale Anmeldung in ihrer ursprünglich eingereichten Fassung eine vollständige Übersetzung der früheren Anmeldung ist (Regel 53 (3) EPÜ).  <i>b) <b>Zusätzlich</b> im Verfahren vor dem EPA als <b>Bestimmungsamt</b> (PCT I):</i>	It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 53(3) EPC).  <i>(b) <b>In addition</b>, in proceedings before the EPO as <b>designated Office</b> (PCT I):</i>	Il est déclaré par la présente que la demande internationale telle que déposée initialement est une traduction intégrale de la demande antérieure (règle 53(3) CBE).  <i>b) <b>De plus</b>, dans la procédure devant l'OEB agissant en qualité d'<b>office désigné</b> (PCT I) :</i>
7.4	<input type="checkbox"/>	Übersetzung der nach Artikel 19 PCT <b>geänderten Ansprüche</b> nebst Erklärung, falls diese dem Verfahren vor dem EPA zugrunde gelegt werden sollen (siehe Feld 6).  <i>c) <b>Zusätzlich</b> im Verfahren vor dem EPA als <b>ausgewähltem Amt</b> (PCT II):</i>	Translation of <b>amended claims</b> and any statement under Article 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6).  <i>(c) <b>In addition</b>, in proceedings before the EPO as <b>elected Office</b> (PCT II):</i>	Traduction des <b>revendications modifiées</b> et de la déclaration faite conformément à l'article 19 PCT, si la procédure devant l'OEB doit être fondée sur les revendications modifiées (voir la rubrique 6).  <i>c) <b>De plus</b>, dans la procédure devant l'OEB agissant en qualité d'<b>office élu</b> (PCT II) :</i>
7.5	<input type="checkbox"/>	Übersetzung der <b>Anlagen zum internationalen vorläufigen Prüfungsbericht</b>	Translation of any <b>annexes to the international preliminary examination report</b>	Traduction des <b>annexes du rapport d'examen préliminaire international</b>
8.		<b>Biologisches Material</b>	<b>Biological material</b>	<b>Matière biologique</b>
	<input type="checkbox"/>	Die Erfindung verwendet und/oder bezieht sich auf biologisches Material, das nach Regel 13bis PCT und Regel 31 EPÜ hinterlegt worden ist.	The invention uses and/or relates to biological material deposited under Rule 13bis PCT and Rule 31 EPC.	L'invention utilise et/ou concerne de la matière biologique déposée conformément à la règle 13bis PCT et à la règle 31 CBE.
		Bezugszeichen <input type="text"/>	Identification reference <input type="text"/>	Référence d'identification <input type="text"/>
		Hinterlegungsstelle (Name und Adresse) <input type="text"/>	Depository institution (Name and address) <input type="text"/>	Autorité de dépôt (Nom et adresse) <input type="text"/>
		Eingangsnummer <input type="text"/>	Accession number <input type="text"/>	Numéro d'ordre <input type="text"/>
		Zeichen des Anmelders / Applicant's reference / Référence du demandeur <input type="text"/>		

<input type="checkbox"/>	<p>Die <b>Angaben nach Regel 31 (1) c) EPÜ</b> (falls noch nicht bekannt, die Hinterlegungsstelle und das (die) vom Hinterleger zugeordnete(n) Bezugszeichen [Nummer, Symbole usw.]) sind in der internationalen Veröffentlichung oder in der gemäß Feld 7 eingereichten Übersetzung enthalten auf Seite(n)/Zeile(n):</p> <div style="border: 1px solid black; height: 20px; margin-top: 10px;"></div>	<p>The <b>particulars referred to in Rule 31(1) (c) EPC</b> (if not yet known, the depository institution and the identification reference(s) [number, symbols, etc.] of the depositor) are given in the international publication or in the translation submitted under Section 7 on page(s)/line(s):</p>	<p>Les <b>indications visées à la règle 31(1)c) CBE</b> (si elles ne sont pas encore connues, l'autorité de dépôt et la (les) référence(s) d'identification [numéro ou symboles etc.] du déposant) figurent dans la publication internationale ou dans la traduction produite conformément à la rubrique 7 à la/aux page(s)/ligne(s) :</p>
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Die <b>Empfangsbescheinigung(en)</b> der Hinterlegungsstelle</p> <p>ist (sind) beigelegt.</p> <p>wird (werden) nachgereicht.</p> <p>Verzicht auf die Verpflichtung des Antragstellers nach Regel 33 (2) EPÜ auf gesondertem Schriftstück</p>	<p>The <b>receipt(s) of deposit</b> issued by the depository institution</p> <p>is (are) enclosed.</p> <p>will be filed later.</p> <p>Waiver of the right to an undertaking from the requester pursuant to Rule 33(2) EPC attached</p>	<p>Le(s) <b>récépissé(s) de dépôt</b> délivré(s) par l'autorité de dépôt</p> <p>est (sont) joint(s).</p> <p>sera (seront) produit(s) ultérieurement.</p> <p>Renoncation, sur document distinct, à l'engagement du requérant au titre de la règle 33(2) CBE</p>
<p>9.</p> <p>9.1</p> <p>9.2</p>	<p><b>Nucleotid- und Aminosäuresequenzen</b></p> <p>Das Sequenzprotokoll wurde gemäß Regel 5.2 (a) PCT eingereicht oder gemäß Regel 13ter.1 (a) PCT beim EPA als ISA eingereicht oder dem EPA auf andere Weise in einem Format zugänglich gemacht, das dem am internationalen Anmeldetag geltenden WIPO-Standard entspricht.</p> <p>Das Sequenzprotokoll wird anliegend in einem Format nachgereicht, das dem am internationalen Anmeldetag geltenden WIPO-Standard entspricht.</p> <p>Das Sequenzprotokoll geht nicht über den Inhalt der Anmeldung in der ursprünglich eingereichten Form hinaus.</p>	<p><b>Nucleotide and amino acid sequences</b></p> <p>The sequence listing was filed under Rule 5.2(a) PCT, or furnished to the EPO as ISA under Rule 13ter.1(a) PCT, or is otherwise available to the EPO, in a format complying with the WIPO Standard applicable at the international date of filing.</p> <p>The sequence listing is furnished herewith in a format complying with the WIPO Standard applicable at the international date of filing.</p> <p>The sequence listing does not include matter which goes beyond the application as filed.</p>	<p><b>Séquences de nucléotides et d'acides aminés</b></p> <p>Le listage de séquences a été déposé au titre de la règle 5.2(a) PCT, fourni à l'OEB agissant en tant qu'ISA au titre de la règle 13ter.1(a) PCT, ou mis à la disposition de l'OEB par un autre moyen, dans un format conforme à la norme de l'OMPI applicable à la date du dépôt international.</p> <p>Le listage de séquences dans un format conforme à la norme de l'OMPI applicable à la date du dépôt international est fourni ci-joint</p> <p>Le listage des séquences ne s'étend pas au-delà du contenu de la demande telle qu'elle a été déposée.</p>
<p>10.</p>	<p><b>Benennung von Vertragsstaaten</b></p> <p>Alle <u>Vertragsstaaten</u>, die dem EPÜ bei <b>Einreichung der internationalen Patentanmeldung</b> angehören, gelten als benannt (siehe Artikel 79 (1) EPÜ), soweit sie in der internationalen Anmeldung bestimmt sind.</p>	<p><b>Designation of contracting states</b></p> <p>All the <u>contracting states</u> party to the EPC <b>at the time of filing of the international patent application</b> and designated in the international application are deemed to be designated (see Article 79(1) EPC).</p>	<p><b>Désignation d'Etats contractants</b></p> <p>Tous les <u>Etats contractants</u> qui sont parties à la CBE <b>lors du dépôt de la demande de brevet internationale</b> et sont désignés dans la demande internationale sont réputés désignés (voir article 79(1) CBE).</p>
<p>11.</p>	<p><b>Erstreckung/Validierung</b></p> <p>Diese Anmeldung gilt als Antrag, die europäische Patentanmeldung und das darauf erteilte europäische Patent auf alle in der internationalen Anmeldung bestimmten Nichtvertragsstaaten des EPÜ zu erstrecken, mit denen am Tag der Einreichung der internationalen Anmeldung Erstreckungs- oder Validierungsabkommen in Kraft waren. Der Antrag gilt jedoch als zurückgenommen, wenn die Erstreckungs- bzw. die Validierungsgebühr nicht fristgerecht entrichtet wird.</p>	<p><b>Extension/Validation</b></p> <p>This application is deemed to be a request to extend the effects of the European patent application and the European patent granted in respect of it to all non-contracting states to the EPC designated in the international application with which extension or validation agreements were in force on the date on which the application was filed. However, the request is deemed withdrawn if the extension fee or validation fee, whichever is applicable, is not paid within the prescribed time limit.</p>	<p><b>Extension/Validation</b></p> <p>La présente demande est réputée constituer une requête en extension des effets de la demande de brevet européen et du brevet européen délivré sur la base de cette demande à tous les Etats non parties à la CBE qui sont désignés dans la demande internationale et avec lesquels des accords d'extension ou de validation étaient en vigueur à la date du dépôt de la demande. Cette requête est toutefois réputée retirée si la taxe d'extension ou, le cas échéant, la taxe de validation n'est pas acquittée en temps utile.</p>
	<p>Zeichen des Anmelders / Applicant's reference / Référence du demandeur</p> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>		

11.1	<p>Es ist beabsichtigt, die Erstreckungsgebühr(en) für folgende Staaten zu entrichten:</p> <p><b>Hinweis:</b> Im automatischen Abbuchungsverfahren werden nur für die hier angekreuzten Staaten Erstreckungsgebühren abgebucht, sofern dem EPA nicht vor Ablauf der Zahlungsfrist ein anderslautender Auftrag zugeht.</p>	<p>It is intended to pay the extension fee(s) for the following state(s):</p> <p><b>Note:</b> Under the automatic debiting procedure, extension fees will be debited only for states indicated here, unless the EPO is instructed otherwise before expiry of the period for payment.</p>	<p>Il est envisagé de payer la(les) taxe(s) d'extension pour les Etats suivants :</p> <p><b>Veillez noter</b> que dans le cadre de la procédure de prélèvement automatique des taxes d'extension, le compte est débité du montant dû seulement pour les Etats cochés ici, sauf instruction contraire reçue avant l'expiration du délai de paiement.</p>
<input type="checkbox"/>	<b>BA</b> Bosnien und Herzegowina	Bosnia and Herzegovina	Bosnie-Herzégovine
<input type="checkbox"/>	<b>ME</b> Montenegro	Montenegro	Monténégro
<input type="checkbox"/>			
<input type="checkbox"/>			
	(Platz für in der internationalen Anmeldung bestimmte Staaten, mit denen Erstreckungsabkommen am Anmeldetag der internationalen Anmeldung in Kraft waren)	(Space for states which were designated in the international application and with which extension agreements existed on the date of filing of the international application)	(Espace prévu pour des Etats désignés dans la demande internationale avec lesquels des accords d'extension existaient à la date de dépôt de la demande internationale)
11.2	<p>Es ist beabsichtigt, die Validierungsgebühr(en) für folgende Staaten zu entrichten:</p> <p><b>Hinweis:</b> Im automatischen Abbuchungsverfahren werden nur für die hier angekreuzten Staaten Validierungsgebühren abgebucht, sofern dem EPA nicht vor Ablauf der Zahlungsfrist ein anderslautender Auftrag zugeht.</p>	<p>It is intended to pay the validation fee(s) for the following state(s):</p> <p><b>Note:</b> Under the automatic debiting procedure, validation fees will be debited only for states indicated here, unless the EPO is instructed otherwise before expiry of the period for payment.</p>	<p>Il est envisagé de payer la(les) taxe(s) de validation pour les Etats suivants :</p> <p><b>Veillez noter</b> que dans le cadre de la procédure de prélèvement automatique des taxes de validation, le compte est débité du montant dû seulement pour les Etats cochés ici, sauf instruction contraire reçue avant l'expiration du délai de paiement.</p>
<input type="checkbox"/>	<b>KH</b> Kambodscha  → Beachten Sie bitte, dass derzeit Arzneimittel in Kambodscha bis 2033 vom Patentschutz ausgenommen sind: Siehe ABI EPA 2018, A16	Cambodia  → Note that pharmaceutical products are currently excluded from patent protection in Cambodia until 2033: see OJ EPO 2018, A16	Cambodge  → Veuillez noter que les produits pharmaceutiques sont actuellement exclus de la protection par brevet au Cambodge jusqu'en 2033, cf. JO OEB 2018, A16
<input type="checkbox"/>	<b>MA</b> Marokko	Morocco	Maroc
<input type="checkbox"/>	<b>MD</b> Republik Moldau	Republic of Moldova	République de Moldavie
<input type="checkbox"/>	<b>TN</b> Tunesien	Tunisia	Tunisie
<input type="checkbox"/>			
	(Platz für in der internationalen Anmeldung bestimmte Staaten, mit denen Validierungsabkommen nach Drucklegung dieses Formblatts in Kraft treten)	(Space for states which were designated in the international application and with which validation agreements enter into force after this form has been printed)	(Espace prévu pour des Etats désignés dans la demande internationale avec lesquels des accords de validation entreront en vigueur après l'impression du présent formulaire)
12.	<b>Beschleunigung des Verfahrens</b>	<b>Acceleration of procedure</b>	<b>Accélération de la procédure</b>
12.1	<b>Vorzeitige Bearbeitung</b>	<b>Early processing</b>	<b>Traitement anticipé</b>
<input type="checkbox"/>	<p>Hiermit wird die vorzeitige Bearbeitung der Anmeldung gemäß Artikel 23 (2) / 40 (2) PCT beantragt („vorzeitiger Eintritt in die europäische Phase“).</p> <p>→ Bitte beachten Sie die Erfordernisse, die für einen wirksamen Antrag auf vorzeitige Bearbeitung erfüllt werden müssen, sowie dessen rechtliche Konsequenzen (s. „Merkblatt zum Formblatt EPA 1200“).</p>	<p>Early processing of the application pursuant to Article 23(2) / 40(2) PCT is hereby requested ("early entry into the European phase").</p> <p>→ Please take note of the further requirements for the request to be effective and the legal consequences (see "Notes on EPO Form 1200").</p>	<p>Par la présente, le traitement anticipé de la demande selon les articles 23(2) / 40(2) PCT est demandé (« entrée anticipée dans la phase européenne »).</p> <p>→ Prière de noter les conditions requises à remplir pour qu'une requête en traitement anticipé soit valable, ainsi que les conséquences juridiques (voir la « Notice concernant le formulaire OEB 1200 »).</p>
	Zeichen des Anmelders / Applicant's reference / Référence du demandeur		

12.2	<b>Verzichtserklärungen</b>	<b>Waivers</b>	<b>Renonciations</b>
	<input type="checkbox"/> Der Anmelder verzichtet auf die Mitteilung nach Regel 161 (1) oder (2) und 162 EPÜ.	The applicant waives his right to the communication under Rules 161(1) or (2) and 162 EPC.	Le demandeur renonce au droit de recevoir la notification émise en vertu des règles 161(1) ou (2) et 162 CBE.
	<input type="checkbox"/> Der Anmelder verzichtet auf die Aufforderung nach Regel 70 (2) EPÜ, zu erklären, ob die Anmeldung aufrechterhalten wird.	The applicant waives his right to be asked under Rule 70(2) EPC whether he wishes to proceed further with the application.	Le demandeur renonce à être invité, conformément à la règle 70(2) CBE, à déclarer s'il souhaite maintenir sa demande.
13.	<b>Zahlungen</b> Bezüglich der Gebührenentrichtung, insbesondere über das laufende Konto, wird auf Abschnitt 13 des Merkblatts zum Formblatt für den Eintritt in die europäische Phase (EPA als Bestimmungsamt oder ausgewähltes Amt) (Formblatt EPA/EPO/ OEB 1200) verwiesen.	<b>Payment</b> With regard to the payment of fees, in particular via deposit account, reference is made to Section 13 of the Notes on Form EPA/EPO/OEB 1200 for entry into the European phase (EPO as designated or elected Office).	<b>Paiement</b> En ce qui concerne le paiement des taxes, en particulier via un compte courant, il est fait référence à la rubrique 13 de la notice concernant le formulaire EPA/EPO/ OEB 1200 relatif à l'entrée dans la phase européenne (OEB agissant en qualité d'office désigné ou élu).
14.	gestrichen	deleted	supprimé
15.	<b>Unterschrift(en) des (der) Anmelder(s) oder Vertreter</b>	<b>Signature(s) of applicant(s) or representative</b>	<b>Signature(s) du (des) demandeur(s) ou du mandataire</b>
<div style="border: 1px solid black; height: 40px; margin-bottom: 10px;"></div> <div> <div>Name(n) des (der) Unterzeichneten bitte in Druckschrift wiederholen und bei juristischen Personen auch die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft angeben.</div> <div>Under signature please print name and, in the case of legal persons, position within the company.</div> <div>Prière d'indiquer en caractères d'imprimerie le ou les noms des signataires ainsi que, s'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires.</div> </div>			
<div> <div><b>Für Angestellte (Art. 133 (3) EPÜ) mit allgemeiner Vollmacht Nr.:</b></div> <div><b>For employees (Art. 133(3) EPC) with general authorisation No.:</b></div> <div><b>Pour les employés (art. 133(3) CBE) disposant d'un pouvoir général n°:</b></div> </div> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>			
<div> <div><b>Ort / Datum</b></div> <div><b>Place / Date</b></div> <div><b>Lieu / Date</b></div> </div> <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>			

Zeichen des Anmelders / Applicant's reference / Référence du demandeur

**Tabelle zu Feld 6  
des Formblatts 1200.3**

**Table for section 6  
of Form 1200.3**

**Tableau afférent  
à la rubrique 6  
du formulaire 1200.3**

<b>Der Berechnung der Zusatzgebühr zugrunde zu legende Unterlagen (Art. 2(1), Nr. 1a, GebO):<sup>1</sup> / Documents on which the calculation of the additional fee is based (Art. 2(1), item 1a, RFees):<sup>1</sup> / Pièces fondant le calcul de la taxe additionnelle (art. 2(1), point 1bis RRT) :<sup>1</sup></b>		<b>Seite(n) von ... bis ...<sup>2</sup> Page(s) from ... to ...<sup>2</sup> Page(s) ... à ...<sup>2</sup></b>	<b>Anzahl der Seiten<sup>3</sup> Number of pages<sup>3</sup> Nombre de pages<sup>3</sup></b>
Veröffentlichte Fassung der internationalen Anmeldung / International application as published / Demande internationale telle que publiée	Beschreibung / description / description		
	Ansprüche / claims / revendications		
	Zeichnungen / drawings / dessins		
	Zusammenfassung / abstract / abrégé		1
Geänderte Ansprüche nach Art. 19 PCT (veröffentlicht mit der internationalen Anmeldung oder gesondert veröffentlicht) / Amended claims under Art. 19 PCT (published with the international application or published separately) / Revendications modifiées en vertu de l'art. 19 PCT (telles que publiées avec la demande internationale ou telles que publiées séparément)			
Änderungen nach Art. 34 PCT / Amendments under Art. 34 PCT / Modifications en vertu de l'art. 34 PCT	Beschreibung / description / description		
	Ansprüche / claims / revendications		
	Zeichnungen / drawings / dessins		
Beim Eintritt in die europäische Phase eingereichte Änderungen / Amendments filed on entry into European phase / Modifications présentées lors de l'entrée dans la phase européenne	Beschreibung / description / description		
	Ansprüche / claims / revendications		
	Zeichnungen / drawings / dessins		
Anzahl der Seiten insgesamt / Total number of pages / Nombre total de pages			1
Gebührenfreie Seiten (Art. 2(1) Nr. 1a GebO) / Fee-exempt pages (Art. 2(1), item 1a, RFees) / Pages exemptes de taxes (art. 2(1), point 1bis RRT)			- 35
Anzahl der gebührenpflichtigen Seiten / Number of pages to be paid for / Nombre de pages soumises au paiement de la taxe			
Zu entrichtender Gesamtbetrag <sup>4</sup> Total amount payable Montant total exigible en euros		EUR	

Fußnoten	Footnotes	Notes de bas de page
<p>1 Zu Fällen, in denen die internationale Anmeldung nicht in einer Amtssprache des EPA veröffentlicht wurde, siehe die Mitteilung zur Ergänzung der Mitteilung des Europäischen Patentamts vom 26. Januar 2009 über die Gebührenstruktur 2009 (ABl. EPA 2009, 338).</p>	<p>For cases where the international application has not been published in an official language of the EPO, see the Notice supplementing the Notice from the European Patent Office dated 26 January 2009 concerning the 2009 fee structure (OJ EPO 2009, 338).</p>	<p>Pour les cas où la demande internationale n'a pas été publiée dans une langue officielle de l'OEB, cf. Communiqué complétant le communiqué de l'Office européen des brevets, en date du 26 janvier 2009, relatif à la structure des taxes 2009 (JO OEB 2009, 338).</p>
<p>2 In dieser Spalte sind nur die Seiten anzugeben, die der Berechnung der Zusatzgebühr (Art. 2(1), Nr. 1a GebO) zugrunde zu legen sind. Verbleibende Seiten/Teile der veröffentlichten Fassung der Anmeldung und/oder der gemäß Artikel 19 PCT und/oder Artikel 34 PCT geänderten Anmeldung, die zu ersetzen sind, sind nicht in dieser Spalte anzugeben.</p>	<p>Only those pages to be taken into account for the calculation of the additional fee (Art. 2(1), item 1a, RFees) shall be indicated in this column. Any remaining pages/parts of the application as published and/or amended under Article 19 PCT and/or Article 34 PCT which are to be replaced shall not be indicated in this column.</p>	<p>Il convient de n'indiquer dans cette colonne que les pages devant être prises en considération pour le calcul de la taxe additionnelle (art. 2(1), point 1bis RRT). Si la demande telle que publiée et/ou modifiée au titre de l'article 19 PCT et/ou de l'article 34 PCT contient d'autres pages/parties qui doivent être remplacées, prière de ne pas mentionner les pages/parties en question dans cette colonne.</p>
<p>3 In dieser Spalte ist nur die Zahl der Seiten anzugeben, die der Berechnung der Zusatzgebühr (Art. 2, Nr. 1a GebO) zugrunde zu legen sind.</p>	<p>Only the number of pages to be taken into account for the calculation of the additional fee (Art. 2, item 1a, RFees) shall be indicated in this column.</p>	<p>Il convient de n'indiquer dans cette colonne que le nombre de pages devant être prises en considération pour le calcul de la taxe additionnelle (art. 2, point 1bis RRT).</p>
<p>4 Die aktuelle Höhe der Zusatzgebühr entnehmen Sie bitte dem interaktiven Gebührenverzeichnis, das auf der Website des EPA unter <a href="https://my.epoline.org/portal/classic/epoline.Scheduleoffees">https://my.epoline.org/portal/classic/epoline.Scheduleoffees</a> zu konsultieren.</p>	<p>For the current amount of the additional fee, please consult the interactive schedule of fees published on the EPO website at <a href="https://my.epoline.org/portal/classic/epoline.Scheduleoffees">https://my.epoline.org/portal/classic/epoline.Scheduleoffees</a>.</p>	<p>Pour connaître le montant actuel de la taxe additionnelle, veuillez consulter le barème des taxes interactif publié sur le site Internet de l'OEB à l'adresse <a href="https://my.epoline.org/portal/classic/epoline.Scheduleoffees">https://my.epoline.org/portal/classic/epoline.Scheduleoffees</a>.</p>



## Notes on EPA/EPO/OEB Form 1200 for entry into the European phase (EPO as designated or elected Office)

### I. General instructions

These notes explain how to complete EPA/EPO/OEB Form 1200. To file international applications under the Patent Cooperation Treaty (PCT) Form PCT/RO/101 should be used. The appropriate form to request the grant of a European patent is EPA/EPO/OEB Form 1001.

The requirements for entry into the European phase are laid down in the European Patent Convention (EPC) and its Implementing Regulations. Further information on entry into the European phase can be obtained from the Euro-PCT Guide: PCT procedure at the EPO, in particular Chapter 5: Euro-PCT procedure before the EPO as a designated (PCT Chapter I) or elected (PCT Chapter II) Office.

#### Forms and brochures

Forms, brochures, schedules of fees and legal texts can be downloaded from the EPO's website at [epo.org](http://epo.org).

#### Accelerated prosecution

For those seeking faster search or examination for their applications, the "PACE" programme for accelerated prosecution of European patent applications ([OJ EPO 2015, A93](#)) offers effective options for shortening the processing time.

However, PACE requests filed before the end of the international phase will not be effective unless accompanied by an express request for early processing under Article 23(2) or 40(2) PCT (see point 12.1).

For other ways to expedite the European grant procedure, see the notice from the EPO dated 30 November 2015 ([OJ EPO 2015, A94](#)) and point 12.

#### Entry into the European phase – Form 1200

Under Rule 159(1) EPC, on entry into the European phase before the EPO as designated or elected Office applicants must perform the acts specified in Rules 159(1)(a) to (h) and 162(1) EPC within 31 months of the filing date or, if priority has been claimed, the (earliest) priority date.

Use of Form 1200 is recommended. The form should be typewritten or printed (Rule 50(2) EPC) to ensure that it is machine-readable.

If there is not enough space for the required information, an additional sheet should be filed, indicating the number and heading (e.g. "2 - Additional representative(s)"; "6 - Documents intended for proceedings before the EPO") of each section continued in this way.

Applicants should indicate their internal reference in the box above section 1 and in the corresponding box at the bottom of each page.

#### Filing of documents

Form 1200 and attachments must be filed direct with the EPO.

##### (a) Online

Form 1200, attached translations and amendments to the application documents may be filed in electronic form (OJ EPO 2021, A20), i.e. via EPO Online Filing, via the EPO case management system (CMS, also referred to as new online filing), via Online Filing 2.0 or via the EPO Web-Form Filing service. For more details go to [epo.org](http://epo.org). The online filing fee is less than the fee for filing in person, by post or by fax.

##### (b) By fax

The above documents may also be filed by fax. Confirmation on paper is required only if the EPO specifically requests it (see Special edition No. 3, OJ EPO 2007, A.3).

##### (c) By post or in person

Form 1200 need only be filed in one copy. The same applies to attached translations and amendments to the application documents. Special rules apply to sequence listings (see II.9).

### II. Filling in the form

The numbering below corresponds to the sections of the form.

#### 1. Applicant

If on entry into the European phase the address, nationality, or country of residence or of place of business is missing for any applicant (as may

occur under Rule 26.2bis(b) PCT), this information must be filed on a separate sheet.

An address for correspondence may be given only by applicants who are not obliged to appoint a professional representative authorised to act before the EPO (Article 133 EPC) and have not appointed one. It must be the applicant's own address, and in an EPC contracting state. Addresses for correspondence accepted for proceedings in the international phase but which do not fulfil those conditions will not be accepted in proceedings before the EPO in the European phase (see OJ EPO 2014, A99).

## 2. Representative (Articles 133 and 134 EPC)

Applicants not having their residence or principal place of business in an EPC contracting state must be represented by a professional representative and act through him in all proceedings established by the EPC (Article 133(2) EPC). Section 2 must always be completed if a professional representative or a legal practitioner entitled to act as such (Article 134(1) and (8)) is appointed.

## 3. Authorisation (Rule 152 EPC)

Under Rule 152(1) to (3) EPC in conjunction with the decision of the President of the EPO dated 12 July 2007, professional representatives who identify themselves as such are required to file a signed authorisation only in particular circumstances (see Special edition No. 3, OJ EPO 2007, L.1). However, a legal practitioner entitled to act as a professional representative under Article 134(8) EPC or an employee acting for an applicant under Article 133(3), first sentence, EPC who is not a professional representative must file a signed authorisation unless an authorisation which expressly empowers him to act in proceedings established by the EPC has previously been filed with the EPO as receiving Office.

If an association registered with the EPO is appointed as representative (Rule 152(11) EPC) (see OJ EPO 2013, 535), the association's registered name and registration number must be indicated.

If an authorisation is required, the use of EPA/EPO/OEB Form 1003 is recommended for individual authorisations and EPO Form 1004 for general authorisations.

## 4. Request for examination (Articles 150(2) and 94 and Rule 70 EPC)

### 4.1 First check box

The request for examination is not deemed to be filed until the examination fee has been paid (Article 94(1) and Rule 70(1) EPC). The box for

the request is pre-crossed in section 4.1 of Form 1200.

Persons having their residence or principal place of business in an EPC contracting state with an official language other than English, French or German, and nationals of that state who are resident abroad, may file the request for examination in an admissible non-EPO language (Article 14(4) EPC), using the space provided.

### 4.1 Second check box

For applicants who file the request for examination in an admissible non-EPO language in addition to the (pre-crossed) request in the language of the proceedings, the examination fee is reduced by 30% provided they are an SME, a natural person, a non-profit organisation, a university or a public research organisation (Rule 6(4) EPC, Article 14(1) RFees).

Under Rule 6(6) EPC, applicants wishing to benefit from the fee reduction must declare that they are an entity or natural person covered by Rule 6(4) EPC. They must file this declaration at the latest by the time of payment of the fee in question, either by crossing this box or separately (for this purpose, non-mandatory EPA/EPO/OEB Form 1011 is available from the EPO website). If there are multiple applicants, for the reduction to apply, each one must be an entity or a natural person within the meaning of Rule 6(4) EPC. In such cases, it is however sufficient for only one of the multiple applicants to be entitled to file documents in an admissible non-EPO language (Article 14(4), Rule 6(3) EPC). For more details see the notice from the EPO dated 10 January 2014 concerning amended Rule 6 EPC and Article 14(1) RFees (OJ EPO 2014, A23).

The request for examination is available in all admissible non-EPO languages on the EPO website.

The request for examination (i.e. written request plus payment of the examination fee) must be filed either up to six months from the date on which the international search report (or the declaration under Article 17(2)(a) PCT) was published (Article 153(6) EPC) or within 31 months from the filing date or, where applicable, the (earliest) priority date, whichever period ends later. In practice this means that the request for examination must be submitted within the 31-month period (Rule 159(1)(f) EPC), unless the international search report was published late.

## 5. Additional copies of the documents cited in the supplementary European search report

One or more additional sets of copies of the documents cited in the supplementary European search report (see Rule 65 EPC) can be ordered against payment of the flat-rate fee(s).

## 6. Documents intended for proceedings before the EPO (Rule 159(1)(b) EPC) and response to the written opinion established by the EPO (Rule 161(1) EPC)

When an application enters the European phase applicants must specify the application documents, as originally filed or as amended, on which the European grant procedure is to be based (Rule 159(1)(b) EPC). Section 6 allows them to clarify whether they wish to proceed with

- the **published documents**, whereby any amended claims filed with the International Bureau under Article 19 PCT replace the originally filed claims, unless expressly stated to the contrary – in proceedings before the EPO as **designated Office** without PCT Chapter II (section 6.1), or
- the documents on which the **international preliminary examination report is based** – in proceedings before the EPO as **elected Office** under PCT Chapter II (section 6.2).

Sections 6.1 and 6.2 also provide the possibility to indicate that amended documents filed on entry into the European phase are to form the basis for the grant procedure.

For Euro-PCT applications where a supplementary European search report will not be prepared, the following applies (see Guidelines for Examination in the EPO, E-IX, 3.2, for details):

Where the EPO has acted as the International Searching Authority (ISA) and, if a demand under Article 31 PCT was filed, also as the International Preliminary Examining Authority (IPEA), or as the Supplementary International Searching Authority (SISA), the applicant will be required to respond to any negative written opinion (WO-ISA) prepared by the EPO as ISA, or, where applicable, to the negative international preliminary examination report (IPER) prepared by the EPO as IPEA, or to the objections raised in the explanations given in the Supplementary International Search Report (SISR) under Rule 45bis.7(e) PCT, as the case may be. The time limit for response is six months from the invitation under Rule 161(1) EPC (see OJ EPO 2010, 634). Failure to respond in due time will lead to the application being deemed to be withdrawn (Rule 161(1) EPC).

New amendments (Articles 28 and 41 PCT) and/or comments which are filed on entry into the regional phase before the EPO will be considered to constitute a response to the WO-ISA, or to the IPER or the explanations given in the SISR, as the case may be, if the applicant indicates on Form 1200 that such amendments and/or comments are to form the basis for further prosecution of the application. Similarly, amendments under Article 19 and/or 34 PCT filed

in the international phase and maintained on entry into the European phase by making the appropriate entries on Form 1200 may constitute a response, subject to certain requirements (see Guidelines for Examination in the EPO, C-III, 2.2, and E-IX, 3, for details).

The applicant must therefore clearly indicate the documents which are to form the basis for further prosecution of the application by crossing the appropriate boxes in section 6.1 or 6.2 as applicable.

In all cases, the applicant should specify in the **table on page 8** of Form 1200 the documents which are to be used for the European phase and therefore form the basis for calculation of any additional fee. Any exceptional circumstances which may need further explanation must be clarified on an **additional sheet**.

The applicant can also amend the application at any time within a non-extendable period of six months from the communication (Forms 1226AA, 1226BB, 1226CC) under Rule 161(1) and (2) EPC, which is issued shortly after effective entry into the European phase.

Pages of amendments filed during the six-month period under Rule 161 EPC are not taken into account in the calculation of the additional fee as part of the filing fee. Consequently, if amendments are filed at this stage which reduce the number of pages already paid for, no refund of the additional fee will be made.

If application documents filed on entry into the European phase contain handwritten amendments, an invitation to remedy this deficiency will be issued, and in case of non-compliance the application will be refused (see the notice from the EPO dated 8 November 2013 concerning application of Rules 49 and 50 EPC to handwritten amendments, OJ EPO 2013, 603).

Whenever amendments are filed, the applicant must identify them and indicate the basis for them in the application as filed (Rule 137(4) EPC) (see Guidelines for Examination in the EPO, E-IX, 3.4, and H-III, 2.1 and 2.1.1). If he fails to do so, the examining division may issue a communication under Rule 137(4) EPC requesting the correction of the deficiency within a non-extendable period of one month. If he then fails to reply within that period, the application will be deemed to be withdrawn under Article 94(4) EPC.

If the applicant has supplied **test reports** in proceedings before the EPO as International Preliminary Examining Authority, the EPO assumes that it may also use them in the European grant proceedings.

**6.3 Copies of the search results (Rule 141(1) EPC)**

For each of the previous applications whose priority is claimed, a copy of the search results produced by the authority with which the application was filed (Rule 141(1) EPC) has to be supplied. This obligation applies to European patent applications and international applications filed on or after 1 January 2011 (see OJ EPO 2010, 410, OJ EPO 2011, 64, and OJ EPO 2013, 217).

This box is to be crossed only if the copies of the documents are indeed supplied when filing the form for entry into the European phase. If, however, a copy of the search results is included in the file by the EPO, no action is required on the part of the applicant (see OJ EPO 2016, A19).

**7. Translations****7.1 Translation of the international application**

If the international application was **not** published in an EPO official language, the applicant must furnish the EPO with a translation of that application in such a language within 31 months of the filing date or, where applicable, the (earliest) priority date.

The proceedings in the European phase will be conducted in the language of the translation. The translation must include the description, the claims as originally filed, any text in the drawings, and the abstract. It must also include any indications under Rule 13*bis*.3 and 13*bis*.4 PCT in the case of inventions relating to biological material and any published request for rectification (Rule 91.3(d) PCT).

**7.2 Translation of the priority application**

Under Rule 53(3) EPC, applicants may be invited by the EPO to file a translation of the previous (priority) application (see also OJ EPO 2013, 150).

Alternatively, they can submit a declaration under Rule 53(3) that the European patent application is a complete translation of the previous application. They can do this by crossing the box in section 7.3. In this case, no invitation to file a translation of the priority application will be issued.

**7.4 Claims amended under Article 19 PCT**

If the applicant wishes the subsequent proceedings to be based on the claims as amended under Article 19 PCT, the translation must also include those claims, together with any explanatory statement (Rule 49.5(a)(ii), 49.5(c) and (c-bis) PCT) and, in any event, the accompanying letter under Rule 46.5(b) PCT.

**7.5 Translation of annexes**

Where **PCT Chapter II** applies, applicants must prepare and file translations of all annexes to the international preliminary examination report (Article 36(2)(b) and (3)(b), Rule 70.16(a) PCT, Rule 74.1 PCT), regardless of whether they are seeking patent protection for the same version of the application documents as was the subject of that report.

**8. Biological material**

To enable the EPO to check compliance with the requirements under Rule 13*bis* PCT in conjunction with Rule 31(1)(c) EPC, applicants should indicate the name and address of the depositary institution and the accession number of the deposited biological material in section 8. In addition, the identification reference of the biological material can be specified.

Applicants should also indicate where in the description the information required under Rule 31(1)(c) EPC (depositary institution and the deposit accession number) or the depositor's identification reference can be found.

To further enable the EPO to check compliance with Rule 31 EPC, the receipt issued by the depositary institution is to be submitted to the EPO. Applicants are strongly advised to submit the receipt when filing this form.

**Waiver under Rule 33(1) and (2) EPC**

Applicants may waive their right under Rule 33(1) and (2) EPC to an undertaking from the requester to issue a sample of the biological material, provided that they are the depositor of the biological material concerned. This waiver must be expressly declared to the EPO in the form of a separate, signed statement. It must specify the biological material concerned (depositary institution and accession number or depositor's reference number as shown in the application documents). It may be submitted at any time.

**9. Nucleotide and amino acid sequences**

**9.1** If the application discloses one or more nucleotide and/or amino acid sequences, a sequence listing in electronic form complying with the applicable WIPO standard and the Administrative Instructions under the PCT is normally available to the EPO as designated/elected Office if such sequence listing was contained in the international application in accordance with Rule 5.2(a) PCT, furnished to the EPO as International Authority under Rule 13*ter*.1(a) PCT, or otherwise made available to it, e.g. by WIPO.

**9.2** If the application discloses one or more nucleotide and/or amino acid sequences and a sequence listing in electronic form complying with the Administrative Instructions under the PCT, i.e. WIPO Standard ST.25 or ST.26, depending on

the international date of filing, is not available to the EPO as designated/elected Office, a standardised electronic sequence listing must be filed on entry into the European phase. Otherwise, the EPO will invite the applicant to file the sequence listing (Rule 163(3) EPC). In this case, a late furnishing fee is payable. For further information, see Rules 163(3) and 30(3) EPC, as well as the decision of the President of the EPO and the notice from the EPO dated 9 December 2021 concerning the filing of sequence listings (OJ EPO 2021, A96 and A97).

If the standardised sequence listing is submitted on entry into the European phase, the applicant must declare that the subsequently filed sequence listing does not include matter which goes beyond the content of the application as originally filed. The declaration can be made by crossing the relevant box in section 9.2.

## 10. Designation of contracting states

All the contracting states designated in the international patent application and party to the EPC at the time of its filing are deemed to be designated (see Article 79(1) EPC). Thus the EPC contracting states that can be validly designated on entry into the European phase are already specified in the international phase (Rule 4.9(a) PCT). For international applications entering the regional phase on or after 1 April 2009, payment of the flat-rate designation fee covers all the EPC contracting states, unless individual designations are expressly withdrawn (Article 2, item 3, RFees) (see OJ EPO 2009, 118).

## 11. Extension/validation

The application and the European patent granted in respect of it are extended or validated, in accordance with section 11 of Form 1200, to or in those non-EPC contracting states designated for a national patent in the international application with which extension or validation agreements were in force at the time of filing of the international application.

The request for extension or validation for a state is deemed withdrawn if the extension/validation fee is not paid to the EPO within the time limit laid down in the EPC for paying the designation fee (Rule 159(1)(d) EPC) (see Guidelines for Examination in the EPO, A-III, 12).

**11.1** Extension of European patent applications and the resulting European patents may be requested for countries with which the EPO has extension agreements (as at November 2018: Bosnia and Herzegovina and Montenegro).

**11.2** Validation of European patent applications and the resulting European patents may be requested for countries with which the EPO has validation agreements (as at November 2018: Morocco, the

Republic of Moldova, Tunisia and Cambodia). The EPO publishes the necessary information about such agreements on its website and in its Official Journal in good time before their entry into force. With regard to Cambodia, please note that pharmaceutical products are currently excluded from patent protection until 2033 (OJ EPO 2018, A16).

## 12. Acceleration of procedure

The ways in which the European grant procedure can be expedited in addition to the "PACE" request are listed in the notice from the EPO dated 30 November 2015 (OJ EPO 2015, A94). The options available on entry into the European phase are gathered together in this section for ease of selection.

### 12.1 Early processing

Request for the early start of processing in the European phase ("early entry")

Applicants who wish the EPO as designated or elected Office to start processing an application before expiry of the 31-month time limit under Rule 159(1) EPC must file an express request for early processing. The request can be made by crossing box 12.1.

A request for early processing is effective on the date of its filing only if the requirements of Rule 159(1) EPC applicable on that date have been complied with. The nature of the requirements to be met depends on the date on which the request for early processing is filed (see the notice from the EPO dated 21 February 2013 concerning the request for early processing, [OJ EPO 2013, 156](#), II.7 and 8).

Applicants must take note of the **consequences** of an effective request for early processing (see OJ EPO 2013, 156, III.9 and 10). Crossing box 12.1 must therefore be carefully considered.

An effective request for early processing **terminates the international phase** in respect of the EPO as designated/elected Office. This means that the application will be processed **immediately** as a European application as from the date the request for early processing is effective, and reversion to the 31-month time limit is excluded. This implies, for instance, that the time limits for filing the request for examination and paying the examination fee, the designation fee and the third renewal fee are those applying to a European application, and are no longer deferred to expiry of the 31-month time limit under Rule 159(1) EPC.

The automatic debiting of all relevant fees is available for requests for early processing filed on or after 1 November 2017 (see Arrangements for the automatic debiting procedure (AAD,

Annexes A.1 and A.2 to the ADA)). However, automatic debiting can only be performed if the documents referred to in Article 20 PCT are available to the EPO, so that it can establish whether or not a page fee for the 36th and each subsequent page must be debited. These documents are normally available to the EPO if

- the international application has already been published,
- the EPO is the receiving Office, or
- the EPO acts as (S)ISA or IPEA.

In all other cases, if they want the request to take effect immediately, applicants must pay the relevant fees due on filing the request for early processing by a means of payment other than automatic debiting. Otherwise the request will only take effect on the day on which the EPO receives the documents referred to in Article 20 PCT from the IB in accordance with Rule 47.4 PCT.

**Applicants are recommended to read the notice from the EPO dated 21 February 2013 concerning the request for early processing (OJ EPO 2013, 156). Further information is available in the Guidelines for Examination in the EPO, E-IX, 2.8, and the Euro-PCT Guide.**

## 12.2 Waivers

### Waiver of communication pursuant to Rules 161 and 162 EPC

The time limit under Rules 161 and 162 EPC is **six months** (see OJ EPO 2010, 634).

In order to accelerate the European grant procedure applicants can, in addition to filing a "PACE" request, expressly **waive their right to the communication under Rules 161(1) or (2) and 162 EPC** by crossing the first box in section 12.2.

The EPO will not issue a communication under Rules 161(1) or (2) and 162 EPC only if, in addition to the "waiver", on entry into the European phase the applicant has also fulfilled all the requirements of Rules 161 and 162 EPC (i.e. payment of any claims fees due and, where required, submission of a response under Rule 161(1) EPC) for the application to proceed directly to the supplementary European search or to examination. To accelerate the processing of the application further, the applicant can request accelerated search or examination under the PACE programme (see the notice from the EPO dated 30 November 2015 concerning the programme for accelerated prosecution of European patent applications ("PACE"), OJ EPO 2015, A93).

Where the right to the communication under Rules 161(1) or (2) and 162 EPC has not been

validly waived, the communication will be issued and the application will be processed only after expiry of the six-month period provided for under those rules, even if a request under the PACE programme has been filed.

See also the notices from the EPO dated 5 April 2011 and 30 November 2015 (OJ EPO 2011, 354 and OJ EPO 2015, A94).

### Waiver of the invitation under Rule 70(2) EPC

Applicants who file the request for examination before receiving the supplementary European search report are asked by the EPO, after the search report has been sent, to confirm within a six-month period that they wish to proceed further with the application (Rule 70(2) EPC). Where they also have to respond to the search opinion, their response is required within this same period (Rule 70a(2) EPC). To accelerate the procedure, they can waive their right to be asked for such confirmation by crossing the second box in section 12.2, in which case confirmation is deemed to be given when the supplementary European search report is transmitted to them. With regard to the legal consequences, see Guidelines for Examination in the EPO, C-VI, 3.

## 13. Payment

Fees due in respect of a patent application can be paid in a number of different ways, i.e. by debiting a deposit account, by credit card or by bank transfer. For more information, including information on how to claim refunds, see "[Fee payments and refunds](#)" on the EPO website.

### Debiting a deposit account/automatic debiting

The procedure for paying by debiting a deposit account or by automatic debiting is set out in detail in the Arrangements for deposit accounts (ADA), the Arrangements for the automatic debiting procedure (AAD, Annex A.1 to the ADA) and the Information from the EPO concerning the automatic debiting procedure (Annex A.2 to the ADA) published in the supplementary publication to the EPO's Official Journal.

Careful attention should be paid to the conditions applicable to the filing of debit orders.

### Payment by credit card

Payments by credit card must be made via the EPO's credit card fee payment service available on the EPO website, using a credit card accepted by the EPO (as at December 2017: Master Card and VISA). The procedure is set out in detail in the notice from the European Patent Office concerning the payment of fees by credit card published in the EPO's Official Journal.

**Bank transfers**

The procedure for paying by bank transfer is set out in detail in the notice from the European Patent Office concerning fee payments via bank transfer published in the EPO's Official Journal.

Payments by bank transfer should be made to the following account with the Commerzbank in Germany:

Account No. 3 338 800 00 / Sort code 700 800 00

IBAN DE20 7008 0000 0333 8800 00

BIC DRESDEFF700

Commerzbank AG  
Leopoldstrasse 230  
80807 Munich  
Germany

For fee information, see "Guidance for the payment of fees, costs and prices", which is published regularly in the EPO's Official Journal.

For the fee amounts, see the publication "Schedule of fees and expenses" or the "Interactive schedule of fees" available on the EPO website under "[European \(EPC\) fees](#)".

**III. Table for section 6 of Form 1200.3 – Documents intended for proceedings before the EPO**

The table is used for calculating the additional fee for applications comprising more than 35 pages (Article 2, item 1a, RFees).



## Erfindernennung Designation of inventor Désignation de l'inventeur

(falls Anmelder nicht oder nicht allein der Erfinder ist) /  
(where the applicant is not the inventor or is not the sole inventor) /  
(si le demandeur n'est pas l'inventeur ou l'unique inventeur)

Zeichen des Anmelders / Applicant's reference /  
Référence du demandeur

Anmeldenummer oder, falls noch nicht bekannt, Bezeichnung der Erfindung: /  
Application No. or, if not yet known, title of the invention: /  
N° de la demande ou, s'il n'est pas encore connu, titre de l'invention :

In Sachen der oben bezeichneten europäischen Patentanmeldung nennt (nennen) der (die) Unterzeichnete(n)<sup>1</sup> / In respect of the above European patent application I (we), the undersigned<sup>1</sup> / En ce qui concerne la demande de brevet européen susmentionnée, le(s) soussigné(s)<sup>1</sup>

als Erfinder<sup>2</sup>: / do hereby designate as inventor(s)<sup>2</sup>: / désigne(nt) en tant qu'inventeur(s)<sup>2</sup>:

☐ Weitere Erfinder sind auf einem gesonderten Blatt angegeben. / Additional inventors are indicated on a supplementary sheet. /  
D'autres inventeurs sont mentionnés sur une feuille supplémentaire.

Der (Die) Anmelder hat (haben) das Recht auf das europäische Patent erlangt<sup>3</sup> / The applicant(s) has (have) acquired the right to the European patent<sup>3</sup> /  
Le(s) demandeur(s) a (ont) acquis le droit au brevet européen<sup>3</sup>

☐ gemäß Vertrag vom /  
by an agreement dated /  
en vertu du contrat passé le

☐ als Arbeitgeber /  
as employer(s) /  
en qualité d'employeur(s)

☐ durch Erbfolge /  
as successor(s) in title /  
par succession

Ort / Place / Lieu

Datum / Date

Unterschrift(en) des (der) Anmelder(s) oder Vertreter(s): /  
Signature(s) of applicant(s) or representative(s): /  
Signature(s) du (des) demandeur(s) ou du (des) mandataire(s):

Name des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben. / Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed. / Le ou les noms des signataires doivent être indiqués en caractères d'imprimerie. S'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires doit également être indiquée en caractères d'imprimerie.

bitte wenden / P.T.O. / T.S.V.P.

**Fußnoten zur Vorderseite**

- 1 Name(n) des (der) Unterzeichneten nach Maßgabe der Regel 41 (2) c) und d) EPÜ:

Bei natürlichen Personen ist der Familienname vor den Vornamen anzugeben.  
Bei juristischen Personen und Gesellschaften, die juristischen Personen gemäß dem für sie maßgebenden Recht gleichgestellt sind, ist die amtliche Bezeichnung anzugeben.

- 2 Name(n), Vorname(n), Wohnsitzstaat und Wohnort des Erfinders (der Erfinder) gemäß Regel 19 (1) EPÜ.  
Der Wohnort entspricht der Stadt oder Gemeinde in der der Erfinder seinen Wohnsitz hat und schließt die Postleitzahl ein (sofern vorhanden).

- 3 Ist der Anmelder nicht oder nicht allein der Erfinder, so hat die Erfindernennung eine Erklärung darüber zu enthalten, wie der Anmelder das Recht auf das europäische Patent erlangt hat (Artikel 81, Regel 19 (1) EPÜ).

Bei rechtsgeschäftlicher Übertragung genügt die Angabe „gemäß Vertrag vom ...“.

Bei Arbeitnehmererfindungen genügt der Hinweis, dass der oder die Erfinder Arbeitnehmer des Anmelders/der Anmelder ist bzw. sind.

Bei Erbfolge genügt die Angabe, dass der oder die Anmelder Erbe(n) des Erfinders/der Erfinder ist bzw. sind.

**Footnotes to text overleaf**

- 1 Name(s) of the undersigned in accordance with Rule 41(2)(c) and (d) EPC:

Names of natural persons shall be indicated by the person's family name, followed by his given names.  
Names of legal persons, and of bodies equivalent to legal persons under the relevant law, shall be indicated by their official designations.

- 2 Family name(s), given name(s) and country and place(s) of residence of the inventor(s) in accordance with Rule 19(1) EPC.  
The place of residence is the city or other municipality where the inventor permanently resides, and includes the postal code (where available).

- 3 If the applicant is not the inventor or is not the sole inventor, the designation shall contain a statement indicating the origin of the right to the European patent (Article 81, Rule 19(1) EPC).

In the case of assignment the words "by agreement dated ..." suffice.

In the case of inventions by employees a mention that the inventor(s) is/are employee(s) of the applicant(s) is sufficient.

In the case of succession a mention that the applicant(s) is/are heir(s) of the inventor(s) is sufficient.

**Renvois concernant le texte figurant au recto**

- 1 Nom(s) du (des) soussigné(s), conformément à la règle 41(2)(c) et d) CBE :

Les personnes physiques doivent être désignées par leurs noms suivis de leurs prénoms. Les personnes morales et les sociétés assimilées aux personnes morales en vertu du droit dont elles relèvent doivent figurer sous leur désignation officielle.

- 2 Nom(s), prénom(s) de l'(des) inventeur(s) ainsi que le pays et le lieu de son (leur) domicile, conformément à la règle 19(1) CBE.  
Le lieu de domicile correspond à la ville ou autre entité administrative où l'inventeur réside de façon permanente et inclut le code postal (lorsqu'il est disponible).

- 3 Si le demandeur n'est pas l'inventeur, ou l'unique inventeur, la désignation de l'inventeur doit comporter une déclaration indiquant l'origine de l'acquisition du droit au brevet européen (article 81 et règle 19(1) CBE).

En cas de transfert contractuel, il suffit de mentionner « en vertu du contrat passé le ... ».

Pour les inventions de salariés, il suffit d'indiquer que le ou les inventeurs sont des employés du ou des demandeurs.

En cas de transfert successoral, il suffit d'indiquer que le ou les demandeurs sont les héritiers du ou des inventeurs.



# Vollmacht<sup>1</sup> Authorisation<sup>1</sup> Pouvoir<sup>1</sup>

Bitte vor dem Ausfüllen des Formblatts Rückseite beachten.  
Please read the notes overleaf before completing the form.  
Veuillez lire les remarques au verso avant de remplir le formulaire.

Zeichen des Anmelders / Applicant's reference / Référence du demandeur  
(max. 15 Positionen / max. 15 spaces / 15 caractères au maximum)

Anmelde-/Patentnummer / Application/Patent No. /  
N° de la demande (du brevet)

Ich (Wir)<sup>2</sup> /  
I (We)<sup>2</sup> /  
Je (Nous)<sup>2</sup>

bevollmächtigte(n) hiermit<sup>3</sup> /  
do hereby authorise<sup>3</sup> /  
autorise (autorisons) par la présente<sup>3</sup>

☐ sowie weitere auf einem gesonderten Blatt angegebene Vertreter / and additional representatives indicated on a separate sheet / ainsi que d'autres mandataires mentionnés sur une feuille supplémentaire

mich (uns) zu vertreten als / to represent me (us) as / à me (nous) représenter en tant que

☐ Anmelder oder Patentinhaber, / applicant(s) or patent proprietor(s), /  
demandeur(s) ou titulaire(s) du brevet,

☐ Einsprechenden (Einsprechende), / opponent(s), /  
opposant(s),

und in den durch das Europäische Patentübereinkommen geschaffenen Verfahren  
betreffend die folgende(n) europäische(n) Patentanmeldung(en) oder das (die)  
folgende(n) europäische(n) Patent(e)<sup>4</sup> für mich (uns) zu handeln und Zahlungen  
für mich (uns) in Empfang zu nehmen: /  
to act for me (us) in all proceedings established by the European Patent Convention  
concerning the following European patent application(s) or patent(s)<sup>4</sup> and to receive  
payments on my (our) behalf: /  
à agir en mon (notre) nom dans toute procédure instituée par la Convention sur  
le brevet européen et concernant la (les) demande(s) de brevet ou le (les)  
brevet(s) européen(s)<sup>4</sup> suivant(s) et à recevoir des paiements en mon (notre) nom :

☐ Fortsetzung auf einem gesonderten Blatt. / Additional applications or patents are indicated on a supplementary sheet. / Suite sur une feuille supplémentaire.

☐ Diese Vollmacht gilt auch für Verfahren nach dem Vertrag über die internationale Zusammenarbeit auf dem Gebiet des Patentwesens. /  
This authorisation also applies to any proceedings established by the Patent Cooperation Treaty. /  
Ce pouvoir s'applique également à toute procédure instituée par le Traité de coopération en matière de brevets.

☒ Diese Vollmacht gilt auch für etwaige europäische Teilanmeldungen. / This authorisation also covers any European divisional applications. /  
Ce pouvoir vaut également pour toute demande divisionnaire européenne.

☐ Es kann eine Untervollmacht erteilt werden. / A sub-authorisation may be given. / Ce pouvoir peut être délégué.

☐ Ich (Wir) widerrufe(n) hiermit frühere Vollmachten in Bezug auf die oben genannte(n) Anmeldung(en) oder das (die) oben genannte(n) Patent(e)<sup>5</sup>. /  
I (We) hereby revoke all previous authorisations in respect of the above application(s) or patent(s)<sup>5</sup>. /  
Je révoque (Nous révoquons) par la présente tout pouvoir antérieur, donné pour la (les) demande(s) ou le (les) brevet(s) mentionné(e)(s) ci-dessus<sup>5</sup>.

Ort / Place / Lieu

Datum / Date

Unterschrift(en)<sup>6</sup> / Signature(s)<sup>6</sup>

Das Formblatt muss vom (von den) Vollmachtgeber(n) eigenhändig unterzeichnet sein (bei juristischen Personen vom Unterschriftsberechtigten). Nach der Unterschrift bitte den (die) Namen des (der) Unterzeichneten in Druckschrift wiederholen und bei juristischen Personen die Stellung des Unterschriftsberechtigten innerhalb der Gesellschaft angeben. /  
The form must bear the personal signature(s) of the authoriser(s) (in the case of legal persons, that of the officer empowered to sign). After the signature, please print the name(s) of the signatory(ies) adding, in the case of legal persons, his (their) position within the company. /  
Le formulaire doit être signé de la propre main du (des) mandant(s) (dans le cas de personnes morales, de la personne ayant qualité pour signer). Veuillez ajouter en caractères d'imprimerie, après la signature, le (les) nom(s) du (des) signataire(s) en mentionnant, dans le cas de personnes morales, ses (leurs) fonctions au sein de la société.

bitte wenden / P.T.O. / T.S.V.P.

**I. Fußnoten zur Vorderseite**

- 1 a) Die Verwendung dieses Formblatts wird empfohlen für die Bevollmächtigung von Vertretern vor dem Europäischen Patentamt – zugelassene Vertreter, Rechtsanwälte im Sinne des Artikels 134 (8) und Zusammenschlüsse von Vertretern nach Regel 152 (11) – sowie für die Bevollmächtigung von Angestellten im Sinne des Artikels 133 (3) Satz 1; zu Satz 2 sind bisher keine Ausführungsbestimmungen ergangen.  
Zugelassene Vertreter, die sich als solche zu erkennen geben, müssen nach Regel 152 (1) in Verbindung mit dem Beschluss der Präsidentin des EPA vom 12. Juli 2007 nur in bestimmten Fällen eine unterzeichnete Vollmacht einreichen (Sonderausgabe Nr. 3, ABl. EPA 2007, L.1.). Hingegen müssen nach Artikel 134 (8) vertretungsberechtigte Rechtsanwälte sowie Angestellte, die für einen Anmelder gemäß Artikel 133 (3) Satz 1 handeln und keine zugelassenen Vertreter sind, eine unterzeichnete Vollmacht einreichen.
- b) Zutreffendes ist anzukreuzen.
- 2 Name(n) und Anschrift(en) sowie Staat des Sitzes oder Wohnsitzes des Vollmachtgebers (der Vollmachtgeber) nach Maßgabe der nachstehenden Regel 41 (2) c): „Bei natürlichen Personen ist der Familienname vor den Vornamen anzugeben. Bei juristischen Personen und Gesellschaften, die juristischen Personen gemäß dem für sie maßgebenden Recht gleichgestellt sind, ist die amtliche Bezeichnung anzugeben. Anschriften sind gemäß den üblichen Anforderungen für eine schnelle Postzustellung an die angegebene Anschrift anzugeben und müssen in jedem Fall alle maßgeblichen Verwaltungseinheiten, gegebenenfalls bis zur Hausnummer einschließlich, enthalten.“
- 3 Name(n) und Geschäftsanschrift des Vertreters (der Vertreter) nach Maßgabe der in Ziff. 2 wiedergegebenen Regel 41 (2) c).
- 4 Nummer der Anmeldung(en) (falls bekannt) oder des Patents (der Patente) und Bezeichnung(en) der Erfindung(en).
- 5 Der Widerruf erfasst nicht eine gegebenenfalls erteilte allgemeine Vollmacht.
- 6 Übliche Unterschrift des (der) Vollmachtgeber(s). Wird die Vollmacht für eine juristische Person unterzeichnet, so dürfen nur solche Personen unterzeichnen, die nach Gesetz und/oder Satzung der juristischen Person dazu berechtigt sind (Artikel 58, Regel 152 (1)). Es ist ein Hinweis auf die Unterschriftsberechtigung des Unterzeichneten zu geben (z. B. Geschäftsführer, Prokurist, Handlungsbevollmächtigter; president, director, company secretary; président, directeur, fondé de pouvoir). Unterzeichnet ein sonstiger Angestellter einer juristischen Person aufgrund einer speziellen Vollmacht der juristischen Person, so ist dies anzugeben; von der speziellen Vollmacht ist eine Kopie, die nicht beglaubigt zu sein braucht, beizufügen. Eine Vollmacht mit der Unterschrift einer nicht zeichnungsberechtigten Person wird als nicht unterzeichnete Vollmacht behandelt.

**II. Hinweise**

- a) Erstreckt sich die Vollmacht auf mehrere Anmeldungen oder Patente, so ist sie in der entsprechenden Stückzahl einzureichen (vgl. Regel 152 (2)).
- b) Alle Entscheidungen, Ladungen, Bescheide und Mitteilungen werden an den Vertreter übersandt (vgl. Regel 130). Im Fall der Bevollmächtigung von Angestellten im Sinne des Artikels 133 (3) werden die genannten Schriftstücke dem Anmelder übersandt.
- c) Regel 152 (9) bestimmt: „Sofern die Vollmacht nichts anderes bestimmt, erlischt sie gegenüber dem Europäischen Patentamt nicht mit dem Tod des Vollmachtgebers.“
- d) Im Übrigen vgl. die Mitteilung zu Fragen der Vertretung vor dem EPA im Amtsblatt EPA 4/1978, 281 ff.

**I. Footnotes to text overleaf**

- 1 (a) The use of this form is recommended for authorising representatives before the European Patent Office – professional representatives, legal practitioners under Article 134(8) and associations of representatives pursuant to Rule 152(11) – and for authorising employees under Article 133(3), first sentence; as regards the second sentence, no implementing regulation has yet been issued.  
Professional representatives who identify themselves as such are required under Rule 152(1), in conjunction with the decision of the President of the EPO dated 12 July 2007, to file a signed authorisation only in particular cases (Special edition No. 3, OJ EPO 2007, L.1.). However, a legal practitioner entitled to act as a professional representative in accordance with Article 134(8), or an employee acting for an applicant in accordance with Article 133(3), first sentence, but who is not a professional representative, must file a signed authorisation.
- (b) Where applicable place a cross in the box.
- 2 Name(s) and address(es) of the party (parties) giving the authorisation and the State in which his (their) residence or principal place of business is located, in accordance with Rule 41(2) (c): „Names of natural persons shall be indicated by the person's family name, followed by his given names. Names of legal persons, as well as of bodies equivalent to legal persons under the law governing them, shall be indicated by their official designations. Addresses shall be indicated in accordance with applicable customary requirements for prompt postal delivery and shall comprise all the relevant administrative units, including the house number, if any.“
- 3 Name(s) and address of place of business of the representative(s) in accordance with Rule 41(2)(c) (cf. note 2 above).
- 4 Application No(s), or patent No(s), (if known) and title(s) of the invention(s).
- 5 The revocation does not extend to any general authorisation which may have been given.
- 6 Usual signature(s) of person(s) giving the authorisation. Where the authorisation is signed on behalf of a legal person, only such persons as are entitled to sign by law and/or in accordance with the articles of association or equivalent of the legal person may do so (Article 58, Rule 152(1)). An indication is to be given of the signatory's entitlement to sign (e.g. president, director, company secretary; Geschäftsführer, Prokurist, Handlungsbevollmächtigter; président, directeur, fondé de pouvoir). If any other employee of a legal person signs by virtue of a special authorisation conferred by the legal person, this is to be indicated and a copy of the special authorisation, which need not be certified, is to be supplied. An authorisation bearing the signature of a person not entitled so to sign will be treated as an unsigned authorisation.

**II. Notices**

- (a) Authorisations covering more than one application or patent are to be filed in the corresponding number of copies (cf. Rule 152(2)).
- (b) All decisions, summonses and communications will be sent to the representative (cf. Rule 130). In cases where employees are authorised under Article 133(3), these documents will be sent to the applicant.
- (c) Rule 152(9) states: "Unless it expressly provides otherwise, an authorisation shall not terminate vis-à-vis the European Patent Office upon the death of the person who gave it."
- (d) See also Communication on matters concerning representation before the EPO in the Official Journal EPO 4/1978, 281 ff.

**I. Renvois concernant le texte figurant au recto**

- 1 a) Il est recommandé d'utiliser ce formulaire pour mandater des représentants devant l'Office européen des brevets – mandataires agréés, avocats au sens de l'article 134(8) et groupements de mandataires conformément à la règle 152(11) – ainsi que pour mandater des employés au sens de l'article 133(3), première phrase; il n'a pas encore été arrêté de dispositions d'application relatives à la deuxième phrase. En vertu de la règle 152(1) en liaison avec la décision de la Présidente de l'OEB en date du 12 juillet 2007, les mandataires agréés qui se font connaître comme tels ne sont tenus de déposer un pouvoir signé que dans certains cas (Edition spéciale n° 3, JO OEB 2007, L.1.). En revanche, les avocats habilités à agir en qualité de mandataires en vertu de l'article 134(8), ainsi que les employés qui agissent pour le compte d'un demandeur conformément à l'article 133(3), 1<sup>ère</sup> phrase, et qui ne sont pas des mandataires agréés, doivent déposer un pouvoir signé.
- b) Faire une croix dans la case si nécessaire.
- 2 Nom(s) et adresse(s), Etat du siège ou du domicile du (des) mandant(s), dans les conditions prévues à la règle 41(2) c) et reproduites ci-après: «Les personnes physiques doivent être désignées par leur nom suivi de leurs prénoms. Les personnes morales et les sociétés assimilées aux personnes morales en vertu du droit dont elles relèvent doivent figurer sous leur désignation officielle. Les adresses doivent être indiquées selon les exigences usuelles en vue d'une distribution postale rapide à l'adresse indiquée et comporter en tout état de cause toutes les indications administratives pertinentes, y compris, le cas échéant, le numéro de la maison.»
- 3 Nom(s) et adresse professionnelle du (des) mandataire(s), dans les conditions prévues à la règle 41(2) c) et mentionnées au point 2.
- 4 Numéro de la (des) demande(s) (s'il est connu) ou du (des) brevet(s) et titre(s) de l'invention (des inventions).
- 5 La révocation ne s'étend pas à un pouvoir général éventuellement donné.
- 6 Signature(s) habituelle(s) du (des) mandant(s). Lorsque le pouvoir est signé au nom d'une personne morale, seules sont habilitées à signer les personnes auxquelles cette qualité est reconnue en vertu de la loi et/ou du statut de la personne morale concernée (article 58, règle 152(1)). Il convient d'indiquer la qualité du signataire (par exemple: président, directeur, fondé de pouvoir; Geschäftsführer, Prokurist, Handlungsbevollmächtigter; président, directeur, fondé de pouvoir). Il y a lieu de signaler les cas où un autre employé d'une personne morale signe en vertu d'un pouvoir spécial conféré par la personne morale et de fournir alors une copie, qui peut ne pas être certifiée conforme, de ce pouvoir spécial. Un pouvoir portant la signature d'une personne non habilitée à signer sera considéré comme non signé.

**II. Notes**

- a) Si le pouvoir est donné pour plusieurs demandes ou plusieurs brevets, il doit être fourni un nombre correspondant d'exemplaires (cf. règle 152(2)).
- b) Toutes les décisions, citations, notifications seront adressées au mandataire (voir règle 130). Dans le cas où des employés au sens de l'article 133(3) sont mandatés, les pièces mentionnées sont envoyées au demandeur.
- c) La règle 152(9) stipule: «Sauf s'il en dispose autrement, le pouvoir ne prend pas fin, à l'égard de l'Office européen des brevets, au décès du mandant.»
- d) Pour le reste, se reporter à la Communication concernant les questions relatives à la représentation près l'OEB, parue au Journal officiel de l'OEB, 4/1978, 281 s.



## General authorisation

Please forward the **original** direct to the EPO, Legal Division (Dir. 5.2.3) in Munich.  
**Please read the attached notes** before completing the form.

### 2 I (We)

Full name and address of authorisor(s)

┌

┐

┌

┐

1 General  
authorisation No.  
(for official use only)

### 3 do hereby authorise

Full name and address  
of authorisee: professional  
representative, legal practitioner,  
employee, association of  
representatives – **please specify**

### 4 to represent me (us) in all proceedings established by the European Patent Convention and to act for me (us) in all patent transactions.

☐

This authorisation includes the power to receive payments on my (our) behalf.

☐

This authorisation shall also apply to the same extent to any proceedings established by the Patent Cooperation Treaty.

### 5

☐

Sub-authorisation may be given.

☐

Additional representatives indicated on supplementary sheet.

### 6

☐

Please return a copy, supplemented by the general authorisation number, to the authorisor.

Name (printed)

Position within the company (where relevant)

Place, Date

Signature\*

7 \* The form must bear the personal signature(s) of the authorisor(s). In the case of legal persons, the signature must be that of the person empowered to sign on behalf of the company. If possible, please sign in blue.

## Notes

### to the General authorisation Form (EPO 1004)

- 1 The use of this form is recommended when authorising representatives before the European Patent Office (EPO): **professional representatives** and **legal practitioners** under Article 134(8) EPC; **employees** under Article 133(3), first sentence, EPC and **associations of representatives** under Rule 152(11) EPC. As to Article 133(3), second sentence, EPC no implementing regulation has been issued up to the present time. If the authorisee is an employee who is not a professional representative or a legal practitioner, the authorisor must make a declaration in the general authorisation or in a covering letter that the authorisee is his employee.
- 2 The name and address of the party giving the authorisation (hereafter “**authorisor**”) and the state in which their residence or principal place of business is located must be given, in accordance with Rule 41(2)(c) below, in the address box:  
 “Names of natural persons shall be indicated by the person's family name, followed by his given names. Names of legal persons, as well as of bodies equivalent to legal persons under the law governing them, shall be indicated by their official designations. Addresses shall be indicated in accordance with applicable customary requirements for prompt postal delivery and shall comprise all the relevant administrative units, including the house number, if any.”  
  
 Where the authorisation is being given by more than one party, the relevant information regarding the additional authorisors must be indicated to the right of the address box.  
  
 Where there are several authorisors, a general authorisation can also be used when only one or more of them are to be represented. If one of several authorisors cancels a general authorisation, it remains valid for the other authorisors under the old registration number. This applies equally to general authorisations already registered.
- 3 The name(s) and address of the place of business of the **authorisee(s)** must be given in accordance with Rule 41(2)(c) (see note 2 above). Please specify whether it is a professional representative, a legal practitioner, an employee or an association of representatives. As regards the authorisation of an association of representatives, within the meaning of Rule 152(11) EPC, the name and the number of the association must be given.  
**If there is more than one authorisee, please insert in the address box the name and address of the place of business of the authorisee to whom the EPO is to send a copy of the form bearing the general authorisation number.**
- 4 The **powers** mentioned separately in the form (to receive payments, to act in PCT proceedings and to give sub-authorisation) must be expressly granted (eg by placing a cross in the appropriate box on the form). Powers other than those three mentioned above may not be excluded in a general authorisation.
- 5 The EPC provisions regarding authorisations are to be applied to **sub-authorisations** (Article 133(3), first sentence, Rule 152 EPC), be it
  - (a) a **specific sub-authorisation** (Rule 152(2), second sentence, EPC), or
  - (b) a **general sub-authorisation** (Rule 152(4) EPC).
 When issuing a general sub-authorisation, Form EPO 1004 can for example be used and the sub-authorisor must indicate the general authorisation number from which he derives his power. When it is registered, the general sub-authorisation keeps the same number as the general authorisation by virtue of which it has been granted.  
  
 Subject to any provisions to the contrary contained therein, a general sub-authorisation does not terminate vis-à-vis the EPO upon the death of the person who gave it (Rule 152(9) EPC), nor upon the termination of the authorisation given to the sub-authorisor for any other reason.
- 6 The EPO returns a copy, supplemented by the general authorisation number, to the authorisor if the appropriate box is crossed (see 4). In any case the EPO will transmit a copy to the authorisee (see 3 above).
- 7 Where the authorisation is signed on behalf of a legal person, **only such persons as are entitled to sign by law and/or in accordance with the articles of association or equivalent of the legal person may do so** (Article 58 EPC).  
 An indication is to be given of the signatory's entitlement to sign, eg president, director, company secretary; Geschäftsführer, Prokurist, Handlungs-bevollmächtigter; président, directeur, fondé de pouvoir. If any other employee of a legal person signs by virtue of a special authorisation conferred by the legal person, this is to be indicated and a copy of the special authorisation, which need not be certified, is to be supplied. **An authorisation bearing the signature of a person not entitled to sign will be treated as an unsigned authorisation.**

A communication regarding the registration of the general authorisation is **not** inserted in the files relating to the application for which the authorisee is or is to be appointed as representative. Therefore, it is not permissible to revoke earlier specific authorisations in a general authorisation. When a general authorisation is intended to supersede an earlier one, the earlier authorisation's number must be stated.

The general authorisation of one or more authorisees terminates as soon as the authorisor or the authorisee concerned – **not another authorisee** – has **communicated the termination** to the EPO in Munich (Directorate 5.2.3). The communication must be clear and unambiguous. It is not sufficient to file a new general authorisation omitting the name of the authorisee concerned (Rule 152(7) and (8) EPC).

# AUSTRIAN PATENT OFFICE

## AS DESIGNATED (OR ELECTED) OFFICE

### CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees . . . . .	Annex AT.I
Power of attorney . . . . .	Annex AT.II

#### List of abbreviations:

Office:	Austrian Patent Office
PatG:	Patent Law [ <i>Patentgesetz</i> ]
PatV:	Law for the Introduction of the Patent Treaties [ <i>Patentverträge-Einführungsgesetz</i> ]
GMG:	Law on the Protection of Utility Models [ <i>Gebrauchsmustergesetz</i> ]
PAG:	Law on Charges of the Austrian Patent Office [ <i>Patentamtsgebührengesetz</i> ]

**SUMMARY****Designated  
(or elected) Office****SUMMARY****AT****AUSTRIAN PATENT OFFICE****AT****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: <sup>1</sup>	German
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee: <sup>1</sup>	Currency: Euro (EUR) For patent: Fee for entry into the national phase: EUR 52 Document fee ( <i>Schriftengebühr</i> ): EUR 50 Search and examination fee, including 10 claims: EUR 292 Claims fee, from the 11 <sup>th</sup> claim, for each group of up to 10 claims: EUR 104 For utility models: Fee for entry into the national phase: EUR 52 Document fee ( <i>Schriftengebühr</i> ): EUR 50 Search fee, including 10 claims: EUR 156 Claims fee, from the 11 <sup>th</sup> claim, for each group of up to 10 claims: EUR 104
Exemptions, reductions or refunds of the national fee:	No fee for entry into the national phase is payable if the international application was filed with the Austrian Patent Office as receiving Office.

[Continued on next page]

<sup>1</sup> Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).

**SUMMARY****Designated  
(or elected) Office****SUMMARY****AT****AUSTRIAN PATENT OFFICE****AT***[Continued]*

Special requirements of the Office  
(PCT Rule 51*bis*):<sup>2</sup>

For applicants having a residence or a principal place of business in Austria or in a member State of the European Union or in a State party to the Agreement on the European Economic Area or in Switzerland, the applicant is not obliged to be represented by an agent. However, if the residence or the principal place of business of the applicant is outside of Austria, he has – at least - to mention a natural person or legal entity having an address in Austria for the reception of documents. If the applicant wants to be represented he may be either represented by any natural person or legal entity having a residence or its principal place of business in Austria or by any natural person or legal entity authorized to professional representation in Austria (professional agent or agency).

For applicants having neither a residence nor a principal place of business in Austria nor in a member State of the European Union or in a State party to the Agreement on the European Economic Area nor in Switzerland, the applicant is obliged to be represented by a patent attorney, attorney at law or notary, entitled to professional representation in Austria (professional agent or agency).

Who can act as agent?

Any patent attorney, attorney at law or notary, entitled to professional representation in Austria ([professional agent or agency](#)). The list of patent attorneys may be obtained from the Österreichische Patentanwaltskammer, Linke Wienzeile 4/1/9, A-1060 Wien, Austria ([www.patentanwalt.at](http://www.patentanwalt.at)). The list of attorneys at law may be obtained from the Österreichischer Rechtsanwaltskammertag, Rotenturmstr. 13, A-1010 Wien, Austria ([www.oerak.or.at](http://www.oerak.or.at)). The list of notaries may be obtained from the Österreichische Notariatskammer, Landesgerichtsstr. 20, A-1010 Wien, Austria ([www.notar.at](http://www.notar.at)).

Does the Office accept requests for  
restoration of the right of priority  
(PCT Rule 49*ter*.2)?

Yes, the Office applies both the “unintentional” and the “due care” criteria to such requests

<sup>2</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation

## THE PROCEDURE IN THE NATIONAL PHASE

**AT.01 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003). If the translation furnished to the Office contains only the description, the Office will invite the applicant to furnish the missing part and will excuse the late furnishing provided that the scope of the disclosure contained in the translation furnished to the Office is not broadened thereby.

**AT.02 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex AT.I.

PatG Sec. 21  
77

**AT.03 POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney. An attorney-at-law, a patent attorney or a notary may replace a power of attorney by a reference to his authorization. A model of a power of attorney is given in Annex AT.II.

PatG Sec. 20

**AT.04 MENTION OF INVENTOR.** The name of the inventor is mentioned by the Office in the Patent Register and in the publication of the patent upon express request only. That request may be made by the applicant or the inventor at any time, even after the publication of the patent. Where several persons are entitled to make such request, the requestor must produce proof that the other persons entitled agree, unless the request is made jointly by all those entitled.

PAG Sec. 6

**AT.05 ANNUAL FEES.** Annual fees for patents are only payable after publication in the Patent Gazette [*Österreichisches Patentblatt*] of the granting of the patent. In general, annual fees are only payable for the sixth year and the following years (calculated on the basis of the last day of the month in which the application was filed). However, no payment of annual fees is due before the granting of the patent.

The annual fees must be paid within three months preceding the due date (the last day of the month which corresponds to the month in which the application was filed), but not later than six months after the due date. Payments made after the due date will be subject to a late payment surcharge of 20% of the applicable fee.

The amounts of the annual fees for national patents and utility models are indicated in Annex AT.I.

PCT Art. 28  
41  
PatG Sec. 91(3)

**AT.06 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may make amendments to any part of the application up to the decision to grant a patent, provided that the scope of the subject matter of the application is not broadened thereby. It is to be noted that, during the opposition procedure following the grant of the patent, amendments to the description, claims or drawings may still be made, but only within the scope of the patent as granted.

PCT Art. 25  
PCT Rule 51  
PatG Sec. 70  
PatV Sec. 16(3)

**AT.07 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged within two months from the date of receipt of the decision. Within the same two-month time limit, a fee for appeal must be paid (for the amount, see Annex AT.I). The Higher Regional Court of Vienna will then decide on the appeal.

- PCT Art. 24(2)  
48(2)  
PatG Sec. 129  
to 136
- AT.08 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Reinstatement may be requested where the applicant, due to an unforeseeable or unavoidable event or in spite of due care required by the circumstances, has failed to comply with a time limit before the office and non-observance of the time limit is detrimental to his rights. A request for reinstatement must be presented in writing within two months after the removal of the cause of the failure to perform the act but not later than one year from the expiration of the time limit which has not been observed. Within these two months, the omitted act must be completed, the procedural fee for reinstatement indicated in Annex AT.I must be paid, and the request must state the facts which justify the reinstatement and procedure evidence of those facts, unless they are well known to the Office.
- PCT Art. 4(3)  
43  
44  
PCT Rules 4.12  
49bis.1  
(a), (b)  
76.5  
GMG Sec. 3(4)  
13 to 17
- AT.09 UTILITY MODEL.** If the applicant wishes to obtain utility model registration in Austria on the basis of an international application
- (i) instead of a patent, or  
(ii) in addition to a patent,
- subject to what is said in paragraph AT.13, the applicant, when entering the national phase, shall so indicate to the Office. Utility model applications must fulfill basically the same requirements as patent applications. However, unlike patent applications, utility model applications enjoy a grace period in which disclosure of the invention by the applicant or his legal predecessor is not prejudicial to novelty provided that it did not take place more than six months prior to the date of filing.
- GMG Sec. 6  
18(1)  
19  
27
- AT.10** The term of protection of the utility model commences with its publication and registration; the maximum term of protection for a utility model is 10 years from the end of the month in which the application is filed. In normal proceedings and where possible, if there are no objections to the publication and registration of the utility model, the Office compiles a search report within six months of the date of filing—the application procedure for utility models does not involve substantive examination. The applicant may amend the claims on receipt of the search report. Once proof of payment of the required fees has been received, the utility model is registered and published on the same date (in the Official Gazette). Additionally, applicants may request accelerated proceedings (immediate publication and registration of their utility model) when filing their application. Under that procedure, where no objections arise from the formal examination and the proof of payment is received, the utility model is published and registered within one to three months from filing.
- PatV Sec. 16
- AT.11** If the international application is for both a utility model and a patent, the applicant must, within the time limit applicable for the entry into the national phase, pay two fees for entry into the national phase (for the patent application and the utility model application) and, where the international application was not filed in the German language, furnish a translation into German, and file a power of attorney (if any) in duplicate.
- PAG Sec. 16
- AT.12** Annual fees are payable from the fourth year onwards, as from the last day of the month of the filing date. In case the utility model is not published and registered before three years from the last day of the month of the filing date, annual fees are payable only for the years following the publication and registration of the utility model. The amounts of the annual fees are indicated in Annex AT.I.
- PatG Sec. 92b  
GMG Sec. 21
- AT.13 CONVERSION.** An international application for a patent may be converted into a utility model application, and vice versa, after the applicant has complied with the requirements for the entry into the national phase as indicated in the Summary. Conversion may be effected up to the date on which the decision is taken to publish or reject the application. However, once a conversion has taken place, a conversion back to the original status will not be possible.

- 
- GMG Sec. 15a(1)    AT.14    **BRANCHING OFF.** A utility model application concerning the subject matter of an earlier application for a patent that is valid in Austria may claim the filing date of that earlier patent application provided the utility model application is filed before the expiration of two months after the patent application is considered withdrawn or finally rejected or after the opposition procedure, if any, is terminated.
- PCT Rule 49ter.2    AT.15    **RESTORATION OF THE RIGHT OF PRIORITY.** A declaration or other evidence in support of a request for restoration of the right of priority should be filed within the time limit set out in PCT Rule 49ter.2(b)(i).
- PCT Rule 49ter.2(e)    If such a request is not accompanied by a declaration or other supporting evidence it will not be refused *prima facie* by the Office but the applicant will be requested to furnish the required declaration within a time limit which shall be reasonable under the circumstances.

## FEES

(Currency: Euro)

	Patent	Utility model
Fee for entry into the national phase <sup>1</sup> . . . . .	52	52
Document fee ( <i>Schriftengebühr</i> ) : . . . . .	50	50
Search and examination fee, including 10 claims . . . . .	292	—
Search fee, including 10 claims . . . . .	—	156
Claims fee, from the 11 <sup>th</sup> claim, for each group of up to 10 claims . . . . .	104	104
Publication fee (for grant) . . . . .	208 <sup>2</sup>	135
Supplement for accelerated publication and registration . . . . .	—	52
Annual fees:		
— for the 2 <sup>nd</sup> year . . . . .	—	—
— for the 3 <sup>rd</sup> year . . . . .	—	—
— for the 4 <sup>th</sup> year . . . . .	—	52 <sup>3</sup>
— for the 5 <sup>th</sup> year . . . . .	—	104
— for the 6 <sup>th</sup> year . . . . .	104	261
— for the 7 <sup>th</sup> year . . . . .	208	313
— for the 8 <sup>th</sup> year . . . . .	313	365
— for the 9 <sup>th</sup> year . . . . .	417	417
— for the 10 <sup>th</sup> year . . . . .	522	470
— for the 11 <sup>th</sup> year . . . . .	626	—
— for the 12 <sup>th</sup> year . . . . .	731	—
— for the 13 <sup>th</sup> year . . . . .	835	—
— for the 14 <sup>th</sup> year . . . . .	940	—
— for the 15 <sup>th</sup> year . . . . .	1,044	—
— for the 16 <sup>th</sup> year . . . . .	1,148	—
— for the 17 <sup>th</sup> year . . . . .	1,253	—
— for the 18 <sup>th</sup> year . . . . .	1,357	—
— for the 19 <sup>th</sup> year . . . . .	1,566	—
— for the 20 <sup>th</sup> year . . . . .	1,775	—
Fee for restoration of the right of priority, including document fee ( <i>Schriftengebühr</i> ) . . . . .	269	269
Procedural fee for reinstatement, including document fee ( <i>Schriftengebühr</i> ) . . . . .	269	269
Fee for appeal (Higher Regional Court of Vienna) . . . . .	355	355

<sup>1</sup> Where the international application has been filed with the Austrian Patent Office as receiving Office, the fee for entering the national phase is considered to have been paid with the payment of the transmittal fee.

<sup>2</sup> In excess of 15 pages, an additional fee of 135 euro is payable for each 15 pages (or part thereof) of the description, including the claims and drawings attached to the description.

<sup>3</sup> Instead of paying annual fees, a single fee of 376 euro may be paid for the fourth to sixth years and 1,410 for the seventh to the tenth years, which results in savings for the applicant.

**How can payment of fees be effected?**

The payment of fees must be effected in euro by transfer into the bank account of the Austrian Patent Office:

Beneficiary's name:	Österreichisches Patentamt Dresdner Straße 87 A-1200 Wien
Bank name:	BAWAG P.S.K.
Bank address:	Georg-Coch-Platz 2 A-1018 Wien
BIC/Swift-Code:	BUNDATWW
IBAN:	AT75 0100 0000 0516 0000
Bank Number	01000
Account Number	5.160.000

Fees for appeal must be paid to the account of the Higher Regional Court of Vienna:

IBAN:	AT970100000005460401
BIC/SWIFT	BUNDATWW

All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the type of fee being paid. Fees paid to the bank account of the Office are regarded as being received on the date on which the money is credited to the said account.

**ÖSTERREICH  
EUROPA  
INTERNATIONALE VERTRÄGE**  
PATENTE / SCHUTZZERTIFIKATE /  
GEBRACHSMUSTER / MARKEN / MUSTER /  
HALBLEITERSCHUTZ / SORTENSCHUTZ

**VOLLMACHT**

Der (Die) Unterzeichnete(n)  
bevollmächtigt (bevollmächtigen) die

Patentanwälte  
Vertreter vor dem Europäischen Patentamt

- einschließlich des Rechts auf Erteilung von Untervollmachten –  
alle einem Patentanwalt zustehenden Vertretungshandlungen auf  
dem Gebiet des Erfindungs-, Kennzeichen-, Muster-,  
Halbleiterschutz-, und Sortenschutzwesens, insbesondere vor den  
österreichischen, europäischen und internationalen Behörden.

Jeder Bevollmächtigte ist zur Beistandsleistung, insbesondere vor  
Gericht und Verwaltungsbehörden ermächtigt. Ebenso ist er zu  
Behebung und Empfangnahme von Geld und Geldeswert sowie zur  
Unterzeichnung von Urkunden für den Vollmachtgeber,  
insbesondere Übertragungserklärungen, Erfindernennungen und  
dergleichen ermächtigt.

Der (die) Unterzeichnete(n) erklärt (erklären) sich zur ungeteilten  
Hand, Honorare sowie Auslagen und eine allfällige Umsatzsteuer  
zu bezahlen und erklären sich damit einverstanden, dass der  
bezügliche Anspruch in Wien (Österreich) gerichtlich geltend  
gemacht werden kann.

**GERICHTSSTAND  
HAFTUNGSBEGRENZUNG**

Der (die) Unterzeichnete(n) erklärt (erklären) sich damit  
einverstanden, dass für sämtliche Ansprüche aus oder in  
Zusammenhang mit diesem Auftragsverhältnis das jeweils sachlich  
für den Ort des Kanzleisitzes der Vollmachtnehmer zuständige  
Gericht ausschließlich zuständig ist, wobei der Vollmachtnehmer  
auch ein aus- oder inländisches Gericht anrufen kann.

Die Anwendung österreichischen Rechtes auf das  
Auftragsverhältnis und alle damit zusammenhängenden  
Rechtsstreitigkeiten wird für verbindlich erklärt.

Unterschrift mit vollem Namen (Sign full name here): \_\_\_\_\_

Place, Date  
Ort, Datum

Österreichische Patentanwaltskammer  
Austrian Chamber of Patent Attorneys

**AUSTRIA  
EUROPE  
INTERNATIONAL TREATIES**  
PATENTS / PROTECTION CERTIFICATES / UTILITY MODELS /  
TRADEMARKS / DESIGNS /  
PROTECTION OF SEMICONDUCTORS AND PLANTS

**POWER OF ATTORNEY**

The undersigned  
Hereby authorize(s) the

Patent Attorneys  
European Patent Attorneys

to represent them - inclusive the right to grant powers of  
substitution - in all matters with regard to invention, trademarks,  
designs, semiconductor and plant protection, in particular before  
the Austrian, European and International Authorities.

The above attorneys are authorized to assist the undersigned in  
particular in proceedings before courts and administrative  
authorities.

They are authorized to sign documents (in particular assignments,  
declarations of inventors, subpowers or the like) on behalf of the  
undersigned and to receive money and money's worth.

The undersigned hereby agree(s) to pay (solidary) the full costs of  
the representation as well as expenses and taxes and with respect  
to same accept(s) the jurisdiction of the pertinent courts in Vienna  
(Austria).

**COURT OF COMPETENT JURISDICTION  
LIMITATION OF LIABILITY**

The undersigned hereby declares (declare) his/her (her, their)  
consent and agrees (agree) that for all claims arising from or in  
connection with this mandate, the court of competent jurisdiction  
at the seat of the holder of power of attorney shall have exclusive  
jurisdiction. The holders of power of attorney may, at his own  
discretion, also take action before any other foreign or domestic  
court of his choice.

It is stipulated that Austrian Law shall be applicable and binding  
for this mandate and for all legal disputes connected therewith or  
arising therefrom.

Bei Personen: Namen und Vornamen voll ausschreiben, bei Firmen,  
genaue, eingetragene Firmenbezeichnung angeben. **Keine Beglaubigung!**

First names and surnames of individual persons are to be written in full,  
corporate bodies are to sign in the form in which they are registered. **No  
legalization!**

# GERMAN PATENT AND TRADE MARK OFFICE

(*DEUTSCHES PATENT- UND MARKENAMT*)  
AS  
DESIGNATED (OR ELECTED) OFFICE

## CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex DE.I
National processing request form (patents) .....	Annex DE.II
National processing request form (utility models) .....	Annex DE.III
Declaration concerning the inventor .....	Annex DE.IV

### List of abbreviations:

Office:	German Patent and Trade Mark Office
PatG:	Patent Act [ <i>Patentgesetz</i> ]
GebrMG:	Utility Model Act [ <i>Gebrauchsmustergesetz</i> ]
IntPatÜbkG:	Act on International Patent Conventions [ <i>Gesetz über internationale Patentübereinkommen</i> ]
PatKostG:	Patent Costs Act [ <i>Patentkostengesetz</i> ]
PatKostZV:	Ordinance on Payment of Patent Costs of the German Patent and Trade Mark Office and the Federal Patent Court [ <i>Patentkostenzahlungsverordnung</i> ]
DPMAY:	Ordinance concerning the German Patent and Trade Mark Office [ <i>Verordnung über das Deutsche Patent- und Markenamt</i> ]

**SUMMARY****Designated  
(or elected) Office****SUMMARY****DE****GERMAN PATENT AND  
TRADE MARK OFFICE****DE****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 31 months from the priority date Under PCT Article 39(1)(a): 31 months from the priority date
Translation of international application required into: <sup>1</sup>	German
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract  Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: Euro (EUR) For patent: Filing fee: <sup>2</sup> - international application with up to 10 claims: EUR 60 - international application with over 10 claims: EUR 60 - for each claim exceeding 10: EUR 30 Annual fee for the third year: <sup>3</sup> EUR 70 For utility model: Filing fee: <sup>4</sup> EUR 40
Exemptions, reductions or refunds of the national fee:	No filing fee is payable if the international application was filed with the German Patent and Trade Mark Office as receiving Office. The fee for requesting examination is reduced where an international search report has been established.

*[Continued on next page]*

<sup>1</sup> Must be furnished within the time limit applicable under PCT Article 22 or 39(1). A translation of the abstract is not required in case of a utility model application.

<sup>2</sup> Must be paid within the time limit applicable under PCT Article 22 or 39(1). The filing fee for entry into the national phase is calculated on the basis of the number of claims in the international application as originally filed, and not as subsequently reduced, if applicable. A subsequent addition of claims may increase the amount of the filing fee. For further general information, refer to <https://www.dpma.de/english/services/fees/patents/index.html>.

<sup>3</sup> It is due on the last day of the month containing the second anniversary (24 months) of the international filing date. If the applicant does not initiate early entry into the national phase, he does not have to pay the third annual fee before the expiration of the 31-month time limit under PCT Article 22(1) or 39(1)(a). In that case, the third annual fee shall be paid without surcharge before the expiration of the second month after the expiration of the 31-month time limit. If the third annual fee is not paid within this two-month time limit, the fee may still be paid with a surcharge before the expiration of the sixth month after the expiration of the 31-month time limit.

<sup>4</sup> Must be paid within the time limit applicable under PCT Article 22 or 39(1).

## SUMMARY

Designated  
(or elected) Office

## SUMMARY

DE

GERMAN PATENT AND  
TRADE MARK OFFICE

DE

[Continued]

Special requirements of the Office  
(PCT Rule 51*bis*):<sup>5</sup>

Where the applicant is a legal entity, indication of the name of an officer representing that entity

Declaration concerning the inventor and the right of the applicant to apply for a patent<sup>6</sup>

Appointment of an agent if the applicant is not resident in Germany

If the international application is for a patent and a utility model, the translation must be furnished in duplicate

Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

Furnishing of any missing indication of the address and residence of each of the applicants

Who can act as agent?

If an agent is required (because the applicant neither has his residence, nor his principal place of business, nor an establishment in Germany): any patent attorney, attorney-at-law, or firm of representatives established in Germany and authorized to represent the applicant in proceedings before the Office;<sup>7</sup> any patent attorney or attorney-at-law of a member State of the European Union, of a contracting party to the Agreement on the European Economic Area, or of Switzerland, authorized to either practice in Germany, or to provide temporary services, and empowered to represent the applicant in proceedings before the Office (refer to the *Act on the Activities of Patent Attorneys from EU member states in Germany (EuPAG)* and the *Act on the Activities of European Lawyers in Germany (EuRAG)*);

If an agent is not required: as mentioned above and any natural person<sup>8</sup>

Does the Office accept requests for  
restoration of the right of priority  
(PCT Rule 49*ter*.2)?

No

<sup>5</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>6</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

<sup>7</sup> The list of patent attorneys may be obtained from the Patentanwaltskammer (Chamber of Patent Attorneys), Postfach 260108, 80058 München, Germany, and the list of attorneys-at-law from the Bundesrechtsanwaltskammer (Chamber of Attorneys-at-Law), Littenstrasse 9, 10179 Berlin, Germany.

<sup>8</sup> In accordance with the provisions of the *Legal Services Act (Rechtsdienstleistungsgesetz – RDG)*.

## THE PROCEDURE IN THE NATIONAL PHASE

**DE.01 FORMS FOR ENTERING THE NATIONAL PHASE.** The Office has available special forms for entering the national phase (see Annexes DE.II (patents) and DE.III (utility models)) which are available on the Office's website at: <http://www.dpma.de/docs/service/formulare/patent/p2009.pdf> and <http://www.dpma.de/docs/service/formulare/gebrauchsmuster/g6007.pdf>. These forms should preferably (but need not) be used.

**DE.02 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

IntPatÜbkG Art. III  
Sec. 4(2)  
PatKostG Sec. 2 (1)  
PatKostZV Sec. 1

**DE.03 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex DE.I.

PatG Sec. 37

**DE.04 DECLARATION CONCERNING THE INVENTOR AND THE RIGHT OF THE APPLICANT TO APPLY FOR A PATENT.** For details, see the model of such declaration (not an official form for international applications) in Annex DE.IV. Legalization is not required. For time limits, see the Summary.

PatG Sec. 25

**DE.05 REPRESENTATION.** Any person who has neither a residence nor a principal place of business nor an establishment in Germany may participate in proceedings before the Office if he/she has appointed as his/her representative an attorney-at-law or a patent attorney who is authorized and empowered to represent him/her in proceedings before the Office, before the Federal Patent Court and in civil litigation affecting the patent, as well as to file an application for criminal prosecution. Representation is also possible through any patent attorney or attorney-at-law of a member State of the European Union, a contracting party to the Agreement on the European Economic Area or of Switzerland if such attorney is authorized and empowered to represent applicants in proceedings before the Office, the Federal Patent Court and in civil litigation affecting a patent, as well as to file motions for criminal prosecution. The authorization is subject to the relevant provisions governing admission to the profession of attorney-at-law or patent attorney as well as to the provisions concerning the temporary provision of services; patent attorneys of the above mentioned states providing temporary services in Germany need to be registered with the Chamber of Patent Attorneys.

DPMAG Sec. 15

**DE.06 POWER OF ATTORNEY.** If an agent is appointed, a written power of attorney must generally be filed, exceptions apply *inter alia* for attorneys-at-law and patent attorneys acting as agents.

PatG Sec. 17  
PatKostG Sec. 3(2)  
7(1)

**DE.07 ANNUAL FEES.** They are payable for the third and each subsequent year following the international filing date. The annual fees are due on the last day of the month containing the anniversary of the international filing date. The fees shall be paid before the expiration of the second month after the due date. Where the fee is not paid within the two-month time limit, payment can still be made with a surcharge before the expiration of the sixth month after the due date. If the applicant does not initiate early entry into the national phase, he does not have to pay the third annual fee before the expiration of the 31-month time limit under PCT Article 22(1) or Article 39(1)(a). In that case, the third annual fee shall be paid without surcharge before the expiration of the second month after the expiration of the 31-month time limit. If the third annual fee is not paid within this two-month time limit, the fee may still be paid with a surcharge before the expiration of the sixth month after the expiration of the 31-month time limit. The amounts of the annual fees and of the surcharge are indicated in Annex DE.I.

PatG Sec. 44

**DE.08 REQUEST FOR EXAMINATION.** A patent will be granted only after examination as to patentability which may be requested by the applicant or by a third party. There is no special form for the request.

PatG Sec. 44(2)	DE.09 <b>TIME LIMIT FOR REQUESTING EXAMINATION.</b> Examination must be requested within seven years from the international filing date.
PatG Sec. 44 (2) PatKostG Sec. 3(1) 5(1) IntPatÜbkG Art. III Sec. 7	DE.10 <b>FEE FOR REQUESTING EXAMINATION.</b> The fee for requesting examination must be paid within three months from the date of the request but no later than seven years from the international filing date. Processing of the request for examination will only start after the fee for requesting examination has been paid. The amount of the said fee is indicated in Annex DE.I. It is reduced where an international search report has been established.
PCT Art. 28 41 PatG Sec. 38	DE.11 <b>AMENDMENT OF THE APPLICATION; TIME LIMITS.</b> Before any decision is taken on the grant of a patent, amendments may be made to any part of the application, provided that the scope of the subject matter of the application is not broadened thereby, but only until the request for examination has been received, if the amendment involves the rectification of an obvious mistake, correction of a deficiency noted by the Examining Section or amendments to the claims.  It is to be noted that, during opposition procedure following the grant of the patent, amendments to the description, claims or drawings may still be made, but only within the scope of the patent as granted.
PCT Art. 25 PCT Rule 51 IntPatÜbkG Art. III Sec. 5 PatG Sec. 65(1) 73	DE.12 <b>REVIEW UNDER ARTICLE 25 OF THE PCT.</b> The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged within one month from the date of receipt of the decision. Within the same one-month time limit, a fee for appeal must be paid. The Federal Patent Court will then decide on the appeal.
PCT Art. 24(2) 48(2) PatG Sec. 123 123a GebrMG Sec. 21	DE.13 <b>EXCUSE OF DELAYS IN MEETING TIME LIMITS.</b> Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Reinstatement may be requested where the applicant, through no fault of his own, has failed to comply with a (statutory) time limit during the international phase or before the Office and non-observance of the time limit is detrimental to his rights. Reinstatement is excluded, however, for missing of the time limit for filing an application for which priority of an earlier German application is claimed, whereas reinstatement may be requested if priority of an earlier foreign application is claimed. A request for reinstatement must be presented in writing within two months after the removal of the cause of the failure to perform the action but not later than one year from the expiration of the time limit which has not been observed. Within these two months, the omitted act must be completed and the request must state the facts which justify the reinstatement; these facts must be substantiated [ <i>glaubhaft machen</i> ]. In addition, it is possible to request further processing of the application if the application has been rejected following a failure to observe a time limit fixed by the Office. The request for further processing shall be filed within one month after notification of the decision to reject the application. The omitted act must be completed within this time limit and a fee must be paid. The amounts of fees for further processing are indicated in Annex DE.I. Reinstatement of rights in respect of the time limit to request further processing is not possible.
PCT Art. 4(3) 43 44 PCT Rules 49bis.1 (a) and (b) 76.5 IntPatÜbkG Art. III Sec. 4(1) GebrMG Sec. 4 23(1)	DE.14 <b>UTILITY MODEL.</b> If the applicant wishes to obtain utility model registration in Germany on the basis of an international application <div style="margin-left: 40px;">(i) instead of a patent or</div> <div style="margin-left: 40px;">(ii) in addition to a patent,</div> the applicant, when performing the acts referred to in PCT Article 22 or 39(1), shall so indicate to the designated Office. Where no special acts are required for entry into the national phase, because the Office is both the receiving Office and designated Office, <i>and</i> the application was filed in German, the applicant shall nonetheless be responsible for the timely execution of his right of choice under PCT Rule 49bis.1.

PatKostG Sec. 3(2)  
7(1)

DE.15 If the international application is for a utility model instead of a patent (see the case referred to in paragraph DE.14(i)), the requirements are basically the same as for patent applications except that the applicant is not required:

- (i) to furnish a translation of the abstract,
- (ii) to furnish a declaration concerning the inventor,
- (iii) to make a request for examination, and
- (iv) to pay annual fees.

Instead of annual fees, maintenance fees become due for utility models. The due date, amounts and terms of protection are indicated in Annex DE.I. The maximum term of protection is 10 years from the international filing date.

IntPatÜbkG Art. III  
Sec. 4(2)

DE.16 If the international application is for both a utility model and a patent (see the case referred to in paragraph DE.14(ii)), the applicant must, within the time limit applicable for entry into the national phase, comply with the following requirements:

- (i) pay two filing fees for both the patent application and the utility model application,
- (ii) where the international application was not filed in German, furnish a translation into German,
- (iii) furnish the translation of the international application (if any) in duplicate.

The requirement (iii) may still be complied with within a time limit fixed in an invitation by the Office, if not already complied with within the time limit applicable for entry into the national phase.

GebrMG Sec. 5

DE.17 In addition to the options mentioned under DE.14 a national utility model application concerning the subject matter of an earlier national, international or European patent application for a national or European patent for Germany may according to national law claim the filing date of that earlier patent application provided the utility model application is filed before the expiration of two months from the end of the month in which the patent application is disposed of or in which the opposition procedure, if any, is terminated, at the latest, however, up to the end of the tenth year from the date of filing of the patent application. Any priority which is claimed in the earlier patent application under the Paris Convention for the Protection of Industrial Property will also apply to the subsequent utility model application.

**FEES****(Currency: Euro)****Patents****Filing fee:<sup>1</sup>**

— international application with up to 10 claims	60
— international application with over 10 claims	60
— for each claim exceeding 10	30

**Fee for requesting examination:**

(i) where an international search report has been established	150
(ii) where no international search report has been established	350

**Annual fees:<sup>2</sup>**

— for the 3 <sup>rd</sup> year	70
— for the 4 <sup>th</sup> year	70
— for the 5 <sup>th</sup> year	100
— for the 6 <sup>th</sup> year	150
— for the 7 <sup>th</sup> year	210
— for the 8 <sup>th</sup> year	280
— for the 9 <sup>th</sup> year	350
— for the 10 <sup>th</sup> year	430
— for the 11 <sup>th</sup> year	540
— for the 12 <sup>th</sup> year	680
— for the 13 <sup>th</sup> year	830
— for the 14 <sup>th</sup> year	980
— for the 15 <sup>th</sup> year	1,130
— for the 16 <sup>th</sup> year	1,310
— for the 17 <sup>th</sup> year	1,490
— for the 18 <sup>th</sup> year	1,670
— for the 19 <sup>th</sup> year	1,840
— for the 20 <sup>th</sup> year	2,030

Surcharge for late payment of the annual fee	50
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Fee for further processing	100
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**Utility models**

Filing fee <sup>3</sup>	40
— international application	40

**Maintenance fees:**

— for the 4 <sup>th</sup> to the 6 <sup>th</sup> year of protection	210
— for the 7 <sup>th</sup> and the 8 <sup>th</sup> years of protection	350
— for the 9 <sup>th</sup> and the 10 <sup>th</sup> years of protection	530

Surcharge for late payment of the maintenance fee	50
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Fee for further processing	100
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<sup>1</sup> Where the international application has been filed with the German Patent and Trade Mark Office as receiving Office, the filing fee is considered to have been paid with the payment of the transmittal fee (IntPatÜbkG Art. III, Sec. 4(2)). The filing fee for entry into the national phase is calculated on the basis of the number of claims in the international application as originally filed, and not as subsequently reduced, if applicable. A subsequent addition of claims may increase the amount of the filing fee. For further general information, refer to <https://www.dpma.de/english/services/fees/patents/index.html>.

<sup>2</sup> Annual fees are reduced by 50% in case of a declaration to the German Patent and Trade Mark Office that the applicant or proprietor is willing to allow anyone to use the invention in return for equitable remuneration (PatG, Sec. 23 (1)).

<sup>3</sup> Where the international application has been filed with the German Patent and Trade Mark Office as receiving Office, the filing fee is considered to have been paid with the payment of the transmittal fee (IntPatÜbkG Art. III, Sec. 4(2)).

**How can payment of fees be effected?**

The payment of the fees has to be effected in Euro. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid.

Payment of fees can be made by:

- (a) payment by cash directly to the Office;
- (b) bank transfer or payment by cash into the account of the Bundeskasse Halle/DPMA (No. 700 010 54 at the Deutsche Bundesbank (BBk) München, IBAN: DE84 7000 0000 0070 001054, BIC/SWIFT code: MARKDEF1700. Customers should declare that any handling charges are borne by the payer;
- (c) submitting a valid “SEPA Core Direct Debit Mandate” together with the “Specification of the purpose of the use of the mandate. The forms “SEPA Core Direct Debit Mandate” and “Specification of the purpose of use of the mandate” provided by the Office in German and English language should preferably be used.

Applicants must choose a mode of payment guaranteeing that the *full amount of the fees due* is received by the Office. There is a danger of loss of rights if bank charges are deducted.



Deutsches  
Patent- und Markenamt

An das  
Deutsche Patent- und Markenamt  
80297 München



(1)	<p><b>Sendungen des Deutschen Patent- und Markenamts sind zu richten an:</b></p> <p>Name, Vorname oder Firma</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Straße, Hausnummer / ggf. Postfach</p> <p>_____</p> <p>_____</p> <p>Postleitzahl      Ort</p> <p>_____</p>	<p><b>Einleitung der nationalen Phase einer PCT-Anmeldung für die Erteilung eines Patents</b></p> <p>Aktenzeichen <b>PCT/</b> _____ / _____</p> <p>Datum      TT      MM      JJJJ</p> <p>_____</p> <p><input type="checkbox"/> <b>TELEFAX</b>      TT      MM      JJJJ</p> <p>vorab am      _____</p> <p>_____</p> <p><b>Staat</b> (falls nicht Deutschland)</p> <p>_____</p>
	(2)	<p>Zeichen des Anmelders/Vertreters (max. 20 Stellen)</p> <p>_____</p>
(3)	<p>Der Empfänger in Feld (1) ist der      ggf. Nr. der Allgemeinen Vollmacht</p> <p><input type="checkbox"/> Anmelder      <input type="checkbox"/> Zustellungsbevollmächtigte      <input type="checkbox"/> Vertreter      _____</p>	
<p>(4)</p> <p>nur auszufüllen, wenn abweichend von Feld (1)</p> <p>Handelsregisternummer nur bei Firmen anzugeben</p>	<p><b>Anmelder</b></p> <p>Name, Vorname oder Firma lt. Handelsregister</p> <p>_____</p> <p>_____</p> <p>Straße, Hausnummer (kein Postfach!)</p> <p>_____</p> <p>_____</p> <p>Postleitzahl      Ort      <b>Staat</b> (falls nicht Deutschland)</p> <p>_____</p> <p><input type="checkbox"/> Der Anmelder ist eingetragen im Handelsregister Nr. _____</p> <p>beim Amtsgericht      _____</p>	
	<p><b>Vertreter</b></p> <p>Name, Vorname / Bezeichnung</p> <p>_____</p> <p>_____</p> <p>Straße, Hausnummer</p> <p>_____</p> <p>_____</p> <p>Postleitzahl      Ort      <b>Staat</b> (falls nicht Deutschland)</p> <p>_____</p>	



(5) soweit bekannt	Anmelder-Nr. _____	Vertreter-Nr. _____
	Zustelladressen-Nr. _____	
(6)	<b>Bezeichnung der Erfindung</b> (bei Überlänge auf gesondertem Blatt) _____ _____ _____ _____ _____ _____ _____	
(7)	<b>Sonstige Anträge</b> <input type="checkbox"/> <b>Antrag auf vorzeitige Bearbeitung oder Prüfung gemäß Artikel 23 (2) PCT bzw. Artikel 40 (2) PCT (DE ist noch als Bestimmungsstaat benannt)</b> Datum und Aktenzeichen der (ältesten) Anmeldung, deren Priorität in Anspruch genommen wird: _____ Falls keine Priorität beansprucht wird: Datum der internationalen Anmeldung: _____ <input type="checkbox"/> <b>Prüfungsantrag</b> (§ 44 Patentgesetz)	
(8)	<b>Erklärungen</b> <input type="checkbox"/> an <b>Lizenzvergabe</b> interessiert (unverbindlich)	
(9) Erläuterung und Kosten- hinweise siehe Seite 4 und 5	<b>Gebührenzahlung</b> in Höhe von _____ EUR <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <b>Zahlung per Banküberweisung</b>  <input type="checkbox"/> <b>Überweisung</b> (falls noch kein nationales Aktenzeichen bekannt ist, ist das PCT-Aktenzeichen anzugeben)  <b>Zahlungsempfänger:</b>            Bundeskasse Halle/DPMA            IBAN: DE84 7000 0000 0070 0010 54            BIC (Swift-Code): MARKDEF1700  <b>Anschrift der Bank:</b>            Bundesbankfiliale München            Leopoldstr. 234, 80807 München         </div> <div style="width: 48%;"> <b>Zahlung mittels SEPA-Basis-Lastschrift</b>  <input type="checkbox"/> Ein gültiges SEPA-Basis-Lastschriftmandat (Vordruck <a href="#">A 9530</a>)  <input type="checkbox"/> liegt dem DPMA bereits vor (Mandat für mehrmalige Zahlungen).  <input type="checkbox"/> ist beigelegt.  <input type="checkbox"/> Angaben zum Verwendungszweck (Vordruck <a href="#">A 9532</a>) des Mandats mit Mandatsreferenznummer sind beigelegt.         </div> </div> <p><b>Wird die Anmeldegebühr nicht innerhalb von 30 Monaten nach dem frühesten Prioritätsdatum gezahlt, verliert die internationale Anmeldung die Wirkung einer nationalen Anmeldung in Deutschland!</b></p>	



(10)	<b>Anlagen</b>  1. _____ Vertretervollmacht 2. _____ Erfinderbenennung ( <a href="#">P 2792</a> ) 3. _____ Zusammenfassung (ggf. mit Zeichnung Fig. _____) 4. _____ Seite(n) Beschreibung (ggf. mit Bezugszeichenliste) 5. _____ Seite(n) Patentansprüche _____ Anzahl Patentansprüche 6. _____ Blatt Zeichnungen 7. _____ Abschrift(en) der Voranmeldung(en) 8. _____ Zitierte Nichtpatentliteratur 9. _____ Anzahl Datenträger <input type="checkbox"/> für Sequenzprotokoll nach § 11 Absatz 2 Patentverordnung 10. _____
siehe auch Seite 4 und 5	<p><b>Bitte beachten Sie hinsichtlich der Verarbeitung Ihrer personenbezogenen Daten unser Merkblatt <a href="#">A 9106</a> „Datenschutz bei Schutzrechtsanmeldungen“. Dieses finden Sie unter <a href="http://www.dpma.de">www.dpma.de</a>: Service – Formulare – Sonstige Formulare – Hinweise zum Datenschutz.</b></p> <div style="text-align: right; margin-top: 100px;">         (11) _____          Unterschrift/en       </div> <div style="text-align: right; margin-top: 20px;">         (12) _____          Funktion des Unterzeichners       </div> <div style="border: 1px solid black; padding: 5px; margin-top: 20px; width: fit-content;"> <b>Bitte beachten Sie die Hinweise auf den nächsten Seiten!</b> </div>



Dieser Vordruck darf nur für die Einleitung der nationalen Phase einer PCT-Anmeldung für die Erteilung eines Patents vor dem Deutschen Patent- und Markenamt (DPMA) als **Bestimmungsamt** verwendet werden. Für das Einreichen einer PCT-Anmeldung vor dem DPMA als Anmeldeamt ist der Vordruck [PCT/RO/101](#) zu verwenden.

Weitere Hinweise finden sich im **Merkblatt für internationale (PCT-) Patentanmeldungen** ([PCT/DPMA/200](#)).

#### Hinweise zur Einleitung der nationalen Phase

Innerhalb von 30 Monaten nach dem Prioritätsdatum ist vor jedem Bestimmungsamt gesondert die nationale Phase einzuleiten.

Für die Einleitung der nationalen Phase für eine Patentanmeldung vor dem DPMA als Bestimmungsamt sind erforderlich:

- a) eine deutsche Übersetzung der Anmeldung, sofern die PCT-Anmeldung nicht in deutscher Sprache veröffentlicht worden ist;
- b) Zahlung der Anmeldegebühr (vgl. Kostenhinweise).  
Falls die internationale Anmeldung beim DPMA als Anmeldeamt eingereicht wurde, ist keine Anmeldegebühr zu entrichten.
- c) Gegebenenfalls ist die Erfinderbenennung nach § 37 Patentgesetz (PatG) zu vervollständigen bzw. einzureichen (vgl. Vordruck [P 2792](#)):

Ergibt sich aus der internationalen Anmeldung, dass der Anmelder auch der alleinige Erfinder ist, so muss die Erfinderbenennung nicht mehr eingereicht werden.

Ist der Anmelder nicht oder nicht allein der Erfinder, so hat der Anmelder den oder die Erfinder zu benennen und anzugeben, wie das Recht auf das Patent an ihn gelangt ist, wenn dies nicht bereits im Rahmen der internationalen Anmeldung erfolgt ist.

Bei berechtigten Zweifeln hat der Anmelder die Versicherung abzugeben, dass weitere Personen seines Wissens an der Erfindung nicht beteiligt sind (Regel 51 bis.1 Abs. a AusFO PCT i.V.m. § 37 Abs. 1 Satz 1 PatG).

#### Erläuterung zu Feld (1)

Sollten Sie den Empfang elektronischer Dokumente wünschen, ist die Registrierung für den Dienst DPMAdirektPro vorzunehmen. Weitere Informationen hierzu finden Sie auf der Internetseite [www.dpma.de](http://www.dpma.de).

#### Erläuterung zu Feld (7)

Wird ein Prüfungsantrag nicht innerhalb der gesetzlichen Frist von sieben Jahren nach Einreichung der Anmeldung gestellt oder innerhalb dieser Frist die Prüfungsantragsgebühr nicht gezahlt, gilt die Anmeldung als zurückgenommen.

#### Erläuterung zu Feld (9)

Das SEPA-Basis-Lastschriftverfahren ersetzt seit dem 1. Dezember 2013 das bisherige Zahlungsverfahren per Einzugsermächtigung. Gebühren können seit diesem Zeitpunkt durch Erteilung eines gültigen SEPA-Basis-Lastschriftmandats mit Angaben zum Verwendungszweck gezahlt werden. Bitte benutzen Sie hierfür die auf unserer Internetseite [www.dpma.de](http://www.dpma.de) bereitgestellten Formulare ([A 9530](#) und [A 9532](#)) und beachten Sie die dort zur Verfügung stehenden Hinweise zum SEPA-Verfahren (insb. [Mitteilung der Präsidentin Nr. 8/13](#)).

Das SEPA-Mandat muss dem DPMA immer im Original vorliegen. Bei einer Übermittlung per Fax muss das SEPA-Mandat im Original innerhalb eines Monats nachgereicht werden, damit der Zahlungstag gewahrt bleibt.

#### Kostenhinweise

Die jeweils gültigen Gebühren bestimmen sich nach dem Patentkostengesetz (PatKostG).

##### Anmeldegebühr

bei Anmeldung, die bis zu 10 Patentansprüche enthält ..... 60,-- EUR.....(Gebührennummer 311 150)

bei Anmeldung, die mehr als 10 Patentansprüche enthält..... 60,-- EUR + 30,-- EUR für **jeden** Anspruch > 10  
(Gebührennummer 311 160)

##### Prüfungsantragsgebühr

sofern ein internationaler Recherchebericht erstellt wurde ..... 150,-- EUR .....(Gebührennummer 311 300)

##### Prüfungsantragsgebühr

sofern kein internationaler Recherchebericht erstellt wurde ..... 350,-- EUR .....(Gebührennummer 311 400)

Bei der Zahlung sind der Verwendungszweck in Form der Gebührennummer (s.o.) und, soweit bekannt, das vollständige Aktenzeichen des DPMA anzugeben. Unkorrekte bzw. unvollständige Angaben führen zu Verzögerungen in der Bearbeitung.





Hinweis zur Höhe der Anmeldegebühr:

Die Höhe der Anmeldegebühr richtet sich nach der Anzahl der Patentansprüche der ursprünglich eingereichten Fassung der internationalen Anmeldung.

Wird die Anmeldegebühr nicht oder nicht vollständig innerhalb von 30 Monaten nach dem Prioritätstag gezahlt, verliert die internationale Anmeldung die Wirkung einer nationalen Anmeldung in Deutschland. Bitte beachten Sie, dass keine Gebührenbenachrichtigung versandt wird.

Der Prüfungsantrag wird erst dann bearbeitet, wenn die Prüfungsantragsgebühr eingezahlt worden ist.

#### **Hinweis zur 3. Jahresgebühr**

Jahresgebühren sind jeweils für die folgende Schutzfrist am letzten Tag des Monats fällig, der durch seine Benennung dem Monat entspricht, in den der (internationale) Anmeldetag fällt. Die 3. Jahresgebühr ist somit am letzten Tag des 24. Monats nach dem internationalen Anmeldetag fällig; die Zahlungsfristen nach dem Patentkostengesetz beginnen jedoch erst mit dem Eintritt in die nationale Phase.

#### **Erläuterung zu Feld (10)**

Bei Stellung eines Prüfungsantrags wird gebeten, die in der Anmeldung genannten Druckschriften bzw. Dokumente (außer Patentliteratur) vorzulegen.

**Dienststelle München**

**Dienststelle Jena**

**Informations- und Dienstleistungszentrum Berlin**

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**Zentraler Kundenservice:**

**+49 89 2195-1000**

**Zahlungsempfänger:** Bundeskasse Halle/DPMA

IBAN: DE84 7000 0000 0070 0010 54, BIC (SWIFT-Code): MARKDEF1700

**Anschrift der Bank:** Bundesbankfiliale München, Leopoldstr. 234, 80807 München

**Internet:**

<https://www.dpma.de>



Deutsches  
Patent- und Markenamt

An das  
Deutsche Patent- und Markenamt  
80297 München



(1)	<p><b>Sendungen des Deutschen Patent- und Markenamts sind zu richten an:</b>  <b>Name, Vorname oder Firma</b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p><b>Straße, Hausnummer / ggf. Postfach</b></p> <p>_____</p> <p>_____</p> <p><b>Postleitzahl      Ort</b></p> <p>_____</p>	<p><b>Einleitung der nationalen Phase einer PCT-Anmeldung für die Eintragung eines Gebrauchsmusters</b></p> <p>Aktenzeichen  <b>PCT/      /</b></p> <p><b>Datum</b>      TT      MM      JJJJ</p> <p><input type="checkbox"/> <b>TELEFAX</b>      TT      MM      JJJJ</p> <p>vorab am      _____</p> <p><b>Staat</b> (falls nicht Deutschland)</p> <p>_____</p>
(2)	<p><b>Zeichen des Anmelders/Vertreters (max. 20 Stellen)</b>      <b>Telefon des Anmelders/Vertreters</b></p> <p>_____</p>	
(3)	<p>Der Empfänger in Feld (1) ist der      ggf. Nr. der Allgemeinen Vollmacht</p> <p><input type="checkbox"/> Anmelder      <input type="checkbox"/> Zustellungsbevollmächtigte      <input type="checkbox"/> Vertreter      _____</p>	
<p>(4)</p> <p>nur auszufüllen, wenn abweichend von Feld (1)</p> <p>Handelsregisternummer nur bei Firmen anzugeben</p>	<p><b>Anmelder</b> (für weitere Anmelder bitte gesondertes Blatt benutzen)  <b>Name, Vorname oder Firma lt. Handelsregister</b></p> <p>_____</p> <p>_____</p> <p><b>Straße, Hausnummer (kein Postfach!)</b></p> <p>_____</p> <p>_____</p> <p><b>Postleitzahl      Ort      Staat</b> (falls nicht Deutschland)</p> <p>_____</p> <p><input type="checkbox"/> Der Anmelder ist eingetragen im Handelsregister Nr. _____  beim Amtsgericht _____</p>	
	<p><b>Vertreter</b>  <b>Name, Vorname / Bezeichnung</b></p> <p>_____</p> <p>_____</p> <p><b>Straße, Hausnummer</b></p> <p>_____</p> <p>_____</p> <p><b>Postleitzahl      Ort      Staat</b> (falls nicht Deutschland)</p> <p>_____</p>	



(5) soweit bekannt	Anmelder-Nr. _____	Vertreter-Nr. _____
	Zustelladressen-Nr. _____	
(6)	<b>Bezeichnung der Erfindung</b> _____ _____ _____	
(7) siehe Erläute- rung und Kostenhin- weise auf Seite 3 und 4	<b>Sonstige Anträge</b> <input type="checkbox"/> <b>Antrag auf vorzeitige Bearbeitung oder Prüfung gemäß Artikel 23 (2) PCT bzw. Artikel 40 (2) PCT (DE ist noch als Bestimmungsstaat benannt)</b> Datum und Aktenzeichen der (ältesten) Anmeldung, deren Priorität in Anspruch genommen wird: _____ Falls keine Priorität beansprucht wird: Datum der internationalen Anmeldung: _____ <input type="checkbox"/> <b>Rechercheantrag</b> - Ermittlung der öffentlichen Druckschriften (§ 7 Gebrauchsmustergesetz)	
(8)	<b>Erklärungen</b> <input type="checkbox"/> Der Anmelder ist an <b>Lizenzvergabe</b> interessiert (unverbindlich)	
(9) siehe Kosten- hinweise auf Seite 3 und 4	<b>Gebührenzahlung</b> in Höhe von _____ EUR <b>Zahlung per Banküberweisung</b> <input type="checkbox"/> <b>Überweisung</b> (falls noch kein nationales Aktenzeichen bekannt ist, ist das PCT-Aktenzeichen anzugeben) <b>Zahlungsempfänger:</b> Bundeskasse Halle/DPMA IBAN: DE84 7000 0000 0070 0010 54 BIC (Swift-Code): MARKDEF1700 <b>Anschrift der Bank:</b> Bundesbankfiliale München Leopoldstr. 234, 80807 München <b>Zahlung mittels SEPA-Basis-Lastschrift</b> <input type="checkbox"/> Ein gültiges SEPA-Basis-Lastschriftmandat (Vordruck <a href="#">A 9530</a> ) <input type="checkbox"/> liegt dem DPMA bereits vor (Mandat für mehrmalige Zahlungen). <input type="checkbox"/> ist beigefügt. <input type="checkbox"/> Angaben zum Verwendungszweck (Vordruck <a href="#">A 9532</a> ) des Mandats mit Mandatsreferenznummer sind beigefügt. <b>Wird die Anmeldegebühr nicht innerhalb von 30 Monaten nach dem frühesten Prioritätsdatum gezahlt, verliert die internationale Anmeldung die Wirkung einer nationalen Anmeldung in Deutschland!</b>	
(10)	<b>Anlagen</b> 1. _____ Seite(n) Beschreibung 2. _____ Seite(n) Schutzansprüche _____ Anzahl Schutzansprüche 3. _____ Blatt Zeichnungen 4. _____ Abschrift(en) der Voranmeldung(en) bei Priorität 5. _____ Vertretervollmacht 6. _____	
	<b>Bitte beachten Sie hinsichtlich der Verarbeitung Ihrer personenbezogenen Daten unser Merkblatt <a href="#">A 9106</a> „Datenschutz bei Schutzrechtsanmeldungen“. Dieses finden Sie unter <a href="http://www.dpma.de">www.dpma.de</a>: Service – Formulare – Sonstige Formulare – Hinweise zum Datenschutz.</b> _____ (11) Unterschrift/en (12) Funktion des Unterzeichners <div style="border: 1px solid black; padding: 5px; text-align: center;">Bitte beachten Sie die Hinweise auf den nächsten Seiten</div>	



Dieser Vordruck darf nur für die Einleitung der nationalen Phase einer PCT-Anmeldung für die Eintragung eines Gebrauchsmusters vor dem Deutschen Patent- und Markenamt als **Bestimmungsamt** verwendet werden. Für das Einreichen einer PCT-Anmeldung vor dem Deutschen Patent- und Markenamt als Anmeldeamt ist der Vordruck [PCT/RO/101](#) zu verwenden.

Weitere Hinweise finden sich im **Merkblatt für internationale (PCT-) Patentanmeldungen** ([PCT/DPMA/200](#)).

#### Hinweise zur Einleitung der nationalen Phase

Innerhalb von 30 Monaten nach dem Prioritätsdatum ist vor jedem Bestimmungsamt gesondert die nationale Phase einzuleiten.

Für die Einleitung der nationalen Phase für eine Gebrauchsmusteranmeldung vor dem Deutschen Patent- und Markenamt als Bestimmungsamt sind erforderlich:

- a) Eine deutsche Übersetzung der Anmeldung, sofern die PCT-Anmeldung nicht in deutscher Sprache veröffentlicht worden ist.
- b) Zahlung der Anmeldegebühr (vgl. Kostenhinweise).  
Falls die internationale Anmeldung beim Deutschen Patent- und Markenamt als Anmeldeamt eingereicht wurde, ist keine Anmeldegebühr zu entrichten.

#### Erläuterung zu Feld (4)

Unter „Anmelder“ sind Name und Anschrift vollständig anzugeben (kein Postfach). Bei mehreren Anmeldern reichen Sie bitte die entsprechenden Angaben zu den weiteren Anmeldern auf einem gesonderten Blatt ein.

Unter „Vertreter“ sind nur dann Angaben zu machen, wenn es sich z.B. um einen Patent- oder Rechtsanwalt oder um einen Erlaubnisscheininhaber handelt.

#### Erläuterung zu Feld (7)

Der Rechercheantrag ist vom Eintragungsantrag unabhängig.

Auf den Rechercheantrag hin ermittelt das Deutsche Patent- und Markenamt öffentliche Druckschriften, die für die Beurteilung der Gebrauchsmusterfähigkeit des Anmeldungsgegenstandes in Betracht zu ziehen sind.

Die Recherchegebühr verfällt mit Zahlung; eine Erstattung der Gebühr findet daher auch dann nicht statt, wenn die Recherche z.B. wegen Zurücknahme oder Zurückweisung der Anmeldung abgebrochen werden muss. Es wird daher empfohlen, den Rechercheantrag erst dann zu stellen, wenn feststeht, dass der Eintragung keine Hindernisse im Wege stehen.

#### Erläuterung zu Feld (9)

Das SEPA-Basis-Lastschriftverfahren ersetzt ab 1. Dezember 2013 das bisherige Zahlungsverfahren per Einzugsermächtigung. Gebühren können ab diesem Zeitpunkt durch Erteilung eines gültigen SEPA-Basis-Lastschriftmandats mit Angaben zum Verwendungszweck gezahlt werden. Bitte benutzen Sie hierfür die auf unserer Internetseite [www.dpma.de](http://www.dpma.de) bereitgestellten Formulare ([A 9530](#) und [A 9532](#)) und beachten Sie die dort zur Verfügung stehenden Hinweise zum SEPA-Verfahren (insb. [Mitteilung der Präsidentin Nr. 8/13](#)).

Das SEPA-Mandat muss dem DPMA immer im Original vorliegen. Bei einer Übermittlung per Fax muss das SEPA-Mandat im Original innerhalb eines Monats nachgereicht werden, damit der Zahlungstag gewahrt bleibt.

#### Kostenhinweise

Die jeweils gültigen Gebühren und Auslagen können Sie dem Kostenmerkblatt A 9510 entnehmen.

Anmeldegebühr .....	40,--	EUR	(Gebührennummer 321 150)
Rechercheantragsgebühr .....	250,--	EUR	(Gebührennummer 321 200)

Bei der Zahlung sind der Verwendungszweck in Form der **Gebührennummer** (s.o.) und, **soweit bekannt**, das **vollständige Aktenzeichen** anzugeben. Unkorrekte bzw. unvollständige Angaben führen zu Verzögerungen in der Bearbeitung.





**Wird die Anmeldegebühr nicht innerhalb von 30 Monaten nach dem Prioritätsdatum gezahlt, verliert die internationale Anmeldung die Wirkung einer nationalen Anmeldung in Deutschland.  
Bitte beachten Sie, dass außer der Empfangsbestätigung keine weitere Gebührenbenachrichtigung versandt wird.**

**Hinweis zur Datenweitergabe an Dritte**

Das DPMA gibt veröffentlichte Daten auch an Dritte weiter.

Weitere Hinweise finden Sie unter <https://www.dpma.de/recherche/datenabgabe/index.html>.

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**Internet:**

<https://www.dpma.de>



Deutsches  
Patent- und Markenamt

## Erfinderbenennung

Die Erfinderbenennung muss auch erfolgen, wenn der Anmelder selbst der Erfinder ist. Ist der Anmelder Miterfinder, so ist er auch mitzubennennen.



Amtliches Aktenzeichen (wenn bereits bekannt)

Platz für Zeichen des Anmelders/Vertreters

### Bezeichnung der Erfindung (bitte vollständig)


### Erfinder (1)

Vor- und Zuname


Straße, Hausnummer

--

Postleitzahl

Ort

--	--

### Erfinder (2)

Vor- und Zuname


Straße, Hausnummer

--

Postleitzahl

Ort

--	--

### Erfinder (3)

Vor- und Zuname


Straße, Hausnummer

--

Postleitzahl

Ort

--	--

**Erfinder (4)**

Vor- und Zuname


Straße, Hausnummer

Postleitzahl

Ort

*Achtung: bei mehr als vier Erfindern bitte gesondertes Blatt benutzen!***Das Recht auf das Patent ist auf den Anmelder übergegangen durch:**

(z.B. Erfinder ist/sind der/die Anmelder, Inanspruchnahme aufgrund §§ 6 u. 7 ArbNErfG, Kaufvertrag mit Angabe des Datums, Erbschaft usw.)


Bitte beachten Sie hinsichtlich der Verarbeitung Ihrer personenbezogenen Daten unser Merkblatt [A 9106 "Datenschutz bei Schutzrechtsanmeldungen"](#). Dieses finden Sie unter [www.dpma.de](http://www.dpma.de): Service – Formulare – Sonstige Formulare – Hinweise zum Datenschutz.

Es wird versichert, dass nach Wissen des/der Unterzeichner/s weitere Personen an der Erfindung nicht beteiligt sind.

\_\_\_\_\_, den \_\_\_\_\_

\_\_\_\_\_  
 Eigenhändige Unterschrift des Anmelders oder der Anmelder bzw. des Vertreters.  
 Bei Firmen genaue, eingetragene Firmenbezeichnung angeben.

**Antrag auf Nichtnennung als Erfinder**

**Nur von denjenigen oben genannten Erfindern auszufüllen, die nach außen hin nicht bekanntgegeben werden wollen (§ 63 Abs. 1 S. 3 PatG).**

**Der Antrag kann jederzeit widerrufen werden. Ein Verzicht des Erfinders auf Nennung ist ohne rechtliche Wirksamkeit (§ 63 Abs. 1 S. 4 u. 5 PatG).**

Es wird beantragt, den bzw. die Unterzeichner dieses Antrags in der oben angegebenen Patentanmeldung als Erfinder nicht öffentlich bekanntzugeben. Die Einsicht in die obige Erfinderbenennung wird nur bei Glaubhaftmachung eines berechtigten Interesses gewährt.

\_\_\_\_\_, den \_\_\_\_\_

\_\_\_\_\_  
 Eigenhändige Unterschrift des Erfinders oder der Erfinder

# DANISH PATENT AND TRADEMARK OFFICE

## AS DESIGNATED (OR ELECTED) OFFICE

### CONTENTS

THE ENTRY INTO THE NATIONAL PHASE – SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex DK.I
National processing request form .....	Annex DK.II
Power of attorney .....	Annex DK.III
Deed of transfer .....	Annex DK.IV

#### List of abbreviations:

Office: Danish Patent and Trademark Office

DPL: Patents Act (Denmark)

DPO: Patents Order (Denmark)

DUL: Utility Models Act (Denmark)

DUO: Utility Models Order (Denmark)

**SUMMARY****Designated  
(or elected) Office****SUMMARY****DK****DANISH PATENT AND TRADEMARK  
OFFICE****DK****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: <sup>1</sup>	Danish or English
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, as amended only), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	The applicant should only send a copy of the international application if he/she has not received Form PCT/IB/308 and the Office has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2).
National fee:	Currency: Danish krone (DKK) Filing fee: <sup>2</sup> Basic fee: DKK 3,000 Claim fee for each claim in excess of 10: DKK 300 Additional fee for late furnishing of translation or copy: <sup>1</sup> DKK 1,100 Annual fees for the first three years: <sup>3</sup> DKK 1,500
Exemptions, reductions or refunds of the national fee:	None

*[Continued on next page]*

<sup>1</sup> Where the filing fee has been paid within the time limit applicable under PCT Article 22 or 39(1), the translation may be filed within two months from the expiration of that time limit, provided that the additional fee for late furnishing of the translation is also paid within those two months.

<sup>2</sup> Must be paid within the time limit applicable under PCT Article 22 or 39(1).

<sup>3</sup> These fees are due on the last day of the month containing the second anniversary (24 months) of the international filing date; where PCT Article 39(1) applies, they are payable within two months after performing the acts for entering the national phase, unless the 24-month time limit has not yet expired.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****DK****DANISH PATENT AND TRADEMARK  
OFFICE****DK***[Continued]*Special requirements of the Office  
(PCT Rule 51*bis*):<sup>4</sup>Name and address of the inventor if they have not been furnished in  
the “Request” part of the international application<sup>5</sup>

Who can act as agent?

Any natural or legal person resident in the European Economic Area

Does the Office accept requests for  
restoration of the right of priority  
(PCT Rule 49*ter.2*)?

Yes, the Office applies the “due care” criterion to such requests

<sup>4</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.<sup>5</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

## THE PROCEDURE IN THE NATIONAL PHASE

**DK.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase (see Annex DK.II; [an editable version of this form is also available here](#)). This form should preferably (but need not) be used.

- |  |   |
|--|---|
| DPO Sec. 6<br>103                                  | <b>DK.02 LANGUAGE OF PROCEEDINGS.</b> The description, the claims, any text matter of drawings and the abstract of the international application must be in English or in Danish. The claims must be translated into Danish before a patent is granted.   |
| DPL Sec. 31(2)<br>98(3)                            | <b>DK.03 TRANSLATION (LATE FURNISHING OF).</b> If the translation of the international application has not been furnished by the applicant within the time limit applicable under PCT Article 22 or 39(1) but the national fee indicated in the Summary has been paid within that time limit, the translation can still be furnished within a further period of two months, provided that the additional fee for late furnishing of the translation, indicated in the Summary, has been paid within those two months.   |
| DPL Sec. 13  | <b>DK.04 TRANSLATION (CORRECTION).</b> Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).   |
| DPO Sec. 90(2)                                     | <b>DK.05 TRANSLATION (IN CASE OF LACK OF UNITY OF INVENTION).</b> Where a part of the international application was not subjected to an international search for reason of lack of unity of the invention, a translation is required only of those parts of the international application which were subjected to the international search. However, where the applicant wants to maintain the part which was not searched, a translation of this part must also be furnished. See also paragraph DK.08.  |
| DPL Sec. 8(4)                                      | <b>DK.06 FEES (MANNER OF PAYMENT).</b> The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex DK.I.  |
| DPL Sec. 12<br>33                                  | <b>DK.07 POWER OF ATTORNEY.</b> An agent may be appointed either by filing a separate power of attorney or in the special form referred to in paragraph DK.01 (see Annex DK.II). A model of a separate power of attorney is given in Annex DK.III.  |
| PCT Art. 17(3)(b)<br>34(3)(c)<br>DPL Sec. 36<br>37 | <b>DK.08 ADDITIONAL SEARCH OR EXAMINATION REPORT (IN CASE OF LACK OF UNITY OF INVENTION).</b> Where a part of the international application was not subjected to international search or preliminary examination because the international application did not comply with the requirement of unity of invention and the applicant did not pay the additional search or preliminary examination fee to the International Searching or Preliminary Examining Authority, the Office will decide whether the said finding as regards the application translated into Danish or English was correct. If this is found to be the case, the Office will invite the applicant to pay an additional fee within two months after mailing of the notification of this decision. The amount of the said fee is indicated in Annex DK.I. Where the applicant does not pay the additional fee, that part of the international application which was not subjected to international search or preliminary examination will be considered withdrawn. |
| DPL Sec. 19  | <b>DK.09 PUBLICATION FEE.</b> A publication fee must be paid within two months after the date of the decision to grant. The amount of the fee is indicated in Annex DK.I.   |

DPL Sec.	8(5) 40 to 42	<b>DK.10 ANNUAL FEES.</b> Annual fees must be paid for each year following the international filing date. For the due date of the annual fees for the first three years, see the Summary. Payment of the subsequent annual fees must be made before the expiration of the month containing the anniversary of the international filing date. Payment can still be made, together with a 20% surcharge for late payment, before the expiration of the sixth month after the month containing the anniversary of the international filing date. The amounts of the annual fees are indicated in Annex DK.I.
PCT Art.	28 41	<b>DK.11 AMENDMENT OF THE APPLICATION; TIME LIMITS.</b> The applicant may make the following modifications before the Office, provided that the scope of the subject matter of the application is not broadened thereby:
DPL Sec.	13	
DPL Sec.	34	(i) within 24 months from the priority date or, where PCT Article 39(1) applies, within 35 months from the priority date: corrections of defects and voluntary amendments;
DPO Sec.	91(1)	
DPL Sec.	13 19(2)	(ii) up to the decision that the application is to be allowed for public inspection: amendments or additions to the description and drawing(s) if they are necessary to comply with general requirements under PCT Articles 5 and 7; amendments or additions to the claims, which, unless the Office allows otherwise, must be made by filing a new document comprising all of the claims in sequence; where additions are made to the claims, the applicant must at the same time file a statement indicating the reference basis for these additions.
PCT Art.	25	<b>DK.12 REVIEW UNDER ARTICLE 25 OF THE PCT.</b> The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged, within two months from the date of the decision, with the Board of Appeal. Within the same two-month time limit, a fee for appeal must be paid (for the amount, see Annex DK.I).
PCT Rule	51	
DPL Sec.	24 25 38	
DPO Sec.	92	
PCT Art.	24(2) 48(2)	
PCT Art.	24(2) 48(2)	<b>DK.13 EXCUSE OF DELAYS IN MEETING TIME LIMITS.</b> Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
DPL Sec.	72 73	<b>DK.14</b> Reestablishment of rights may be requested where the applicant, in spite of all due care reasonably required, was unable to observe a time limit before the Office, default of which is prejudicial to his rights. A request for reestablishment must be presented in writing within two months after the removal of the cause of the failure to perform the action but not later than one year from the expiration of the time limit which has not been observed. Within the said two months, the omitted action must be completed, the fee for reestablishment of rights (see Annex DK.I) must be paid and the request must state the grounds on which it is based and set out the facts on which it relies.
DPL Sec.	15(3)	<b>DK.15</b> Resumption of proceedings concerning the application may be requested from the Office where the applicant missed a time limit which has been fixed for a certain action by the Office. Resumption of proceedings may not be requested where the missed time limit is fixed in the PCT, the PCT Regulations, the Danish Patents Act or the Danish Patents Order. A request for resumption of proceedings has the effect that the proceedings for grant will be resumed, provided that, within four months from the expiration of the missed time limit, the said request is presented in writing, the resumption fee (see Annex DK.I) is paid and the omitted act has been completed.
PCT Art.	4(3) 43 44	<b>DK.16 UTILITY MODEL.</b> If the applicant wishes to obtain utility model registration in Denmark on the basis of an international application
PCT Rule	49bis.1 (a), (b) 76.5	
DUL Sec.	17	(i) instead of a patent, or
DUO Sec.	1	(ii) in addition to a patent,
		subject to what is said in paragraph DK.19, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

- DUL Sec. 38      DK.17    If the international application is for a utility model instead of a patent, the requirements are basically the same as for patents. However the applicant is not required to pay a fee for publication or annual fees. Instead of annual fees, renewal fees have to be paid for utility models. The due dates and the amounts are indicated in Annex DK.I. By payment of the two renewal fees, the term of protection may be extended a first time from three to six years and a second time from six to 10 years.
- DK.18    If the international application is for both a utility model and a patent, the applicant must, within the time limit applicable for entry into the national phase, comply with the following requirements:
- (i) pay filing fees for both the patent and the utility model,
  - (ii) furnish a translation of the international application into Danish in duplicate,
  - (iii) file a power of attorney (if any) in duplicate.
- DUL Sec. 12      DK.19    A utility model application concerning the subject matter of an earlier national,  
DUO Sec. 13(1), (3) international or converted European patent application for Denmark filed after 8 July 1992 may  
14      use that earlier patent application as a basis for the utility model application, provided the utility model application, together with a request to that effect, is filed not later than two months after the earlier patent application has been withdrawn, abandoned or refused without possibility of reinstatement, at the latest, however, up to the end of the tenth year from the date of filing of the earlier patent application.

**FEES****(Currency: Danish krone)****Patents**

National fee . . . . .	3,000
Additional fee for late furnishing of translation or copy . . . . .	1,100
Claim fee for each claim in excess of 10 . . . . .	300
Publication fee . . . . .	2,000
Resumption fee . . . . .	700
Fee for reestablishment of rights . . . . .	3,000
Appeal fee (see paragraph DK.13) . . . . .	8,000
Fee for administrative re-examination . . . . .	7,000
Fee for filing an opposition . . . . .	2,500
Annual fees:	
— for the 1 <sup>st</sup> to the 3 <sup>rd</sup> year, per year . . . . .	500
— for the 4 <sup>th</sup> year . . . . .	1,100
— for the 5 <sup>th</sup> year . . . . .	1,250
— for the 6 <sup>th</sup> year . . . . .	1,400
— for the 7 <sup>th</sup> year . . . . .	1,600
— for the 8 <sup>th</sup> year . . . . .	1,800
— for the 9 <sup>th</sup> year . . . . .	2,050
— for the 10 <sup>th</sup> year . . . . .	2,300
— for the 11 <sup>th</sup> year . . . . .	2,550
— for the 12 <sup>th</sup> year . . . . .	2,800
— for the 13 <sup>th</sup> year . . . . .	3,050
— for the 14 <sup>th</sup> year . . . . .	3,300
— for the 15 <sup>th</sup> year . . . . .	3,600
— for the 16 <sup>th</sup> year . . . . .	3,900
— for the 17 <sup>th</sup> year . . . . .	4,200
— for the 18 <sup>th</sup> year . . . . .	4,500
— for the 19 <sup>th</sup> year . . . . .	4,800
— for the 20 <sup>th</sup> year . . . . .	5,100
Supplement for late payment . . . . .	20% of the applicable annual fee
Fee for restoration of the right of priority . . . . .	3,000

**Utility models**

National fee .....	2,000
Additional fee for late furnishing of translation or copy .....	1,100
Fee for Examination .....	4,000
Publication fee for amended utility model registration .....	1,100
Appeal fee .....	5,000
Renewal fees:	
— for the 1 <sup>st</sup> period .....	2,000
— for the 2 <sup>nd</sup> period .....	3,000
Supplement for late payment .....	20% of the applicable renewal fee

**How can payment of fees be effected?**

The payment of fees has to be effected in Danish kroner. All payments must indicate the national application number (however, if that number is not yet known, the international application number may be used), the name of the applicant and the category of fee being paid.

Payment may be effected by transfer to the following bank:

Danske Bank  
Holmens Kanal 2-12  
DK-1092 København K.  
Reg. No. 0216  
Account No.: 4069056296  
SWIFT: DABADKKK  
IBAN: DK6602164069056296  
EAN: 5798000025004



# Patentansøgning

Læs venligst vejledningen til de enkelte punkter

2. Ansøgers/fuldmægtigs referencenr:

3. International indleveringsdag: ☐ Kapitel I  
 Internationalt ansøgningsnr: ☐ Kapitel II  
 Den danske oversættelse er indholdsmæssigt indentisk med ovennævnte PCT ansøgning ☐

4. Ansøger (fulde navn og adresse): ☐ Flere ansøgere på bagsiden

CVR-nr.: P-nr.: E-mail:  
 Tlf. privat: Tlf. arb.: Mobil:

4a ☐ Jeg/vi erklærer hermed, at jeg/vi har ret til opfindelsen, og at jeg/vi har informeret opfinder(ne) om at der indgives patentansøgning og at opfinder(ne) er indforstået med dette.

5. Fuldmægtig (navn, adresse og evt. CVR-nr.):

Telefon: Telefax:

6. Opfinder (fornavn, efternavn, adresse og evt. CVR-nr.): ☐ Flere opfindere på bagsiden

7. Opfindelsens titel:

8. Prioritetspåstand: ☐ Flere prioritetspåstande på bagsiden

Dato	Land	Nr.
Dato	Land	Nr.
Dato	Land	Nr.

9. ☐ Ansøgningen omfatter deponering af en prøve af biologisk materiale, som angivet i patentlovens § 8a, stk. 1.

10. ☐ Ansøgningen omfatter en sekvensliste.

11. ☐ Ansøgningen er fremkommet ved deling eller udskillelse.  
 Stamansøgnings nr.: Ansøgt løbedag:

13. ☐ Ansøgningen er tidligere indleveret pr. telefax den:

14. Dato og underskrift:

17. Underskrivers navn med blokbogstaver:

Patent- og  
Varemærkestyrelsen

Helgeshøj Allé 81  
2630 Taastrup

Tlf. : 43 50 80 00  
 Fax : 43 50 80 01  
 E-mail : pvs@dkpto.dk  
 Web : www.dkpto.dk  
 CVR-nr. : 17 03 94 15

Erhvervsministeriet

1. Gebyrer:

☐ Ansøgningsgebyr  
☐ Kravgebyr

ITS-undersøgelse:

☐ NPI-nyhedsundersøgelsesgebyr  
☐ SE-nyhedsundersøgelsesgebyr  
☐ EPO-nyhedsundersøgelsesgebyr

12. Bilagsfortegnelse:

☐ Fremmedsproget beskrivelse  
☐ Dansk beskrivelse  
☐ Sammendrag  
☐ Tegninger  
☐ Antal tegningsark \_\_\_\_\_  
☐ Antal krav \_\_\_\_\_  
☐ Prioritetsdokument  
☐ Fuldmagt  
☐ Overdragelsesdokument  
☐ Fig nr. \_\_\_\_\_ ønskes publiceret sammen med sammendraget.

15. Ansøgningen indleveres på

☐ dansk  
☐ engelsk  
☐ andet sprog end ovenstående

16. Engelsksproget  
☐ korrespondance ønskes

Ansøger (fulde navn og adresse):

Ansøger (fulde navn og adresse):

**Opfindere fortsat:**

Opfindere (fornavn, efternavn, adresse og evt. CVR-nr.):

Opfindere (fornavn, efternavn, adresse og evt. CVR-nr.):

Opfindere (fornavn, efternavn, adresse og evt. CVR-nr.):

Opfindere (fornavn, efternavn, adresse og evt. CVR-nr.):

**Prioritetspåstande fortsat:**

(8 March 2018)



**PATENT- OG VAREMÆRKESTYRELSEN**

## Vejledning

Vejledning til patentsøgning

Punkterne svarer til numrene på ansøgningsskemaet

Pkt 1. Ansøgningsgebyret er 3000 kr. Hvis der er flere end 10 krav, skal der betales et tillægsgebyr på 300 kr. for hvert krav ud over 10. Gebyret skal betales, når ansøgningen indleveres. Du kan ikke få pengene tilbage, heller ikke selv om du tilbagetrækker ansøgningen, eller den af andre grunde ikke fører til patent. En ITS undersøgelse (International Type Search) er en yderligere nyhedsundersøgelse af din danske ansøgning, du har mulighed for at få udført. Undersøgelsen udføres af en PCT-myndighed, som du vælger. Når du indleverer en national dansk ansøgning har du mulighed for at vælge mellem tre PCT-myndigheder, nemlig Nordisk Patent Institut (NPI), den svenske patentmyndighed (PRV) eller den europæiske patentmyndighed (EPO).

Pkt. 2. Denne rubrik er til eget brug.

Pkt. 3. Denne rubrik skal udfyldes, hvis ansøgningen er en videreførelse af en international ansøgning (PCT-ansøgning).

Pkt. 4. Såvel enkeltpersoner som virksomheder kan stå som ansøger. Flere kan også søge i fællesskab. Vi sender al korrespondance til den ansøger, der står først på ansøgningsskemaet. Denne ansøger anses herefter som bemyndiget til at modtage meddelelser på de andres vegne. Du skal derfor være opmærksom på, at hvis du ønsker, at en anden ansøger, eller alle de andre ansøgere, skal modtage korrespondancen, så skal du markere det ved at understrege de pågældende navne på ansøgningen. Vi vil også gerne have, at du oplyser et telefonnummer og email, hvorpå du kan kontaktes. Såfremt du har udpeget en fuldmægtig jfr. pkt. 5, vil al korrespondance foregå med denne.

Pkt. 4a. Hvis ansøger og opfinder ikke er den samme, skal det fremgå af ansøgningen, at ansøgeren har ret til opfindelsen, at ansøger har informeret opfinder(ne) om, at der indgives patentansøgning og at opfinder(ne) er indforstået med dette. Dette skal gøres ved at afkrydse feltet. I særlige tilfælde kan vi dog kræve yderligere dokumentation.

Pkt. 5. Hvis en anden skal repræsentere dig under sagens behandling, skal du oplyse navn og adresse på denne fuldmægtig. En fuldmagt skal vedlægges. Formularer til fuldmagt kan du få hos os.

Pkt. 6. Kun fysiske personer kan være opfindere. Der må gerne stå flere opfindere, hvis flere har gjort opfindelsen i fællesskab.

Pkt. 7. Der skal gives en kortfattet og saglig titel for opfindelsen. Det er ikke meningen, at titlen skal afsløre opfindelsen. Den skal blot give et indtryk af, hvad ansøgningen handler om. Titlen må ikke indeholde fantasibetegnelser, fx et produkts salgsnavn.

Pkt. 8. Denne rubrik skal kun udfyldes, hvis du tidligere har søgt patentbeskyttelse eller lignende på den samme (eller delvis den samme) opfindelse, enten her i landet eller i udlandet. Man kan få prioritet fra en tidligere ansøgning, hvis den nye ansøgning indleveres senest et år efter den første. Når du indleverer en ansøgning, skal du inden 16 måneder fra prioritetsdagen (se Guidelines for patenter: Begæring om prioritet) oplyse, om du ønsker prioritet fra en sådan ældre ansøgning og oplyse dens nummer, hvornår den er indleveret (prioritetsdagen) og i hvilket land. Desuden skal du senest 16 måneder fra prioritetsdagen indlevere en kopi af den første ansøgning (prioritetsdokument). Prioritetsdokument skal ikke indleveres, hvis den ønskede prioritet stammer fra en tidligere dansk ansøgning, eller hvis ansøgningen er en videreførelse af en PCT-ansøgning.

Pkt. 9. Hvis du ønsker, at ansøgningen skal omfatte deponerede prøver af biologisk materiale, skal du være opmærksom på, at der gælder særlige regler for deponeringen. Se Guidelines for patenter, Deponeringsoplysninger. En deponering kan være nødvendig for at opfindelsen kan anses for at være angivet tilstrækkeligt tydeligt i ansøgningen.

Pkt. 10. Hvis opfindelsen angår sekvenser på ti eller flere nukleotider eller fire eller flere aminosyrer, skal du indlevere en sekvensliste. Sekvenslister skal udformes i overensstemmelse med en særlig standard, se Guidelines for patenter, Nukleotider og aminosyresekvenser.

Pkt. 11. Hvis en ansøgning er fremkommet ved deling eller udskillelse af en ældre ansøgning (stamansøgning), kan vi anerkende en tidligere indleveringsdag (løbedag) i kraft af bilagene i stamansøgningen. Du skal dog selv anmode om en sådan tidligere løbedag. Det er en betingelse for, at vi kan betragte ansøgningen som fremkommet ved deling eller udskillelse, at du allerede ved indleveringen oplyser dette og angiver stamansøgningens nummer. Du skal være opmærksom på, at en ansøgning, der er fremkommet ved deling af en anden ansøgning, offentliggøres samtidig med stamansøgningen. Hvis stamansøgningen allerede er offentliggjort, vil den afdelte ansøgning blive offentliggjort ved indleveringen, uanset at der først bliver taget stilling til om delingen kan accepteres ved den tekniske sagsbehandling.

Pkt. 12. Der gælder særlige regler for, hvordan beskrivelse (med patentkrav), tegninger og sammendrag skal udformes. Det er nærmere beskrevet i vores "Vejledning til ansøgning om patent". Beskrivelse, sammendrag og eventuelle tegninger skal følge med ved indleveringen. Vi beder dig være opmærksom på, at hvis der mangler beskrivelse (og i givet fald tegninger), kan det have betydning for, hvilken indleveringsdag ansøgningen kan få. Ved videreførelse af PCT-ansøgninger skal beskrivelsen bestå af en bekræftet oversættelse af den internationale ansøgning, inkl. sammendrag. Denne oversættelse skal følge med ved indleveringen. De øvrige bilag behøver ikke foreligge allerede ved indleveringen. Vi henviser dog til bemærkningerne under pkt. 8 om prioritetsdokument.

Pkt. 13. Hvis du tidligere har indsendt ansøgningen via telefax, beder vi dig sætte kryds i denne rubrik.

Pkt. 14. Ansøgningsskemaet skal underskrives af ansøgeren (eller ansøgerne, hvis der er flere). Er der udnævnt en fuldmægtig kan denne underskrive på ansøgers vegne.

Pkt. 15. Du har mulighed for at få foretaget nyhedsundersøgelsen og patenterbarhedsvurderingen på basis af norsk-, svensk- eller engelsksproget beskrivelse, patentkrav og sammendrag. Se Guidelines for patenter, Sprog - patent.

Pkt. 16. Du skal sætte kryds i denne rubrik, hvis du ønsker at vi skal foretage sagsbehandlingen og korrespondancen på engelsk. Hvis dette ikke er valgt, vil vi foretage behandlingen på dansk.

Pkt. 17. Underskrivers navn skrives med blokbogstaver.

Du er velkommen til at få yderligere oplysninger ved at ringe til os.



# Fuldmagt/*Power of Attorney*

## Patent

---

Undertegnede (navn, adresse og evt. CVR-nr):

*The undersigned (name, address, and Central Business Registration No. where applicable):*

Patent- og  
Varemærkestyrelsen

Helgeshøj Allé 81  
2630 Taastrup

Tlf. : 43 50 80 00  
Fax : 43 50 80 01  
E-mail : pvs@dkpto.dk  
Web : www.dkpto.dk  
CVR-nr. : 17 03 94 15

Erhvervsministeriet

der ansøger om patent i Danmark på (opfindelsens titel og evt. ansøgningsnummer):

*who applies for patent in Denmark for (title and, if possible, application No.):*

bemyndiger herved (navn, adresse og evt. CVR-nr.):

*does hereby authorize (name, address and Central Business Registration No. where applicable):*

til at repræsentere mig/os i alt vedrørende ansøgningen og det deraf følgende patent,

herunder til at tilbagetage ansøgningen.

*to act on my behalf in all matters concerning the application as well as the patent, including withdrawal of the application.*

---

Fuldmagten er gyldig, indtil den erstattes af en anden fuldmagt eller tilbagekaldes skriftligt over for Patent- og Varemærkestyrelsen.

*The power of attorney is valid until it is replaced by another power of attorney or is revoked in writing to the Danish Patent and Trademark Office.*

Sted/Place:

Dato/Date of signing:

Ansøgers underskrift/Signature of the applicant:



# Overdragelse/*Assignment*

## Patent

---

Undertegnede (navn, adresse og evt. CVR-nr):

The undersigned (name, address, and Central Business Registration No. where applicable):

Patent- og  
Varemærkestyrelsen

Helgeshøj Allé 81  
2630 Taastrup

Tlf. : 43 50 80 00  
Fax : 43 50 80 01  
E-mail : pvs@dkpto.dk  
Web : www.dkpto.dk  
CVR-nr. : 17 03 94 15

Erhvervsministeriet

som har opfundet (opfindelsens titel og evt. ansøgnings-/patentnummer):

*who has made the invention (title and, if possible, application/patent No.):*

overdrager herved ejendomsretten til opfindelsen/patentet til:

*does hereby assign all rights to the invention/patent to:*

---

Sted/*Place:*

Dato/*Date of signing:*

Underskrift/*Signature:*

# SPANISH PATENT AND TRADEMARK OFFICE

## AS DESIGNATED (OR ELECTED) OFFICE

### CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex ES.I
Request for entry into the national phase .....	Annex ES.II
Power of attorney .....	Annex ES.III
Deed of assignment .....	Annex ES.IV

#### List of abbreviations:

Office: Spanish Patent and Trademark Office

SPL: Law No. 24/2015 of 24 July 2015 on Patents

SRD: Royal Decree 316/2017 of 31 March 2017

**SUMMARY****Designated  
(or elected) Office****SUMMARY****ES****SPANISH PATENT AND  
TRADEMARK OFFICE****ES****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: <sup>1</sup>	Spanish
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	<div>Currency: Euro (EUR)</div> <div> <div></div> <div><i>Online</i></div> <div><i>On paper</i></div> </div> <div>For patent or utility model:</div> <div>Filing fee: EUR 87.03 102.39</div>
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51bis): <sup>2</sup>	Name of the inventor if it has not been furnished in the “Request” part of the international application <sup>3</sup> Instrument of assignment of the priority right where the applicants are not identical <sup>3, 4</sup> Instrument of assignment of the international application if the applicant has changed after the international filing date Appointment of an agent if the applicant is not resident in Spain or in another country of the European Union
Who can act as agent?	Any patent attorney whose name appears on a list maintained by the Office
Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?	Yes, the Office applies the “due care” criterion to such requests

<sup>1</sup> Shall be furnished within 30 months from the priority date. If not furnished within that time limit, the Office will invite the applicant to comply with the requirement within two months from the date of the invitation.

<sup>2</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>3</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

<sup>4</sup> Where the applicant uses the form for national phase entry, it is not necessary to submit a deed of assignment with regard to the applicant's entitlement to claim priority of the earlier application as that form contains a statement in this regard (see Box 6 of form for national phase entry (Annex ES.II)).

## THE PROCEDURE IN THE NATIONAL PHASE

**ES.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a form for entering the national phase (see Annex ES.II) and strongly recommends the use of this form.

**ES.02 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

SPL Art. 184 **ES.03 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex ES.I.

SPL Art. 175  
SRD Art. 108 **ES.04 APPOINTMENT OF AN AGENT.** An agent must be appointed by filing a power of attorney if the applicant is not resident in Spain or in a country of the European Union. However, the submission of a separate power of attorney or a copy of a general power of attorney is not required, except in case of reasonable doubt regarding the agent's entitlement to act; upon appointment of, or for any paper submitted by, an agent who was not indicated in the request form at the time of filing; or when filing an assignment, a change in the name of the applicant or the proprietor of the patent, a license, a withdrawal, a limitation or revocation or an opposition to a patent or to a utility model. A model of power of attorney is given in Annex ES.III.

SPL Art. 184  
185 **ES.05 ANNUAL FEES.** After a patent has been granted, a fee must be paid for maintaining the patent in force. Payment must be made for the third, and each following year after the international filing date which has expired at the time of granting the patent, within three months after publication in the Industrial Property Bulletin of a mention of the grant of the patent. Payment of the subsequent annual fees must be made within three months after the due date, namely the expiration of the month containing the anniversary of the international filing date. Payment can still be made, together with a 25% surcharge, within three months or, together with a 50% surcharge, before the expiration of the sixth month after the due date. Once the sixth month has expired, the patent may still be maintained in force by paying, before the due date for the next annual fee, the corresponding fee with a 50% surcharge and the regularization fee. The amounts of the annual fees are indicated in Annex ES.I.

SRD Art. 101 **ES.06 DEED OF ASSIGNMENT.** When the applicant claims the priority of an earlier application filed by an applicant who is not identical with the applicant of the international application, a deed (or deeds) of assignment must be furnished. For details, see the sample of such deed (not an official form) in Annex ES.III. Legalization is not required. For time limits, see the Summary. When the applicant is not the inventor, it is sufficient to designate the inventor and to indicate how the applicant acquired the right to the patent. Where the applicant uses the form for national phase entry, it is not necessary to submit a deed of assignment with regard to the applicant's entitlement to claim priority of the earlier application as that form contains a statement in this regard (see Box 6 of form for national phase entry (Annex ES.II)).

SPL Art. 48  
PCT Art. 28  
41 **ES.07 AMENDMENT OF THE APPLICATION.** The applicant may amend or correct the international application before the grant of a patent according to the provisions of the law, provided the scope of the subject matter of the application is not broadened thereby. Any request for amendment is subject to the payment of a fee for modification indicated in Annex ES.I.

SPL Art.	44	ES.08 <b>REVIEW UNDER PCT ARTICLE 25.</b> The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, a petition against this decision may be lodged within one month from the date of publication of the decision in the Industrial Property Bulletin. Within the same one-month time limit, a fee for petition must be paid (for the amount, see Annex ES.I). If the Office confirms its decision, an administrative appeal may be lodged with the competent court.
	54	
PCT Art.	25	
PCT Rule	51	
SPL Art.	44	ES.09 <b>EXCUSE OF DELAYS IN MEETING TIME LIMITS.</b> Reestablishment of rights may be requested where the applicant was unable to observe a time limit during the international phase or before the Office, in spite all due care required by the circumstances having been taken. A request for reestablishment must be filed with the Office in writing and the omitted act must be completed. The request must state the grounds on which it is based and must set out the facts to which it refers. If the Office refuses the reestablishment of rights, an administrative appeal may be lodged within one month after the publication of the final decision of the Office in the Industrial Property Bulletin. Nevertheless, certain matters are excluded from the reestablishment of rights. Time limits may be extended for two months by the Office provided that the request for extension is made before the expiration of the time limit. Any proceeding whose time limit falls on a Saturday, a Sunday or a public holiday will be considered fulfilled in due time if it is done on the first working day following that Saturday, Sunday or public holiday.
	53	
	54	
SRD Art.	69	ES.10 <b>UTILITY MODEL.</b> If the applicant wishes to obtain a utility model instead of a patent in Spain, on the basis of an international application, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.
PCT Art.	24(2)	
	48(2)	
SPL Art.	141	
PCT Art.	4(3)	
PCT Rules	49bis.1(a), (b) 76.5	
SRD Art.	58	ES.11     The requirements for the national phase are basically the same as for patents.
PCT Art.	7(2)(ii)	ES.12     Where the international application does not contain drawings, the applicant must furnish the drawing(s) within the time limit applicable under PCT Article 22 or 39(1). Where the applicant does not furnish the drawing(s) within that time limit, the Office will invite him to furnish the drawing(s) within a time limit fixed in the invitation. Where an international patent application is converted into a utility model application (see the next paragraph), the drawing(s) must be submitted together with the request for conversion.
PCT Rule	7.2	
SPL Art.	51	ES.13 <b>CONVERSION.</b> An international application for a patent may be converted into a utility model application after the applicant has complied with the requirements for entry into the national phase for a patent application, as indicated in the Summary. The conversion is subject to the payment of a fee for conversion indicated in Annex ES.I and may be requested until the end of the substantive examination of the patent application.
SRD Art.	46	
SRD Art.	46	ES.14     An international application for a utility model may be converted into a patent application after the applicant has complied with the requirements for the entry into the national phase for a utility model application, as indicated in the Summary. The conversion is subject to the payment of a fee for conversion indicated in Annex ES.I and may be requested before the grant of the utility model.

## FEES

**Currency: Euro**

	<i>Online</i>	<i>On paper</i>
National fee for patent or utility model:		
— filing fee . . . . .	87.03	102.39
Fee for conversion . . . . .	8.94	10.50
Fee for amendment . . . . .	20.11	23.65
Request for prior art report <sup>1</sup> . . . . .	593.65	698.42
Request for examination: <sup>2</sup> . . . . .	337.96	397.61
Annual fees:		
— for the 3 <sup>rd</sup> year counted from the international filing date . . . . .		18.85
— for the 4 <sup>th</sup> year counted from the international filing date . . . . .		23.52
— for the 5 <sup>th</sup> year counted from the international filing date . . . . .		45.00
— for the 6 <sup>th</sup> year counted from the international filing date . . . . .		66.41
— for the 7 <sup>th</sup> year counted from the international filing date . . . . .		109.63
— for the 8 <sup>th</sup> year counted from the international filing date . . . . .		136.47
— for the 9 <sup>th</sup> year counted from the international filing date . . . . .		171.26
— for the 10 <sup>th</sup> year counted from the international filing date . . . . .		220.40
— for the 11 <sup>th</sup> year counted from the international filing date . . . . .		276.27
— for the 12 <sup>th</sup> year counted from the international filing date . . . . .		324.37
— for the 13 <sup>th</sup> year counted from the international filing date . . . . .		372.39
— for the 14 <sup>th</sup> year counted from the international filing date . . . . .		420.86
— for the 15 <sup>th</sup> year counted from the international filing date . . . . .		449.45
— for the 16 <sup>th</sup> year counted from the international filing date . . . . .		468.07
— for the 17 <sup>th</sup> to the 20 <sup>th</sup> year counted from the international filing date, per year . . . . .		499.85
Fee for regularization of an annual fee . . . . .	—	102.01
Appeal fee . . . . .	76.39	89.86
Request for reestablishment of rights . . . . .	91.35	107.46

### How can payment of fees be effected?

The payment of fees must be effected in cash, in euro. All payments must indicate the application number national, if already known; international, if the national application number is not yet known, the name of the applicant and the category of fee being paid.

The payment of fees may also be effected by electronic means. For more information, see <https://sede.oepm.gob.es/eSede/es/index.html>

<sup>1</sup> Where the Office benefits from a prior international search report, this fee may be refunded or reduced depending upon the extent to which the Office benefits from that earlier search (see SPL, Art. 183.2; [www.oepm.es/export/sites/oepm/comun/documentos\\_relacionados/Propiedad\\_Industrial/Normativa/Ley\\_24\\_2015\\_de\\_24\\_de\\_julio\\_de\\_Patentes.pdf](http://www.oepm.es/export/sites/oepm/comun/documentos_relacionados/Propiedad_Industrial/Normativa/Ley_24_2015_de_24_de_julio_de_Patentes.pdf)).

<sup>2</sup> Where the Office benefits from a prior international preliminary examination report, this fee may be refunded or reduced depending upon the extent to which the Office benefits from that earlier examination report (see SPL, Art. 183.3; [www.oepm.es/export/sites/oepm/comun/documentos\\_relacionados/Propiedad\\_Industrial/Normativa/Ley\\_24\\_2015\\_de\\_24\\_de\\_julio\\_de\\_Patentes.pdf](http://www.oepm.es/export/sites/oepm/comun/documentos_relacionados/Propiedad_Industrial/Normativa/Ley_24_2015_de_24_de_julio_de_Patentes.pdf)).



MINISTERIO  
DE INDUSTRIA, ENERGÍA  
Y TURISMO



Oficina Española  
de Patentes y Marcas

## INSTANCIA DE SOLICITUD

Nº SOLICITUD:

FECHA Y HORA DE ENTRADA EN OEPM:

FECHA Y HORA DE ENTRADA EN LUGAR DISTINTO A LA OEPM:

LUGAR DE PRESENTACIÓN

CÓDIGO

### 1. IDENTIFICACIÓN DE LA SOLICITUD

(1) MODALIDAD:

☐ PATENTE DE INVENCION ☐ MODELO DE UTILIDAD

(2) TIPO DE SOLICITUD:

☐ SOLICITUD DIVISIONAL  
☐ CAMBIO DE MODALIDAD  
☐ TRANSFORMACIÓN SOLICITUD PATENTE EUROPEA  
☐ ENTRADA EN FASE NACIONAL DE SOLICITUD INTERNACIONAL PCT

(3) EXPEDIENTE PRINCIPAL O DE ORIGEN:

MODALIDAD:

Nº SOLICITUD:

FECHA PRESENTACIÓN:

El solicitante declara, por medio de esta instancia, tener derecho a presentar la solicitud arriba indicada

### 2. TÍTULO DE LA INVENCION (4)

--

### 3. IDENTIFICACIÓN DEL SOLICITANTE

(5) APELLIDOS Y NOMBRE /DENOMINACIÓN SOCIAL

NIF/PASAPORTE

DIRECCIÓN POSTAL

CÓDIGO POSTAL Y  
LOCALIDAD

PROVINCIA

PAÍS DE RESIDENCIA

CÓDIGO PAÍS  
RESIDENCIA

PAÍS DE NACIONALIDAD

CÓDIGO PAÍS  
NACIONALIDAD

(6) CNAE

(7) PYME

DIRECCIÓN CORREO ELECTRÓNICO

Nº TELÉFONO FIJO

Nº TELÉFONO MÓVIL

(8) INDICACIÓN DEL MEDIO DE NOTIFICACIÓN PREFERENTE

☐ CORREO POSTAL

☐ CORREO ELECTRÓNICO

PORCENTAJE DE TITULARIDAD (9):

%

NOTA: DE NO ESPECIFICARSE DICHO PORCENTAJE, LA OEPM PRESUMIRÁ IGUALES LAS CUOTAS DE LOS SOLICITANTES.

EL SOLICITANTE TAMBIÉN  
ES INVENTOR (10):

☐ SI

☐ ESTE INVENTOR RENUNCIA A SER MENCIONADO

☐ NO

MODO DE OBTENCIÓN DEL DERECHO: (11)

☐ INVENCION LABORAL ☐ CONTRATO ☐ SUCESIÓN  
☐ OTROS

(Especificar): \_\_\_\_\_

(12) EL SOLICITANTE ES UNA UNIVERSIDAD PÚBLICA ESPAÑOLA

☐ SI

### 4. (13) OTROS SOLICITANTES Y/O INVENTORES

☐ LOS DEMAS SOLICITANTES Y/O INVENTORES SE INDICAN EN HOJA COMPLEMENTARIA

Ejemplar para el expediente

## 5. IDENTIFICACIÓN DEL REPRESENTANTE Y/O DIRECCIÓN DE CORRESPONDENCIA

(14) REPRESENTACIÓN		(15) N° PODER GENERAL	
<input type="checkbox"/> EL SOLICITANTE NO ESTÁ REPRESENTADO	EL SOLICITANTE ESTÁ REPRESENTADO POR: <input type="checkbox"/> AGENTE DE LA PROPIEDAD INDUSTRIAL <input type="checkbox"/> OTRO REPRESENTANTE		
(16) ACTUACIÓN POR MEDIO DE AGENTE	APELLIDOS Y NOMBRE / DENOMINACIÓN SOCIAL		CÓDIGO DE AGENTE
(17) ACTUACIÓN POR MEDIO DE OTRO REPRESENTANTE	APELLIDOS Y NOMBRE		NIF/PASAPORTE
DIRECCIÓN POSTAL		CÓDIGO POSTAL Y LOCALIDAD	PROVINCIA
DIRECCIÓN CORREO ELECTRÓNICO		N° TELÉFONO	(18) INDICACIÓN DEL MEDIO DE NOTIFICACIÓN PREFERENTE
			<input type="checkbox"/> CORREO POSTAL <input type="checkbox"/> CORREO ELECTRÓNICO
<input type="checkbox"/> MÁRQUESE ESTA CASILLA CUANDO NO SE NOMBRE A REPRESENTANTE Y SE QUIERA UTILIZAR LA DIRECCIÓN ARRIBA INDICADA PARA CORRESPONDENCIA			

## 6. OTROS DATOS

(19) REIVINDICACIÓN DE PRIORIDAD		PAÍS ORIGEN		CODIGO PAÍS		FECHA		NÚMERO	
<input type="checkbox"/> SÍ <input type="checkbox"/> NO									
El solicitante declara, por medio de esta instancia, tener derecho a reivindicar la prioridad arriba indicada									
(20) REMISIÓN A SOLICITUD ANTERIOR		PAÍS ORIGEN		CODIGO PAÍS		FECHA		NÚMERO	
<input type="checkbox"/> SÍ <input type="checkbox"/> NO									
(21) EXPOSICIONES OFICIALES		NOMBRE				FECHA		LUGAR	
<input type="checkbox"/> SÍ <input type="checkbox"/> NO									
(22) EFECTUADO DEPÓSITO DE MATERIAL BIOLÓGICO		AUTORIDAD DE DEPÓSITO		CÓDIGO PAÍS		FECHA		NÚMERO	
<input type="checkbox"/> SÍ <input type="checkbox"/> NO									
(23) RECURSO GENÉTICO		NÚMERO DE CERTIFICADO				NÚMERO DE REGISTRO			
<input type="checkbox"/> UTILIZACIÓN DE RECURSO GENÉTICO									
<input type="checkbox"/> UTILIZACIÓN DE CONOCIMIENTO TRADICIONAL									
LISTA DE SECUENCIAS DE AMINOÁCIDOS Y ÁCIDOS NUCLEICOS									
La descripción contiene una lista de secuencias biológicas en concordancia con la norma ST.25 OMPI <input type="checkbox"/> SÍ <input type="checkbox"/> NO									
Se adjunta un soporte de datos legible por ordenador que incluye la lista de secuencias biológicas en concordancia con la norma ST.25 OMPI <input type="checkbox"/> SÍ <input type="checkbox"/> NO									
El solicitante declara, por medio de esta instancia, que la información registrada en el soporte de datos legible por ordenador es idéntica a la contenida en la lista de secuencias biológicas incluida en la descripción de la versión escrita de esta solicitud									
(24) EL SOLICITANTE SE ACOGE A LA REDUCCIÓN DE TASAS PREVISTA EN EL ART. 186 DE LA LEY 24/2015 DE PATENTES POR SER EMPRENDEDOR EN LOS TÉRMINOS ESTABLECIDOS LEGALMENTE (Se adjunta instancia y documentación pertinente)								<input type="checkbox"/> SÍ	
(25) SE SOLICITA LA TRAMITACIÓN SEGÚN EL PROGRAMA DE CONCESIÓN ACCELERADA DE PATENTES Y, SIMULTANEAMENTE, LA PUBLICACIÓN DE ESTA SOLICITUD DE PATENTE ANTES DE 18 MESES DESDE LA FECHA DE PRESENTACIÓN DE LA MISMA, DE CONFORMIDAD CON LO DISPUESTO EN LA DISPOSICIÓN ADICIONAL SEXTA DE LA LEY 24/2015 DE PATENTES Y DE LA CORRESPONDIENTE INSTRUCCIÓN.								<input type="checkbox"/> SÍ	
<input type="checkbox"/> (26) EL SOLICITANTE DISPONE DE UN INFORME DE INFORMACIÓN TECNOLÓGICA REALIZADO POR ESTA OFICINA PARA LA MISMA INVENCION						NÚMERO DE ITP:			

Ejemplar para el expediente

## 7. (27) ÍNDICE DE DOCUMENTOS QUE SE ACOMPAÑAN / FECHA Y FIRMA

<div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> DESCRIPCIÓN. N° PÁGINAS: ____  <input type="checkbox"/> N° DE REIVINDICACIONES: ____  <input type="checkbox"/> DIBUJOS. N° PÁGINAS: ____  <input type="checkbox"/> LISTA DE SECUENCIAS. N° PÁGINAS: ____  <input type="checkbox"/> SOPORTE LEGIBLE POR ORDENADOR DE LISTA DE SECUENCIAS  <input type="checkbox"/> RESUMEN  <input type="checkbox"/> FIGURA A PUBLICAR EN BOPI N°: ____  <input type="checkbox"/> DECLARACIÓN DE RENUNCIA A SER MENCIONADO/S COMO INVENTOR/ES </div> <div style="width: 50%;"> <input type="checkbox"/> JUSTIFICANTE DEL PAGO DE TASA DE SOLICITUD  <input type="checkbox"/> JUSTIFICANTE DEL PAGO DE TASA DE IET  <input type="checkbox"/> JUSTIFICANTE DEL PAGO DE TASA DE PRIORIDAD  <input type="checkbox"/> JUSTIFICANTE DEL PAGO DE TASA DE EXAMEN SUSTANTIVO  <input type="checkbox"/> INFORMACIÓN COMPLEMENTARIA. N° HOJAS: ____  <input type="checkbox"/> DOCUMENTACIÓN RELATIVA A REDUCCIÓN DE TASAS  <input type="checkbox"/> OTROS: </div> </div>	<div style="border: 1px solid black; padding: 5px;">FIRMA DEL SOLICITANTE O REPRESENTANTE</div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">FIRMA DEL FUNCIONARIO</div>
---	---

ADVERTENCIA: POR DISPOSICIÓN LEGAL LOS DATOS CONTENIDOS EN ESTA SOLICITUD PODRÁN SER PUBLICADOS EN EL BOLETÍN OFICIAL DE LA PROPIEDAD INDUSTRIAL E INSCRITOS EN EL REGISTRO DE PATENTES DE LA OEPM, SIENDO AMBAS BASES DE DATOS DE CARÁCTER PÚBLICO Y ACCESIBLES VÍA REDES MUNDIALES DE INFORMÁTICA

Ejemplar para el expediente

IMPRIMIR FORMULARIO

RESTAURAR FORMULARIO

OFICINA ESPAÑOLA DE PATENTES Y MARCAS (OEPM)  
Paseo de la Castellana, 75 - 28071 Madrid (España)

5101 (04.17)

Pág. 3 de 3

(15 May 2017)



MINISTERIO  
DE INDUSTRIA, ENERGÍA  
Y TURISMO



Oficina Española  
de Patentes y Marcas

## INSTANCIA DE SOLICITUD

Nº SOLICITUD:

FECHA Y HORA DE ENTRADA EN OEPM:

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LUGAR DE PRESENTACIÓN

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☐ ENTRADA EN FASE NACIONAL DE SOLICITUD INTERNACIONAL PCT

(3) EXPEDIENTE PRINCIPAL O DE ORIGEN:

MODALIDAD:

Nº SOLICITUD:

FECHA PRESENTACIÓN:

El solicitante declara, por medio de esta instancia, tener derecho a presentar la solicitud arriba indicada

### 2. TÍTULO DE LA INVENCION (4)

### 3. IDENTIFICACIÓN DEL SOLICITANTE

(5) APELLIDOS Y NOMBRE /DENOMINACIÓN SOCIAL

NIF/PASAPORTE

DIRECCIÓN POSTAL

CÓDIGO POSTAL Y  
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(6) CNAE

(7) PYME

DIRECCIÓN CORREO ELECTRÓNICO

Nº TELÉFONO FIJO

Nº TELÉFONO MÓVIL

(8) INDICACIÓN DEL MEDIO DE NOTIFICACIÓN PREFERENTE

☐ CORREO POSTAL

☐ CORREO ELECTRÓNICO

PORCENTAJE DE TITULARIDAD (9):

%

NOTA: DE NO ESPECIFICARSE DICHO PORCENTAJE, LA OEPM PRESUMIRÁ IGUALES LAS CUOTAS DE LOS SOLICITANTES.

EL SOLICITANTE TAMBIÉN  
ES INVENTOR (10):

☐ SI

☐ ESTE INVENTOR RENUNCIA A SER MENCIONADO

☐ NO

MODOS DE OBTENCIÓN DEL DERECHO: (11)

☐ INVENCION LABORAL

☐ CONTRATO

☐ SUCESIÓN

☐ OTROS

(Especificar):

(12) EL SOLICITANTE ES UNA UNIVERSIDAD PÚBLICA ESPAÑOLA

☐ SI

### 4. (13) OTROS SOLICITANTES Y/O INVENTORES

☐ LOS DEMAS SOLICITANTES Y/O INVENTORES SE INDICAN EN HOJA COMPLEMENTARIA

Ejemplar para el solicitante

**5. IDENTIFICACIÓN DEL REPRESENTANTE Y/O DIRECCIÓN DE CORRESPONDENCIA**

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(16) ACTUACIÓN POR MEDIO DE AGENTE	APELLIDOS Y NOMBRE / DENOMINACIÓN SOCIAL		CÓDIGO DE AGENTE
(17) ACTUACIÓN POR MEDIO DE OTRO REPRESENTANTE		NIF/PASAPORTE	
DIRECCIÓN POSTAL		CÓDIGO POSTAL Y LOCALIDAD	PAÍS
DIRECCIÓN CORREO ELECTRÓNICO		N° TELÉFONO	(18) INDICACIÓN DEL MEDIO DE NOTIFICACIÓN PREFERENTE
			<input type="checkbox"/> CORREO POSTAL <input type="checkbox"/> CORREO ELECTRÓNICO
<input type="checkbox"/> MÁRQUESE ESTA CASILLA CUANDO NO SE NOMBRE A REPRESENTANTE Y SE QUIERA UTILIZAR LA DIRECCIÓN ARRIBA INDICADA PARA CORRESPONDENCIA			

**6. OTROS DATOS**

(19) REIVINDICACIÓN DE PRIORIDAD		PAÍS ORIGEN	CODIGO PAÍS	FECHA	NÚMERO
<input type="checkbox"/> SÍ <input type="checkbox"/> NO					
El solicitante declara, por medio de esta instancia, tener derecho a reivindicar la prioridad arriba indicada					
(20) REMISIÓN A SOLICITUD ANTERIOR		PAÍS ORIGEN	CODIGO PAÍS	FECHA	NÚMERO
<input type="checkbox"/> SÍ <input type="checkbox"/> NO					
(21) EXPOSICIONES OFICIALES		NOMBRE		FECHA	LUGAR
<input type="checkbox"/> SÍ <input type="checkbox"/> NO					
(22) EFECTUADO DEPÓSITO DE MATERIAL BIOLÓGICO	AUTORIDAD DE DEPÓSITO	CÓDIGO PAÍS	FECHA	NÚMERO	ORIGEN GEOGRÁFICO
<input type="checkbox"/> SÍ <input type="checkbox"/> NO					
(23) RECURSO GENÉTICO		NÚMERO DE CERTIFICADO		NÚMERO DE REGISTRO	
<input type="checkbox"/> UTILIZACIÓN DE RECURSO GENÉTICO <input type="checkbox"/> UTILIZACIÓN DE CONOCIMIENTO TRADICIONAL					
LISTA DE SECUENCIAS DE AMINOÁCIDOS Y ÁCIDOS NUCLEICOS					
La descripción contiene una lista de secuencias biológicas en concordancia con la norma ST.25 OMPI <input type="checkbox"/> SÍ <input type="checkbox"/> NO					
Se adjunta un soporte de datos legible por ordenador que incluye la lista de secuencias biológicas en concordancia con la norma ST.25 OMPI <input type="checkbox"/> SÍ <input type="checkbox"/> NO					
El solicitante declara, por medio de esta instancia, que la información registrada en el soporte de datos legible por ordenador es idéntica a la contenida en la lista de secuencias biológicas incluida en la descripción de la versión escrita de esta solicitud					
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(25) SE SOLICITA LA TRAMITACIÓN SEGÚN EL PROGRAMA DE CONCESIÓN ACCELERADA DE PATENTES Y, SIMULTANEAMENTE, LA PUBLICACIÓN DE ESTA SOLICITUD DE PATENTE ANTES DE 18 MESES DESDE LA FECHA DE PRESENTACIÓN DE LA MISMA, DE CONFORMIDAD CON LO DISPUESTO EN LA DISPOSICIÓN ADICIONAL SEXTA DE LA LEY 24/2015 DE PATENTES Y DE LA CORRESPONDIENTE INSTRUCCIÓN.					<input type="checkbox"/> SÍ
<input type="checkbox"/> (26) EL SOLICITANTE DISPONE DE UN INFORME DE INFORMACIÓN TECNOLÓGICA REALIZADO POR ESTA OFICINA PARA LA MISMA INVENCIÓN		NÚMERO DE ITP:			

Ejemplar para el solicitante

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Ejemplar para el solicitante

OFICINA ESPAÑOLA DE PATENTES Y MARCAS (OEPM)  
 Paseo de la Castellana, 75 - 28071 Madrid (España)

5101 (04.17)

Pág. 3 de 3

**PODER/POWER OF ATTORNEY/POUVOIR**

Yo / Nosotros / I / we / Je / Nous (1)

nombro / nombramos / do hereby appoint / nomme / nommons (2)

para encargarse en mi / nuestro nombre de los trámites para presentar una solicitud relativa a la invención intitulada (3)

to take on my / your behalf proceeding for making application for the invention entitled (3)

pour accomplir en mon / notre nom les formalités de dépôt d'une demande relative à l'invention intitulée (3)

en la Oficina Española de Patentes y Marcas (4)

before the Spanish Patent and Trademark Office (4)

auprès de l'Office espagnol des brevets et des marques (4)

de conformidad con la ley española sobre patentes / according to the Spanish Patent Law / conformément à la loi espagnole sur les brevets.

Lugar / Place / Lieu ..... Fecha / Date .....

Firma(s) / Signature(s)

(1) Indicar de manera completa (a) el nombre y (b) la dirección de la persona o de la empresa que ha nombrado al mandatario / Insert in full (a) the name and (b) address of the individual or corporation appointing the attorney / indiquer le nom complet (a) et l'adresse complète (b) de la personne ou de la société qui nomme le mandataire.

(2) Nombre del mandatario / Name of the attorney / Nom du mandataire.

(3) Título de la invención / Title of the invention / Titre de l'invention.

(4) Otros asuntos para los cuales el mandatario ha sido nombrado / Other matters for which the attorney is appointed / Autres affaires pour lesquelles le mandataire est nommé.

**ACTA DE CESIÓN / DEED OF ASSIGNMENT / ACTE DE CESSION**

Yo/Nosotros el que suscribe/los que suscriben  
It is hereby declared that I/we the undersigned  
Je/Nous soussigné(s)

declaro/declaramos por la presente acta haber cedido mi/nuestro derecho de solicitar y obtener una patente en España relativa a la invención intitulada:  
have assigned my/our right to apply for and obtain a patent in Spain in respect of the invention entitled:  
déclare/déclarons par le présent acte avoir cédé mon/notre droit de demander et obtenir un brevet en Espagne en ce qui concerne l'invention intitulée:

a / to / à:

Lugar / Place / Lieu: ..... Fecha / Date: .....

Firma(s) / Signature(s)

NO SE REQUIERE LEGALIZACIÓN / NO LEGALIZATION REQUIRED / AUCUNE LEGALISATION  
REQUISE

# FINNISH PATENT AND REGISTRATION OFFICE (PRH) AS DESIGNATED (OR ELECTED) OFFICE

## CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex FI.I
National processing request form (patents) .....	Annex FI.II
National processing request form (utility models) .....	Annex FI.III

### List of abbreviations:

Office: Finnish Patent and Registration Office (PRH)

PA: Patents Act

PD: Patents Decree

**SUMMARY****Designated  
(or elected) Office****SUMMARY****FI****FINNISH PATENT AND  
REGISTRATION OFFICE (PRH)****FI****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date																		
Translation of international application required into: <sup>1</sup>	English, Finnish or Swedish																		
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, as originally filed or as amended, at applicant's option), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, as originally filed or as amended by the annexes to the international preliminary examination report, at applicant's option)																		
Is a copy of the international application required? <sup>1</sup>	The applicant should only send a copy of the international application if he/she has not received Form PCT/IB/308 and the Office has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2).																		
National fee:	<p>Currency: Euro (EUR)</p> <p>For patent:</p> <table> <tr> <td>Basic fee:<sup>2</sup></td><td>EUR 500</td></tr> <tr> <td>Basic fee for an electronically filed application:<sup>2</sup></td><td>EUR 400</td></tr> <tr> <td>Claim fee for each claim in excess of 15:<sup>3</sup></td><td>EUR 50</td></tr> <tr> <td>Additional fee for late furnishing of translation or copy:<sup>1</sup></td><td>EUR 125</td></tr> <tr> <td>Annual fees for the first three years:<sup>4</sup></td><td>EUR 200</td></tr> </table> <p>For utility model:</p> <table> <tr> <td>Registration fee:<sup>2</sup></td><td>EUR 250</td></tr> <tr> <td>— for an application filed electronically:<sup>2</sup></td><td>EUR 200</td></tr> <tr> <td>Additional fee for each claim in excess of five:<sup>3</sup></td><td>EUR 20</td></tr> <tr> <td>Additional fee for late furnishing of translation or copy:<sup>1</sup></td><td>EUR 100</td></tr> </table>	Basic fee: <sup>2</sup>	EUR 500	Basic fee for an electronically filed application: <sup>2</sup>	EUR 400	Claim fee for each claim in excess of 15: <sup>3</sup>	EUR 50	Additional fee for late furnishing of translation or copy: <sup>1</sup>	EUR 125	Annual fees for the first three years: <sup>4</sup>	EUR 200	Registration fee: <sup>2</sup>	EUR 250	— for an application filed electronically: <sup>2</sup>	EUR 200	Additional fee for each claim in excess of five: <sup>3</sup>	EUR 20	Additional fee for late furnishing of translation or copy: <sup>1</sup>	EUR 100
Basic fee: <sup>2</sup>	EUR 500																		
Basic fee for an electronically filed application: <sup>2</sup>	EUR 400																		
Claim fee for each claim in excess of 15: <sup>3</sup>	EUR 50																		
Additional fee for late furnishing of translation or copy: <sup>1</sup>	EUR 125																		
Annual fees for the first three years: <sup>4</sup>	EUR 200																		
Registration fee: <sup>2</sup>	EUR 250																		
— for an application filed electronically: <sup>2</sup>	EUR 200																		
Additional fee for each claim in excess of five: <sup>3</sup>	EUR 20																		
Additional fee for late furnishing of translation or copy: <sup>1</sup>	EUR 100																		

*[Continued on next page]*

<sup>1</sup> Where the basic fee has been paid within the time limit applicable under PCT Article 22 or 39(1), the translation or copy may be filed within two months from the expiration of that time limit, provided that the additional fee for late furnishing of the translation or copy has been paid within those two months.

<sup>2</sup> Must be paid within the time limit applicable under PCT Article 22 or 39(1).

<sup>3</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>4</sup> The renewal fees for an international application in respect of fee years which have begun before the date on which the application was pursued under section 31 of the Patents Act or was taken up for processing under section 38 of the same Act or which begin within two months of such date become in no event due until the last day of the month that falls two months after the date on which the application was pursued or otherwise prosecuted.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****FI****FINNISH PATENT AND  
REGISTRATION OFFICE (PRH)****FI***[Continued]*

Exemptions, reductions or refunds of the national fee:

None

Special requirements of the Office (PCT Rule 51*bis*):<sup>5</sup>Name and address of the inventor if they have not been furnished in the “Request” part of the international application<sup>6</sup>Statement justifying the applicant's right to the invention where the applicant is not the inventor or the only inventor<sup>6</sup>

Appointment of an agent if the applicant is not resident in Finland

Translation of the international application to be furnished in one copy for a patent and one copy for a utility model

If the international application is for both a patent and a utility model, the power of attorney (if any) must be furnished in duplicate

Who can act as agent?

Any natural or legal person resident in the European Economic Area

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter.2*)?

Yes, the Office applies the “due care” criterion to such requests

<sup>5</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>6</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

## THE PROCEDURE IN THE NATIONAL PHASE

**FI.01 FORMS FOR ENTERING THE NATIONAL PHASE.** The Office has available special forms for entering the national phase (see Annexes FI.II (patents) and FI.III (utility models)). These forms should preferably (but need not) be used.

PD Sec. 3  
PA Sec. 8

**FI.02 LANGUAGE OF PROCEEDINGS.** The description, the claims, any text matter of drawings and the abstract of the international application must be in Finnish, Swedish or English. If the application is in Finnish or Swedish, the claims and the abstract must be translated into the other of the two languages before the application becomes available to the public. If the application is in English, the claims and the abstract must be translated into Finnish or Swedish before the application becomes available to the public. However, the Office may refrain from demanding the translation or accept a translation in a language other than Finnish, Swedish or English of all documents which do not belong to the documents making up the international application. The language of opposition and appeal proceedings is Finnish or Swedish.

PA Sec. 31(2)

**FI.03 TRANSLATION (LATE FURNISHING OF).** If the translation of the international application has not been furnished by the applicant within the time limit applicable under PCT Article 22 or 39(1) but the national fee indicated in the Summary has been paid within that time limit, the translation can still be furnished within a further period of two months, provided that the additional fee for late furnishing of the translation, indicated in the Summary, has been paid within those two months.

**FI.04 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

**FI.05 TRANSLATION (IN CASE OF LACK OF UNITY OF INVENTION).** Where a part of the international application was not subjected to an international search for reason of lack of unity of the invention, a translation is required only of those parts of the international application which were subjected to the international search. However, where the applicant wants to maintain the part which was not searched, a translation of this part must also be furnished (see also paragraph FI.08).

**FI.06 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex FI.I.

PA Sec. 12  
33

**FI.07 POWER OF ATTORNEY.** An agent may be appointed either by filing a separate power of attorney (which may be a copy or a facsimile) or by means of the special forms referred to in paragraph FI.01 (see Annexes FI.II and FI.III). For time limits, see the Summary. For the language, see paragraph FI.02.

PCT Art. 17(3)(b)  
34(3)(c)  
PA Sec. 36  
37

**FI.08 ADDITIONAL FINNISH SEARCH OR EXAMINATION REPORT (IN CASE OF LACK OF UNITY OF INVENTION).** Where a part of the international application was not subjected to international search or preliminary examination because the international application did not comply with the requirement of unity of invention and the applicant did not pay the additional search or preliminary examination fee to the International Searching or Preliminary Examining Authority, the Office will decide whether the said finding as regards the application translated into Finnish was correct. If this is found to be the case, the Office will invite the applicant to pay an additional fee within two months after mailing of the notification of this decision. The amount of the said fee is indicated in Annex FI.I. Where the applicant does not pay the additional fee, that part of the international application which was not subjected to international search or preliminary examination will be considered withdrawn. For international applications filed on or after 1 November 2011, the international application can be translated into Finnish, Swedish or English.

PA Sec.	19 20	FI.09 <b>PUBLICATION FEE.</b> A publication fee must be paid within two months from the date on which the applicant was notified that the application could be accepted. The amount of the fee is indicated in Annex FI.I.
PA Sec.	8(6) 40 to 42	FI.10 <b>ANNUAL FEES.</b> Annual fees must be paid for each year following the international filing date. For the due date of annual fees for the first three years, see the Summary. Payment of the subsequent annual fees must be made before the expiration of the month containing the anniversary of the international filing date. Payment can still be made, together with a 20% surcharge for late payment, before the expiration of the sixth month after the due date. The amounts of the annual fees are indicated in Annex FI.I. It is to be noted that annual fees can be paid without surcharge within two months (extended to the last day of the month) after performing the acts for entering the national phase.
PCT Art.	28 41	FI.11 <b>AMENDMENT OF THE APPLICATION; TIME LIMITS.</b> The applicant may make the following modifications before the Office, provided that the scope of the subject matter of the application is not broadened thereby:  (i) within 35 months from the priority date or from the international filing date: corrections of defects and voluntary amendments;  (ii) up to the notice that the application can be accepted: amendments or additions to the description and drawing(s) if they are necessary to comply with general requirements under PCT Articles 5 and 7; amendments or additions to the claims, which, unless the Office allows otherwise, must be made by filing a new document comprising all of the claims in sequence; where additions are made to the claims, the applicant must at the same time file a statement indicating the reference basis for these additions.
PA Sec.	13	
PA Sec.	34	
PD Sec.	52b	
PA Sec.	19	FI.12 <b>REVIEW UNDER ARTICLE 25 OF THE PCT.</b> The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged with the Market Court within 60 days from the date of receipt of the decision.
PD Sec.	19 to 24	
PCT Art.	25	
PCT Rule	51	
PA Sec.	38 72	FI.13 <b>EXCUSE OF DELAYS IN MEETING TIME LIMITS.</b> Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
PD Sec.	52	
PCT Art.	24(2) 48(2)	FI.14 Reestablishment of rights may be requested where the applicant, in spite of all due care required by the circumstances, was unable to observe a time limit during the international phase or before the Office, default of which is prejudicial to his rights. A request for reestablishment must be presented in writing within two months after the removal of the cause of the failure to perform the action but not later than one year from the expiration of the time limit which has not been observed. Within the said two months, the omitted action must be completed, the fee for reestablishment of rights (see Annex FI.I) must be paid and the request must state the grounds on which it is based and set out the facts on which it relies.
PA Sec.	71a 71b	
PCT Rule	49.6(a)	
PA Sec.	15 19	FI.15 Resumption of proceedings concerning the application may be requested from the Office where the applicant missed a time limit which has been fixed for a certain action by the Office. Resumption of proceedings may not be requested where the missed time limit is fixed in the PCT, and the PCT Regulations. A request for resumption of proceedings has the effect that the proceedings for grant will be resumed, provided that, within four months from the expiration of the missed time limit, the said request is presented in writing, the resumption fee (see Annex FI.I) is paid and the omitted act has been completed.
PCT Rule	49bis.1 (a), (b) 76.5	FI.16 <b>UTILITY MODEL.</b> If the applicant wishes to obtain utility model registration on the basis of an international application — instead of a patent, or — in addition to a patent,  the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

If the international application is for a utility model instead of a patent, the requirements are basically the same as for patents with the following exceptions:

- utility model protection does not cover processes;
- a utility model application does not contain an abstract;
- one copy of the translation of the international application in Finnish or Swedish is required;
- the applicant is not required to pay publication or annual fees. Instead of annual fees, renewal fees have to be paid for utility models;
- a utility model right is in force for four years and the term of protection may be extended for a first time from four years to eight years and for a second time from eight years to ten years. The amounts of the renewal fees are indicated in Annex F.I.I.

If the international application is for both a utility model and a patent, the applicant must, within the time limits applicable for entry into the national phase (see the Summary), comply with the following requirements:

- (i) pay both the registration fee for the utility model and the national fee for the patent application;
- (ii) furnish one copy of the translation of the international application into Finnish, Swedish or English for a patent and one copy for a utility model into Finnish or Swedish;
- (iii) file a power of attorney (if any) in duplicate

**FI.17 CONVERSION.** An international application for a patent may be converted into a utility model application after the applicant has complied with the requirements for entry into the national phase for a patent application.

The utility model application is deemed to have been filed on the date the patent application was filed. A patent application shall remain pending even if it is converted into a utility model application unless the applicant specifically withdraws the patent application. The conversion is subject to payment of the prescribed fees indicated in Annex F.I.I. Conversion cannot be requested:

- after the expiration of 10 years from the international filing date;
- in respect of a dismissed, rejected or withdrawn patent application or granted patent.

**FEES****(Currency: Euro)****Patents**

Basic fee . . . . .	500
— for an application filed electronically . . . . .	400
Additional fee for late furnishing of translation or copy . . . . .	125
Claim fee for each claim in excess of 15 . . . . .	50
Additional fee (see paragraph FI.08) . . . . .	350
Publication fee . . . . .	500
Publication fee when the documents for publication have been filed electronically . . . . .	400
Resumption fee . . . . .	70
— if the application has been previously resumed . . . . .	140
Fee for reestablishment of rights . . . . .	450
Annual fees:	
— for the first three years . . . . .	200
— for the 4 <sup>th</sup> year . . . . .	125
— for the 5 <sup>th</sup> year . . . . .	150
— for the 6 <sup>th</sup> year . . . . .	200
— for the 7 <sup>th</sup> year . . . . .	250
— for the 8 <sup>th</sup> year . . . . .	300
— for the 9 <sup>th</sup> year . . . . .	350
— for the 10 <sup>th</sup> year . . . . .	400
— for the 11 <sup>th</sup> year . . . . .	450
— for the 12 <sup>th</sup> year . . . . .	500
— for the 13 <sup>th</sup> year . . . . .	550
— for the 14 <sup>th</sup> year . . . . .	600
— for the 15 <sup>th</sup> year . . . . .	650
— for the 16 <sup>th</sup> year . . . . .	700
— for the 17 <sup>th</sup> year . . . . .	750
— for the 18 <sup>th</sup> year . . . . .	800
— for the 19 <sup>th</sup> year . . . . .	850
— for the 20 <sup>th</sup> year . . . . .	900
Supplement for late payment . . . . .	20%
	of the applicable annual fee
Fee for restoration of the right of priority . . . . .	450

**Utility models**

Registration fee . . . . .	250
— for an application filed electronically . . . . .	200
Additional fee for late furnishing of translation or copy . . . . .	100
Additional fee for each claim in excess of five . . . . .	20

Renewal fees:	
— for four years .....	250
— supplement for late payment .....	50
— for two years .....	200
— supplement for late payment .....	50
Fee for restoration of the right of priority .....	450
Fee for reestablishment of rights .....	450

### How can payment of fees be effected?

The payment of fees must be effected in euro. All payments must indicate the national application number (however, if that number is not yet known, the international application number may be used), the name of the applicant and the category of fee being paid.

Payment may be effected:

- (i) by credit/debit card at the Office, or
- (ii) by transfer to one of the following bank accounts:

Nordea Bank Abp  
Account No. : FI9716603000104227  
BIC code: NDEAFIHH

Danske Bank A/S, Finland Branch  
Account No.: FI3489199710000732  
BIC code: DABAFIHH

Applicants must choose a mode of payment guaranteeing that the full amount of the fees due is received by the Office.



## Patent application

☐ The application was filed by fax. Filing date:

### Applicant(s)

☐ Other applicants are given on a continuation sheet

Name	Business ID
Telephone and email	Place of residence (municipality)
Address	

### Representative

Name	Representative's reference
Telephone and email	Place of residence (municipality)
Address	

### Inventor(s)

☐ Other inventors are given on a continuation sheet

Name and address
------------------

### Title of the invention (if possible, also in Finnish and Swedish)

--

<input type="checkbox"/> International application pursued in Finland	International filing date:	Application number: PCT
<input type="checkbox"/> Request for priority from an earlier application	Date, country, and number:	
<input type="checkbox"/> Divisional application	Number of the parent application:	
<input type="checkbox"/> Separated application	Number of the parent application:	Requested filing date:
<input type="checkbox"/> I wish to receive decisions in English		

### Accompanying documents

### Fees

<input type="checkbox"/> Description in English / Finnish / Swedish	<input type="checkbox"/> Application fee: euros
<input type="checkbox"/> Claims in English / Finnish / Swedish	<input type="checkbox"/> Additional fee for each patent claim over 15: euros
<input type="checkbox"/> Abstract in English / Finnish / Swedish	<input type="checkbox"/> Fee for cited documents: euros
<input type="checkbox"/> Number of drawing sheets	<input type="checkbox"/>
<input type="checkbox"/> Statement on the applicant's right to the invention or letter of assignment	<input type="checkbox"/>
<input type="checkbox"/> Power of attorney	<input type="checkbox"/>
<input type="checkbox"/> Priority document	<input type="checkbox"/>
<input type="checkbox"/>	

Place and date	Company name:
	Applicant's or representative's signature, and name in block capitals

The application must be signed by all the applicants or by an authorised representative.



## INSTRUCTIONS FOR THE APPLICANT

The application form should be accompanied by a description of the invention, the patent claims, an abstract, and drawings, if any. You can submit these documents in either English, Finnish or Swedish. Write the text by word processing on A4 sheets, single-sided only.

If you have submitted the documents in English, you can request to receive the decisions from the application process in English.

### DESCRIPTION OF THE INVENTION

The description must begin with a short and factual title of the invention.

The general part of the description must illustrate the field of the invention and the technology on which the invention is based. Here you must present the state of the art, i.e., solutions close to the invention that are known to you. You must also present the special effect achieved by the invention in comparison with the state of the art.

If the description contains a drawing, all the figures on the drawing must be listed, including short explanations of what each figure depicts.

In the specific part of the description, you must describe the invention in detail, by giving examples of embodiments and by referring to the drawings (if any).

The description must be so clear that a person skilled in the art, following the description, is able to use the invention.

### PATENT CLAIMS

The patent claims state explicitly what you want to protect by the patent.

The patent claims define the invention by setting out all the special characteristics that are necessary for achieving the intended effect.

A patent claim should contain a preamble and a characterising part separated from each other by the words "characterised in that" or a similar phrase. The preamble states the features of the invention that are already known. The characterising part states the new features that differ from previous solutions.

In the claims, the letters or numbers referring to the figures must be given in parentheses.

### ABSTRACT

The abstract, summarising the invention in a maximum of 150 words, must be written on a separate sheet.

It should disclose the technical field of the invention, the technical problem intended to be solved by the invention, and the basic principle of the invented solution. You can choose a figure relevant to the invention to be published together with the abstract.

## Instructions for the applicant

### DRAWING

The drawing must be made with black lines on a separate piece of white A4 paper. Mark the details of the figures with letters or numbers which you can refer to in the description, claims and abstract.

### STATEMENT ON THE APPLICANT'S RIGHT TO THE INVENTION

Always give the inventor's name on the application form. If the applicant is not the inventor, or there are several inventors, you must enclose a statement justifying the applicant's right to the invention. The statement may contain an announcement that the invention has been transferred to the applicant as an employee invention, by agreement or by inheritance, for example. Instead of this statement, you can submit a letter of assignment.

### POWER OF ATTORNEY

The applicant may appoint a representative. Authorisation is given either on this application form (field "Representative"), or on a separate power of attorney. Both documents must be signed by the applicant. If there are several inventors and no representative has been appointed, messages from the Finnish Patent and Registration Office (PRH) will be sent to the applicant given first on the form.

### FEES

The applicant must pay a prescribed application fee and an additional fee for every patent claim over 15. If you want to order copies of the documents found in the search, you need to pay a fee for cited documents.

Check the fees in the price list on the PRH website [www.prh.fi](http://www.prh.fi). The website also includes further instructions on how to draw up an application.

Further instructions on how to pursue an application under the Patent Cooperation Treaty (PCT) in Finland can be found in WIPO's [PCT Applicant's guide](#).

### SUBMIT YOUR APPLICATION

by post to  
Finnish Patent and Registration Office  
FI-00091 PRH, FINLAND

or in person to the PRH Registry (open 8.00 – 16.15)  
street address: Sörnäisten rantatie 13 C, Helsinki, Finland

or by fax to the Registry  
fax: +358 29 509 5328

You can also submit the application online. Read more on the PRH website [www.prh.fi](http://www.prh.fi).

### FOR MORE INFORMATION, PLEASE CONTACT

The PRH Patent Advisory Service  
Tel. +358 29 509 5858  
Email: [neuvonta.patentti\(at\)prh.fi](mailto:neuvonta.patentti(at)prh.fi)



## Patenttihakemus

☐ Hakemus on lähetetty telefaksilla. Lähetyspäivä:

### Hakija(t)

☐ Muut hakijat liitteessä

Nimi	Y-tunnus
Puhelin ja sähköposti	Kotipaikka (kunta)
Osoite	

### Asiamies

Nimi	Asiamiehen viite
Puhelin ja sähköposti	Kotipaikka (kunta)
Osoite	

### Keksijä(t)

☐ Muut keksijät liitteessä

Nimi ja osoite
----------------

### Keksinnön nimitys (Mikäli mahdollista, myös ruotsiksi ja englanniksi)

--

<input type="checkbox"/> Suomessa jatkettu kansainvälinen hakemus	Kansainvälinen tekemispäivä:	Hakemusnumero: PCT
<input type="checkbox"/> Pyydetään etuoikeutta aikaisemmasta hakemuksesta	Päivä, maa ja numero:	
<input type="checkbox"/> Jakamalla erotettu hakemus	Kantahakemuksen numero:	
<input type="checkbox"/> Lohkaistu hakemus	Kantahakemuksen numero:	Pyydetty tekemispäivä:
<input type="checkbox"/> Pyydetään päätökset englannin kielellä		

### Liitteet

### Maksut

<input type="checkbox"/> Selitys suomi/ruotsi/englanti	<input type="checkbox"/> Hakemusmaksu: euroa
<input type="checkbox"/> Vaatimukset suomi/ruotsi/englanti	<input type="checkbox"/> Lisämaksu 15 ylittävistä patenttivaatimuksista: euroa
<input type="checkbox"/> Tiivistelmä suomi/ruotsi/englanti	<input type="checkbox"/> Viitejulkaisumaksu: euroa
<input type="checkbox"/> kpl piirustussivuja	<input type="checkbox"/>
<input type="checkbox"/> Lausunto hakijan oikeudesta keksintöön tai siirtokirja	<input type="checkbox"/>
<input type="checkbox"/> Valtakirja	<input type="checkbox"/>
<input type="checkbox"/> Etuoikeustodistus	

Paikka ja aika	Yrityksen nimi:
	Hakijan tai asiamiehen allekirjoitus ja nimenselvennys

Kaikkien hakijoiden tai valtuutetun asiamiehen on allekirjoitettava hakemus



PATENTTI- JA REKISTERIHALLITUS

## Ohjeita patentinhakijalle

## OHJEITA PATENTINHAKIJALLE

Hakemuslomakkeen mukana annetaan keksinnön selitys, patenttivaatimukset, tiivistelmä ja mahdollinen piirustus. Kyseiset asiakirjat annetaan joko suomen, ruotsin tai englannin kielellä. Teksti kirjoitetaan tekstinkäsittelyllä A4-kokoa oleville arkeille vain arkin toista puolta käyttäen.

Jos asiakirjat on toimitettu englannin kielellä, voi hakija pyytää, että hakemuskäsittelyn päätökset annetaan englanniksi.

## KEKSINNÖN SELITYS

Selityksen otsikkona ilmoitetaan keksinnön lyhyt ja asiallinen nimitys.

Selityksen alkuosassa esitetään keksinnön käyttöala ja se tekniikka, johon keksintö perustuu. Tällöin ilmoitetaan hakijan tiedossa mahdollisesti olevat läheiset ratkaisut eli tekniikan taso. Lisäksi esitetään, mitä erityistä keksinnöllä saavutetaan tekniikan tasoon verrattuna.

Mikäli selitykseen kuuluu piirustus, luetaan piirustuksen kuviot. Jokaisesta kuvista mainitaan lyhyesti mitä se esittää.

Selityksen loppuosassa keksintö selitetään yksityiskohtaisesti sovellutusesimerkkien avulla mahdolliseen piirustukseen viitaten.

Selityksen tulee olla niin selvä, että ammattimies voi sen perusteella käyttää keksintöä.

## PATENTTIVAATIMUKSET

Patenttivaatimukset ilmaisevat täsmällisesti sen, mitä patentilla halutaan suojata.

Patenttivaatimuksissa keksintö määritellään esittämällä kaikki ne piirteet, jotka tarvitaan tarkoitetun vaikutuksen aikaansaamiseksi.

Patenttivaatimus sisältää johdannon ja tunnusmerkkiosan, jotka erotetaan toisistaan sanoilla "tunnusmerkki" tai vastaavalla ilmaisulla. Johdannossa mainitaan keksinnön tunnetut piirteet. Tunnusmerkkiosassa esitetään uudet, tunnetuista ratkaisuista poikkeavat piirteet.

Piirustuksen kuvioihin viittaavat viittausmerkit tulee esittää vaatimuksissa sulkeissa.

## TIIVISTELMÄ

Tiivistelmä kirjoitetaan omalle lehdelleen. Se on korkeintaan 150-sanainen yhteenveto keksinnöstä.

Tiivistelmässä mainitaan mihin tekniikan alaan keksintö kuuluu. Samoin ilmaistaan se tekninen ongelma, joka keksinnöllä on tarkoitus ratkaista. Lisäksi esitetään keksinnön mukaisen ratkaisun pääperiaate. Sopiva piirustuksen kuvio valitaan julkaistavaksi tiivistelmän kanssa.

## PIIRUSTUS

Piirustus tehdään erilliselle valkoiselle A4-kokoa olevalle paperille mustin viivoin. Piirustuksen kuvioiden yksityiskohdat merkitään viittausmerkein, joihin viitataan selityksessä, vaatimuksissa ja tiivistelmässä.

## LAUSUNTO HAKIJAN OIKEUDESTA KEKSINTÖÖN

Keksijän nimi ilmoitetaan aina hakemuslomakkeessa. Jos hakija ei ole keksijä tai ei ole tehnyt keksintöä yksin, hakemukseen täytyy liittää lausunto, jossa näytetään toteen hakijan oikeus keksintöön. Lausunnossa voidaan ilmoittaa, että keksintö on siirtynyt hakijalle esimerkiksi työsuhdekeksintönä, sopimuksella tai perintönä. Lausunnon sijasta on mahdollista antaa siirtokirja.

## VALTAKIRJA

Patentinhakija voi käyttää asiamiestä. Asiamies valtuutetaan joko hakijan allekirjoittamassa hakemuslomakkeessa (lomakkeen kohta "Asiamies") tai erillisellä hakijan allekirjoittamalla valtakirjalla. Jos hakijoita on useita, eikä asiamiestä ole nimetty, lähetetään PRH:n ilmoitukset lomakkeessa ensimmäisenä merkitylle hakijalle.

## MAKSUT

Hakijan on suoritettava vahvistettu hakemusmaksu ja jokaisesta 15 ylittävästä patenttivaatimuksesta lisämaksu. Lisäksi hakija voi maksaa viitejulkaisumaksun, jolla hän saa kopiot tutkimuksessa esille tulleista julkaisuista.

Maksujen suuruuden voi katsoa hinnastosta, joka löytyy PRH:n internet-sivuilta [www.prh.fi](http://www.prh.fi). Sivuilta löytyy myös tarkempia ohjeita hakemuksen laatimiseksi.

Kansainvälisen patenttiyhteistyösopimuksen (PCT) mukaisen hakemuksen jatkamisesta Suomessa on tarkempia ohjeita WIPO:n oppaassa [PCT Applicant's guide](#).

## HAKEMUS VOIDAAN TOIMITTA

postitse osoitteeseen  
Patentti- ja rekisterihallitus  
00091 PRH

tai tuoda PRH:n kirjaamoon (avoinna 8.00 - 16.15)  
käyntiosoite: Sörnäisten rantatie 13 C, Helsinki

tai lähettää telefaksilla kirjaamoon  
telefaksin nro 029 509 5328

Hakemus on myös mahdollista tehdä sähköisesti, mistä löytyy lisätietoja PRH:n internet-sivuilta osoitteesta [www.prh.fi](http://www.prh.fi).

## LISÄTIETOJA ANTAA

PRH:n patenttineuvonta  
puh. 029 509 5858  
sähköposti: [neuvonta.patentti\(at\)prh.fi](mailto:neuvonta.patentti(at)prh.fi)



## Ansökan om patent

☐ Ansökan har lämnats in per fax. Inlämningsdag:

### Sökande

☐ Ytterligare sökande anges i bilagan

Namn	FO-nummer
Telefon och e-post	Hemvist (kommun)
Adress	

### Ombud

Namn	Ombudets referens
Telefon och e-post	Hemvist (kommun)
Adress	

### Uppfinnare

☐ Ytterligare uppfinnare anges i bilagan

Namn och adress
-----------------

### Uppfinningens benämning (om möjligt även på finska och engelska)

--

<input type="checkbox"/> Internationell ansökan fullföljd i Finland	Internationell ingivningsdag:	Ansökningsnummer: PCT
<input type="checkbox"/> Begäran om prioritet från en tidigare ansökan	Dag, land och nummer:	
<input type="checkbox"/> Avdelad ansökan	Stamansökans nummer:	
<input type="checkbox"/> Utbruten ansökan	Stamansökans nummer:	Begärd ingivningsdag:
<input type="checkbox"/> Jag önskar få besluten på engelska.		

### Bilagor

### Avgifter

<input type="checkbox"/> Beskrivning sv / fi / en <input type="checkbox"/> Krav sv / fi / en <input type="checkbox"/> Sammandrag sv / fi / en <input type="checkbox"/> st. ritningsblad <input type="checkbox"/> Utlåtande om sökandens rätt till uppfinningen eller överlåtelsehandling <input type="checkbox"/> Fullmakt <input type="checkbox"/> Prioritetsintyg <input type="checkbox"/>	<input type="checkbox"/> Ansökningsavgift: euro <input type="checkbox"/> Tilläggsavgift för patentkrav utöver 15: euro <input type="checkbox"/> Avgift för anförda publikationer: euro <input type="checkbox"/> <input type="checkbox"/>
---	--

Ort och datum	Företagets namn:
	Sökandens eller ombudets namnteckning och namnförtydligande

Samtliga sökande eller ett befullmäktigt ombud måste underteckna ansökan.



PATENT- OCH REGISTERSTYRELSEN

## Anvisningar för patentsökande

## ANVISNINGAR FÖR PATENTSÖKANDE

Bifoga en beskrivning av uppfinningen, patentkraven, ett sammandrag och en eventuell ritning till ansökningsblanketten. Du kan lämna in handlingarna antingen på svenska, finska eller engelska. Texten ska skrivas med ett textbehandlingsprogram på ark i A4-format endast på arkets ena sida.

Om du lämnat in handlingarna på engelska, kan du begära att få besluten vid handlägningsprocessen på engelska.

## BESKRIVNING AV UPPFINNINGEN

Ange en kort och saklig benämning på uppfinningen som beskrivningens rubrik.

Beskrivningens första del ska innehålla uppgift om uppfinningens användningsområde och den teknik som uppfinningen bygger på. Ange de näraliggande lösningar som du eventuellt har kännedom om, dvs. teknikens ståndpunkt. Redogör också för det som särskilt uppnås med uppfinningen jämfört med teknikens ståndpunkt.

Om beskrivningen innefattar en ritning, ska en figurförteckning också ingå. Beskriv innehållet i varje figur kortfattat.

I beskrivningens senare del ska du ge en detaljerad förklaring av uppfinningen med hjälp av utföringsexempel och med hänvisning till eventuell ritning.

Beskrivningen ska vara så tydlig att en fackman med ledning av den kan utöva uppfinningen.

## PATENTKRAV

Patentkraven innehåller en bestämd uppgift om vad du vill skydda med patentet.

Patentkraven ska definiera uppfinningen genom att ange alla de särdrag som är nödvändiga för att avsett resultat ska uppnås.

Ett patentkrav ska omfatta en ingress och en kännetecknande del som är avskilda från varandra med orden "k ä n n e t e c k n a d a v a t t" eller liknande. Ingressen anger uppfinningens redan kända egenskaper. Den kännetecknande delen anger de egenskaper som är nya och skiljer sig från kända lösningar.

Hänvisningsbeteckningar som hänvisar till figurerna i ritningen ska anges inom parentes i kraven.

## SAMMANDRAG

Skriv sammandraget på ett separat blad. Det är en sammanfattning på högst 150 ord av uppfinningens innehåll.

I sammandraget ska du ange vilket teknikområde uppfinningen hör till och vilket tekniskt problem den är avsedd att lösa. Dessutom ska du ange den uppfinningsenliga lösningens grundprincip. Du kan välja en lämplig ritningsfigur som ska publiceras tillsammans med sammandraget.

## RITNING

Ritningen ska utföras med svarta linjer på ett separat, vitt papper i A4-format. Markera detaljerna i ritningens figurer med hänvisningsbeteckningar som du hänvisar till i beskrivningen, kraven och sammandraget.

## UTLÅTANDE OM SÖKANDENS RÄTT TILL UPPFINNINGEN

Ange alltid uppfinnarens namn på ansökningsblanketten. Om sökanden inte är uppfinnaren eller om sökanden inte ensam har gjort uppfinningen, bifoga till ansökan ett utlåtande som styrker sökandens rätt till uppfinningen. I utlåtandet kan du ange att uppfinningen har överlåtits till sökanden till exempel som arbetstagaruppfinning, genom avtal eller genom arv. Det är möjligt att lämna in en överlåtelsehandling i stället för ett utlåtande.

## FULLMAKT

Patentsökanden kan anlita ett ombud. Ombudet befullmäktigas antingen i ansökningsblanketten (vid punkten "Ombud"), som undertecknas av sökanden, eller i en särskild fullmakt som undertecknas av sökanden. Om det finns flera sökande och inget ombud, skickar Patent- och registerstyrelsen (PRS) sina meddelanden till den sökande som anges först på blanketten.

## AVGIFTER

Sökanden ska betala en fastställd ansökningsavgift samt en tilläggsavgift för varje patentkrav utöver 15. Därtill kan sökanden betala en avgift för anförda publikationer och då få kopior av de publikationer som påträffats vid granskningen.

Du kan se avgifterna i prislistan på PRS webbplats [www.prh.fi](http://www.prh.fi). På webbplatsen hittar du också närmare anvisningar om att upprätta en ansökan.

Närmare anvisningar om att fullfölja en ansökan enligt den internationella konventionen om patentsamarbete (PCT) i Finland finns i [PCT Applicant's guide](#) av WIPO.

## LÄMNA IN ANSÖKAN

per post till  
Patent- och registerstyrelsen  
00091 PRH

eller personligen till PRS registratur (öppet kl. 8.00–16.15)  
besöksadress Sörnäs strandväg 13 C, Helsingfors

eller per fax till PRS registratur  
faxnummer: 029 509 5328

Det är även möjligt att lämna in ansökan på nätet. Läs mer på PRS webbplats [www.prh.fi](http://www.prh.fi).

## FÖR MER INFORMATION KONTAKTA

PRS rådgivning i patentärenden  
Tfn: 029 509 5858  
E-post: [neuvonta.patentti\(at\)prh.fi](mailto:neuvonta.patentti(at)prh.fi)



## Hyödyllisyysmallihakemus

☐ Hakemus on lähetetty telefaksilla. Lähetyspäivä:

### Hakija(t)

☐ Muut hakijat liitteessä

Nimi	Y-tunnus
Puhelin ja sähköposti	Kotipaikka (kunta)
Osoite	

### Asiamies

Nimi	Asiamiehen viite
Puhelin ja sähköposti	Kotipaikka (kunta)
Osoite	

### Keksijä(t)

☐ Muut keksijät liitteessä

Nimi ja osoite
----------------

### Keksinnön nimitys (mikäli mahdollista, myös ruotsiksi ja englanniksi)

--

<input type="checkbox"/> Pyydetään etuoikeutta aikaisemmasta hakemuksesta	Päivä, maa ja numero:
<input type="checkbox"/> Muunnettu patenttihakemuksesta	Päivä, maa ja numero:
<input type="checkbox"/> Jakamalla erotettu hakemus	Alkuperäisen hakemuksen numero:
<input type="checkbox"/> Suomessa jatkettu kansainvälinen hakemus	Kansainvälinen tekemispäivä: Hakemusnumero: PCT
<input type="checkbox"/> Hakemuksen rekisteröintiä pyydetään lykkäämään	asti (maksullinen)
<input type="checkbox"/> Pyydetään tutkimusta (maksullinen)	<input type="checkbox"/> Pyydetään myös lausuntoa tutkimuksesta (maksullinen)

### Liitteet

### Maksut

<input type="checkbox"/> Selitys suomi/ruotsi	<input type="checkbox"/> Rekisteröintimaksu: euroa
<input type="checkbox"/> Vaatimukset suomi/ruotsi	<input type="checkbox"/> Lisämaksu 5 ylittävistä suojavaatimuksista: euroa
<input type="checkbox"/> kpl kuvasivuja	<input type="checkbox"/> Käännösmaksu: euroa
<input type="checkbox"/> Lausunto hakijan oikeudesta keksintöön tai siirtokirja	<input type="checkbox"/> Lykkäämismaksu: euroa
<input type="checkbox"/> Valtakirja	<input type="checkbox"/> Tutkimusmaksu: euroa
<input type="checkbox"/> Etuoikeustodistus	<input type="checkbox"/> Lausuntomaksu: euroa
<input type="checkbox"/>	<input type="checkbox"/> Viitejulkaisumaksu: euroa
<input type="checkbox"/>	

Paikka ja aika	Yrityksen nimi:
	Hakijan tai asiamiehen allekirjoitus ja nimenselvennys

Kaikkien hakijoiden tai valtuutetun asiamiehen on allekirjoitettava hakemus

Sörnäisten rantatie 13 C,  
Helsinki

00091 PRH

Asiakaspalvelunumero  
029 509 5050

www.prh.fi



Hakemuslomakkeen mukana annetaan keksinnön selitys, suojavaatimukset ja kuvat. Teksti kirjoitetaan tekstinkäsittelyllä A4-kokoa oleville arkeille vain arkin toista puolta käyttäen.

#### Keksinnön selitys

Selityksen otsikkona ilmoitetaan keksinnön lyhyt ja asiallinen nimitys.

Selityksen alkuosassa esitetään keksinnön käyttöala ja se tekniikka, johon keksintö perustuu. Tällöin ilmoitetaan hakijan tiedossa mahdollisesti olevat läheiset ratkaisut eli tekniikan taso. Lisäksi esitetään, mitä erityistä keksinnöllä saavutetaan tekniikan tasoon verrattuna.

Selityksen loppuosassa keksintö selitetään yksityiskohtaisesti sovellutusesimerkein valaistuna ja kuviin viitaten.

Selityksen tulee olla niin selvä, että ammattimies voi sen perusteella käyttää keksintöä.

#### Kuvat

Kuvien tulee olla niin tarkat, että niistä selvästi käy ilmi se, mitä halutaan suojata. Niiden tulee olla mustavalkoisia ja toisintamiskelpoisia. Kuvien yksityiskohdat merkitään viittausmerkein, joihin viitataan selityksessä ja vaatimuksessa.

#### Suojavaatimukset

Suojavaatimukset ilmaisevat täsmällisesti sen, mitä hyödyllisyysmallioikeudella halutaan suojata.

Suojavaatimuksissa keksintö määritellään esittämällä kaikki ne piirteet, jotka tarvitaan tarkoitetun vaikutuksen aikaansaamiseksi.

Suojavaatimukset sisältävät johdannon ja tunnusmerkkiosan, jotka erotetaan toisistaan sanoilla "tunnetaan" tai vastaavalla ilmaisulla. Johdannossa mainitaan keksinnön ennestään tunnetut piirteet. Tunnusmerkkiosassa esitetään uudet, ennestään tunnetuista ratkaisuista poikkeavat piirteet.

Kuviin liittyvät viittausmerkit tulee esittää vaatimuksessa sulkeissa.

#### Etuoikeus

Mikäli samaan keksintöön on haettu vuoden sisällä hyödyllisyysmallia tai patenttia, voidaan aikaisemmasta hakemuksesta pyytää etuoikeutta antamalla kyseisen hakemuksen tiedot.

#### Muunnettu patenttihakemuksesta

Mikäli tämä hakemus on muunnettu vireillä olevasta patenttihakemuksesta, annetaan alkuperäisen hakemuksen tiedot.

#### Jakamalla erotettu hakemus

Mikäli tämä hakemus on jaettu aikaisemmasta hyödyllisyysmallihakemuksesta, annetaan alkuperäisen hakemuksen tiedot.

## Hyödyllisyysmallihakemus

#### Pyyntö lykätä hakemuksen rekisteröintiä

Hakemus johtaa rekisteröintiin yleensä muutamassa kuukaudessa ja tulee silloin julkiseksi. Rekisteröintiä ja samalla julkistamista on pyynnöstä mahdollista lykätä enintään 15 kk:n päähän hakemuksen tekemispäivästä. Lykkäys on maksullinen.

#### Tutkimuspyyntö

Hyödyllisyysmallihakemuksen kohteena olevan keksinnön uutuus tutkitaan, mikäli hakija pyytää sitä ja maksaa maksun.

#### Lausuntopyyntö

Tutkimuksen lisäksi on pyydettäessä mahdollista saada maksullinen lausunto tutkimustuloksesta. Lausunto on ohjeellinen.

#### Lausunto hakijan oikeudesta keksintöön

Keksijän nimi ilmoitetaan aina hakemuslomakkeessa. Jos hakija ei ole keksijä tai ei ole tehnyt keksintöä yksin, hakemukseen täytyy liittää lausunto, jossa näytetään toteen hakijan oikeus keksintöön. Lausunnossa voidaan ilmoittaa, että keksintö on siirtynyt hakijalle esimerkiksi työsuhdekeksintönä, sopimuksella tai perintönä. Lausunnon sijasta on mahdollista antaa siirtokirja, jolla keksijä siirtää hakijalle oikeutensa keksintöön.

#### Valtakirja

Hyödyllisyysmallioikeuden hakija voi käyttää asiamiestä. Asiamies valtuutetaan joko hakijan allekirjoittamassa hakemuslomakkeessa (lomakkeen kohta "Asiamies") tai erillisellä hakijan allekirjoittamalla valtakirjalla. Jos hakijoita on useita, eikä asiamiestä ole nimetty, lähetetään PRH:n ilmoitukset lomakkeessa ensimmäisenä merkitylle hakijalle.

#### Maksut

Hakijan on suoritettava vahvistettu rekisteröintimaksu ja jokaisesta 5 ylittävästä suojavaatimuksesta lisämaksu.

Maksujen suuruuden voi tarkistaa hinnastosta, joka löytyy PRH:n internet-sivuilta [www.prh.fi](http://www.prh.fi). Sivuilta löytyy myös tarkempia ohjeita hakemuksen laatimiseksi.

#### HAKEMUS VOIDAAN TOIMITTAA

postitse osoitteeseen  
Patentti- ja rekisterihallitus  
00091 PRH

tai tuoda PRH:n kirjaamoon (avoinna 8.00 - 16.15)  
käyntiosoite: Sörnäisten rantatie 13 C, Helsinki

tai lähettää telefaksilla kirjaamoon  
telefaksin nro 029 509 5328

Hakemus on myös mahdollista tehdä sähköisesti eOlf-ohjelmalla, mistä löytyy lisätietoja PRH:n internet-sivuilta osoitteesta [www.prh.fi](http://www.prh.fi).

#### LISÄTIETOJA ANTAA

PRH:n patenttineuvonta  
puh. 029 509 5858  
sähköposti: [neuvonta.patentti\(at\)prh.fi](mailto:neuvonta.patentti(at)prh.fi)



## Nyttighetsmodellansökan

☐ Ansökan har lämnats in per fax. Inlämningsdag:

### Sökande

☐ Ytterligare sökande anges i bilagan

Namn	FO-nummer
Telefon och e-post	Hemvist (kommun)
Adress	

### Ombud

Namn	Ombudets referens
Telefon och e-post	Hemvist (kommun)
Adress	

### Uppfinnare

☐ Ytterligare uppfinnare anges i bilagan

Namn och adress
-----------------

### Uppfinningens benämning (om möjligt även på finska och engelska)

--

<input type="checkbox"/> Begäran om prioritet från en tidigare ansökan	Dag, land och nummer:
<input type="checkbox"/> Ändrats från patentansökan	Dag, land och nummer:
<input type="checkbox"/> Avdelad ansökan	Ursprungliga ansökans nummer:
<input type="checkbox"/> Internationell ansökan fullföljd i Finland	Internationell ingivningsdag: Ansökans nummer: PCT
<input type="checkbox"/> Jag begär att dagen då ansökan registreras skjuts upp till	(avgiftsbelagt).
<input type="checkbox"/> Jag begär granskning (avgiftsbelagd).	<input type="checkbox"/> Jag begär även ett utlåtande om granskningen (avgiftsbelagt).

### Bilagor

### Avgifter

<input type="checkbox"/> Beskrivning sv / fi	<input type="checkbox"/> Registreringsavgift: euro
<input type="checkbox"/> Skyddskrav sv / fi	<input type="checkbox"/> Tilläggsavgift för skyddskrav utöver 5: euro
<input type="checkbox"/> st. blad med bilder	<input type="checkbox"/> Översättningsavgift: euro
<input type="checkbox"/> Utlåtande om sökandens rätt till uppfinningen eller överlåtelsehandling	<input type="checkbox"/> Uppskovsavgift: euro
<input type="checkbox"/> Fullmakt	<input type="checkbox"/> Granskningsavgift: euro
<input type="checkbox"/> Prioritetsintyg	<input type="checkbox"/> Avgift för utlåtande: euro
<input type="checkbox"/>	<input type="checkbox"/> Avgift för anförda publikationer: euro
<input type="checkbox"/>	

Ort och datum	Företagets namn:
	Sökandens eller ombudets namnteckning och namnförtydligande

Samtliga sökande eller ett befullmäktigat ombud måste underteckna ansökan.

Sörnäs strandväg 13 C,  
Helsingfors

00091 PRH

Kundservicenummer  
029 509 5040

www.prh.fi



PATENT- OCH REGISTERSTYRELSEN

Bifoga en beskrivning av uppfinningen, skyddskraven och eventuella bilder till ansökningsblanketten. Texten ska skrivas med ett textbehandlingsprogram på ark i A4-format endast på arkets ena sida.

### Beskrivning av uppfinningen

Ange en kort och saklig benämning på uppfinningen som beskrivningens rubrik.

Beskrivningens första del ska innehålla uppgift om uppfinningens användningsområde och den teknik som uppfinningen bygger på. Ange de näraliggande lösningar som du eventuellt har kännedom om, dvs. teknikens ståndpunkt. Redogör också för det som särskilt uppnås med uppfinningen jämfört med teknikens ståndpunkt.

I beskrivningens senare del ska du ge en detaljerad förklaring av uppfinningen med hjälp av utföringsexempel och med hänvisning till bilderna.

Beskrivningen ska vara så tydlig att en fackman med ledning av den kan utöva uppfinningen.

### Bilder

Bilderna ska vara så tydliga att det klart framgår av dem vad du vill skydda. De ska vara svartvita och reproducerbara. Markera detaljerna på bilderna med hänvisningsbeteckningar som du hänvisar till i beskrivningen och kravet.

### Skyddskrav

Skyddskraven innehåller bestämd uppgift om vad du vill skydda genom nyttighetsmodellrätt.

Skyddskraven ska definiera uppfinningen genom att ange alla de särdrag som är nödvändiga för att avsett resultat ska uppnås.

Ett skyddskrav ska omfatta en ingress och en kännetecknande del som är avskilda från varandra med orden "k ä n n e t e c k n a d a v a t t" eller liknande. Ingressen anger uppfinningens redan kända egenskaper. Den kännetecknande delen anger det nya som skiljer sig från kända lösningar.

Hänvisningsbeteckningar som hänvisar till bilderna ska anges inom parentes i kraven.

### Prioritet

Om du har sökt nyttighetsmodell eller patent på samma uppfinning inom det senaste året, kan du begära prioritet från den tidigare ansökan genom att fylla i uppgifterna om ansökan.

### Ändrats från patentansökan

Om den här ansökan har ändrats från en patentansökan som är under behandling, ange uppgift om den ursprungliga ansökan.

### Avdelad ansökan

Om den här ansökan är avdelad ur en tidigare nyttighetsmodellansökan, ange uppgift om den ursprungliga ansökan.

## Nyttighetsmodellansökan

### Begäran om att skjuta upp den dag då ansökan registreras

Vanligen leder en ansökan till registrering inom ett par månader och blir då offentlig. Du kan på begäran skjuta upp registrering, och samtidigt offentliggörande, till högst 15 månader från ansökans ingivningsdag. Uppskovet är avgiftsbelagt.

### Begäran om granskning

Uppfinningen i nyttighetsmodellansökan kan nyhetsgranskas om sökanden begär det och betalar en avgift.

### Begäran om utlåtande

Det är också möjligt att på begäran få ett avgiftsbelagt utlåtande om granskningsresultatet. Utlåtandet är vägledande.

### Utlåtande om sökandens rätt till uppfinningen

Ange alltid uppfinnarens namn på ansökningsblanketten. Om sökanden inte är uppfinnaren eller om sökanden inte ensam har gjort uppfinningen, bifoga till ansökan ett utlåtande som styrker sökandens rätt till uppfinningen. I utlåtandet kan du ange att uppfinningen har överlåtits till sökanden till exempel som arbetstagaruppfinning, genom avtal eller genom arv. I stället för ett utlåtande är det möjligt att lämna in en överlåtelsehandling, där uppfinnaren överläter sin rätt till uppfinningen till sökanden.

### Fullmakt

Sökanden av nyttighetsmodellrätt kan anlita ett ombud. Ombudet befullmäktigas antingen i ansökningsblanketten (vid punkten "Ombud"), som undertecknas av sökanden, eller i en särskild fullmakt som undertecknas av sökanden. Om det finns flera sökande och inget ombud, skickar Patent- och registerstyrelsen (PRS) sina meddelanden till den sökande som anges först på blanketten.

### Avgifter

Sökanden ska betala en fastställd registreringsavgift samt en tilläggsavgift för varje skyddskrav utöver 5.

Du kan se avgifterna i prislistan på PRS webbplats [www.prh.fi](http://www.prh.fi). På webbplatsen hittar du också närmare anvisningar om att upprätta en ansökan.

### LÄMNA IN ANSÖKAN

per post till  
Patent- och registerstyrelsen  
00091 PRH

eller personligen till PRS registratur (öppet kl. 8.00–16.15)  
besöksadress: Sörnäs strandväg 13 C, Helsingfors

eller per fax till PRS registratur  
faxnummer: 029 509 5328

Det är även möjligt att lämna in ansökan på nätet via programmet eOLF. Läs mer på PRS webbplats [www.prh.fi](http://www.prh.fi).

### FÖR MER INFORMATION KONTAKTA

PRS rådgivning i patentärenden  
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# INTELLECTUAL PROPERTY OFFICE<sup>1</sup> (UNITED KINGDOM) AS DESIGNATED (OR ELECTED) OFFICE

## CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex GB.I
National processing of an international application for a patent (UK) (Patents Form NP1) .....	Annex GB.II
Request for search (Patents Form 9A) .....	Annex GB.III
Request for a substantive examination (Patents Form 10) .....	Annex GB.IV
Payment of renewal fee (and additional fee for late payment) (Patents Form 12) .....	Annex GB.V
Appointment or change of agent (Patents Form 51) .....	Annex GB.VI
Request to correct a name or address (Patents Form 20). ....	Annex GB.VII
Request to extend a prescribed time limit (Patents Form 52) .....	Annex GB.VIII
Late additions and declarations of priority (Patents Form 3) .....	Annex GB.IX
Statement of inventorship and of right to grant of a patent (Patents Form 7) .....	Annex GB.X
Request to reinstate a patent application (Patents Form 14) .....	Annex GB.XI
Application to restore a patent (Patents Form 16) .....	Annex GB.XII

### List of abbreviations:

Office: Intellectual Property Office<sup>1</sup> (United Kingdom)

PA: Patents Act 1977 (as amended)

PR: Patents Rules 2007 (as amended)

<sup>1</sup> Intellectual Property Office is an operating name of the Patent Office.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****GB****INTELLECTUAL PROPERTY OFFICE<sup>1</sup>  
(UNITED KINGDOM)****GB****(an operating name of the Patent Office)****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: <sup>2</sup>	English
Required contents of the translation for entry into the national phase: <sup>2</sup>	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended <sup>3</sup> ), any text matter of drawings <sup>4</sup> Under PCT Article 39(1): Description, claims, any text matter of drawings <sup>4</sup> (if any of those parts has been amended, both as originally filed and as amended, including any amendment under PCT Article 19 and also any amendment annexed to the international preliminary examination report <sup>3</sup> )
Is a copy of the international application required?	A copy is required only if the applicant expressly requests early commencement of the national phase at a time when the Intellectual Property Office <sup>1</sup> (United Kingdom) has not been sent a copy of the international application from the International Bureau under PCT Article 20. The copy must then be furnished when making the request for early commencement of the national phase and may be a copy of the international application as published in accordance with the Treaty in a language other than that in which it was originally filed.
National fee:	Currency: Pound sterling (GBP) National fee: <sup>2</sup> GBP 30 Excess claims fee for each claim in excess of 25 <sup>5</sup> : GBP 20 Excess pages fee for each page of description over 35 <sup>5</sup> : GBP 10 Search fee: <sup>6</sup> — where a search has already been made by an International Searching Authority in accordance with the PCT: GBP 150 <sup>7</sup> — in other cases: GBP 180 <sup>7</sup> Substantive examination fee: <sup>8</sup> GBP 130

*[Continued on next page]*

<sup>1</sup> Intellectual Property Office is an operating name of the Patent Office.

<sup>2</sup> Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1), or at the time of any earlier express request by the applicant to proceed earlier with the national phase.

<sup>3</sup> Where the translation of an amendment has not been furnished within the applicable time limit (see footnote 1), the amendment will be disregarded. However, where the applicant has furnished a translation either of the amendment or of the international application as originally filed, but not both, the Office will, at the expiry of the applicable time limit, invite the applicant to supply the missing translation.

<sup>4</sup> Where the applicant expressly requests entry into the national phase earlier than the time limit applicable under PCT Article 22 or 39(1) and the international application has not been communicated to the Office by the International Bureau, the translation must also contain the request part of the international application and the abstract.

<sup>5</sup> Excess claims and excess pages fees may also be payable at grant if the number of claims and pages increase during the processing of the application. If this is the case the Office will invite the applicant to pay a grant fee by filing a Form 34.

<sup>6</sup> Due within 33 months from the priority date. Where the applicant expressly requests early entry into the national phase, the fee is due within 12 months from the priority date, or two months from the date on which the conditions for early entry are satisfied, whichever is the later.

<sup>7</sup> This fee is reduced by GBP 30 when search/substantive examination is requested electronically.

<sup>8</sup> Due within 33 months from the priority date.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****GB****INTELLECTUAL PROPERTY OFFICE<sup>9</sup>  
(UNITED KINGDOM)****GB***[Continued]*

Exemptions, reductions or refunds of the national fee:

Search fee: reduced fee payable where an international search report has been established (see above). GBP 30 reduction in search fee or examination fee where request for search or substantive examination is filed in electronic form using a method of electronic communication accepted by the Office<sup>10</sup>. Refund of whole fee where the application does not proceed to substantive examination and no search has been made in the Intellectual Property Office<sup>10</sup> (United Kingdom).

Special requirements of the Office (PCT Rule 51*bis*):

Name and address of the inventor if they have not been furnished in the “Request” part of the international application<sup>11, 12</sup>  
No representation by an agent is required but an address for service in the United Kingdom, the Isle of Man, the Channel Islands or Gibraltar is necessary (see further, Address for Service, paragraph GB.04)<sup>13</sup>

Who can act as agent?

Any individual, partnership or body corporate who resides in or has a place of business in the United Kingdom, the Isle of Man or a Member State of the European Economic Area (EEA).<sup>14</sup> A list of registered patent attorneys may be obtained from the following address: The Registrar, c/o The Chartered Institute of Patent Attorneys, 2<sup>nd</sup> Floor Halton House, 20-23 Holborn, London, EC1N 2JD<sup>15</sup>

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter.2*)?

Yes, the Office applies the “unintentional” criterion to such requests.

<sup>9</sup> See footnote 1.

<sup>10</sup> See [www.gov.uk/government/publications/how-to-file-documents-with-the-intellectual-property-office](http://www.gov.uk/government/publications/how-to-file-documents-with-the-intellectual-property-office) for further details of the methods of electronic filing accepted by the Office.

<sup>11</sup> Must be furnished within 33 months from the priority date. Where the applicant expressly requests early entry into the national phase, the name and address of the inventor must be furnished within 16 months from the priority date, or two months from the date on which the conditions for early entry are satisfied, whichever is the later (unless already furnished in the “Request”).

<sup>12</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

<sup>13</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>14</sup> For international applications which enter the national phase on or after 1 January 2021, any agent appointed must have an address for service in the United Kingdom, the Isle of Man, the Channel Islands or Gibraltar.

<sup>15</sup> E-mail: [mail@cipa.org.uk](mailto:mail@cipa.org.uk); Internet: [www.cipa.org.uk](http://www.cipa.org.uk); telephone: (44-20) 74 05 94 50; facsimile: (44-20) 74 30 04 71.

## THE PROCEDURE IN THE NATIONAL PHASE

**GB.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form, Form NP1, for payment of the national fee and for providing details of an international application entering the national phase. Applicants are strongly recommended to use this form. The form may be filed electronically via the Office's website or EPO online services<sup>1</sup>.

PR Rule 105

**GB.02 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003). A request for correction must be made in writing and identify the proposed correction.

**GB.03 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex GB.I.

PR Rules 101  
103

**GB.04 ADDRESS FOR SERVICE.** An applicant, whether or not he is a national of or a resident in the United Kingdom, is not required to be represented by an agent, but he is required to have an address for service (of notices and other communications) in the United Kingdom, the Isle of Man, the Channel Islands or Gibraltar for the purpose of his application. Every person (including the applicant for, or proprietor of, a patent), concerned in any contested proceedings to which the Patents Rules 2007 relate, must furnish the Office with an address for service in the United Kingdom, the Isle of Man, the Channel Islands or Gibraltar. If an agent is appointed to represent the applicant for the entry into the national phase, a written authorization is not required, though the agent must be prepared to prove his authority to act if called upon to do so by the Office. If an agent is appointed after the national phase has begun or one agent is substituted for another, written authorization should be filed on Patents Form 51.

PA Sec. 13(2)  
89B(1)(c)  
PR Rules 68(1)  
68(2)

**GB.05 DESIGNATION OF THE INVENTOR.** Any statement of the name of the inventor under the Treaty is treated as a statement filed under the national law. Otherwise details should be given on Patents Form 7. Legalization is not required. For time limits, see the Summary.

PCT Rule 49ter.2  
PA Sec. 5(2B)  
PR Rules 7  
66(3)

**GB.06 RESTORATION OF THE RIGHT OF PRIORITY.** Where the international application was filed within two months from the end of the period for claiming priority of an earlier application, a request may be made to the Office in accordance with the national law to make a late declaration of priority (see National Phase, paragraphs 6.006 - 6.011). Such a request will be allowed if the Office is satisfied that the failure to file the application within the 12 month priority period was unintentional. The request must be made on Patents Form 3 and must be supported by evidence of why the international application was not filed before the end of the priority period. The time limit for filing the request is one month from the date of entry into the national phase.

PA Sec. 15A  
17(1)  
PR Rules 68(1)  
68(2)  
106

**GB.07 PRELIMINARY EXAMINATION AND REQUEST FOR SEARCH.** Preliminary examination (as to formal requirements) will be performed shortly after payment of the national fee upon entry into the national phase. Search must be requested on Patents Form 9A together with the payment of the fee for search indicated in Annex GB.I within the time limits stated in the Summary. Where an international search report has been established, a reduced search fee is payable (see the Summary). A further reduction to the search fee is applicable when Patents Form 9A is filed electronically. If the application includes more than 25 claims, an excess claims fee of GBP 20 per claim is also payable with the Form 9A. For the request for substantive examination, see paragraph GB.09.

<sup>1</sup> See [www.gov.uk/government/publications/how-to-file-documents-with-the-intellectual-property-office](http://www.gov.uk/government/publications/how-to-file-documents-with-the-intellectual-property-office) for further details of the Office's online filing services.

PA Sec.	69 89A(6) 89B(3)	<p><b>GB.08 REQUEST FOR PUBLICATION OF TRANSLATION.</b> If the international application has not been published by the International Bureau in English, the English translation furnished by the applicant will be published by the Office <i>ex officio</i>. However, if the applicant wants to secure the rights conferred by that publication (see International Phase, Annex B(GB), “Provisional protection after international publication”), he must file a request in writing for publication of the translation or complete Part 6 of Form NP1 and pay the publication fee (see Annex GB.I). That request can be filed at any time after the start of the national phase. However, it is advisable to request publication when entering the national phase.</p>
PA Sec. PR Rule	18(1) 68(1) 68(4)	<p><b>GB.09 REQUEST FOR SUBSTANTIVE EXAMINATION.</b> A patent will be granted only after examination as to patentability, which must be requested by the applicant. The request for substantive examination must be made on Patents Form 10.</p> <p>The Office's combined search and examination procedure for applications on which Patents Forms 9A and 10 are filed together does not apply to applications entering the national phase where an international search report has been established. The time limits for requesting substantive examination and the required fee are as stated in the Summary. A reduced examination fee is payable when Patents Form 10 is filed electronically. If the application includes more than 35 pages of description, an excess pages fee of GBP 10 per page is also payable with the Form 10.</p>
PR Rules	108(1) 113(5) 113(6)	<p><b>GB.10 TRANSLATION OF REFERENCES CITED IN THE INTERNATIONAL SEARCH REPORT OR INTERNATIONAL PRELIMINARY EXAMINATION REPORT.</b> The Office may request the applicant to furnish a translation into English of any document referred to in the international search report or international preliminary report on patentability or cited in the international preliminary examination report. Such a translation must be filed within two months of the date of the request. There is no form for the furnishing of the translation. This time limit of two months may be extended by the Office if it thinks fit; a request for an extension should be made in writing (there is no form for this purpose) and may be made even when the two-month time limit has already expired.</p>
PCT Art.	28 41	<p><b>GB.11 AMENDMENT OF THE APPLICATION; TIME LIMITS.</b> The applicant may make amendments to the application of his own volition under the following conditions, provided that no new matter is introduced in the disclosure of the invention:</p>
PR Rule	66A 31(3)	<p>(i) before the dispatch of the first substantive examination report:</p> <p>(a) where an international search report was issued during the international phase, the applicant may amend the specification voluntarily from the date of national phase entry until the date the first substantive examination report is issued;</p> <p>(b) where no international search report has been issued by the time the application enters the UK national phase, the period within which the applicant may amend voluntarily starts from the date of issue of the UK search report or the international search report (whichever is issued first) and ends on the date the first substantive examination report is issued.</p>
PR Rule	31(4)	<p>(ii) after the dispatch of the first report referred to in (i), above:</p> <p>(a) amendments to the application may be made only once; such amendments must be made either at the same time as any amendments made so as to comply with the examiner's report or within two months of the dispatch of the said report when it does not require any amendment;</p>
PR Rule	31(5) 31(6) 31(1)	<p>(b) any further amendment to the application may be made only with the consent of the Office; in this case, the applicant must provide the reasons for the amendment in writing. Amendments should be effected by filing replacement pages.</p>

PA Sec.	14(10) 117 117A	<b>GB.12 CORRECTION OF ERRORS.</b> The applicant may request the correction of an error of translation or transcription or a clerical error or mistake in the application or any document filed in connection therewith at any time. The request must be made in writing and identify the proposed correction. A request for correction of a name must be made on Patents Form 20. Erroneous withdrawals may be corrected in this way but the resuscitated application will be subject to third party terms for the period between the withdrawal of the application and the notice of request for correction being published.
PR Rules	49(2) 105	
PA Sec.	20 21	<b>GB.13 PERIOD FOR PUTTING THE APPLICATION IN ORDER.</b> An application will be treated as having been refused unless it complies with all requirements of the Patents Act and Rules within four years and six months from the priority date or one year from the date of the first substantive examination report (whichever is later), with the possibility of two months' extension as of right or a longer extension at the discretion of the Office (see paragraph GB.17). If a third party files observations relevant to patentability and the first substantive examination report based on those observations is sent during the last three months of the period outlined above, the period becomes three months beginning with the date on which the report is sent.
PR Rules	30 108	
PA Sec.	25(3) 25(4)	<b>GB.14 RENEWAL FEES.</b> After a patent has been granted, a fee must be paid for maintaining the patent in force, starting with the fifth year counted from the international filing date. Payment must be made each year during the period of three full calendar months which ends on the last day of the month in which the filing date falls. Payment can still be made, together with a surcharge, during a further period of six full months. Where a patent is granted in the last three months of the fourth year, or later, the renewal fee may be paid without surcharge by the end of the third calendar month after the date of grant or, with a surcharge, within six months from the end of these three months. The amounts of the renewal fees and of the surcharge are indicated in Annex GB.I. Form 12 must be filed (see also paragraph GB.21).
PR Rule	36-39	
PCT Art.	25	<b>GB.15 REVIEW UNDER ARTICLE 25 OF THE PCT.</b> The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. (The Patents Act also includes a similar procedure for which application may be made at any time by writing to the Office with a statement of the facts relied on and paying any fee indicated in Annex GB.I.) If, upon review under PCT Article 25, the Office finds that the refusal to accord a filing date or declaration that the international application is considered withdrawn was not the result of an error or omission on the part of the receiving Office or the International Bureau, the applicant may ask for a hearing, if he wishes to contest the Office's view; if the hearing (which the applicant is not obliged to attend in person) maintains the Office's view, a reasoned written decision will be issued. An appeal may be lodged against such a decision in the Patents Court within 28 days from the decision; it must be accompanied by the related fee indicated in Annex GB.I. An application to extend the 28 day time limit must be made direct to the Court.
PCT Rule	51	
PA Sec.	89(3) 89(5) 97(1)	
PR Rule	71	
PCT Art.	24(2) 48(2)	<b>GB.16 EXCUSE OF DELAYS IN MEETING TIME LIMITS.</b> Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
PR Rule	108	<b>GB.17 EXTENSION OF TIME LIMITS.</b> The time limits for filing Patents Form NP1 (National processing of an international application for a patent (UK)), Patents Form 9A (Request for search), Patents Form 10 (Request for a substantive examination) and, where necessary, Patents Form 7 (Statement of inventorship and of right to grant of a patent) may be extended as of right by two months on request and subject to the payment of a fee (see Annex GB.I). The request for such an extension may be filed even when the time limit has expired but must be filed before the end of the extension sought using Patents Form 52. Further extensions of two months are possible but only at the discretion of the Office and on filing of Patents Form 52 and fee before the end of the extension sought together with and any evidence required. If an application is terminated owing to a time period not being met then reinstatement may be available (see paragraph GB.20 below).
PR Rule	108	<b>GB.18</b> The other time limits specifically referred to in the Summary may be extended if the Office thinks fit. There is no special form for such a request.

PA Sec.	117B	GB.19 Time limits set by the Office (rather than by the Act or Rules) during the national phase may be extended as of right by two months, or if sooner, to the end of the period for putting the application in order (see paragraph GB.13). A request for extension must be made in writing and within two months of the expiry of the relevant period. There is no special form for the request.
PR Rule	109	
PA Sec.	20A	GB.20 <b>REINSTATEMENT OF AN APPLICATION.</b> An application that has been terminated because a requirement was not met within a prescribed or specified period may be reinstated on request if the Office is satisfied that the failure to comply with the requirement was unintentional. Reinstatement only applies when no extension of the period is available and may only be requested within 12 months of termination of the application. Third party terms will apply to the period between termination of the application and the publication of the request for reinstatement. A request for reinstatement must be made on Patents Form 14.
PR Rule	20B 32	
PA Sec.	28	GB.21 <b>RESTORATION OF A LAPSED PATENT.</b> If a patent lapses through non-payment of renewal fees, then an application for restoration may be made. For a lapsed patent to be restored the Office must be satisfied that the failure to pay the renewal fee was unintentional. Third party terms will apply to the period between expiry of the patent and the publication of the request for restoration. A request for restoration must be made on Patents Form 16.
PR Rule	28A 40	
GB.22 <b>FORMS.</b>		All forms are available online at: <a href="http://www.gov.uk/government/publications/patent-forms-and-fees">www.gov.uk/government/publications/patent-forms-and-fees</a>

## FEES

(Currency: Pound sterling)

Patents Form No.	Item	Amount
NP1	National fee for processing of an international application for a patent (UK) . . . . .	30
3	On request for permission to make a late declaration of priority under PA section 5(2B) (PR rules 7(2) and 66(3)) . . . . .	150
9A	On request for search (PA section 17(1))	
	— for an international application which has been searched in the international phase . . . . .	150 <sup>1</sup>
	— for any other application . . . . .	180 <sup>1</sup>
	On request for a further search (PA section 17(6)) or payment for a supplementary search (PA section 17(8)) . . . . .	150 <sup>1</sup>
	— excess claims fee for each claim filed over 25 . . . . .	20
10	On request for substantive examination (PR rule 28) . . . . .	130 <sup>1</sup>
	— excess pages fee for each page of description filed over 35 . . . . .	10
12	On payment of renewal fee: <sup>2</sup>	
	— for the 5 <sup>th</sup> year . . . . .	70
	— for the 6 <sup>th</sup> year . . . . .	90
	— for the 7 <sup>th</sup> year . . . . .	110
	— for the 8 <sup>th</sup> year . . . . .	130
	— for the 9 <sup>th</sup> year . . . . .	150
	— for the 10 <sup>th</sup> year . . . . .	170
	— for the 11 <sup>th</sup> year . . . . .	190
	— for the 12 <sup>th</sup> year . . . . .	220
	— for the 13 <sup>th</sup> year . . . . .	260
	— for the 14 <sup>th</sup> year . . . . .	300
	— for the 15 <sup>th</sup> year . . . . .	360
	— for the 16 <sup>th</sup> year . . . . .	420
	— for the 17 <sup>th</sup> year . . . . .	470
	— for the 18 <sup>th</sup> year . . . . .	520
	— for the 19 <sup>th</sup> year . . . . .	570
	— for the 20 <sup>th</sup> year . . . . .	610
	On extension of the period for payment of a renewal fee:	
	— not exceeding one month . . . . .	—
	— for each succeeding month (but not exceeding six months) . . . . .	24
14	On request for reinstatement of a patent application under PA section 20A (PR rule 32) . . . . .	150
16	On request for restoration of a patent under PA section 28 (PR rule 40) . . . . .	135
—	On request for publication of translation under PA section 89A(3) or (5) . . . . .	12

<sup>1</sup> This fee is reduced when this form is filed electronically.

<sup>2</sup> Only half of the renewal fee is payable if an entry is made in the register to the effect that licences under the patent are to be available as of right.

34	On request for payment of a grant fee under PR rule 30A	
	— excess claims fee: for each increase in claims over 25 . . . . .	20
	— excess pages fee: for each increase in pages of description over 35 . . . . .	10
—	On application to the Comptroller for an international application to be treated as an application under the Act (PCT Article 25; PA section 89(3) and 89(5)) . . . .	—
52	On request for extension of a period of time under PR rule 108(2) . . . . .	135
	On request for extension of a period of time under PR rule 108(3) . . . . .	135
—	On appeal (see paragraph GB.15) . . . . .	235

### How can payment of fees be effected?

The payment of fees must be effected in pounds sterling. All payments must be made together with the filing of the form related to the fee to be paid, and indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the type of the fee being paid.

Fees may be paid by any of the following means: by certain types of credit/debit card; by cheque drawn on a UK clearing bank; by debit to a client deposit account held by the Office; by direct bank-to-bank transfer to Barclays Bank Plc., 3<sup>rd</sup> Floor Windsor Court, 3 Windsor Place, Cardiff, CF10 3ZL (Sort Code 20-18-23; SWIFT Code BARCGB22; IBAN GB92 BARC 2018 2380 5317 66), for the credit of the Intellectual Property Office<sup>3</sup> (United Kingdom) account 80531766; in cash at the Office. Fees paid by a cheque expressed in pounds sterling are regarded as being paid on the day of receipt of the cheque in the Office. Where cheques expressed in other currencies are received, there will be a delay while realisation into pounds sterling takes place (also, owing to currency fluctuations, an underpayment could result); it is therefore recommended that pound sterling cheques only should be paid. Cheques should be made payable to “UK Intellectual Property Office.” Fees paid by bank-to-bank transfer are regarded as being received at the date on which the bank credits the money to the Intellectual Property Office<sup>3</sup> (United Kingdom) account 80531766; however, bank-to-bank transfers are likely to incur bank charges which may result in underpayment of fees. These must be met by the applicant and therefore should be covered in the applicant's instruction to the bank. The application/renewal documents relating to the payment of fees should be supported by a Fee Sheet or equivalent form listing individual fees. A reference (e.g., patent or deposit account number) should be quoted to link payment with any forms sent separately; this is essential when a bank-to-bank transfer is made.

<sup>3</sup> Intellectual Property Office is an operating name of the Patent Office.  
(6 September 2021)



**Intellectual  
Property  
Office**

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

### Patents Form NP1

Patents Act 1977 (Rules 66 and 68-70)

#### National processing of an international application for a patent (UK)

(See the notes on the back of this form)

1. Your reference:		
2. International phase details	International application number	
	International filing date (day/month/year)	
	Earliest priority date (day/month/year)	
3. UK Patent application number (The Office will fill in this part)		
4. Full name, address and postcode of the or of each applicant (underline all surnames)		
ADP number (if you know it)		
5. Name of your agent (if you have one) "Address for service" (including postcode) in the European Economic Area or Channel Islands to which all correspondence should be sent.		
ADP number (if you know it)		
6. Are you requesting publication of a translation filed under Section 89A(3) or (5)? (Answer "Yes" if this applies, and see note h)		
7. Do you wish to enter the national phase early (i.e. before 31 months from the priority date)? (Answer "Yes" if this applies)		
If so, has the demand been filed and on what date?		

8) State which of the following Documents you are filing with this  
(Answer by writing (a) – (j) as appropriate)

- a) Request for search  
(Patents Form 9A; Rules 22(2), 27(1) and 68(3))
- b) Request for substantive examination  
(Patents Form 10; Rules 28(1), 28(2) and 68(4))
- c) Statement of inventorship  
(Patents Form 7; Rules 10 and 68(2))
- d) Request for late declaration of priority  
(Patents Form 3; Rules 6, 7 and 66(3))
- e) Translation of international application  
(Section 89A(3); Rules 67 and 70)
- f) Translation of information relating to deposit of a biological material (Rule 69(1))
- g) Copy of application under the Patent Cooperation Treaty (Section 89A(3)(b)(i))
- h) Copy of amendment under the Patent Cooperation Treaty (Section 89A(5)(b)(i))
- i) Translation of amendment under the Patent Cooperation Treaty  
(Section 89A(5); Rules 69 and 70)
- j) Any other documents  
(please specify)

9.	Signature		Date	
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10. Name, e-mail address, telephone and/or mobile number, if any, of a contact point

## Notes

- a) *If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.*
- b) *You may use this form if you want the office to begin the national phase of an international application. The national phase cannot begin until you have paid the fee for national processing (see note (h) below) and filed any necessary documents mentioned at (d), (e) and (f), at part 8 above.*
- c) *Do not use this form if you want the international application to be treated as an application under the Act, in accordance with section 89(3) or (5), when it, or the designation of the United Kingdom in it, has been deemed withdrawn, or when it has been refused a filing date under the Treaty. In these circumstances you should apply in writing to the office within 2 months of the notification mentioned in PCT Rule 51. You should include a statement of the facts on which you rely together with the fee which is payable (see rule 71). Within the same period of 2 months you should ask the International Bureau to send copies of the documents on file to the office (PCT Article 25.1).*
- d) *Although you may have an address for service in the Channel Islands, any agent you appoint to act for you must reside in or have a place of business in the European Economic Area or Isle of Man.*
- e) *Write your answers in capital letters using black ink or you may type them.*
- f) *If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s) of the form. Any continuation sheet should be attached to this form and have "NP1 continuation sheet" and the international filing number as a heading.*
- g) *Once you have filled in the form remember to sign and date it.*
- h) *A fee is payable upon entering the national phase. For details of that fee, and fees due in respect of requests made under part 6 and parts 8(a) and (b) above, and ways to pay, please contact the Office.*

**Data Privacy:** <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>

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REV MAR 20 PFP1

# Fees and payment

**We will only process the form with this section completed (one form per payment)**

To check the correct fee for this form, search on [GOV.UK for 'patent forms and fees'](https://www.gov.uk/search?q=patent+forms+and+fees)

Total Fee Paying (£)

Your own reference (Optional)

**Your contact details should we have a query**

Name

Email

Phone

**How would you like to pay?**

**Tick one**

☐

**Using a debit or credit card – you will need the internet to pay by card**

- 1** Go to our secure website – <https://fees.ipo.gov.uk/pay>
- 2** Enter your name, email address and total amount to pay from above
- 3** As proof of payment, write below the 16-digit reference number displayed from the online payment screen.  
**DO NOT** write your debit/credit card number

☐

**Deduct from IPO deposit account**

IPO deposit account number

☐

**Cheque – make payable to 'Intellectual Property Office'**  
and please send to the address specified below.

☐

**Bank transfer**

Reference – use your IPO deposit account number if you have one or an application number or your name if you don't.

Use the following bank account details

Sort code	20-18-23
Account number	80531766
Account name	Intellectual Property Office
SWIFT code	BARCGB22
IBAN number	GB92 BARC 2018 2380 5317 66

**Post to:** Intellectual Property Office, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ, United Kingdom

REV MAR 20 PFNP1



**Intellectual  
Property  
Office**

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

## Patents Form 9A

Patents Act 1977 (Rule 27)

### Request for search

(See the notes on the back of this form)

1. Your reference: <i>(optional)</i>	
2. Patent application number (e.g. GB7654321.0):	
3. Full name of the applicant or of each applicant:	
4. Is this request for (please tick one box):  <div style="display: flex; flex-direction: column; gap: 10px;"> <div> <input type="checkbox"/> a) A search under Section 17(1) for an international application which has been searched in the international phase?         </div> <div> <input type="checkbox"/> b) A search under Section 17 (1) for any other application?         </div> <div> <input type="checkbox"/> c) A supplementary search under Section 17(8)?  <i>(See note (b) for help choosing which search you require)</i> </div> <div> <input type="checkbox"/> d) A search of a further invention under Section 17(6)?         </div> </div> <p>If your answer is (d), identify which invention you would like to be searched by referring to the claims to be searched <i>(See note (c))</i>:</p> <p><i>(we will automatically send you a paper copy of any cited non-patent documents, see note (d))</i></p>	
5. Are you paying the application fee with this form? <i>(See note (e))</i> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>YES</span> <input type="checkbox"/> <span>No</span> <input type="checkbox"/> </div>	
6. Number of claims in your application: <i>Only relevant for options (a) and (b) above. See note (f)</i>	
7. <i>(please see note (g))</i>	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">Signature</div> <div style="width: 45%;">Date</div> </div> <div style="display: flex; justify-content: space-between; height: 20px;"> <div style="width: 45%;"></div> <div style="width: 45%;"></div> </div>
8. Name, email address, telephone and/or mobile number, if any, of a contact point for the applicant:	

## Notes

- a) *Please type or write your answers using black ink. If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.*
- b) *Identifying the type of search you require:*
- Option a) *choose this option if your application is a PCT application.*
- Option b) *choose this option if your application is a UK national application, and this is the first search you have requested for your application.*
- Option c) *this option is used if you have already had a search done, but the claims have since been amended or corrected so that the defined invention has changed, and was not covered by the original search. An examiner will tell you if you need to request a supplementary search.*
- Option d) *sometimes an examiner will tell you that your claims relate to more than one invention. In such circumstances the examiner will only search the first invention of the claims. If you wish other inventions to be searched you should use this option, filing a separate form with this option ticked for each invention you wish to be searched. You should also indicate on the form(s) the claims relating to the invention to be searched. You will need to pay a fee for each further invention to be searched.*
- c) *If you do not identify an invention, the second invention specified in the search report previously made under Section 17(5) will be searched.*
- d) *We will supply one copy of each non-patent document such as journal articles cited in the search report or during the substantive examination process. Patent documents cited during the application process are usually accessible for free on the internet (particularly from <http://worldwide.espacenet.com/>) and you will not be issued with a copy of them. For copyright reasons, all copies of citations supplied by the Office must be used for the sole purpose of processing the patent application.*
- e) *Before your application is searched you must pay an application fee, as well as the search fee required with this form. If you have not already paid the application fee you can do so when filing this form. Note that the application fee is higher when paid after the date you filed your application. For details of the fees and ways to pay them, please contact the Office.*
- f) *If you have selected option (a) or (b) in part 4 of this form, please indicate the current number of claims in your application. The search fee increases if your application includes more than 25 claims. Such an increase does not apply to searches under option (c) or (d). For details of the fee payable with this form and ways to pay, please contact the Office.*
- g) *In order to promote efficient and high quality patent processing internationally, we are cooperating with other patent offices to share the results of searches and examinations. We are obliged to provide some information before publication to the European Patent Office. We may also provide the results of the search and any examination that has been carried out to other patent offices, even if this is prior to publication of your application. Any sharing prior to publication of your application will be carried out on a confidential basis and the results will not become publicly available through the other patent office before publication takes place in the UK.*
- h) *Once you have filled in this form remember to sign and date it.*

**Data Privacy:** <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>

## Fees and payment

**We will only process the form with this section completed (one form per payment)**

To check the correct fee for this form, search on [GOV.UK](https://gov.uk/patent-forms-and-fees) for 'patent forms and fees'

Search fee	<input type="text"/>
Application fee (only if not paid with Patent Form 1)	<input type="text"/>
Excess claims fee	<input type="text"/>
Total fee paying	<input type="text"/>
Your own reference (Optional)	<input type="text"/>

**Your contact details should we have a query**

Name	<input type="text"/>
Email	<input type="text"/>
Phone	<input type="text"/>

**How would you like to pay?**

**Tick one**

☐

**Using a debit or credit card – you will need the internet to pay by card**

- 1** Go to our secure website – <https://fees.ipo.gov.uk/pay>
- 2** Enter your name, email address and total amount to pay from above
- 3** As proof of payment, write below the 16-digit reference number displayed from the online payment screen.  
**DO NOT** write your debit/credit card number

☐

**Deduct from IPO deposit account**

IPO deposit account number

☐

**Cheque** – make payable to 'Intellectual Property Office'  
and please send to the address specified below.

☐

**Bank transfer**

Reference – use your IPO deposit account number if you have one or an application number or your name if you don't.

Use the following bank account details

Sort code	20-18-23
Account number	80531766
Account name	Intellectual Property Office
SWIFT code	BARCGB22
IBAN number	GB92 BARC 2018 2380 5317 66

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REV MAR 20 PF9A



Intellectual  
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Office

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

### Patents Form 10

Patents Act 1977 (*Rule 28*)

Request for a substantive examination  
(*See the notes on the back of this form*)

1. Your reference: ( <i>optional</i> )					
2. Patent application number ( <i>e.g. GB7654321.0</i> ):					
3. Full name of the applicant or of each applicant:					
4. Number of pages of description in your application: ( <i>see note(c)</i> )					
5. ( <i>please see note (d) and (e)</i> ) I/We request substantive examination of this application.					
Signature	<table border="1"><tr><td></td></tr></table>		Date	<table border="1"><tr><td></td></tr></table>	
6. Name, email address, telephone and/or mobile number, if any, of a contact point for the applicant:					

## Notes

- a) *If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.*
- b) *Please type or write your answers using black ink.*
- c) *Please indicate the current number of pages of description in your application. The fee for substantive examination increases if your application contains more than 35 pages of description.*
- d) *In order to promote efficient and high quality patent processing internationally, we are cooperating with other patent offices to share the results of searches and examinations. We are obliged to provide some information before publication to the European Patent Office. We may also provide the results of the search and any examination that has been carried out to other patent offices, even if this is prior to publication of your application. Any sharing prior to publication of your application will be carried out on a confidential basis and the results will not become publicly available through the other patent office before publication takes place in the UK.*
- e) *If you are filing this form with a Patents Form 9A for the same application and you do not want the search and substantive examination to be done at the same time, you should indicate this by writing "Not combined search and examination" on the front of this form in the space below part 5.*
- f) *Once you have filled in the form remember to sign and date it.*
- g) *For details of the fee and ways to pay, please contact the Office*

**Data Privacy:** <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>

# Fees and payment

**We will only process the form with this section completed (one form per payment)**

To check the correct fee for this form, search on [GOV.UK for 'patent forms and fees'](https://www.gov.uk/search?q=patent+forms+and+fees)

Search fee	<input type="text"/>
Excess pages fee	<input type="text"/>
Total fee paying (£)	<input type="text"/>
Your own reference (Optional)	<input type="text"/>

## Your contact details should we have a query

Name	<input type="text"/>
Email	<input type="text"/>
Phone	<input type="text"/>

## How would you like to pay?

**Tick one**

☐

### Using a debit or credit card – you will need the internet to pay by card

- 1 Go to our secure website – <https://fees.ipo.gov.uk/pay>
- 2 Enter your name, email address and total amount to pay from above
- 3 As proof of payment, write below the 16-digit reference number displayed from the online payment screen.  
**DO NOT** write your debit/credit card number

☐

### Deduct from IPO deposit account

IPO deposit account number

☐

### Cheque – make payable to 'Intellectual Property Office' and please send to the address specified below.

☐

### Bank transfer

Reference – use your IPO deposit account number if you have one or an application number or your name if you don't.

Use the following bank account details

Sort code	20-18-23
Account number	80531766
Account name	Intellectual Property Office
SWIFT code	BARCGB22
IBAN number	GB92 BARC 2018 2380 5317 66

**Post to:** Intellectual Property Office, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ, United Kingdom

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## Patents Form 12

Patents Act 1977 (Rule 36)

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

**Payment of renewal fee (and additional fee for late payment)**  
(See the notes on the back of this form)

1 Your Reference	
2 Patent Number	
3 Which year are you paying for? (In terms of the life of the patent e.g. 6th)	
4 Amount of renewal fee	
Amount of late payment fee	
Total amount paid	
5 Name, address and postcode of the person paying the fee	
Patents ADP number (if you know it)	
6 If your next renewal is overdue, the Office will send a reminder to your chosen address. If you have previously provided an Address for Service or a specific address for the renewal reminder, and it remains unchanged, you can leave this space blank. However, if you wish to change your chosen address, please provide the details here and sign and date it. (see note c for further details)	
	Signature
	Date
(Permanent changes of the address for service should be notified by a separate letter)	
7 Name, email address, telephone and/or mobile number, if any, of a contact point for the applicant	

## Notes

- a) If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.*
- b) Write your answers in capital letters using black ink or you may type them.*
- c) Where a renewal fee has not been paid, the IPO sends a renewal reminder to the proprietor. The renewal reminder will be sent to the address provided for this purpose. If no such address has been provided, it will be sent to the Address for Service. Use part 6 of this form if you would like to change the address to which the Office sends the renewal reminder.*
- d) If you have filled in part 6 of the form remember to sign and date it*
- e) For details of fees and ways to pay, please contact the Office on 0300 300 2000.*

Data Privacy: <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>

# Fees and payment

**We will only process the form with this section completed (one form per payment)**

To check the correct fee for this form, search on [GOV.UK](https://gov.uk) for 'patent forms and fees'

Total Fee Paying (£)

Your own reference (Optional)

**Your contact details should we have a query**

Name

Email

Phone

**How would you like to pay?**

**Tick one**

☐

**Using a debit or credit card – you will need the internet to pay by card**

- 1 Go to our secure website – <https://fees.ipo.gov.uk/pay>
- 2 Enter your name, email address and total amount to pay from above
- 3 As proof of payment, write below the 16-digit reference number displayed from the online payment screen.  
**DO NOT** write your debit/credit card number

☐

**Deduct from IPO deposit account**

IPO deposit account number

☐

**Cheque – make payable to 'Intellectual Property Office'**  
and please send to the address specified below.

☐

**Bank transfer**

Reference – use your IPO deposit account number if you have one or an application number or your name if you don't.

Use the following bank account details

Sort code	20-18-23
Account number	80531766
Account name	Intellectual Property Office
SWIFT code	BARCGB22
IBAN number	GB92 BARC 2018 2380 5317 66

**Post to:** Intellectual Property Office, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ, United Kingdom

REV MAR 20 PF12



**Intellectual  
Property  
Office**

## Patents Form 51

Patents Act 1977 (*Rule 101*)

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

### Appointment or change of agent

(*See the notes on the back of this form*)

1 Your reference

2 Patent application or patent number(s)  
(*see note(d)*)

3 'Full name and address of the, or of  
each, person who you are authorised to act for'

Patents ADP number (*if you know it*)

4 "Address for service" in the European Economic  
Area or Channel Islands to which all correspondence  
should be sent  
(*see note (e)*)

Patents ADP number (*if you know it*)

5 Have you been authorised to act in all matters  
relating to the above application(s) or patent(s)?

If 'no' please give details of the extent of your  
appointment

6 I/We declare that I/we have been appointed by the  
person(s) named in part 3 above to act as agent as  
stated in part 5 above

Signature

Date

7 Name, e-mail address, telephone, fax and/or  
mobile number, if any, of a contact point for the  
applicant

**Notes**

- a) *If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.*
- b) *Write your answers in capital letters using black ink or you may type them.*
- c) *This form is for use only where a person who is already involved in proceedings before the Comptroller appoints an agent for the first time or appoints a new agent in place of another.*
- d) *The form may be used for more than one application or patent if the same authorisation has been given. In this situation, if there is not enough room for all the details at part 2 write "see attached list" and give the details on a separate sheet of paper.*
- e) *Although you may have an address for service in the Channel Islands, any agent you appoint to act for you must reside in or have a place of business in the European Economic Area or Isle of Man.*
- f) *This form must be completed by the newly appointed agent.*
- g) *Once you have filled in the form remember to sign and date it.*

**Data Privacy:** <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>



Intellectual  
Property  
Office

## Patents Form 20

Patents Act 1977 (Rule 49)

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

### Request to correct or update a name or address held by us

(See the notes on the back of this form)

---

1 Your reference

---

2 Patent application or patent number(s)

(see notes (d) & (e))

---

3 'Full name and address of the, or of each, patent applicant or proprietor'

(as currently on the register or application(s))

Patents ADP number (if you know it)

---

4 Tick the appropriate box. I wish to:

i) Correct an error in a name or address; or ☐

ii) 'Update a name or address ☐  
(see note (c))

---

5 Name and/or address to be corrected or updated

(i.e. as it currently looks in our records)

Patents ADP number (if you know it)

---

6 Corrected or new name and/or address

(i.e. as you want it to look)

Patents ADP number (if you know it)

---

7 Name of your agent (if you have one)

"Address for service" in the European Economic Area or Channel Islands to which all correspondence should be sent

(including postcode) (see note (g))

Patents ADP number (if you know it)

8	Signature	Date
9 Name, e-mail address, telephone, fax and/or mobile number, if any, of a contact point for the applicant		

### Notes

a) *If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.*

b) *Write your answers in capital letters using black ink or you may type them.*

c) *You can use this form to request:*

(i) *A correction under s.117 of an error in a name or address (such as a typographical error); **or***

(ii) *An update to a name or address (such as a change in the applicant's name or when the applicant has moved addresses).*

*You can correct or update a name and/or address held in the register, or as found in any document filed at the Office.*

*You should use a separate form for each category if you are making more than one request.*

d) *You may use this form for more than one application or patent if the same request is involved.*

e) *If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part(s) of the form. Any continuation sheets should be attached to this form.*

f) *Once you have filled in this form remember to sign and date it.*

g) *Although you may have an address for service in the Channel Islands, any agent you appoint to act for you must reside in or have a place of business in the European Economic Area or Isle of Man.*

**Data Privacy:** <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>



**Intellectual  
Property  
Office**

## Patents Form 52

Patents Act 1977 (*Rules 108(2) and 108(3)*)

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

### Request to extend a prescribed time limit

(See the notes on the back of this form)

1	Your reference	
2	Patent application or patent number	
3	Full name of the applicant or of each patent applicant or proprietor	
	Patents ADP number (if you know it)	
4	Is the request being made under:	
	(i) rule 108(2) ( <i>for an extension of two months</i> ) <b>or</b>	<input type="checkbox"/>
	(ii) rule 108(3) ( <i>for further extension or an extension of more than two months</i> )?	<input type="checkbox"/>
5	Which form, fee, document or information are you filing late, or which time period do you wish to extend?	
6	Signature	Date
7	Name, e-mail address, telephone, fax and/or mobile number, if any, of a contact point for the applicant	

## Notes

a) *This Form is used either:*

- (i) to request a two month extension (where no such request has been made previously) to a time period prescribed by the rules listed in part 2 of Schedule 4 of the Patents Rules, or;*
- (ii) to request the comptroller to otherwise extend (or further extend) a time period prescribed by the rules listed in part 2 of Schedule 4 of the Patents Rules.*

*Where the request is made under (ii) above you must send evidence supporting the grounds for the request either with this form or as soon as possible afterwards (unless the Office otherwise directs).*

- b) If the time period you wish to extend appears in part 3 of Schedule 4 of the Patents Rules you may request an extension of two months to these periods under the provisions of (i) above (rule 108(2)). Further extensions for these time periods are available under rule 108(3) however you should contact the Office for advice on when these extensions are available.*
- c) Information on the rules listed in Schedule 4 of the Patents Rules and copies of the schedule itself can be obtained from the Office.*
- d) If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.*
- e) Write your answers in capital letters using black ink or you may type them.*
- f) Once you have filled in this form remember to sign and date it.*
- g) For details of the fee and ways to pay, please contact the Office.*

Data Privacy: <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>



**Intellectual  
Property  
Office**

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

### Patents Form 3

Patents Act 1977 (Rules 6 and 7)

#### Late Additions and Declarations of Priority

(See the notes on the back of this form)

1. Your reference:			
2. Patent application number			
3. Full name of the applicant or of each applicant			
Patents ADP number (if you know it)			
4. Is the request being made under			
(i) rule 7(2)	<input type="checkbox"/>	(to make a late declaration of priority)	
(ii) rule 6(2)	<input type="checkbox"/>	(to make a late claim to priority)	
Before completing this section please see the notes on the back of this form			
5. If (i) above why was the declaration of priority not made within the period specified? (Continue on a separate sheet of paper if necessary)			
6. Priority details Enter here the details of the Priority application(s) being added or declared	Country	Application number	Date of filing (day/month/year)
	<input style="width: 80px; height: 25px;" type="text"/>	<input style="width: 120px; height: 25px;" type="text"/>	<input style="width: 120px; height: 25px;" type="text"/>
7.	Signature		Date

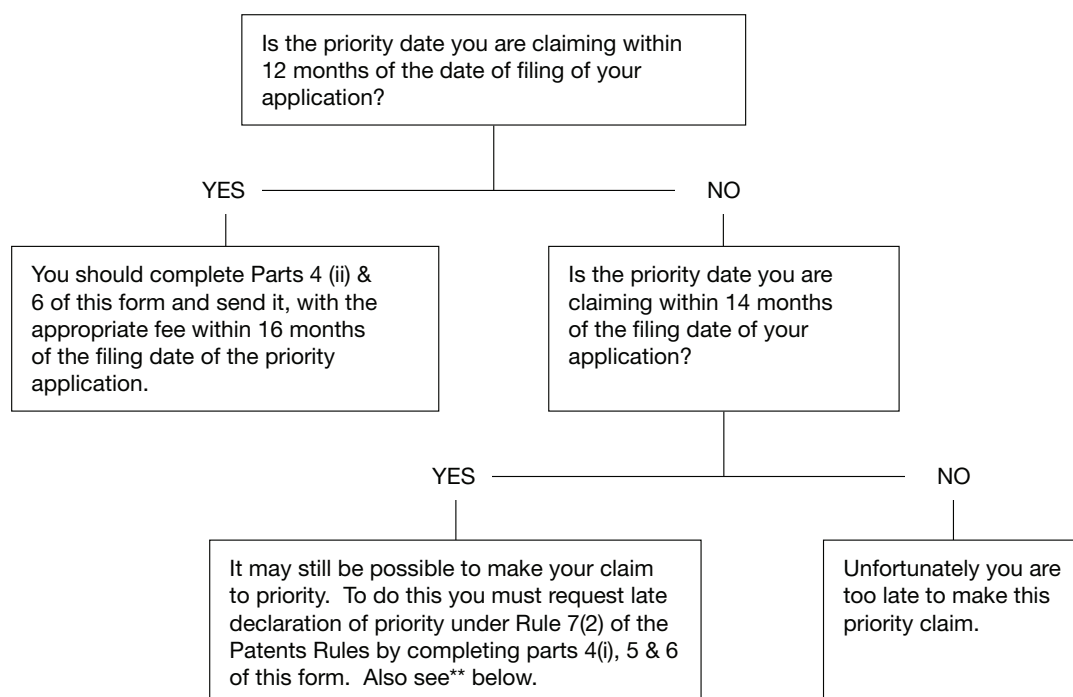
8. Name, email address, telephone and/or mobile number, if any, of a contact point for the applicant:

--

This form is used either:

- i) to make a request for a late declaration of priority under Rule 7(2) of the Patents Rules 2007, or:
- ii) to make a late claim to priority after an application has been filed (Rule 6(2)).

In order to take either of these late actions you must apply within a specified period after the filing date of the priority application (the application from which you wish to claim priority). If you do not, then it will no longer be possible to make a claim to priority from that application. The following flow chart explains the time periods for making a late claim to priority and also indicates which of the two provisions outlined in part 4 of this form you should use to make your request.



If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.

When completing the form please write your answers in capital letters using black ink or you may type them. Once you have filled in the form remember to sign and date it.

\*\* Along with this form you should also provide supporting evidence as to why the priority claim was not made within 12 months of the filing date of the priority application. The evidence should be submitted with this form. If it is not, the Office will set a deadline for submitting the evidence.

There are different fees for each type of late priority claim identified in part 4. For details of these fees and ways to pay, please contact the Office.

**Data Privacy:** <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>

# Fees and payment

To check the correct fee for this form, search on [GOV.UK for 'patent forms and fees'](#)

Total Fee Paying (£)

Your own reference (Optional)



---

## Your contact details should we have a query

Name

Email

Phone



---

## How would you like to pay?

Tick one

☐

### Using a debit or credit card – you will need the internet to pay by card

- 1 Go to our secure website – <https://fees.ipo.gov.uk/pay>
- 2 Enter your name, email address and total amount to pay from above
- 3 As proof of payment, write below the 16-digit reference number displayed from the online payment screen.  
**DO NOT** write your debit/credit card number

☐

### Deduct from IPO deposit account

IPO deposit account number

☐

### Cheque – make payable to 'Intellectual Property Office' and please send to the address specified below.

☐

### Bank transfer

Reference – use your IPO deposit account number if you have one or an application number or your name if you don't.

Use the following bank account details

Sort code	20-18-23
Account number	80531766
Account name	Intellectual Property Office
SWIFT code	BARCGB22
IBAN number	GB92 BARC 2018 2380 5317 66

**Post to:** Intellectual Property Office, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ, United Kingdom

REV MAR 20 PF3



Intellectual  
Property  
Office

## Patents Form 7

Patents Act 1977 (Rule 10)

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

### Statement of inventorship and of right to grant of a patent

1.	Your reference
2.	Patent application number (if you know it)
3.	Full name of the or of each applicant
4.	Title of the invention
5.	State how the applicant(s) derived the right from the inventor(s) to be granted a patent
6.	How many, if any, additional Patents Forms 7 are attached to this form? (see note (c))
7.	<p>I/We believe that the person(s) named over the page (and on any extra copies of this form) is/are the inventor(s) of the invention which the above patent application relates to.</p> <p>Signature _____ Date _____</p>
8.	Name, e-mail address, telephone, fax and/or mobile number, if any, of a contact point for the applicant.

#### Notes

- If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.
- Write your answers in capital letters using black ink or you may type them.
- If there are more than three inventors, please write the names and addresses of the other inventors on the back of another Patents Form 7 and attach it to this form.

d) *Once you have filled in the form remember to sign and date it.*

Enter the full names, addresses and postcodes of the Inventors in the boxes and underline the surnames

Patents ADP number <i>(if you know it)</i>

---

Patents ADP number <i>(if you know it)</i>

Reminder

Have you signed the form?

Patents ADP number <i>(if you know it)</i>

Data Privacy: <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>



**Intellectual  
Property  
Office**

## Patents Form 14

Patents Act 1977 (*Rule 32*)

### Request to reinstate a patent application

(*See the notes on the back of this form*)

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

---

1. Your reference

---

2. Patent application number

---

3. Full name of the applicant or of  
each applicant

Patents ADP number  
(*if you know it*)

---

4. The patent application was terminated because  
you failed to meet a legal requirement by the  
given deadline.

Why did you fail to meet this requirement?  
(*Continue on a separate sheet if necessary*)  
(*See note c*)

---

5

I/We request the above application be reinstated

Signature

Date

---

6. Name, e-mail address, telephone, fax and / or  
mobile number, if any, of a contact point for the  
applicant

**Notes**

- a) If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.*
- b) Write your answers in capital letters using black ink or you may type them.*
- c) You should provide supporting evidence with this form. If you do not, the Office will set a deadline for submitting the evidence.*
- d) Once you have filled in this form remember to sign and date it.*
- e) For details of the fee and ways to pay, please contact the Office.*

**Data Privacy:** <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>



**Intellectual  
Property  
Office**

## Patents Form 16

Patents Act 1977 (*Rule 40*)

### Application to restore a patent

*See the notes on the back of this form*

Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

---

1. Your reference

---

2. Patent number

---

3. Full name of the or of each proprietor

---

4. Name and address of the or of each person  
applying for restoration (if different from  
the proprietor(s) named in part 3 above)

---

5. Name of your agent (*if you have one*)  
(*see note (d)*)

"Address for service" in the European Economic  
Area or Channel Islands to which all  
correspondence should be sent  
(*including the postcode*)

Patents ADP number (*if you know it*)

---

6. Do you want the address in part 5 above to  
replace the address for service currently on  
the register?  
(*If so then write 'Yes'*)

---

7. I/We apply for the above patent to be restored.

Signature

Date

---

8. Name, e-mail address, telephone, fax and / or  
mobile number, if any, of a contact point for the  
applicant

## Notes

- a) *If you need help to fill in this form or you have any questions, please contact the Office on 0300 300 2000.*
- b) *Write your answers in capital letters using black ink or you may type them.*
- c) *You should provide supporting evidence with this form. If you do not, the Office will set a deadline for submitting the evidence.*
- d) *You must also file Patents Form 51 if you appoint an agent for the first time or appoint one agent in substitution for another, after you have become involved in proceedings before the Office. Although you may have an address for service in the Channel Islands, any agent you appoint to act for you must reside or have a place of business in the European Economic Area or Isle of Man*
- e) *Once you have filled in this form remember to sign and date it.*
- f) *For details of the fee and ways to pay, please contact the Office.*

**Data Privacy:** <https://www.gov.uk/government/organisations/intellectual-property-office/about/personal-information-charter>

# ITALIAN PATENT AND TRADEMARK OFFICE

*(UFFICIO ITALIANO BREVETTI E MARCHI)*

AS

DESIGNATED (OR ELECTED) OFFICE

## CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex IT.I
National processing request form (patents) .....	Annex IT.II
National processing request form (utility models) .....	Annex IT.III
Power of attorney .....	Annex IT.IV

### List of abbreviations:

Office:	Italian Patent and Trade Mark Office
IPC/LD:	Industrial Property Code, Legislative Decree No. 30/2005 of 10 February 2005
MD 33/2010:	Ministerial Decree 33/2010 of 13 January 2010, Regulations for Implementation of the Industrial Property Code
MD 27/06/2008:	Ministerial Decree of 27 June 2008, Novelty Search on Italian Patent Applications
MD 13/11/2019:	Ministerial Decree of 13 November 2019, Implementing Rules for International Applications Entering the Italian National Phase
MD 02/04/2007:	Ministerial Decree of 2 April 2007, Determination of Fees on Patents and Utility Models

**SUMMARY****Designated  
(or elected) Office****SUMMARY****IT****ITALIAN PATENT AND TRADEMARK OFFICE****IT****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date																																										
Translation of international application required into: <sup>1</sup>	Italian																																										
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report on patentability (Chapter II) and any claims amended under PCT Article 19)																																										
Is a copy of the international application required?	No																																										
National fee:	Currency: Euro (EUR) <table> <tr> <th></th><th></th><th><i>Online</i></th><th><i>On paper</i></th></tr> <tr> <td colspan="4">For patent:</td></tr> <tr> <td colspan="4">Filing fee:<sup>2</sup></td></tr> <tr> <td>— application with up to 10 pages</td><td>EUR</td><td>50</td><td>120</td></tr> <tr> <td>— application with 11 to 20 pages</td><td>EUR</td><td>50</td><td>160</td></tr> <tr> <td>— application with 21 to 50 pages</td><td>EUR</td><td>50</td><td>400</td></tr> <tr> <td>— application more than 50 pages</td><td>EUR</td><td>50</td><td>600</td></tr> <tr> <td>— for each claim exceeding 10</td><td>EUR</td><td>45</td><td>45</td></tr> <tr> <td colspan="4">For utility model:</td></tr> <tr> <td>Filing fee:</td><td>EUR</td><td>50</td><td>120</td></tr> </table>					<i>Online</i>	<i>On paper</i>	For patent:				Filing fee: <sup>2</sup>				— application with up to 10 pages	EUR	50	120	— application with 11 to 20 pages	EUR	50	160	— application with 21 to 50 pages	EUR	50	400	— application more than 50 pages	EUR	50	600	— for each claim exceeding 10	EUR	45	45	For utility model:				Filing fee:	EUR	50	120
		<i>Online</i>	<i>On paper</i>																																								
For patent:																																											
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— for each claim exceeding 10	EUR	45	45																																								
For utility model:																																											
Filing fee:	EUR	50	120																																								
Exemptions, reductions or refunds of the national fee:	No filing fee is payable if the application is filed by universities, public research institutions, defense or agricultural, food or forestry policies administrations																																										

*[Continued on next page]*

<sup>1</sup> Must be furnished within the time limit applicable under PCT Article 22 or 39(1) or at the latest within two months from entry into the national phase. This deadline cannot be extended. For further details, refer to paragraph IT.02.

<sup>2</sup> The filing fee for entry into the national phase is calculated on the basis of the number of claims of the international application as published, i.e. the claims as originally filed or as amended pursuant to Art. 19 PCT (IPC/LD, Art. 160-*bis* and Ministerial Decree of 13 November 2019, Art. 2(3)).

**SUMMARY****Designated  
(or elected) Office****SUMMARY****IT ITALIAN PATENT AND TRADEMARK OFFICE IT***[Continued]*

Special requirements of the Office  
(PCT Rule 51*bis*):

Name of the inventor if it has not been furnished in the “Request” part of the international application<sup>3</sup>

Instrument of assignment of the priority right where the applicants are not identical<sup>3</sup>

Address for service in the European Union or European Economic Area is necessary (but no representation by an agent is required)

Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

Who can act as agent?<sup>4</sup>

Any patent attorney recorded in the official register established by the Board of the Industrial Property Consultants Institute<sup>5</sup>

Citizens of the European Union qualified to practice as patent attorney in another member State, on a temporary basis, pursuant to the procedure under the legislative Decree No. 206/2007

Any Italian lawyer or attorney-at-law whose name appears in the pertinent professional roll or any law firm employing such a lawyer or attorney-at-law<sup>6</sup>

Does the Office accept requests for  
restoration of the right of priority  
(PCT Rule 49*ter*.2)?

Yes, the Office applies the “due care” criterion to such requests

<sup>3</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

<sup>4</sup> An agent, if any, must be appointed by filing a power of attorney, and payment of a special tax (*imposta di bollo*) is required. For further details, refer to Annex IT.I.

<sup>5</sup> The list of patent attorneys can be obtained from the Ordine dei Consulenti in Proprietà Industriale (Board of the Industrial Property Consultants Institute (<https://www.ordine-brevetti.it>)).

<sup>6</sup> For further details, refer to <https://www.consiglionazionaleforense.it>.

## THE PROCEDURE IN THE NATIONAL PHASE

**IT.01 FORM FOR ENTERING THE NATIONAL PHASE.** Forms for entering the national phase (paper filing) are available on the Office's website at: [www.uibm.gov.it](http://www.uibm.gov.it) (see Annex IT.II – Patents and Annex IT.III – Utility Models). Online filing is available at <https://servizionline.uibm.gov.it>.

IPC/LD Art. 55  
160-bis  
148(5)  
MD 13/11/2019 Art.  
1(2) 1(3)  
4

**IT.02 TRANSLATION.** For entry into the national phase a complete Italian translation of the international application as published must be provided.

If the Office acts as designated Office, said translation shall include any amendments made to the claims under PCT Article 19. The amendments must be submitted together with, if submitted to the International Bureau, the statement under PCT Article 19(1) explaining the amendments, and the accompanying letter under PCT Rule 46.5(b).

If the Office acts as elected Office, the international application as published must be accompanied by the translation of any annexes to the international preliminary report on patentability (Chapter II), i.e. regardless of whether protection is sought for the same version of the application documents as was the subject of that report.

The translation may be declared to be consistent with the original text by the applicant or a patent attorney. If the description is presented in a language other than Italian, the translation into Italian shall be filed within two months from the date of submission of the request to enter the national phase. This term cannot be extended.

**IT.03 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

MD 13/11/2019  
Art. 2 (3)  
MD 02/04/2007

**IT.04 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex IT.I.

IPC/LD Art.147 (3bis)  
147(3ter)

**IT.05 ADDRESS FOR SERVICE.** An applicant, whether or not a national of or a resident in Italy, is not required to be represented by an agent, but is required to have an address for service (notices and other communications) in the European Union or the European Economic Area. Every person (including the applicant for, or proprietor of a patent) must also indicate a certified e-mail address or similar e-mail address based on technologies that certify the date and time of sending and receiving communications and the integrity of the contents.

IPC/LD Art. 201

**IT.06 APPOINTMENT OF AN AGENT.** An agent, if any, must be appointed by filing a power of attorney in Italian language. A model of power of attorney is given in Annex IT.IV. For the power of attorney, payment of a special tax (*imposta di bollo*) is required. For details, refer to Annex IT.I.

IPC/LD Art. 227  
MD 02/04/2007

**IT.07 RENEWAL FEES.** After a patent has been granted, a fee must be paid for maintaining the patent in force starting at the beginning of the fifth year counted from the international filing date. Payment must be made each year before the expiration of the last day of the month in which the international application was filed. Payment can still be made, together with a surcharge, during a further period of six months. The amount of the annual fees and the surcharge are indicated in Annex IT.I.

IPC/LD Art. 169(2)  
MD 13/11/2019  
Art. 2(4)

**IT.08 DEED OF ASSIGNMENT.** When the applicant claims the priority of an earlier application filed by an applicant who is not identical with the applicant of the international application, a deed (or deeds) of assignment must be furnished.

PCT Art. 28  
41  
IPC/LD Art. 172  
MD 13/11/2019 Art. 3

**IT.09 AMENDMENT OF THE APPLICATION, TIME LIMITS.** The applicant may amend or correct the international application, provided that the scope of the subject matter of the application is not broadened thereby, according to the provisions of the law:

- (i) after the receipt of the notification of the Office that the application has entered into substantial examination, within the time limit established by the Office in the aforementioned communication;
- (ii) in any case, on its own initiative, before the grant or refusal of the patent.

The applicant may file amendments to any part of the application up to the decision to grant a patent.

IPC/LD Art. 45  
81 *quinquies*  
170  
MD 13/11/2019 Art. 3(3)

**IT.10 EXAMINATION.** Italian patents shall not be granted for subject matter excluded from patentability. Examination of the patents which meet the formal requirements is aimed at determining that the subject matter of the application is consistent with what is established by IPC/LD Articles 45, 50 and 82, including the validity requirements of novelty, inventive step and industrial application. Examination is made on the International Search Report results and on the International Preliminary Report on Patentability (IPRP Chapter I or II) results and taking into account observations or amendments filed by the applicant.

MD 33/2010 Art. 22(8)

**IT.11 NUCLEOTIDE AND AMINO ACID SEQUENCES.** If the application discloses one or more nucleotide and/or amino acid sequences [required to be included in a sequence listing](#) and a standard-compliant sequence listing in XML format is not contained in the international application, it must be provided or made available to the Office by other means on entry into the national phase.

Furthermore, in case of late filing of a sequence listing in XML format, the applicant must enclose a declaration to the effect that the sequence listing does not extend beyond the content of the application as originally filed. WIPO Standard ST.26 applies to PCT applications with an international filing date of 1 July 2022 or later<sup>1</sup>. For international applications with an earlier international filing date, WIPO Standard ST.25 continues to apply.

IPC/LD Art. 192  
MD 13/11/2019 Art. 1, c. 5

**IT.12 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

Where during the international phase or before the Office, the applicant has missed a time limit for performing any act in relation to the international application, further processing may be requested within two months of expiry of the time limit not complied with. The request must be completed with the omitted action and with the proof of payment of the fees prescribed for further processing (see Annex IT.I).

IPC/LD Art. 193

**IT.13 RE-ESTABLISHMENT OF RIGHTS.** Reestablishment of rights may be requested where the applicant, in spite of all due care required by the circumstances, was unable to observe a time limit before the Office, default of which is prejudicial to his rights. A request for reestablishment must be presented in writing within two months after the removal of the cause of the failure to perform the action but no later than one year from the expiration of the time limit which has not been observed. Within the said two months, the omitted action must be completed, and the request must state the grounds on which it is based and set out the facts on which it relies. A special tax (*imposta di bollo*) must be paid when requesting re-establishment of rights as indicated in Annex IT.I.

<sup>1</sup> Refer to the *Official Notices (PCT Gazette)* of 24 February 2022, page 55.

- IPC/LD Art.193(5) **IT.14 REQUEST FOR RESTORATION OF RIGHT OF PRIORITY.** Where the international application was filed within two months from the end of the period for claiming priority of an earlier application, a request for restoration of the right of priority may be made to the Office in accordance with the national law (see National Phase, paragraphs 6.006 to 6.011). For the request to be granted, the Office must be satisfied that the failure to file the application within the 12-month priority period occurred in spite of due care required by the circumstances. A declaration or other evidence in support of a request for restoration of the right of priority should accompany the request. A special tax (*imposta di bollo*) must be paid when requesting restoration of priority as indicated in Annex IT.I.
- IPC/LD Art.82-86 **IT.15 UTILITY MODEL.** If the applicant wishes to obtain a utility model instead of a patent in Italy, on the basis of an international application, the applicant, when performing the acts referred to in PCT Article 22 or 39, shall so indicate to the Office. The requirements for the national phase are basically the same as for patents, but utility model protection does not cover processes, according to IPC Article 82.
- Instead of annual fees, maintenance fees have to be paid once for utility models at the beginning of the fifth year counted from the international filing date. The amount of the annual fees and the surcharge fee for late payment are indicated in Annex IT.I. The maximum term of protection is 10 years.
- IPC/LD Art.84 (2) **IT.16 CONVERSION.** The Office can invite the applicant to convert the international application for a patent into a utility model, after the applicant has complied with the requirements for entry into the national phase for a patent application, as indicated in the Summary.

## FEES

(Currency: Euro)

<b>Patents</b>	<i>Online</i>	<i>On paper</i>
<b>Filing fee<sup>1</sup></b>		
— application with up to 10 pages . . . . .	50	120
— application with 11 to 20 pages . . . . .	50	160
— application with 21 to 50 pages . . . . .	50	400
— application more than 50 pages. . . . .	50	600
— for each claim exceeding 10 . . . . .	45	45
<b>Annual fees:</b>		
— for the 5 <sup>th</sup> year counted from the international filing date . . . . .	60	
— for the 6 <sup>th</sup> year counted from the international filing date . . . . .	90	
— for the 7 <sup>th</sup> year counted from the international filing date . . . . .	120	
— for the 8 <sup>th</sup> year counted from the international filing date . . . . .	170	
— for the 9 <sup>th</sup> year counted from the international filing date . . . . .	200	
— for the 10 <sup>th</sup> year counted from the international filing date . . . . .	230	
— for the 11 <sup>th</sup> year counted from the international filing date . . . . .	310	
— for the 12 <sup>th</sup> year counted from the international filing date . . . . .	410	
— for the 13 <sup>th</sup> year counted from the international filing date . . . . .	530	
— for the 14 <sup>th</sup> year counted from the international filing date . . . . .	600	
— for the 15 <sup>th</sup> to the 20 <sup>th</sup> year counted from the international filing date, per year . . .	650	
Surcharge for late payment of annual fees . . . . .	100	
Fee for further processing . . . . .	300	
Tax ( <i>imposta di bollo</i> ) for filing of power of attorney <sup>2</sup> . . . . .	16	20
Tax ( <i>imposta di bollo</i> ) for request for re-establishment of rights: <sup>2</sup> . . . . .	15	16
Tax ( <i>imposta di bollo</i> ) for request for restoration of the right of priority <sup>2</sup> . . . . .	15	16

<sup>1</sup> The filing fee for entry into the national phase is calculated on the basis of the number of claims of the international application as amended (Ministerial Decree of 13 November 2019, Art. 2(1)).

<sup>2</sup> For filing a power of attorney, a request for re-establishment of rights or a request for restoration of the right of priority, payment of a special tax (*imposta di bollo*) is required. The following bank account should be used only for payments from abroad: Beneficiary: Banca d'Italia, Bank: Banca d'Italia, IBAN: IT07Y0100003245348008120501 -BIC: BITAITRRENT, reason for payment: Imposta di bollo. The proof of payment must be enclosed when filing a power of attorney, a request for re-establishment of rights or a request for restoration of the right of priority.

<b>Utility models</b>	<i>Online</i>	<i>On paper</i>
Filing fee: .....	50	120
Annual fees:		
— from the 6 <sup>th</sup> to the 10 <sup>th</sup> year of protection .....	500	
Surcharge for late payment of annual fees .....	100	
Fee for further processing .....	300	
Tax ( <i>imposta di bollo</i> ) for filing of power of attorney <sup>3</sup> .....	16	20
Tax ( <i>imposta di bollo</i> ) for request for re-establishment of rights: <sup>3</sup> .....	15	16
Tax ( <i>imposta di bollo</i> ) for request for restoration of the right of priority <sup>3</sup> .....	15	16

### How can payment of fees be effected?

The payment of fees should be effected in euros. Payment can be made by using payment form F24 or by electronic means (i.e. PagoPA).

All payments must indicate:

- the national application number; international application number only if the national application number is not yet known
- the name of the applicant
- the category of fee being paid

For more information, refer to <https://uibm.mise.gov.it/index.php/en>.

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<sup>3</sup> See footnote 2.

Mod. INV-PCT

pag.1

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE

## PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER INVENZIONE INDUSTRIALE

N° \_\_\_\_\_

Al Ministero dello Sviluppo Economico

DGTPI-UIBM

## 1. DATI IDENTIFICATIVI DELLA DOMANDA

1.1 TIPO Ordinaria ☐ Contemporanea ☐ Divisionale ☐ convertita ☐Numero di domanda PCT  Data di deposito domanda PCT 

1.2 RIFERIMENTO A USO DEL DEPOSITANTE

1.3 TITOLO

1.4 NUMERO RIVENDICAZIONI

1.5 ESENZIONE AI SENSI DELLA LEGGE 20.11.1970 N.962 (BREVETTI DESTINATI ESCLUSIVAMENTE AI NON VEDENTI) (Si/No) ☐1.6 CENTRO ABILITATO DI RACCOLTA COLTURE DI MICROORGANISMI  
(solo per le domande del settore bio-tecnologico)

1.7 INVENTORE DESIGNATO

Cognome	Nome	Nazione di residenza
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

## 2. CLASSIFICAZIONE INSERITA NEL RAPPORTO DI RICERCA (IPC) (compilazione non obbligatoria)

SEZIONE  CLASSE  SOTTOCLASSE  GRUPPO  SOTTOGRUPPO 

## 3. PRIORITA' DELLA DOMANDA PCT

Nazione/Ente	Numero di domanda	Data della domanda prioritaria
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

FIRMA DEL RICHIEDENTE

## NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE

## PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER INVENZIONE INDUSTRIALE

N° \_\_\_\_\_

## 4. RICHIEDENTE

## PERSONA FISICA

Codice fiscale***	<input type="text"/>	Partecipazione ai diritti nella misura % *	<input type="text"/>
Cognome*	<input type="text"/>	Nome*	<input type="text"/>
Comune e prov. nascita	<input type="text"/>	Nazione di nascita	<input type="text"/>
Comune e prov. residenza**	<input type="text"/>	Nazione di residenza*	<input type="text"/>
Indirizzo**	<input type="text"/>	N. Civico**	<input type="text"/> Cap** <input type="text"/>
Telefono	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	PEC o CECAPAC	<input type="text"/>

Codice fiscale***	<input type="text"/>	Partecipazione ai diritti nella misura % *	<input type="text"/>
Cognome*	<input type="text"/>	Nome*	<input type="text"/>
Comune e prov. nascita	<input type="text"/>	Nazione di nascita	<input type="text"/>
Comune e prov. residenza**	<input type="text"/>	Nazione di residenza*	<input type="text"/>
Indirizzo**	<input type="text"/>	N. Civico**	<input type="text"/> Cap** <input type="text"/>
Telefono	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	PEC o CECAPAC	<input type="text"/>

## PERSONA GIURIDICA

C.F o P.IVA***	<input type="text"/>	Partecipazione ai diritti nella misura % *	<input type="text"/>
Tipo società*	<input type="text"/>		
Denominazione*	<input type="text"/>		
Comune e prov. Sede/filiale**	<input type="text"/>	Nazione sede legale*	<input type="text"/>
Indirizzo**	<input type="text"/>	N. Civico**	<input type="text"/> Cap** <input type="text"/>
Telefono	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	PEC o CECAPAC	<input type="text"/>

C.F o P.IVA***	<input type="text"/>	Partecipazione ai diritti nella misura % *	<input type="text"/>
Tipo società*	<input type="text"/>		
Denominazione*	<input type="text"/>		
Comune e prov. Sede/filiale**	<input type="text"/>	Nazione sede legale*	<input type="text"/>
Indirizzo**	<input type="text"/>	N. Civico**	<input type="text"/> Cap** <input type="text"/>
Telefono	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	PEC o CECAPAC	<input type="text"/>

\* Campi obbligatori

\*\* Da inserire obbligatoriamente per i richiedenti residenti o con sede legale in uno Stato dell'Unione Europea

\*\*\* Da inserire obbligatoriamente per i richiedenti in possesso di codice fiscale o partita IVA rilasciati da un Ente italiano

FIRMA DEL RICHIEDENTE

Mod. INV-PCT

pag.3

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
**PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER INVENZIONE INDUSTRIALE**

N° \_\_\_\_\_

**5. IDENTIFICAZIONE DEL MANDATARIO / RAPPRESENTANTE INCARICATO E/O DEL DOMICILIO ELETTIVO**

- ☐ Il richiedente è rappresentato da un mandatario incaricato (compilare par. 5.1)
- ☐ Il richiedente è rappresentato da altro rappresentante incaricato (compilare par. 5.2)
- ☐ Il richiedente non è rappresentato (compilare par. 5.3)

**5.1 MANDATARIO INCARICATO**

Numero iscrizione albo*	Cognome*	Nome*
Denominazione studio*		
Indirizzo*		N. Civico*
Comune e provincia*	Cap*	Nazione*
Telefono*	Fax	
Email	Pec o o CECAPAC*	

☐ Altri mandatarî sono indicati nel Foglio Aggiuntivo (FA5)

**5.2 RAPPRESENTANTE INCARICATO**

Codice fiscale**	Cognome*	Nome*
c/o		
Indirizzo*		N. Civico*
Comune e provincia*	Cap*	Nazione*
Telefono*	Fax	
Email	Pec o o CECAPAC	

☐ Altri rappresentanti sono indicati nel Foglio Aggiuntivo (FA5)

**5.3 DOMICILIO ELETTIVO**

c/o		
Indirizzo*		N. Civico*
Comune e provincia*	Cap*	Nazione*
Telefono*	Fax	
Email	Pec o o CECAPAC	

\* Campi obbligatori.

\*\* Da inserire obbligatoriamente per rappresentanti in possesso di codice fiscale rilasciato da un Ente italiano

Nota: Inserire almeno uno dei seguenti: email, PEC o CECAPAC

FIRMA DEL RICHIEDENTE

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER INVENZIONE INDUSTRIALE

N° \_\_\_\_\_

6. DOCUMENTAZIONE ALLEGATA O CON RISERVA DI PRESENTAZIONE

	in lingua italiana AL/RI/AS (*)	in altra lingua AL/AS (*)	N. pagine
<b>Documentazione come originariamente depositata (deposito PCT)</b>			
Descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riassunto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rivendicazioni	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disegni citati in descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copia del modulo RO101 (request form)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Rivendicazioni emendate ai sensi dell'art. 19 PCT e relativa dichiarazione art 19 (1) PCT</b>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Documentazione emendata ai sensi dell'art. 34 PCT, in caso di Esame Preliminare Internazionale</b>			
Descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rivendicazioni	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disegni citati in descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Documentazione emendata presentata ai sensi degli artt. 41 PCT</b>			
Descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rivendicazioni	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disegni citati in descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Designazione d'inventore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dichiarazione di indigenza o di altro tipo di esenzione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Autorizzazione o atto di cessione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Documento di priorità con traduzione in lingua italiana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Certificato del Centro abilitato di raccolta colture di microrganismi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dichiarazione di provenienza del materiale biologico(art. 170 bis comma 2, CPI)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dichiarazione consenso informato per materiale biologico di origine umana(art. 170 bis comma 3, CPI)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dichiarazione su MOGM e OGM (art. 170 bis comma 4, CPI)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dichiarazioni 170 bis, CPI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sequenza di nucleotidi o aminoacidi in formato elettronico	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lettera d'incarico	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lettera d'incarico multipla	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copia lettera d'incarico multipla	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copia lettera d'incarico presentata con domanda collegata	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riferimento al deposito dell'incarico generale	<input type="text"/>		
N° fogli aggiuntivi per i seguenti paragrafi	1 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
Richiesta copia autentica (Si/No)	<input type="checkbox"/>	<input type="checkbox"/>	
Numero pagine totali	<input type="text"/>		

(\*) AL = Allegato

RI = Riserva

AS = Assente

FIRMA DEL RICHIEDENTE

Mod. INV-PCT

pag.5

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER INVENZIONE INDUSTRIALE

N° \_\_\_\_\_

**VERBALE DI PRESENTAZIONE**Numero di  
domanda

CCIAA di

Sigla

In data

è stata a me presentata la domanda di cui sopra corredata da N°

fogli aggiuntivi

Annotazioni dell'Ufficiale rogante

Il depositante

Timbro  
dell'Ufficio

L'Ufficiale rogante

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER INVENZIONE INDUSTRIALE

N° \_\_\_\_\_

FOGLIO AGGIUNTIVO TIPO 1

1.7 INVENTORE DESIGNATO

Cognome	Nome	Nazione di residenza

FIRMA DEL RICHIEDENTE
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Mod. INV-PCT-FA3

pag. \_\_/\_\_

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER INVENZIONE INDUSTRIALE

N° \_\_\_\_\_

## FOGLIO AGGIUNTIVO TIPO 3

## 3. PRIORITA' DELLA DOMANDA PCT

Nazione/Ente	Numero di domanda	Data della domanda prioritaria

FIRMA DEL RICHIEDENTE

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER INVENZIONE INDUSTRIALE

N° \_\_\_\_\_

## FOGLIO AGGIUNTIVO TIPO 4

## 4. RICHIEDENTE

## PERSONA FISICA

Codice fiscale\*\*\*

Cognome\*

Comune e prov. nascita

Comune e prov. residenza\*\*

Indirizzo\*\*

Telefono

Email

Partecipazione ai diritti nella misura % \*

Nome\*

Nazione di nascita

Nazione di residenza\*

N. Civico\*\*

Cap\*\*

Fax

PEC o CECAPAC

Codice fiscale\*\*\*

Cognome\*

Comune e prov. nascita

Comune e prov. residenza\*\*

Indirizzo\*\*

Telefono

Email

Partecipazione ai diritti nella misura % \*

Nome\*

Nazione di nascita

Nazione di residenza\*

N. Civico\*\*

Cap\*\*

Fax

PEC o CECAPAC

## PERSONA GIURIDICA

C.F o P.IVA\*\*\*

Tipo società\*

Denominazione\*

Comune e prov. Sede/filiale\*\*

Indirizzo\*\*

Telefono

Email

Partecipazione ai diritti nella misura % \*

Nazione sede legale\*

N. Civico\*\*

Cap\*\*

Fax

PEC o CECAPAC

C.F o P.IVA\*\*\*

Tipo società\*

Denominazione\*

Comune e prov. Sede/filiale\*\*

Indirizzo\*\*

Telefono

Email

Partecipazione ai diritti nella misura % \*

Nazione sede legale\*

N. Civico\*\*

Cap\*\*

Fax

PEC o CECAPAC

\* Campi obbligatori

\*\* Da inserire obbligatoriamente per i richiedenti residenti o con sede legale in uno Stato dell'Unione Europea

\*\*\* Da inserire obbligatoriamente per i richiedenti in possesso di codice fiscale o partita IVA rilasciati da un Ente italiano

FIRMA DEL RICHIEDENTE

## N°

### 5.1 MANDATARI INCARICATI

## 5.2 RAPPRESENTANTI INCARICATI

**\*Campi obbligatori per ogni Mandatario o Rappresentante incaricato aggiunto.**

**\*\* Da inserire obbligatoriamente per rappresentanti in possesso di codice fiscale rilasciato da un Ente italiano**

(1 July 2020)

Mod. MU-PCT

pag.1

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER MODELLO DI UTILITA'

N° \_\_\_\_\_

Al Ministero dello Sviluppo Economico

DGTPI-UIBM

## 1. DATI IDENTIFICATIVI DELLA DOMANDA

1.1 TIPO Ordinaria ☐ Contemporanea ☐ Divisionale ☐ convertita ☐Numero di domanda PCT  Data di deposito domanda PCT 

1.2 RIFERIMENTO A USO DEL DEPOSITANTE

1.3 TITOLO

1.4 NUMERO RIVENDICAZIONI

1.5 ESENZIONE AI SENSI DELLA LEGGE 20.11.1970 N.962 (BREVETTI DESTINATI ESCLUSIVAMENTE AI NON VEDENTI) (Si/No) ☐

1.6 INVENTORE DESIGNATO

Cognome	Nome	Nazione di residenza
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

## 2. CLASSIFICAZIONE INSERITA NEL RAPPORTO DI RICERCA (IPC) (compilazione non obbligatoria)

SEZIONE  CLASSE  SOTTOCLASSE  GRUPPO  SOTTOGRUPPO 

## 3. PRIORITA' DELLA DOMANDA PCT

Nazione/Ente	Numero di domanda	Data della domanda prioritaria
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

FIRMA DEL RICHIEDENTE

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER MODELLO DI UTILITA'

N° \_\_\_\_\_

**4. RICHIEDENTE**

**PERSONA FISICA**

Codice fiscale***	<input type="text"/>	Partecipazione ai diritti nella misura % *	<input type="text"/>
Cognome*	<input type="text"/>	Nome*	<input type="text"/>
Comune e prov. nascita	<input type="text"/>	Nazione di nascita	<input type="text"/>
Comune e prov. residenza**	<input type="text"/>	Nazione di residenza*	<input type="text"/>
Indirizzo**	<input type="text"/>	N. Civico**	<input type="text"/> Cap** <input type="text"/>
Telefono	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	PEC o CECPAC	<input type="text"/>

Codice fiscale***	<input type="text"/>	Partecipazione ai diritti nella misura % *	<input type="text"/>
Cognome*	<input type="text"/>	Nome*	<input type="text"/>
Comune e prov. nascita	<input type="text"/>	Nazione di nascita	<input type="text"/>
Comune e prov. residenza**	<input type="text"/>	Nazione di residenza*	<input type="text"/>
Indirizzo**	<input type="text"/>	N. Civico**	<input type="text"/> Cap** <input type="text"/>
Telefono	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	PEC o CECPAC	<input type="text"/>

**PERSONA GIURIDICA**

C.F. o P.IVA***	<input type="text"/>	Partecipazione ai diritti nella misura % *	<input type="text"/>
Tipo società*	<input type="text"/>		
Denominazione*	<input type="text"/>		
Comune e prov. Sede/filiale**	<input type="text"/>	Nazione sede legale*	<input type="text"/>
Indirizzo**	<input type="text"/>	N. Civico**	<input type="text"/> Cap** <input type="text"/>
Telefono	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	PEC o CECPAC	<input type="text"/>

C.F. o P.IVA***	<input type="text"/>	Partecipazione ai diritti nella misura % *	<input type="text"/>
Tipo società*	<input type="text"/>		
Denominazione*	<input type="text"/>		
Comune e prov. Sede/filiale**	<input type="text"/>	Nazione sede legale*	<input type="text"/>
Indirizzo**	<input type="text"/>	N. Civico**	<input type="text"/> Cap** <input type="text"/>
Telefono	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	PEC o CECPAC	<input type="text"/>

\* Campi obbligatori

\*\* Da inserire obbligatoriamente per i richiedenti residenti o con sede legale in uno Stato dell'Unione Europea

\*\*\* Da inserire obbligatoriamente per i richiedenti in possesso di codice fiscale o partita IVA rilasciati da un Ente italiano

FIRMA DEL RICHIEDENTE

Mod. MU-PCT

pag.3

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE

## PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER MODELLO DI UTILITA'

N° \_\_\_\_\_

## 5. IDENTIFICAZIONE DEL MANDATARIO / RAPPRESENTANTE INCARICATO E/O DEL DOMICILIO ELETTIVO

- ☐ Il richiedente è rappresentato da un mandatario incaricato (compilare par. 5.1)
- ☐ Il richiedente è rappresentato da altro rappresentante incaricato (compilare par. 5.2)
- ☐ Il richiedente non è rappresentato (compilare par. 5.3)

## 5.1 MANDATARIO INCARICATO

Numero iscrizione albo*	Cognome*	Nome*
Denominazione studio*		
Indirizzo*		N. Civico*
Comune e provincia*	Cap*	Nazione*
Telefono*	Fax	
Email	Pec o o CECPAC*	

☐ Altri mandatarî sono indicati nel Foglio Aggiuntivo (FA5)

## 5.2 RAPPRESENTANTE INCARICATO

Codice fiscale**	Cognome*	Nome*
c/o		
Indirizzo*		N. Civico*
Comune e provincia*	Cap*	Nazione*
Telefono*	Fax	
Email	Pec o o CECPAC	

☐ Altri rappresentanti sono indicati nel Foglio Aggiuntivo (FA5)

## 5.3 DOMICILIO ELETTIVO

c/o		
Indirizzo*		N. Civico*
Comune e provincia*	Cap*	Nazione*
Telefono*	Fax	
Email	Pec o o CECPAC	

\* Campi obbligatori.

\*\* Da inserire obbligatoriamente per rappresentanti in possesso di codice fiscale rilasciato da un Ente italiano

Nota: Inserire almeno uno dei seguenti: email, PEC o CECPAC

FIRMA DEL RICHIEDENTE

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER MODELLO DI UTILITA'

N° \_\_\_\_\_

**6. DOCUMENTAZIONE ALLEGATA O CON RISERVA DI PRESENTAZIONE**

	in lingua italiana AL/RI/AS (*)	in altra lingua AL/AS (*)	N. pagine
<b>Documentazione come originariamente depositata (deposito PCT)</b>			
Descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riassunto	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rivendicazioni	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disegni citati in descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copia del modulo RO101 (request form)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Documentazione emendata ai sensi dell'art. 34 PCT, in caso di Esame Preliminare Internazionale</b>			
Descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rivendicazioni	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disegni citati in descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Documentazione emendata presentata ai sensi degli artt. 41 PCT</b>			
Descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rivendicazioni	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disegni citati in descrizione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Designazione d'inventore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dichiarazione di indigenza o di altro tipo di esenzione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Autorizzazione o atto di cessione	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Documento di priorità con traduzione in lingua italiana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lettera d'incarico	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lettera d'incarico multipla	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copia lettera d'incarico multipla	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copia lettera d'incarico presentata con domanda collegata	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riferimento al deposito dell'incarico generale	<input type="text"/>		

N° fogli aggiuntivi per i seguenti paragrafi

1	2	3	4	5
---	---	---	---	---

Richiesta copia autentica (Si/No)

☐

Numero pagine totali

(\*) AL = Allegato

RI = Riserva

AS = Assente

FIRMA DEL RICHIEDENTE

Mod. MU-PCT

pag.5

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER MODELLO DI UTILITA'

N° \_\_\_\_\_

**VERBALE DI PRESENTAZIONE**Numero di  
domanda

CCIAA di

Sigla

In data

è stata a me presentata la domanda di cui sopra corredata da N°  fogli aggiuntivi

Annotazioni dell'Ufficiale rogante

Il depositante

Timbro  
dell'Ufficio

L'Ufficiale rogante

Mod. MU-PCT-FA1

pag. \_\_/\_\_

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER MODELLO DI UTILITA'

N° \_\_\_\_\_

## FOGLIO AGGIUNTIVO TIPO 1

## 1.6 INVENTORE DESIGNATO

Cognome	Nome	Nazione di residenza

FIRMA DEL RICHIEDENTE

Mod. MU-PCT-FA3

pag. \_\_/\_\_

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER MODELLO DI UTILITA'

N° \_\_\_\_\_

## FOGLIO AGGIUNTIVO TIPO 3

## 3. PRIORITA' DELLA DOMANDA PCT

Nazione/Ente	Numero di domanda	Data della domanda prioritaria

FIRMA DEL RICHIEDENTE

NUOVA MODULISTICA DI DEPOSITO PER LE CAMERE DI COMMERCIO OVVERO DEPOSITO POSTALE  
PROCEDURA NAZIONALE DOMANDA PCT (art. 55 CPI) - DOMANDA DI BREVETTO PER MODELLO DI UTILITA'

N° \_\_\_\_\_

FOGLIO AGGIUNTIVO TIPO 4

4. RICHIEDENTE

PERSONA FISICA

Codice fiscale\*\*\*

Cognome\*

Comune e prov. nascita

Comune e prov. residenza\*\*

Indirizzo\*\*

Telefono

Email

Partecipazione ai diritti nella misura % \*

Nome\*

Nazione di nascita

Nazione di residenza\*

N. Civico\*\*

Cap\*\*

Fax

PEC o CECAPAC

Codice fiscale\*\*\*

Cognome\*

Comune e prov. nascita

Comune e prov. residenza\*\*

Indirizzo\*\*

Telefono

Email

Partecipazione ai diritti nella misura % \*

Nome\*

Nazione di nascita

Nazione di residenza\*

N. Civico\*\*

Cap\*\*

Fax

PEC o CECAPAC

PERSONA GIURIDICA

C.F. o P.IVA\*\*\*

Tipo società\*

Denominazione\*

Comune e prov. Sede/filiale\*\*

Indirizzo\*\*

Telefono

Email

Partecipazione ai diritti nella misura % \*

Nazione sede legale\*

N. Civico\*\*

Cap\*\*

Fax

PEC o CECAPAC

C.F. o P.IVA\*\*\*

Tipo società\*

Denominazione\*

Comune e prov. Sede/filiale\*\*

Indirizzo\*\*

Telefono

Email

Partecipazione ai diritti nella misura % \*

Nazione sede legale\*

N. Civico\*\*

Cap\*\*

Fax

PEC o CECAPAC

\* Campi obbligatori

\*\* Da inserire obbligatoriamente per i richiedenti residenti o con sede legale in uno Stato dell'Unione Europea

\*\*\* Da inserire obbligatoriamente per i richiedenti in possesso di codice fiscale o partita IVA rilasciati da un Ente italiano

FIRMA DEL RICHIEDENTE

N° \_\_\_\_\_

### 5.1 MANDATARI INCARICATI

## 5.2 RAPPRESENTANTI INCARICATI

**\*Campi obbligatori per ogni Mandatario o Rappresentante incaricato aggiunto.**

**\*\* Da inserire obbligatoriamente per rappresentanti in possesso di codice fiscale rilasciato da un Ente italiano**

(1 July 2020)

# LETTERA DI INCARICO – POWER OF ATTORNEY

(Art. 201 D. Lgs. 30/2005)

Il/I sottoscritto/i / I/We, the undersigned

nomina/no con la presente / do/does hereby appoint

domiciliati presso / domiciled at

come propri mandatarî, con firma libera e disgiunta e con facoltà di farsi sostituire da un altro mandatario abilitato della predetta Società, con l'incarico di rappresentarlo/i di fronte all'Ufficio Italiano Brevetti e Marchi, ad ogni altro Ufficio competente, nonché alla Commissione dei Ricorsi, ai sensi dell'art. 201 D.Lgs. 30/2005 – Codice della Proprietà Industriale, riguardo al deposito di ogni presente o futura domanda di brevetto, istanza o atto e in generale qualsiasi procedura di cui al supramenzionato Codice e di fare quant'altro occorra per l'accoglimento e per il riconoscimento dei diritti di Proprietà Industriale.

A tale scopo, il/i sottoscritto/i elegge/eleggono domicilio presso detti mandatarî, ai quali chiede/chiedono che vengano fatte direttamente dall'Ufficio Italiano Brevetti e Marchi e dagli altri Uffici competenti tutte le comunicazioni, nonché tutte le richieste e consegne di documenti che si rendessero necessarie, anche ai sensi e per gli effetti dell'art. 120, D.Lgs. 30/2005.

to act as my/our representative, with free and separate signature and with power to be substituted by another authorized professional of the aforesaid Society, with the power to represent me/us before the Italian Patent and Trademark Office and any other competent Office, as well as the Board of Appeal, pursuant to Art. 201 L.D. 30/2005 – Code of Industrial Property, in respect of the filing of any instant or future patent application, petition or deed and in general any procedure provided for by said Code of Industrial Property and to do whatever else is necessary for the acceptance thereof and for the recognition of the rights of Industrial Property.

To this purpose, I/we, the undersigned, elect domicile at the aforesaid representatives, to whom I/we request that the Italian Patent and Trade Mark Office and the other competent Offices directly address all communications as well as all requests and deliveries of documents which may be necessary, also pursuant to art. 120, L.D. 30/2005.

Data / Date \_\_\_\_\_

Firma / Signature \_\_\_\_\_

# PATENT OFFICE OF THE REPUBLIC OF POLAND

*(URZĄD PATENTOWY RZECZYPOSPOLITEJ POLSKIEJ)*

AS

DESIGNATED (OR ELECTED) OFFICE

## CONTENTS

THE ENTRY INTO THE NATIONAL PHASE – SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex PL.I
Power of attorney .....	Annex PL.II

### List of abbreviations:

Office: Patent Office of the Republic of Poland

PPL: Polish Law on Inventive Activity

**SUMMARY****Designated  
(or elected) Office****SUMMARY****PL****PATENT OFFICE OF THE REPUBLIC OF  
POLAND****PL****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into:	Polish
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Request, description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Request, description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: Polish zloty (PLN) For patent or utility model: — where an international preliminary examination has been carried out: PLN 350 — where no international preliminary examination has been carried out: PLN 550 — additional fee for each sheet in excess of 20: PLN 25 Fee for priority claims, per priority: PLN 100
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51bis): <sup>1</sup>	Statement justifying the applicant's right to the patent if he is not the inventor <sup>2</sup> Statement justifying the applicant's priority right where the applicants are not identical <sup>2</sup> Appointment of an agent if the applicant <a href="#">has neither a residence nor a principal place of business in Poland, or in another member State of the European Union or the European Free Trade Association</a> Translation of the priority document into Polish if it is not in English, French, German or Russian <sup>3</sup> Translation of the international application to be furnished in three copies, except that the translation of the request needs to be furnished only in one copy

*[Continued on next page]*

<sup>1</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>2</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

<sup>3</sup> If the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****PL****PATENT OFFICE OF THE REPUBLIC OF  
POLAND****PL***[Continued]*

Who can act as agent?

Any patent attorney registered to practice before the Office<sup>4</sup>Does the Office accept requests for  
restoration of the right of priority  
(PCT Rule 49ter.2)?

Yes, the Office applies the “due care” criterion to such requests

<sup>4</sup> A list is available on the website of the Office at:  
<https://grab.uprp.pl/RzecznicyPatentowi/Strony%20witryny/Wyszukiwanie%20rzecznika%20patentowego.aspx>

## THE PROCEDURE IN THE NATIONAL PHASE

**PL.01 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

**PL.02 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex PL.I.

PPL Art. 32 **PL.03 DESIGNATION OF THE INVENTOR.** If the applicant is not the inventor, he must name the inventor and state the basis of his right to a patent.

**PL.04 POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney. A model (not an official form) is given in Annex PL.II.

PPL Art. 39 **PL.05 LACK OF UNITY OF INVENTION.** In case of lack of unity of invention, the Office will invite the applicant to file divisional applications in respect of the additional inventions claimed in the international application and to pay prescribed filing fees within a time limit fixed in the invitation. In such a case, the decision of the Office may be subject of appeal.

PPL Art. 52 **PL.06 FEE FOR GRANT.** The first annual fee (for the first three years) is treated as the fee for grant. The amount of the said fee is indicated in Annex PL.I. The first annual fee is due within three months from the date of receipt of the invitation to pay that fee.

**PL.07 ANNUAL FEES.** Subsequent annual fees should be paid in advance not later than by the date of expiration of the previous protection period. Annual fees can still be paid, together with 30% surcharge for each additional month, within six months from the due date. The amounts of the annual fees are indicated in Annex PL.I.

PPL Art. 54 **PL.08 FEE FOR PUBLICATION OF THE PATENT SPECIFICATION.** A fee for publication of the patent specification must be paid within three months from the date of receipt of the invitation to pay that fee. The amount of that fee is indicated in Annex PL.I.

PCT Art. 28  
41  
PPL Art. 37 **PL.09 AMENDMENT OF THE APPLICATION.** The applicant may make amendments to the description, claims and drawings until the decision to grant a patent has been taken. Where the subject matter of the amended application exceeds the scope of the application as originally filed, the subject matter exceeding that scope will not be subject of any procedure concerning that application, but may be filed by the applicant as a divisional application with a new filing date.

PCT Art. 25  
PCT Rule 51 **PL.10 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged with the Office.

PCT Art. 24(2)  
48(2) **PL.11 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

**PL.12** Time limits fixed by the Office may be extended upon request of the applicant submitted before the expiration of those time limits.

- PPL Art. 243      PL.13      Reinstatement of rights may be requested where the applicant has failed to observe a time limit during the international phase or before the Office. A request for reinstatement must be presented within two months after the removal of the cause of the failure to perform the action but not later than 6 months after the expiration of the time limit which has not been observed. At the same time the omitted act must be completed. The applicant must prove in his request that the delay in complying with the requirement within the time limit was caused by circumstances beyond the applicant's control.
- PPL Art. 243      PL.14      **RESTORATION OF THE RIGHT OF PRIORITY.** A request for the restoration of the right of priority may be filed with the Office where the applicant, in spite of all due care required by the circumstances, failed to timely file the international application within the priority period (see National Phase, paragraphs 6.006 - 6.011).
- PPL Art. 94-100      PL.15      **UTILITY MODEL.** If the applicant, on the basis of an international application, wishes to obtain a utility model instead of a patent in Poland, the applicant must, on entry into the national phase, so indicate to the Office.
- PL.16      The requirements for utility models during the national phase are basically the same as for patents.
- PPL Art. 38      PL.17      **CONVERSION.** The applicant may apply for conversion of the international application for a patent into an application for a utility model in the international application (in the request), during the processing of the patent application in the national phase or within two months from the date when a decision to refuse a patent takes effect. In that case, the utility model application is deemed to be filed on the filing date of that patent application.

## FEES

(Currency: Polish zloty)

National fee for patent or utility model:	
— where international preliminary examination has been carried out . . . . .	350
— where no international preliminary examination has been carried out (if more than two inventions, the annual fee is increased by 50%) . . . . .	550
— additional fee for each sheet in excess of 20 . . . . .	25
Fee for priority claims, per priority . . . . .	100
Fee for publication of the patent specification . . . . .	90
and additionally for each commenced sheet in excess of 10 . . . . .	10
Fee for publication of the utility model specification . . . . .	90
Annual fees: <sup>1</sup>	
— for patent:	
for the first three years . . . . .	480
for the 4 <sup>th</sup> year . . . . .	250
for the 5 <sup>th</sup> year . . . . .	300
for the 6 <sup>th</sup> year . . . . .	350
for the 7 <sup>th</sup> year . . . . .	400
for the 8 <sup>th</sup> year . . . . .	450
for the 9 <sup>th</sup> year . . . . .	550
for the 10 <sup>th</sup> year . . . . .	650
for the 11 <sup>th</sup> year . . . . .	750
for the 12 <sup>th</sup> year . . . . .	800
for the 13 <sup>th</sup> year . . . . .	900
for the 14 <sup>th</sup> year . . . . .	950
for the 15 <sup>th</sup> year . . . . .	1,050
for the 16 <sup>th</sup> year . . . . .	1,150
for the 17 <sup>th</sup> year . . . . .	1,250
for the 18 <sup>th</sup> year . . . . .	1,350
for the 19 <sup>th</sup> year . . . . .	1,450
for the 20 <sup>th</sup> year . . . . .	1,550
— for patent of addition:	
for the whole term of protection . . . . .	1,500
— for utility model:	
for the first three years . . . . .	250
for the 4 <sup>th</sup> and the 5 <sup>th</sup> years, per year . . . . .	300
for the 6 <sup>th</sup> to the 8 <sup>th</sup> year, per year . . . . .	900
for the 9 <sup>th</sup> and the 10 <sup>th</sup> years, per year . . . . .	1,100
Fee for restoration of the right of priority . . . . .	80

### How can payment of fees be effected?

Applicants who are foreign nationals or foreign entities must pay all fees (including annual fees) through a patent attorney resident in Poland.

<sup>1</sup> The annual fees are counted from the filing date.

**PEŁNOMOCNICTWO / POWER OF ATTORNEY / POUVOIR**

Ja(My) (imię, nazwisko i adres):

*I(We) (full name and address):*

Je(nous) (nom et adresse):

niniejszym upoważniam (imię, nazwisko i adres):

*Do hereby authorize (full name and address):*

Donne(donnons) pouvoir a (nom et adresse):

do zastępowania mnie(nas) jako zgłaszającego(ych) w wszelkich czynnościach związanych z postępowaniem dotyczącym  
*to represent me(us) as applicant(s) in all proceedings relating to the processing*  
de me(nous) représenter en ma(notre) qualité de déposant(s) pour toutes les procédures concernant

(zakreślić właściwe okienko)/(check the applicable box)/(cocher la case correspondante)

☐

zgłoszenia nr  
*of application No.*  
la demande N°

dokonanego w dniu  
*filed on*  
deposée le

☐

wszystkich zgłoszeń o patent/wzór użytkowy  
*of all my(our) patent/utility model applications*

toutes mes(nos) demandes de brevet/modele d'utilite

przed Urzędem Patentowym Rzeczypospolitej Polskiej oraz do dokonywania lub przyjmowania opłat w moim/naszym/  
imieniu.

*before the Patent Office of the Republic of Poland and to make or receive payments on my/our) behalf.*

aupres de l'Office polonais des brevets et d'effectuer ou de recevoir des paiements en mon(notre) nom.

Miejscowość:

*Place:*

Lieu:

Data:

*Date:*

Date:

Podpis:

*Signature:*

Signature:

# SWEDISH INTELLECTUAL PROPERTY OFFICE (PRV)

*(PATENT- OCH REGISTRERINGSVERKET)*

AS  
DESIGNATED (OR ELECTED) OFFICE

## CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex SE.I
National processing request form .....	Annex SE.II
Power of attorney .....	Annex SE.III
Deed of transfer .....	Annex SE.IV

### List of abbreviations:

Office: Swedish Intellectual Property Office (PRV)

SPL: Patents Act (Sweden)

SPD: Patents Decree (Sweden)

**SUMMARY****Designated  
(or elected) Office****SUMMARY****SE****SWEDISH INTELLECTUAL PROPERTY  
OFFICE (PRV)****SE****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: <sup>1</sup>	Swedish or English <sup>2</sup>
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, as originally filed or as amended, at applicant's option), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, as originally filed or as amended by the annexes to the international preliminary examination report, at applicant's option)
Is a copy of the international application required?	The applicant should only send a copy of the international application if he/she has not received Form PCT/IB/308 and the Office has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2).
National fee:	Currency: Swedish krona (SEK) Filing fee: <sup>3</sup> Entry fee: SEK 500 Search fee: SEK 2,500 Claim fee for each claim in excess of 10: SEK 150 Additional fee for late furnishing of translation or copy: <sup>1</sup> SEK 500 Annual fee for the first three years: <sup>4</sup> SEK 1,400

*[Continued on next page]*

<sup>1</sup> Where the filing fee has been paid within the time limit applicable under PCT Article 22 or 39(1), the translation of the international application may be filed within two months from the expiration of that time limit, provided that the additional fee for late furnishing of the translation has been paid within those two months.

<sup>2</sup> For further details, see paragraph SE.02.

<sup>3</sup> Must be paid within the time limit applicable under PCT Article 22 or 39(1).

<sup>4</sup> These fees are due on the last day of the month containing the second anniversary (24 months) of the international filing date; where PCT Article 22 or 39(1) applies, they are payable within two months after performing the acts for entering the national phase, unless the 24-month time limit has not yet expired.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****SE****SWEDISH INTELLECTUAL PROPERTY  
OFFICE (PRV)****SE***[Continued]*

Exemptions, reductions or refunds of the national fee:

None

Special requirements of the Office (PCT Rule 51*bis*):<sup>5</sup>Name and address of the inventor if they have not been furnished in the “Request” part of the international application<sup>6</sup>

Who can act as agent?

Any natural or legal person

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter.2*)?

Yes, the Office applies the “due care” criterion to such requests

<sup>5</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>6</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

## THE PROCEDURE IN THE NATIONAL PHASE

**SE.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase (see Annex SE.II). This form should preferably (but need not) be used.

SPD Sec. 3      **SE.02 LANGUAGE OF PROCEEDINGS.** The description, the claims, any text matter of drawings and the abstract of the international application must be in Swedish or English.<sup>1</sup> Other documents and correspondence may be in Swedish, Danish, Norwegian or English. However, the Office may abstain from requiring a translation or may accept a translation into a language other than Swedish, Danish, Norwegian or English of all documents which do not belong to the documents making up the international application (for instance, if the document is in French or German).

SPL Sec. 31(3)      **SE.03 TRANSLATION (LATE FURNISHING OF).** If the translation of the international application has not been furnished by the applicant within the time limit applicable under PCT Article 22 or 39(1) but the national fee indicated in the Summary has been paid within that time limit, the translation can still be furnished within a further period of two months, provided that the additional fee for late furnishing of the translation, indicated in the Summary, has been paid within those two months.

**SE.04 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

**SE.05 TRANSLATION (IN CASE OF LACK OF UNITY OF INVENTION).** Where a part of the international application was not subjected to an international search for reason of lack of unity of the invention, a translation is required only of those parts of the international application which were subjected to the international search. However, where the applicant wants to maintain the part which was not searched, a translation of this part must also be furnished. See also paragraph SE.08.

**SE.06 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex SE.I.

SPL Sec. 12      **SE.07 POWER OF ATTORNEY.** An agent may be appointed either by filing a separate  
33      power of attorney or in the special form referred to in paragraph SE.01 (see Annex SE.II). A model of a separate power of attorney is given in Annex SE.III.

PCT Art. 17(3)(b)      **SE.08 ADDITIONAL SWEDISH SEARCH OR EXAMINATION REPORT (IN CASE  
34(3)(c) OF LACK OF UNITY OF INVENTION).** Where a part of the international application was  
SPL Sec. 36      not subjected to international search or preliminary examination because the international  
37      application did not comply with the requirement of unity of invention and the applicant did not pay the additional search or preliminary examination fee to the International Searching or Preliminary Examining Authority, the Office will decide whether the said finding as regards the application translated into Swedish was correct. If this is found to be the case, the Office will invite the applicant to pay an additional fee within two months after mailing the notification of this decision. The amount of the said fee is indicated in Annex SE.I. Where the applicant does not pay the additional fee, that part of the international application which was not subjected to international search or preliminary examination will be considered withdrawn.

SPL Sec. 19      **SE.09 GRANT FEE.** A grant fee must be paid within two months after the date of the  
20      notification that a patent can be granted. The amount of the fee is indicated in Annex SE.I.

<sup>1</sup> A patent can also be granted in English. All patent documents may be furnished in Swedish or in English. However, a translation of the claims into Swedish is required where a patent in English is sought. The claims in English are considered to be the original claims.

SPL Sec. 8(5) 40 to 42	<p><b>SE.10 ANNUAL FEES.</b> Annual fees must be paid for each year following the international filing date. For the due date of annual fees for the first three years, see the Summary. Payment of the subsequent annual fees must be made before the expiration of the month containing the anniversary of the international filing date. Payment can still be made, together with a 20% surcharge for late payment, before the expiration of the sixth month after the month containing the anniversary of the international filing date. The amounts of the annual fees are indicated in Annex SE.I. It is to be noted that, where the 31-month time limit under PCT Article 39(1)(b) applies, annual fees can be paid without surcharge within two months after performing the acts for entering the national phase.</p>
PCT Art. 28 41 SPL Sec. 13	<p><b>SE.11 AMENDMENT OF THE APPLICATION; TIME LIMIT.</b> The applicant may make the following modifications before the Office, provided that the scope of the subject matter of the application is not broadened thereby:</p>
SPL Sec. 34 SPD Sec. 58	<p>(i) within 31 months from the priority date: corrections of defects and voluntary amendments;</p>
SPL Sec. 20 SPD Sec. 19 to 24	<p>(ii) up to the notification that a patent can be granted: amendments or additions to the description and drawing(s) if they are necessary to comply with general requirements under PCT Articles 5 and 7; amendments or additions to the claims, which, unless the Office allows otherwise, must be made by filing a new document comprising all of the claims in sequence; where additions are made to the claims, the applicant must at the same time file a statement indicating the reference basis for these additions.</p>
PCT Art. 25 PCT Rule 51 SPL Sec. 38 75 SPD Sec. 58b	<p><b>SE.12 REVIEW UNDER ARTICLE 25 OF THE PCT.</b> The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged, within two months from the date of the decision, with the Court of Patent Appeals.</p>
PCT Art. 24(2) 48(2)	<p><b>SE.13 EXCUSE OF DELAYS IN MEETING TIME LIMITS.</b> Reference is made to paragraphs 6.022 to 6.027 of the National Phase.</p>
SPL Sec. 72 73	<p><b>SE.14</b> Reestablishment of rights may be requested where the applicant, in spite of all due care required by the circumstances, was unable to observe a time limit before the Office, default of which is prejudicial to his rights. A request for reestablishment must be presented in writing within two months after the removal of the cause of the failure to perform the action but not later than one year from the expiration of the time limit which has not been observed. Within the said two months, the omitted action must be completed, the fee for reestablishment of rights (see Annex SE.I) must be paid and the request must state the grounds on which it is based and set out the facts on which it relies.</p>
SPL Sec. 15	<p><b>SE.15</b> Resumption of proceedings concerning the application may be requested from the Office where the applicant missed a time limit which has been fixed for a certain action by the Office. Resumption of proceedings may not be requested where the missed time limit is fixed in the PCT and the PCT Regulations. A request for resumption of proceedings has the effect that the proceedings for grant will be resumed, provided that, within four months from the expiration of the missed time limit, the said request is presented in writing, the resumption fee (see Annex SE.I) is paid and the omitted act has been completed.</p>

## FEES

(Currency: Swedish krona)

Filing fee:	
— Entry fee . . . . .	500
— Search fee . . . . .	2,500
— Claim fee for each claim in excess of 10 . . . . .	150
Additional fee for late furnishing of translation or copy of the international application . . . . .	500
Additional fee (see paragraph SE.08) . . . . .	1,000
Special additional fee insofar as the application relates to an invention which has not been searched or, in the case of Chapter II of the PCT, not examined during the international phase . . . . .	3,000
Grant fee:	
— basic fee . . . . .	2,500
— additional fee for each claim added after the filing of the application, if the number of claims then exceeds the number for which a filing fee has been paid . . . . .	150
Resumption fee . . . . .	500
Fee for reestablishment of rights . . . . .	1,000
Fee for restoration of the right of priority . . . . .	1,000
Annual fees:	
— for the 1 <sup>st</sup> year to the 3 <sup>rd</sup> year . . . . .	1,400 <sup>1</sup>
— for the 4 <sup>th</sup> year . . . . .	1,500
— for the 5 <sup>th</sup> year . . . . .	1,700
— for the 6 <sup>th</sup> year . . . . .	1,900
— for the 7 <sup>th</sup> year . . . . .	2,100
— for the 8 <sup>th</sup> year . . . . .	2,400
— for the 9 <sup>th</sup> year . . . . .	2,700
— for the 10 <sup>th</sup> year . . . . .	3,000
— for the 11 <sup>th</sup> year . . . . .	3,400
— for the 12 <sup>th</sup> year . . . . .	3,800
— for the 13 <sup>th</sup> year . . . . .	4,200
— for the 14 <sup>th</sup> year . . . . .	4,600
— for the 15 <sup>th</sup> year . . . . .	5,000
— for the 16 <sup>th</sup> year . . . . .	5,400
— for the 17 <sup>th</sup> year . . . . .	5,800
— for the 18 <sup>th</sup> year . . . . .	6,200
— for the 19 <sup>th</sup> year . . . . .	6,600
— for the 20 <sup>th</sup> year . . . . .	7,000
Supplement for late payment . . . . .	20% of the applicable annual fee

<sup>1</sup> Annual fees for the second and third years are due at the same time as the annual fee for the first year (see Summary).

**How can payment of fees be effected?**

The payment of fees has to be effected in Swedish kronor. All payments must indicate the national application number (however, if that number is not yet known, the international application number may be used), the name of the applicant and the category of fee being paid.

Payment may be effected:

- (i) by e-service for electronic payments at [www.prv.se](http://www.prv.se),
- (ii) by deposit account at the Office,
- (iii) by Bankgiro to 5050-0248

Payments made outside Sweden should be effected by transfer to:

Danske Bank Sverige  
Norrmlmstorg 1  
Box 7523  
103 92 Stockholm

IBAN: SE 6912 000 0000 1281 011 1758  
BIC/Swift: DABASESX



## Ansökan om svenskt patent

### 1. Sökande

Namn/företagets registrerade firma	Organisationsnummer (ej personnr)
Adress	Telefon dagtid
Postadress	Mobiltelefon
Grund för sökandens rätt till uppfinningen (anges endast om sökanden inte även är uppfinnare): <input type="checkbox"/> Anställningsavtal <input type="checkbox"/> Köp <input type="checkbox"/> Arv <input type="checkbox"/> Lag (1949:345) om rätten till arbetstagares uppfinningar <input type="checkbox"/> Kollektivavtal <input type="checkbox"/> Gåva <input type="checkbox"/> Annat (specificera) .....	
<input type="checkbox"/> Flera sökande finns angivna på medföljande bilaga (sida fyra av blanketten)	

### 2. Uppfinnare

Namn
Adress
Postadress
<input type="checkbox"/> Flera uppfinnare finns angivna på medföljande bilaga (sida fem av blanketten)

### 3. Ombud

Namn/företagets registrerade firma	
Adress	Telefon dagtid
Postadress	Referensnummer
<input type="checkbox"/> Jag/Vi som undertecknat denna ansökan ger fullmakt till ovanstående ombud att företräda mig/oss i allt som rör denna patentansökan och i allt som rör det eventuellt beviljade patentet.	<input type="checkbox"/> Separat fullmakt bifogas denna ansökan. <input type="checkbox"/> Generalfullmakt finns hos PRV nr .....

### 4. Uppfinningens benämning

--

### 5. Ansökan är tidigare faxad

Datum
-------

### 6. Språkval

Jag vill att patent ska meddelas i:	
<input type="checkbox"/> Svensk lydelse. (PRV använder då svenska i förelägganden och beslut.)	
<input type="checkbox"/> Engelsk lydelse och jag önskar att PRV skriver förelägganden och beslut på: <input type="checkbox"/> Svenska <input type="checkbox"/> Engelska	

## 7. Fullföljd internationell patentansökan

Internationell ingivningsdag	Ansökningsnummer
------------------------------	------------------

## 8. Begäran om prioritet

Datum	Land/ Myndighet	Ansökningsnummer	Prioritetsdokument ska hämtas via DAS. Lösenord:	Prioritetsdokument har tidigare lämnats in till PRV i patentansökan med nummer:

## 9. Avdelad eller utbruten ansökan

Ursprungliga ansökans nummer
------------------------------

## 10. Deposition av mikroorganismer

Depositionsmyndighet	
Depositionsdatum	Depositionsnummer

## 11. Avgifter (SEK)

Ansökningsavgift	
<input checked="" type="checkbox"/> Anmälningsavgift och granskningsavgift. Obligatorisk avgift.	3 000
<input type="checkbox"/> .....st patentkrav utöver 10 à 150 kr. Obligatorisk avgift.	0
Övriga avgifter	
<input type="checkbox"/> Granskningsavgift, internationellt slag (ITS). 5 450 kr	0
<input type="checkbox"/> Två månaders frist för översättning, fullföljd internationell ansökan. 500 kr	0
<input type="checkbox"/> Diariebevis. 100 kr	0
<b>Summa avgifter:</b>	3.000

## 12. Betalningssätt

<input type="checkbox"/> Bankgiro 5050-0248	<input type="checkbox"/> Elektronisk betalning
<input type="checkbox"/> Depositionskonto nummer .....	

## 13. Övriga tjänster

<input type="checkbox"/> Jag begär att PRV laddar upp ett prioritetsdokument av denna ansökan till DAS (WIPO) för 250 kr. Betalningssätt för överföringen av dokumentet: <input type="checkbox"/> Faktura <input type="checkbox"/> Depositionskonto nummer ..... Lösenordet ska skickas till följande e-postadress:		
<input type="checkbox"/> Jag vill underrättas i samband med att den tekniska granskningen påbörjas.		
Namn	E-post	Telefon

## 14. Underskrift

Samtliga sökande måste underteckna blanketten om den inte undertecknas av ett gemensamt befullmäktigat ombud.

Ort	Datum
Firma	
Namnteckning	Namnförtydligande
Namnteckning	Namnförtydligande
Namnteckning	Namnförtydligande
Namnteckning	Namnförtydligande
Namnteckning	Namnförtydligande

## 15. Bilagor

<input type="checkbox"/> Flera sökande	<input type="checkbox"/> st. ritningsblad
<input type="checkbox"/> Flera uppfinnare	<input type="checkbox"/> Fullmakt
<input type="checkbox"/> Beskrivning	<input type="checkbox"/> Sekvenslista i elektroniskt format som uppfyller WIPO standard ST.25
<input type="checkbox"/> Patentkrav	<input type="checkbox"/> Prioritetsbevis
<input type="checkbox"/> Sammandrag	<input type="checkbox"/> Övrigt



## Flera sökande

Bilaga till ansökan om svenskt patent

### Uppfinningens benämning

--

### Sökande

Namn/företagets registrerade firma	Organisationsnummer
Adress	Telefon dagtid
Postadress	

Namn/företagets registrerade firma	Organisationsnummer
Adress	Telefon dagtid
Postadress	

Namn/företagets registrerade firma	Organisationsnummer
Adress	Telefon dagtid
Postadress	

Namn/företagets registrerade firma	Organisationsnummer
Adress	Telefon dagtid
Postadress	

Namn/företagets registrerade firma	Organisationsnummer
Adress	Telefon dagtid
Postadress	

Namn/företagets registrerade firma	Organisationsnummer
Adress	Telefon dagtid
Postadress	

Namn/företagets registrerade firma	Organisationsnummer
Adress	Telefon dagtid
Postadress	

Namn/företagets registrerade firma	Organisationsnummer
Adress	Telefon dagtid
Postadress	



## Flera uppfinnare

Bilaga till ansökan om svenskt patent

### Uppfinningens benämning

--

### Uppfinnare

Namn	
Adress	Postadress

Namn	
Adress	Postadress

Namn	
Adress	Postadress

Namn	
Adress	Postadress

Namn	
Adress	Postadress

Namn	
Adress	Postadress

Namn	
Adress	Postadress

Namn	
Adress	Postadress



## Anvisningar till ansökan om svenskt patent

### 1. Sökande

Här fyller du i ditt namn eller företagets registrerade firma, adress och telefon. Om flera söker patent tillsammans, fyll i samtligas namn och adresser på sidan fyra av blanketten. Företag kan också ange sitt organisationsnummer.

Om du inte själv är uppfinnare måste du ange hur du förvärvat rätten till uppfinningen, exempelvis genom köp, arv eller gåva.

Rätten kan även ha förvärvats genom tillämpning av kollektivavtal eller Lag (1949:345) om rätten till arbetstagares uppfinningar.

### 2. Uppfinnare

Här fyller du i den eller de som är uppfinnare till det som du söker patent på. Om det finns fler uppfinnare så kryssar du i avsedd ruta och anger namn och adress på dessa i bilagan på sidan fem av blanketten.

### 3. Ombud

Har du anlitat ett ombud som ska företräda dig i kontakterna med oss på PRV fyller du i ombudets namn, adress och telefonnummer här. Kryssa även i den ruta som överensstämmer med den typ av fullmakt du lämnat in.

### 4. Uppfinningens benämning

Här fyller du i en benämning på din uppfinning. Benämningen ska vara en kort och saklig titel på uppfinningen, till exempel "avfallsanläggning" eller "tandkrämsautomat".

### 5. Ansökan är tidigare faxad

Faxar du din ansökan anses den inkommen den dag faxet inkom till oss på PRV. Du måste komplettera den faxade ansökan med en ansökan i original som är undertecknad. Fyll i det datum som du faxade in din ansökan.

### 6. Språkval

Här ska du välja om du avser att patentet ska meddelas på svenska eller engelska språket. Om du väljer engelska ska du även lämna in beskrivning, patentkrav och sammandrag på engelska och kan välja om PRV ska skriva förelägganden och beslut på svenska eller engelska. Alla handlingar som ska utgöra del av din ansökan måste vara skrivna på ett och samma språk. Om patent avses meddelas på engelska måste du också senast i samband med att meddelandeavgiften ska betalas ge in patentkraven översatta till svenska. Patentets skyddsomfång bestäms dock alltid efter dess lydelse på det språk på vilket patentet meddelats.

I det fall du valt att patentet avses meddelas på engelska och samtidigt vill ha så kallat provisoriskt skydd under ansökningstiden måste en översättning av patentkraven ske till svenska och finnas hos PRV innan ansökan kungörs så som offentlig. Har inte sådan översättning lämnats in då ansökan offentliggörs, går det dock att mot fastställd avgift få översättningen publicerad och kungjord senare under ansökningsstadiet, för att då få det provisoriska skyddet.

### 7. Fullföljd internationell ansökan

Gäller din ansökan en fullföljd internationell ansökan fyller du i den internationella ingivningsdagen och ansökningsnumret här.

### 8. Begäran om prioritet

Denna ruta fyller du i bara om du vill åberopa prioritet, vilket du kan göra om du tidigare har sökt patent på motsvarande uppfinning i Sverige eller i ett annat land och vill begära prioritet från den tidigare ansökan.

Prioritet betyder att din nya ansökan räknas som inlämnad samma dag som din tidigare ansökan när vi bedömer nyhetsvärdet av uppfinningen. Begäran om prioritet måste göras senast inom sexton månader från den prioritetsgrundande ansökans ingivningsdag eller, om den tidpunkten infaller senare, inom fyra månader från den nya ansökans ingivningsdag. Det kan vara viktigt om någon annan lämnar in en motsvarande ansökan som du, ungefär samtidigt. Fyll i datum för den första ansökan, vilket land den är inlämnad i och ansökningsnumret.

Själva prioritetsdokumentet ska lämnas in inom 16 månader från den dag från vilken prioritet begärs. I det fall du tidigare har använt dig av tjänsten **Digital Access Service** (se under punkt 13) och via en annan patentmyndighet laddat upp prioritetsdokument, så kan du här ange det lösenord som du fått dig tillskickat från Internationella Byrån vid WIPO. PRV kommer då via det angivna lösenordet elektroniskt få tillgång till de prioritetshandlingar som du åberopar i din ansökan och du slipper alltså skicka de aktuella handlingarna till oss.

Om du redan gett in prioritetsdokument och prioritetsbevis till PRV behöver du inte ge in dessa igen. Istället måste du här ange i vilken patentansökan dokumentet och beviset gavs in, så att PRV kan hämta handlingarna därifrån.

### 9. Avdelad eller utbruten ansökan

Varje patentansökan får bara innehålla en uppfinning. Om du i en patentansökan beskrivit flera uppfinningar och blivit uppmanad av oss att dela av eller bryta ut någon av uppfinningarna i en ny ansökan så ska du här ange den ursprungliga ansökans nummer.

En avdelad ansökan får alltid samma ingivningsdag som den ursprungliga ansökan (stamansökan), medan ingivningsdagen för en utbruten ansökan fastställs till den dag då den nya uppfinningen tillförts den ursprungliga ansökan.

### 10. Deposition av mikroorganismer

Innehåller eller utgör din uppfinning levande kultur av mikroorganism anger du här depositionsmyndighet, depositionsdatum och depositionsnumret.

### 11. Avgifter

#### Ansökningsavgift

Anmälningsavgift och granskningsavgift är obligatoriska avgifter som du måste betala för att vi ska behandla din ansökan, så dessa är redan markerade på blanketten. Har du dessutom fler än tio patentkrav måste du betala ytterligare en avgift för varje patentkrav utöver tio.

#### Övriga avgifter

Granskningsavgift av internationellt slag (ITS) ska du betala om du vill begära en granskning i enlighet med Patent Cooperation Treaty. En sådan granskning ger dig möjlighet till rabatt vid till exempel inlämning av en PCT-ansökan. Notera dock att sedan den 1 november 2016 bifogar PRV utan extra kostnad ett dokument till det tekniska föreläggandet som kallas svensk sökrapport. I sökrapporten redovisar vi, utöver de dokument som redan uppmärksammats i det tekniska föreläggandet, ytterligare dokument som vi har hittat i samband med granskningen. Sökrapporten motsvarar det innehåll som erhålls vid en ITS-granskning, men den ger inte möjlighet till samma rabatter när du lämnar in en PCT-ansökan.

Om du fullföljer en internationell patentansökan och vill ha ytterligare två månaders frist att lämna in svensk eller engelsk översättning eller kopia av den ansökan, måste du betala en tilläggsavgift.

Diariebevis får du betala för om du av någon anledning behöver ha ett intyg på att du lämnat in en patentansökan.

## 12. Betalningssätt

Betala via vår e-tjänst "Elektronisk betalning" på [www.prv.se](http://www.prv.se), efter att din ansökan grundregistrerats. Du kan också betala via vårt bankgiro.

Vi kan tyvärr inte fakturera dig.

Har du ett ansökningsnummer eller ett publiceringsnummer räcker det att du anger det som referens. Om du inte har tillgång till detta ska du ange uppfinningens benämning, ditt namn och vilken typ av betalning det gäller.

Tänk på att vi inte granskar en ansökan som är obetald. Vi kan heller inte återbetala en ansökningsavgift efter det att handläggningen av ansökan har påbörjats.

## 13. Övriga tjänster

Digital Access Service (DAS) är en frivillig tjänst utarbetad och administrerad av Internationella Byrån vid WIPO.

I det fall du senare önskar återropa prioritet från denna ansökan i något annat land kan PRV nu distribuera prioritetsdokumentet elektroniskt via DAS, så att du själv slipper skicka detta till varje enskilt patentverk.

Om du använder dig av DAS kommer du att få ett lösenord från Internationella Byrån som skickas till endast en e-postadress. Du måste alltså ange vilken e-postadress lösenordet ska skickas till för att kunna utnyttja tjänsten. PRV kommer därför att vidarebefordra den e-postadress du anger till Internationella Byrån.

Om du önskar att den handläggare som utför den tekniska granskningen tar kontakt med dig i samband med att granskningen påbörjas så kan du ange detta här genom att kryssa för avsedd ruta och fylla i kontaktuppgifter.

## 14. Underskrift

Underteckna och datera ansökan, eventuell överlåtelse och fullmakt. Om ni är flera som söker patent tillsammans måste alla underteckna ansökan och fullmakten. Om det är ett företag som är sökande ska undertecknandet ske av företagets firmatecknare.

## 15. Bilagor

Bilagorna beskrivning, patentkrav och sammandrag är obligatoriska. Behöver du skicka in någon annan bilaga, markerar du vid respektive bilaga.

**Flera sökande** (Se punkt 1)

**Flera uppfinnare** (Se punkt 2)

**Beskrivningen** ska innehålla två delar:

1. En allmän del där du beskriver det problem uppfinningen ska lösa. Du bör också ange teknikens ståndpunkt, det vill säga vilka lösningar som redan finns.
2. En speciell del, där du ger en detaljerad beskrivning med konkreta exempel på hur uppfinningen kan utföras. Om du behöver ritningar för att förklara uppfinningen ska de finnas med här. Beskrivningen ska vara så fullständig att en fackman kan tillämpa och förstå uppfinningen.

Observera att all nödvändig information måste finnas med i beskrivningen eftersom du inte kan komplettera ansökan med dessa uppgifter i efterhand.

**Patentkraven** bestämmer vilken omfattning ditt skydd får.

Därför är det viktigt att du är noggrann när du utformar dina krav. Du kan ha ett eller flera självständiga krav med olika underkrav. Varje självständigt krav ska innehålla benämning på uppfinningen, teknikens ståndpunkt (det vill säga det som din uppfinning har gemensamt med tidigare teknik och som den bygger på) samt vad som är nytt och säregt med din uppfinning.

**Sammandraget** ska vara kort, inte mer än 150 ord, och sammanfatta det tekniska innehållet i patentansökan, så att den som är intresserad snabbt kan få en uppfattning om vad den handlar om.

**Ritning** kanske behövs för att förklara uppfinningen och då ska förklaringen till ritningsfigurerna vara med i den speciella delen av beskrivningen. Ritningsfigurerna ska vara på separat vitt A4-papper med svarta linjer och får inte innehålla någon förklarande text.

**Fullmakt** måste du bifoga om du anlitat ett ombud att företräda dig i kontakterna med oss på PRV. En fullmakt ska alltid vara i original och innehålla uppgifter om vilket eller vilka patent som omfattas av fullmakten.

**Sekvenslista** i elektroniskt format med aminosyra- eller DNA-sekvenser är obligatorisk för uppfinningar inom bioteknik för att exakt kunna definiera det så kallade skyddsområdet för uppfinningen, det vill säga själva patentet. Sekvenslistan ska uppfylla WIPO Standard ST.25.

**Prioritetsbevis** (Se punkt 8).

## Vill du kontakta PRV?

Har du frågor? Ring eller skicka e-post till PRV:s kundsupport. Tfn: 08-782 28 00, e-post: [kundsupport@prv.se](mailto:kundsupport@prv.se). Besök gärna vår webbplats, [www.prv.se](http://www.prv.se) för mer information.

PRV:s kundsupport är bemannad mån-fre 08.00-16.40 (08.00-16.00 sommartid 15 maj - 14 september).

Viss begränsning kan gälla dag före helgdag.

Skicka ansökan till: PRV, Box 5055, 102 42 Stockholm



## Swedish Patent Application

### 1. Applicant

Name/Company name	Registration No, not personal id. No
Address	Phone number (daytime)
Postcode/City/Country	Cell phone number
The applicants' entitlement to the invention (only to be stated if the applicant is not also inventor) <input type="checkbox"/> Employment agreement <input type="checkbox"/> Purchase <input type="checkbox"/> Inheritance <input type="checkbox"/> The Act on the Right to Employee's Inventions <input type="checkbox"/> Collective agreement <input type="checkbox"/> Gift <input type="checkbox"/> Other (specify) .....	
<input type="checkbox"/> Additional applicants' information is given in an appendix (page four of this form)	

### 2. Inventor

Name
Address
Postcode/City/Country
<input type="checkbox"/> Additional inventors' information is given in an appendix (page five of this form)

### 3. Representative

Name/Company name	
Address	Phone number (daytime)
Postcode/City/Country	Reference number
<input type="checkbox"/> The signer/-s of this application authorize the above mentioned representative to act on my/our behalf in everything concerning this patent application and a granted patent deriving therefrom.	<input type="checkbox"/> Separate power of attorney is attached to this application. <input type="checkbox"/> Power of attorney is deposited at the PRV, no .....

### 4. Title of the invention

--

### 5. This application has been filed by fax

Date
------

### 6. Choice of language

The language of a granted patent shall be:	
<input type="checkbox"/> Swedish. (PRV's office actions and decisions will be in Swedish.)	
<input type="checkbox"/> English, and I choose to receive PRV's office actions and decisions in: <input type="checkbox"/> Swedish <input type="checkbox"/> English	

## 7. International patent application entering national phase

International filing date	Application number
---------------------------	--------------------

## 8. Request for priority

Date	Country/ Office	Application number	Please retrieve the priority document from the DAS. Access code:	Priority document has previously been submitted to the PRV in the application with number:

## 9. Divisional or separated application

Original application number
-----------------------------

## 10. Deposit of biological materials

Depository institution	
Date of deposit	Number of deposit

## 11. Fees (SEK)

Application fee	
<input checked="" type="checkbox"/> Filing fee and search fee. Compulsory fees.	3 000
<input type="checkbox"/> ..... Number of patent claims exceeding 10, à 150 SEK. Compulsory fee.	0
Additional fees	
<input type="checkbox"/> Search fee: international type (ITS). 5 450 SEK	0
<input type="checkbox"/> 2 months extended time limit for the translation (PCT entering national phase). 500 SEK	0
<input type="checkbox"/> Certificate of registry in the diary. 100 SEK	0
<b>Total amount:</b>	<b>3.000</b>

## 12. Method of payment

<input type="checkbox"/> Bank Giro 5050-0248	<input type="checkbox"/> Electronic payment
<input type="checkbox"/> Deposit account, number .....	

## 13. Additional services

<input type="checkbox"/> I/we request the PRV to upload a priority document from this application to the DAS at a cost of 250 SEK.		
Payment method for priority document: <input type="checkbox"/> Invoice <input type="checkbox"/> Deposit account, number .....		
The access code shall be sent to the following email address:		
<input type="checkbox"/> I would like to be notified when the examination starts and by whom.		
Name	Email	Phone number

**14. Signature**

All applicants must sign this form unless it is signed by a common representative with power of attorney.

Place	Date
Company name	
Signature	Clarification of signature
Signature	Clarification of signature
Signature	Clarification of signature
Signature	Clarification of signature
Signature	Clarification of signature

**15. Appendices**

<input type="checkbox"/> Additional applicants	<input type="checkbox"/> Number of drawing sheets
<input type="checkbox"/> Additional inventors	<input type="checkbox"/> Power of attorney
<input type="checkbox"/> Description	<input type="checkbox"/> Sequence listings in electronic form (WIPO Standard ST.25 format)
<input type="checkbox"/> Patent claims	<input type="checkbox"/> Priority document and certificate
<input type="checkbox"/> Abstract	<input type="checkbox"/> Other

**PRV**

SWEDISH PATENT AND REGISTRATION OFFICE

## Additional applicants

Appendix to Swedish Patent Application

Title of the invention

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**Applicant**

Name/Company name	Registration number
Address	Phone number (daytime)
Postcode/City/Country	

Name/Company name	Registration number
Address	Phone number (daytime)
Postcode/City/Country	

Name/Company name	Registration number
Address	Phone number (daytime)
Postcode/City/Country	

Name/Company name	Registration number
Address	Phone number (daytime)
Postcode/City/Country	

Name/Company name	Registration number
Address	Phone number (daytime)
Postcode/City/Country	

Name/Company name	Registration number
Address	Phone number (daytime)
Postcode/City/Country	

Name/Company name	Registration number
Address	Phone number (daytime)
Postcode/City/Country	



## Additional inventors

Appendix to Swedish Patent Application

Title of the invention

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Inventor

Name	
Address	Postcode/City/Country

Name	
Address	Postcode/City/Country

Name	
Address	Postcode/City/Country

Name	
Address	Postcode/City/Country

Name	
Address	Postcode/City/Country

Name	
Address	Postcode/City/Country

Name	
Address	Postcode/City/Country

Name	
Address	Postcode/City/Country



## Instructions to Swedish Patent Application

### 1. Applicant

State your name or the company's name, address and phone number. If there are multiple applicants, you must state everyone's name and address. Please use the appendix "Additional applicants". Companies should state their registration number, but individuals should not state their personal identity number.

Unless the applicant is also the inventor, you must make a statement on how you acquired the right to the invention, for example via purchase, inheritance or as a gift.

The right to the invention can also be acquired by applying a collective agreement or the Act on the Right to Employee's Inventions, No 349 of 1949.

### 2. Inventor

State the name of the inventor. If there are multiple inventors please tick the box intended for this and use the appendix "Additional inventors".

### 3. Representative

If you have appointed an agent to represent you before the PRV, state the representative's name, address and phone number here. Also, tick the appropriate box regarding what kind of power of attorney you have granted.

### 4. Title of the invention

State the title of the invention. The title must be short and based on facts, for example "toothpaste dispenser" or "fire-extinguisher".

### 5. Application has been previously faxed

If you fax your patent application, it is considered to be filed on the day the fax reached PRV. However, you must also file the application with your signature in original writing. When you do so, state the date you faxed the application.

### 6. Choice of language

Choose if you intend the language of the granted patent to be Swedish or English. If you choose English, you should also choose in which language you wish to receive PRV's office actions and decisions. All documents forming part of your application must be in the same language. If the patent shall be granted in English, you are required to translate the patent claims into Swedish and submit them no later than when you pay the grant fee. The scope of the patent is, however, always decided from the wording in the language of grant.

If you have chosen the patent to be granted in English, and wish to obtain a provisional protection before grant, you must submit a Swedish translation of the patent claims before the application is published. If you fail to submit a Swedish translation of the patent claims before the application is made available to the public, you may obtain provisional protection at a later time – subject to a fee – by submitting such translation for publication.

### 7. International application entering national phase

If your patent application regards the national stage of a PCT application, state the international filing date and international application number here.

### 8. Request for priority

If you want to claim priority from an earlier patent application regarding the same invention, filed in Sweden or in another

country party to the Paris convention or to the WTO, you should state the application number and filing date of the priority application as well as the Patent Office where it was filed.

Priority means that your new patent application is considered to be filed on the same day as your earlier application when the Patent Office examines the novelty of your invention. The request for priority must be made within sixteen months from the filing date of the priority application, or, if that point in time is later, within four months from your new application's filing date. Priority can be important if someone files a corresponding patent application before you do.

The priority document must be submitted within 16 months from the priority date.

If you previously have used the **Digital Access Service (DAS)**, cf. under item 13) and another Patent Office has uploaded your priority document to the DAS, you may submit the access code given by the International Bureau of WIPO here. PRV will then use the access code to electronically retrieve the priority document you claim in your application, and you don't have to send the priority document to us.

If you previously have filed the priority document and certificate with PRV, you don't have to file these again. However, you must state in which patent application the document and certificate were filed, so that PRV can retrieve the documents from that application.

### 9. Divisional or separated application

A single patent application can only contain one invention. If you have described more than one invention in an application, and been encouraged to divide or separate the application, you must indicate the original application number here.

A divisional application will always obtain the same filing day as the original application, whereas the filing day of a separated application will be set to the day when the new invention actually is submitted.

### 10. Deposit of biological materials

If your invention contains or regards a living culture of microorganisms, you must state the depositary authority, the date of deposit and the accession number.

### 11. Fees

#### Application fees

Filing fee and search fee are compulsory fees which you must pay before PRV examines your application. Therefore, these boxes are already ticked on the form. If your application contains more than ten patent claims, you must pay an additional fee for each claim exceeding ten.

#### Additional fees

An International Type Search (ITS) gives you a wider and deeper search result. The ITS report gives you a good basis for assessing the possibilities of applying for a patent in other countries. The ITS is subject to a fee.

If your application is a pursued international application and you want an additional two month time limit to file the Swedish or English translation of the application, you must pay an additional fee.

If you want a certificate to prove that you have filed a patent application, you must pay an additional fee.

## 12. Method of payment

Pay using our e-service "Electronic payment" at [www.prv.se](http://www.prv.se) after your application has been registered. You can also make payments using our BankGiro account.

Unfortunately, we can't send you an invoice.

When making payments, please state the application or publication number if you know it. If not, state the title of the invention, your name and what your payment regards.

Please note that we will not examine an application before payment of the application fee has been registered.

## 13. Additional services

**Digital Access Service** is a voluntary service established and administered by the International Bureau of WIPO. It enables a patent applicant claiming priority from an earlier application to rely on a copy of the priority document held in, or accessible via, the service, rather than having to provide a certified copy separately to each patent office with which a patent application claiming priority is filed.

PRV will create a priority document and electronically transfer it to WIPO via a secure data exchange. The document will be held by WIPO in a secure database. WIPO will acknowledge receipt of the document by supplying a unique access code. This allows you to authorize, via a web portal, participating patent offices to have access to the priority document(s) deposited. The access code will be sent to only one e-mail address, namely the one you specify here. PRV will forward this e-mail address to WIPO.

If you want the examiner to contact you on the day the technical examination begins, please tick the box intended and state your name, telephone number or e-mail address.

## 14. Signature

Sign and date the application and any legal documents enclosed with the application, such as power of attorney or deed of transfer. If there are multiple patent applicants, you must all sign the application and the power of attorney. If a company is the applicant, the application must be signed by a person authorized to sign for the company.

## 15. Appendices

Description, patent claims and abstract are compulsory appendices. These boxes are therefore already ticked on the application form. If you need to enclose any other appendices, please tick the appropriate box.

The appendices may be filed in another language than Swedish or English. However, you must translate these documents, as filed, into Swedish or English before the examination procedure starts.

**Additional applicant(s)** (see item 1)

**Additional inventor(s)** (see item 2)

**The description** shall be in two parts:

1. A general part where you describe the problem your invention is the solution to. You should also specify the state of the art, i.e. already known solutions to the problem.
2. A specific part where you describe the invention in detail, using specific examples on how to carry out the invention. The description must be clear – a person skilled in the art should be able to understand and carry out the invention by reading the description.

Please note that all necessary information must be enclosed in the description on the filing date, since you are not allowed to add material at a later time.

**The patent claims** determine the scope of patent protection. It is therefore important that you are careful and precise when you write your patent claims. You may have one or more independent claims with different dependent claims. Every independent claim shall include the title of the invention, the state of the art (i.e. what your invention has in common with previously known technique) and what is new and characterizing with your invention.

**The abstract** shall be short, no more than 150 words, and summarize the technical content of the application in order for the interested person to quickly get an idea of its content.

**Drawings** may be necessary to explain the invention. The explanation to the drawings must be included in the specific part of the description. The drawings shall be submitted on separate, white, A4-size paper, drawn in black, and may not contain any explanatory text.

**Power of attorney** must be enclosed if you want to be represented by someone else before the PRV. A power of attorney must always be submitted in original and specify the application/s or patent/s in which the representative is empowered.

**Sequence listings** in electronic format which meet WIPO Standard ST.25. Inventions regarding biotechnology must contain listings of amino acid or DNA sequences to precisely define the scope of the invention – i.e. the patent.

**Priority document and certificate** (see item 8).

## Do you wish to contact the PRV?

Do you have any questions? Call or send an e-mail to the PRV's Customer Service.

Phone: +46 8 782 28 00, e-mail: [kundsupport@prv.se](mailto:kundsupport@prv.se).

For more information, please visit our website, [www.prv.se](http://www.prv.se).

Customer Service is open Monday-Friday 08.00-16.40 (08.00-16.00 during May 15 – September 14).

Some restrictions may apply on day before holiday.

Send your application to PRV, P.O. Box 5055, SE-102 42 Stockholm, Sweden.



## Power of attorney regarding patent matter

### Authorization for

Person or legal entity	Company registration number (if relevant)
Address	
Postal address	

### To act on my/our behalf in everything concerning the patent/patent application/PCT application

with number	(or) with the title
<input type="checkbox"/> (or) see enclosed list of application/patent numbers	
<input type="checkbox"/> The agent is authorized to put others in his/her place (full power of substitution)	
This power of attorney includes the right to receive documents in related matters.	

### Issued by

Person or legal entity	Company registration number (if relevant)
Address	
Postal address	

### Signature by authorized signatory for the legal entity or applicant/proprietor

Place and date
Signature
Clarification of signature

### Information regarding Power of Attorney

To represent a patent holder or applicant, a written Power of Attorney must often be submitted. You will find rules on Power of Attorneys in chapter 2 of the Swedish Contracts Act (SFS 1915:218).

The Power of Attorney supplied by PRV, is limited to patent related matters. Please note that this Power of Attorney is very basic. If you have a more complex situation or need, you must consider what effects the Power of Attorney will have on your business.

Note that the Power of Attorney is valid until it is revoked. Revocation is executed by destruction of the Power of Attorney document, or by a notice of revocation to the recipient of the Power of Attorney (for example the PRV if the Power of Attorney is used before the Swedish Patent and Registration Office).

Full power of substitution means that whoever is given the Power of Attorney may delegate that power by putting another person in his or her place. The advantage of full power of substitution is that the agent can be flexible in handling your matter, but the person/entity giving Power of Attorney loses control over who is handling the matter in their place.

**PRV**

SWEDISH PATENT AND REGISTRATION OFFICE

**Transfer of patent****1. The signer/-s have transferred the patent to**

Name/Company name
Address
Postcode/City/Country

**2. All my/our right to this patent (state number) has been transferred.**

--

**3. Date of transfer (YYYYMMDD)**

--

**4. Transferor/-s signature (If the transferor is a company, state the company name)**

Signature (of authorized person)	Signature (of authorized person)
Clarification of signature, with company name if applicable	Clarification of signature, with company name if applicable
Signature (of authorized person)	Signature (of authorized person)
Clarification of signature, with company name if applicable	Clarification of signature, with company name if applicable

**5. The transfer is hereby confirmed by the transferee (YYYYMMDD)**

--

**6. Signature of the new patent holder (If the transferee is a company, state the company name.)**

Signature (of authorized person)	Signature (of authorized person)
Clarification of signature, with company name if applicable	Clarification of signature, with company name if applicable

# TURKISH PATENT AND TRADEMARK OFFICE (TURKPATENT)

(*TÜRK PATENT VE MARKA KURUMU (TÜRKPATENT)*)

AS

DESIGNATED (OR ELECTED) OFFICE

## CONTENTS

THE ENTRY INTO THE NATIONAL PHASE – SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees . . . . .	Annex TR.I
National form for PCT applications . . . . .	Annex TR.II
Power of attorney . . . . .	Annex TR.III

### List of abbreviations:

Office:	Turkish Patent and Trademark Office (Turkpatent)
IPL:	Law No. 6769 of 10 January 2017 on Industrial Property
Law TPI:	Law No. 5000 for the Establishment and the Functions of the Turkish Patent and Trademark Office (Turkpatent)

**SUMMARY****Designated  
(or elected) Office****SUMMARY****TR****TURKISH PATENT AND TRADEMARK  
OFFICE (TURKPATENT)****TR****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date <sup>1</sup> Under PCT Article 39(1)(a): 30 months from the priority date <sup>1</sup>
Translation of international application required into: <sup>2</sup>	Turkish
Required contents of the translation for entry into the national phase: <sup>2</sup>	Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under PCT Article 19), any text matter of drawings, abstract  Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee: <sup>3</sup>	Currency: Turkish lira (TRY) For patent or utility model: Filing fee: TRY 2,015 Fee for certificate of grant: TRY 400 Renewal fee for the third year: TRY 400 Reinstatement of rights: TRY 2,610
Exemptions, reductions or refunds of the national fee:	None

*[Continued on next page]*

<sup>1</sup> 33 months from the priority date provided the applicant pays the fee for requesting extension of time for entry into the national phase.

<sup>2</sup> Must be furnished within two months from the date of entry into the national phase.

<sup>3</sup> Must be paid within the time limit applicable under PCT Article 22 or 39(1). However, the national fee may still be paid within three months from the date of entry into the national phase, provided that an additional fee is paid with the national fee within that period.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****TR****TURKISH PATENT AND TRADEMARK  
OFFICE (TURKPATENT)****TR***[Continued]*

Special requirements of the Office  
(PCT Rule 51*bis*):<sup>4</sup>

Statement justifying the applicant's right to file the application if the applicant is not the inventor<sup>5</sup>

Statement justifying the applicant's right to file the application if the applicant is not the owner of the priority right<sup>5</sup>

Statement justifying the applicant's right to file the application if the applicant is not the same as the international applicant

Any evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse, disclosures at certain exhibitions and disclosures by the applicant within a period of 12 months preceding the international filing date, or if priority is claimed, preceding the priority date

Where the person of the applicant has changed after entry into the national phase, a document of assignment and a power of attorney

Appointment of an agent if the applicant is not resident in [Türkiye](#)

Who can act as agent?

Any natural or legal person registered to practice as a patent attorney before the Office

Does the Office accept requests for restoration of the right of priority (PCT Rule 49*ter.2*)?

Yes, the Office applies the “due care” criterion to such requests

<sup>4</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>5</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

## THE PROCEDURE IN THE NATIONAL PHASE

**TR.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a special form for entering the national phase (see Annex TR.II). This form should preferably (but need not) be used. The Office also has available a special form for entering the national phase which may be filed electronically using the Office's Online Filing system (EPATS). The Office strongly recommends that applicants use EPATS. The form is available on the Office's website at: <https://epats.turkpatent.gov.tr/run/TP/EDEVLET/giris>

**TR.02 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

**TR.03 LANGUAGE OF PROCEEDINGS.** The language of proceedings is Turkish.

**TR.04 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this chapter is indicated in Annex TR.I.

**TR.05 POWER OF ATTORNEY.** Where an agent is appointed, a power of attorney must be furnished. It may not be necessary to file a copy of the power of attorney unless under special circumstances. A model is given in Annex TR.III.

IPL Art. 95 **TR.06 FORMAL EXAMINATION.** The Office carries out an examination as to formal requirements. If the application contains formal defects, the Office invites the applicant to submit corrections and/or amendments.

IPL Art. 97 **TR.07 PUBLICATION.** The application is published in Turkish soon after the Turkish translation is filed.

**TR.08 REQUEST FOR SEARCH.** No special request for search need be filed and no search fee is required if an international search report has been established. If no international search report has been established, a special request for search must be filed, and the corresponding search fee must be paid. The amount of the search fee is indicated in Annex TR.I.

IPL Art. 98 **TR.09 REQUEST FOR EXAMINATION.** The applicant must request examination within three months from the date of the notification of the availability of the search report and pay the fee (see Annex TR.I) or the application shall be considered as withdrawn. The Office shall examine whether the patent application and the invention to which it relates meet the requirements of IP Law No. 6769. If this is not the case, the Office shall invite the applicant to file observations and to amend the application. However, such invitations will not be issued more than three times. If the applicant fails to reply in due time to any communication from the Office, the application shall be deemed to be withdrawn.

IPL Art. 91 **TR.10 DIVISIONAL APPLICATIONS.** Where the application lacks unity of invention, the applicant will be invited to file divisional applications which will benefit from the same filing date and any applicable priority date as the international application which entered the national phase.

PCT Art. 28  
41  
IPL Art. 103 **TR.11 AMENDMENTS AND CORRECTIONS; TIME LIMITS.** Amendments to the patent application may be made, provided that the subject matter of the patent application does not go beyond the disclosure of the application as filed. In the event of an opposition, the patent may be amended provided that the protection conferred by the patent shall not be extended, until a final decision regarding the opposition is made by the Office.

IPL Art.	101(2)	TR.12 <b>ANNUAL FEES.</b> Annual fees are due for the third year and each subsequent year. Annual fees are due on the anniversary of the international filing date. Annual fees not paid within the applicable time limit may still be paid within six months from the expiration of that time limit subject to the payment of a surcharge. If annual fees together with the surcharge for late payment are not paid within the specified period, the patent shall lapse. The patent may be restored upon request of the patent owner and payment of a recovery fee. Delays in meeting time limits for payment of annual fees may be excused but only if they are due to force majeure and if the applicant so requests within six months from the date on which the invalidity is published.
PCT Art.	25	TR.13 <b>REVIEW UNDER PCT ARTICLE 25.</b> The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.
PCT Rule	51	
Law TPI Art.	10	
PCT Art.	24(2)	TR.14 <b>EXCUSE OF DELAYS IN MEETING TIME LIMITS.</b> Reference is made to paragraphs 6.022 to 6.027 of the National Phase.
	48(2)	
PCT Rule	82bis	
PCT Rule	49ter.2	TR.15 <b>RESTORATION OF THE RIGHT OF PRIORITY.</b> Where the international application was filed within two months from the end of the period for claiming priority of an earlier application, a request for restoration of the right of priority may be made to the Office in accordance with the national law (see National Phase, paragraphs 6.006 to 6.011). Such a request will be granted if the Office is satisfied that the failure to file the application within the 12-month priority period occurred in spite of due care required by the circumstances. The amount of the fee for restoration of the right of priority is indicated in Annex TR.I.
PCT Rule	49.6	TR.16 <b>REINSTATEMENT OF RIGHTS.</b> If an applicant fails to observe a time limit set by the Office, he may request further processing of the patent application within two months from the communication concerning the failure to observe a time limit. An applicant for or proprietor of a patent who, in spite of all due care required by the circumstances having been taken, was unable to observe a time limit set by the Office shall have his rights re-established upon request if the non-observance of this time limit results in the refusal of the patent application, the application being considered withdrawn, the revocation of the patent according to article 99 or the loss of any other right. A request for re-establishment of rights shall be filed in writing. The prescribed fee shall be paid within two months of the removal of the cause of non-compliance with the time limit, but at the latest within one year of expiry of the unobserved time limit.
IPL Art.	107	
IPL Art.	86	TR.17 <b>PATENTS OF ADDITION.</b> In respect of patents of addition, the main patent application shall not be considered as the state of the art in the evaluation of inventive step.
IPL Art.	104	TR.18 <b>CONVERSION FROM PATENT TO UTILITY MODEL AND VICE VERSA.</b> An application for a patent may be converted into an application for a utility model, and vice versa, subject to the payment of a conversion fee. For the applicable amount of the fee, see Annex TR.I.

**FEES****(Currency: Turkish lira (TRY))****Patents**

Filing fee. . . . .	2,015
Fee for extension requested for the filing of the application . . . . .	1,020
Fee for requesting extension of time . . . . .	125
Fee for requesting search report	
(i) Up to 10 applications for natural persons, up to 100 applications for universities . . . . .	400
(ii) Applications which are not under the scope of (i) . . . . .	805
Fee for requesting examination report:	
(i) Up to 10 applications for natural persons, up to 100 applications for universities . . . . .	400
(ii) Applications which are not under the scope of (i) . . . . .	805
Fee for certificate of grant <sup>1</sup> . . . . .	400
Fee for converting a utility model application into a patent application . . . . .	70
Fee for search report for converting a utility model application into a patent application . . . . .	495
Publication fee for the Turkish translation of the claims of a European patent application . . . . .	1,930
Publication fee for the Turkish translation of the specification of a European patent . . . . .	3,095
Fee for extension of time for the publication of the Turkish translation of the specification of a European patent . . . . .	1,750
Fee for further processing . . . . .	655
Fee for re-establishment of rights . . . . .	2,610
Fee for reinstatement of rights (PCT Rule 49.6) . . . . .	3,470
Fee for restoration of the right of priority. . . . .	2,610

<sup>1</sup> According to Articles 98(7) and 143(10) of IP Law No. 6769, the payment of the fee for the certificate of grant is not required for the purpose of publication of the mention of the grant of the patent. After the publication of the mention of the grant of the patent, upon request and upon the payment of the fee for preparation of the patent/utility model certificate (grant fee), the patentee shall receive said certificate.

## Annual fees:

— for the 2 <sup>nd</sup> year <sup>2</sup>	390
— for the 3 <sup>rd</sup> year <sup>2</sup>	400
— for the 4 <sup>th</sup> year	470
— for the 5 <sup>th</sup> year	700
— for the 6 <sup>th</sup> year	795
— for the 7 <sup>th</sup> year	885
— for the 8 <sup>th</sup> year	990
— for the 9 <sup>th</sup> year	1,080
— for the 10 <sup>th</sup> year	1,185
— for the 11 <sup>th</sup> year	1,345
— for the 12 <sup>th</sup> year	1,565
— for the 13 <sup>th</sup> year	1,805
— for the 14 <sup>th</sup> year	2,045
— for the 15 <sup>th</sup> year	2,355
— for the 16 <sup>th</sup> year	2,575
— for the 17 <sup>th</sup> year	2,865
— for the 18 <sup>th</sup> year	3,060
— for the 19 <sup>th</sup> year	3,230
— for the 20 <sup>th</sup> year	3,370

Surcharge for late payment of an annual fee . . . . . the annual fee to be paid plus TRY 1

Recovery fee for the payment of an annual fee . . . . . 1.5 times the annual fee to be paid

**Utility models**

Filing fee	1,655
Fee for extension requested for the filing of the application	840
Fee for extension for the submission of the request for reinstatement	2,610
Fee for requesting extension of time	125
Fee for certificate of grant <sup>3</sup>	400
Fee for converting a patent application into a utility model application	70
Fee for requesting search report for utility model application:	
(i) Up to 10 applications for natural persons, up to 100 applications for universities.	400
(ii) Applications which are not under the scope of (i)	805
Fee for search report for converting a patent application into a utility model application	495
Fee for further processing	655
Fee for re-establishment of rights	2,610

<sup>2</sup> For international applications which entered the national phase before 10 January 2017, annual fees are due for the second year and each subsequent year. For international applications which entered the national phase on or after 10 January 2017, annual fees are due for the third year and each subsequent year (see Article 101(2) of IP Law No. 6769).

<sup>3</sup> See footnote 1.

**Annual fees:**

— for the 2 <sup>nd</sup> year . . . . .	300
— for the 3 <sup>rd</sup> year . . . . .	310
— for the 4 <sup>th</sup> year . . . . .	370
— for the 5 <sup>th</sup> year . . . . .	530
— for the 6 <sup>th</sup> year . . . . .	610
— for the 7 <sup>th</sup> year . . . . .	680
— for the 8 <sup>th</sup> year . . . . .	745
— for the 9 <sup>th</sup> year . . . . .	815
— for the 10 <sup>th</sup> year . . . . .	895

Surcharge for late payment of an annual fee . . . . . the annual fee to be paid plus TRY 1

Recovery fee for the payment of an annual fee . . . . . 1.5 times the annual fee to be paid

**How can payment of fees be effected?**

Payments may be made by bank transfer to the following accounts of the Turkish Patent and Trademark Office (Turkpatent):

**Ziraat Bankası**

TRY:	SWIFT:	TCZBTR2A	IBAN:	TR450001001745342721325280
USD:	SWIFT:	TCZBTR2A	IBAN:	TR280001001745342721325295
EUR:	SWIFT:	TCZBTR2A	IBAN:	TR980001001745342721325296
CHF:	SWIFT:	TCZBTR2A	IBAN:	TR710001001745342721325297

**Halk Bankası**

TRY:	SWIFT:	TRHBTR2A	IBAN:	TR340001200940900006000004
USD:	SWIFT:	TRHBTR2A	IBAN:	TR400001200940900053000082
EUR:	SWIFT:	TRHBTR2A	IBAN:	TR200001200940900058000016
CHF:	SWIFT:	TRHBTR2A	IBAN:	TR630001200940900073000001

**Vakıflar Bankası**

TRY:	SWIFT:	TVBATR2A	IBAN:	TR180001500158007283203102
USD:	SWIFT:	TVBATR2A	IBAN:	TR140001500158048015066717
EUR:	SWIFT:	TVBATR2A	IBAN:	TR090001500158048015066710
CHF:	SWIFT:	TVBATR2A	IBAN:	TR150001500158048015066699

 <b>P-03</b>	 <b>TÜRK PATENT VE MARKA KURUMU</b> <b>PCT ULUSAL AŞAMA</b> <b>BAŞVURU FORMU</b>	TPE Barkod Alanı
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**TürkPatent Sahip No** Başvuru için Kurumumuz tarafından verilen numardır. Bilmiyorsanız boş bırakınız.

**Başvuru Şekli**

Başvuru daha önce TürkPatent nezdinde yapılan bir başvurunun devamı (ek patent) ya da bu başvurudan bölünen (bölünmüş başvuru) bir başvuru ise, ilgili alanı işaretleyiniz ve ana başvuru numarasını yazınız.

☐ Yeni Başvuru

☐ Ek Başvuru

Ana Başvuru No

☐ Bölünmüş Başvuru

Ana Başvuru No

**Ulusal Aşamaya Geçiş**

Uluslararası başvurunun hangi aşamada ulusal aşamaya geçtiğini belirtiniz.

☐ 1. Kısım

☐ 2. Kısım

**Uluslararası Başvuru No**

Uluslararası başvuru (PCT) numarasını giriniz.

**Uluslararası Başvuru Tarihi**

Uluslararası başvurunun (PCT) başvuru tarihini giriniz.

**Rüçhan**

Uluslararası başvurunun dayandırıldığı önceki tarihli patent başvurusu veya sergi/fuar katılımınız varsa belirtiniz.

Patent  
Rüçhanı

Rüçhan No

Ülke

Tarih

**Buluş Başlığı**

Buluşu kısaca tanımlamalı, marka niteliğindeki terimleri içermemelidir.

**Uluslararası Patent Sınıfı**

Buluşun patent sınıfını biliyorsanız yazınız. Bilmiyorsanız boş bırakınız.

**Başvuru Sahibi Bilgileri**

☐ (Başvuru Sahibi birden fazla ise bu kutucuğu işaretleyerek diğer sahiplere ait bilgileri Ek-1'de belirtiniz)

**Başvuru Sahibi**

Başvuru sahibinin kişiliğini (gerçek veya tüzel) işaretleyiniz ve aşağıdaki bilgileri bu seçime göre doldurunuz.

☐ Gerçek kişi

☐ Tüzel kişi

**Adı Soyadı veya Unvanı**

Başvuru sahibi gerçek kişi ise Adı-Soyadı, tüzel kişi ise kurumun tam unvanını yazınız.

**Uyruğu / Kayıtlı Ülke**

Başvuru sahibi gerçek kişi ise uyruğunu, tüzel kişi ise kayıtlı olduğu ülkeyi yazınız.

**T.C. Kimlik veya Vergi No**

**Adres**

Yazışma adresini (şehir, ülke ve varsa posta kodu bilgileri vb.) yazınız.

**Telefon / Faks**

Telefon ve faks numaralarını yazınız.

**E-posta adresi**

E-posta ile bilgilendirilmek için e-posta adresinizi yazınız.

@

**Başvuru Sahibi Profili**

Firma ise

☐ Kamu Kurumu

☐ Üniversite

☐ Büyük Ölçekli

☐ KOBİ

Şahıs ise

☐ Akademisyen

☐ Ar-Ge Personeli

☐ Firma Sahibi

☐ Firma Çalışanı

**Buluş Sahibi Bilgileri**

☐ (Buluş Sahibi birden fazla ise bu kutucuğu işaretleyerek diğer sahiplere ait bilgileri Ek-2'de belirtiniz)

**Adı Soyadı**

**Uyruğu**

**T.C. Kimlik No**

**Adres**

**Telefon / Faks**

**E-posta Adresi**

@

**Buluş Sahibi Profili**

☐ Akademisyen

☐ Ar-Ge Personeli

☐ Firma Sahibi

☐ Firma Çalışanı

☐ Başvuru sahibi aynı zamanda buluş sahibidir

☐ Hizmet İlişkisi

☐ Devir/İntikal

☐ Sözleşme Gereği

☐ Diğer (Açıklayınız):

**Buluş-Başvuru Sahibi İlişkisi**

Buluş sahibinin başvuru sahibine başvuru yapma hakkını nasıl verdiğini ilgili alanı işaretleyerek belirtiniz.

✉ Hipodrom Cad. No:115 06330 Yenimahalle-Ankara

☎ (+90-312) 3031000 Fax (+90-312) 3031220

Bu formları bilgisayarda doldurunuz ve çıktısını kullanınız.

**Sayfa: 2****Tarifname Takımı Dili**

Başvuru ile birlikte verilen tarifname takımı, yabancı bir dilde ise, Türkçe çevirilerin Kuruma başvuru tarihinden itibaren en geç 1 (+3) ay içinde ek ücretlerle birlikte verilmesi gerekir. 1 aylık süre talebinin başvuru ile birlikte, 3 aylık ek süre talebinin de 1 aylık süre sona ermeden yapılması gerekir.

☐ Türkçe☐ İngilizce☐ Almanca☐ Fransızca**Başvuru Formu Ekleri****Tarifname Takımı**

Başvuru tarihinin kesinleşmesi için başvuru ile birlikte Kuruma birer suret olarak verilmelidir.

☐ Tarifname

Sayfa Sayısı:

☐ İstemler

Sayfa

Sayısı:

İstem

Sayısı:

☐ Özet

Sayfa Sayısı:

☐ Resimler

Sayfa Sayısı:

**Ücretler**

Yıllık ücretler, uluslararası başvuru tarihini izleyen 2. ve sonraki her yıl için ödenmelidir. İlk ücret, uluslararası başvuru tarihinden veya varsa rüçhan tarihinden itibaren 30 ay (veya başvuru sahibinin ulusal aşamaya giriş için ek süre talep ücretini ödemesi halinde 33 ay) içinde ödenmelidir. Bahsedilen ilk ücret, ulusal aşamaya giriş tarihinden sonra ve anılan tarihten itibaren 6 ay içinde %25 ek ücretle ödenebilir.

☐

Ulusal aşamaya (30 ay içinde) giriş için başvuru ücretinin ödendiğini gösterir belge veya bilgi (Ücret Kodu 1.01.44) [Ücret İçin Tıklayınız](#)

☐

Ulusal aşamaya (33 ay içinde) giriş için ek süre ücretinin ödendiğini gösterir belge veya bilgi (Ücret Kodu 1.01.45) [Ücret İçin Tıklayınız](#)

☐

Ulusal aşamaya (33 aydan sonra) giriş için ek süre ücretinin ödendiğini gösterir belge veya bilgi (Ücret Kodu 1.01.50) [Ücret İçin Tıklayınız](#)

☐

Yıllık ücretinin ödendiğini gösterir belge veya bilgi

**Diğer Evrak**

Uluslararası araştırma raporu (PCT 1. ve 2. kısım için), uluslararası ön inceleme raporu (PCT 2. kısım için) ve uluslararası yayın sayfasının da gönderilmesi gerekmektedir.

☐

Uluslararası araştırma raporu

☐

Uluslararası ön inceleme raporu

☐

Uluslararası yayın sayfası

**Rüçhan Belgesi**

Yukarıdaki "Rüçhan" kısmında belirtilen bir rüçhan varsa ilgili alanı işaretleyerek belirtiniz.

☐ Rüçhan Belgesi**Ücret Ödeme Şekli**

Başvuru ücretinin ne şekilde ödendiğini ilgili alanı işaretleyerek belirtiniz.

☐ Şubeden Ödeme☐ Havale**Dekont Bilgileri**

Dekont bilgilerini yazınız. Dekont bilgileri Türk Patent banka hesaplarından kontrol edilerek doğrulandıktan sonra faturanız kesilecektir.

Ödemenin Yapıldığı Banka ve Şubesi

Ödeme Tarihi

Dekont/Fiş/Sorgu Numarası

**Fatura Bilgileri**

Faturanın kimin adına kesilmesini istediğinizi belirtiniz.

☐ Fatura başvuru sahibi

adına

☐ Fatura vekil adına kesilecektir.**Patent Vekili**

Başvuru patent vekili aracılığı ile yapılıyorsa vekil bilgilerini aşağıda belirtiniz.

TC Kimlik No (Sicil No)

Adı Soyadı

Firma Unvanı

**Referans Numarası**

Vekil veya başvuru sahibinin referans numarasını giriniz.

**Talep**

Başvuru patent vekili aracılığıyla yapılıyorsa bu kısımda vekil imzası bulunmalıdır. Vekil aracılığıyla yapılmıyorsa, başvuru sahibi (tüzel kişi ise) kaşesi ve yetkili bir kişinin imzası, başvuru sahibi (gerçek kişi ise) imzası bulunmalıdır. Başvuru sahibi birden çok ise, her birinin imzası/kaşesi bulunmalıdır.

PCT aracılığıyla yapılan uluslararası başvurumuzun bu dilekçedeki bilgilere göre ulusal safhaya geçmesini talep ederim/ederiz.

İmza / Kaşe

Tarih

Form: P-03 / 2.sayfa

✉ Hipodrom Cad. No:115 06330 Yenimahalle-Ankara

☎ (+90-312) 3031000 Fax (+90-312) 3031220

Bu formları bilgisayarda doldurunuz ve çıktısını kullanınız.

**Ek-1** Birden fazla başvuru sahibi varsa bu sayfayı kullanınız.**Başvuru Sahibi** (İkinci başvuru sahibinin bilgilerini aşağıda belirtiniz)**Başvuru Sahibi**

Başvuru sahibinin kişiliğini (gerçek veya tüzel) işaretleyiniz ve aşağıdaki bilgileri bu seçime göre doldurunuz.

☐ Gerçek kişi☐ Tüzel kişi**Adı Soyadı veya Unvanı**

Başvuru sahibi gerçek kişi ise Adı-Soyadı, tüzel kişi ise kurumun tam unvanını yazınız.

**Uyruğu / Kayıtlı Olduğu Ülke**

Başvuru sahibi gerçek kişi ise uyruğunu, tüzel kişi ise kayıtlı olduğu ülkeyi yazınız.

**T.C. Kimlik veya Vergi No****Adres** Yazışma adresini (şehir, ülke ve varsa posta kodu bilgileri vb.) yazınız.**Telefon / Faks****E-posta adresi**

@

**Başvuru Sahibi Profili**

Firma ise

☐ Kamu Kurumu☐ Üniversite☐ Büyük Ölçekli☐ KOBİ

Şahıs ise

☐ Akademisyen☐ Ar-Ge Personeli☐ Firma Sahibi☐ Firma Çalışanı**Başvuru Sahibi** (Üçüncü başvuru sahibinin bilgilerini aşağıda belirtiniz)**Başvuru Sahibi**

Başvuru sahibinin kişiliğini (gerçek veya tüzel) işaretleyiniz ve aşağıdaki bilgileri bu seçime göre doldurunuz.

☐ Gerçek kişi☐ Tüzel kişi**Adı Soyadı veya Unvanı**

Başvuru sahibi gerçek kişi ise Adı-Soyadı, tüzel kişi ise kurumun tam unvanını yazınız.

**Uyruğu / Kayıtlı Olduğu Ülke**

Başvuru sahibi gerçek kişi ise uyruğunu, tüzel kişi ise kayıtlı olduğu ülkeyi yazınız.

**T.C. Kimlik veya Vergi No****Adres**

Yazışma adresini (şehir, ülke ve varsa posta kodu bilgileri vb.) yazınız.

**Telefon / Faks****E-posta adresi**

@

**Başvuru Sahibi Profili**

Firma ise

☐ Kamu Kurumu☐ Üniversite☐ Büyük Ölçekli☐ KOBİ

Şahıs ise

☐ Akademisyen☐ Ar-Ge Personeli☐ Firma Sahibi☐ Firma Çalışanı**Başvuru Sahibi** (Dördüncü başvuru sahibinin bilgilerini aşağıda belirtiniz)**Başvuru Sahibi**

Başvuru sahibinin kişiliğini (gerçek veya tüzel) işaretleyiniz ve aşağıdaki bilgileri bu seçime göre doldurunuz.

☐ Gerçek kişi☐ Tüzel kişi**Adı Soyadı veya Unvanı**

Başvuru sahibi gerçek kişi ise Adı-Soyadı, tüzel kişi ise kurumun tam unvanını yazınız.

**Uyruğu / Kayıtlı Ülke**

Başvuru sahibi gerçek kişi ise uyruğunu, tüzel kişi ise kayıtlı olduğu ülkeyi yazınız.

**T.C. Kimlik veya Vergi No****Adres**

Yazışma adresini (şehir, ülke ve varsa posta kodu bilgileri vb.) yazınız.

**Telefon / Faks****E-posta adresi**

@

**Başvuru Sahibi Profili**

Firma ise

☐ Kamu Kurumu☐ Üniversite☐ Büyük Ölçekli☐ KOBİ

Şahıs ise

☐ Akademisyen☐ Ar-Ge Personeli☐ Firma Sahibi☐ Firma Çalışanı

Form: P-03 / Ek-1

☒ Hipodrom Cad. No:115 06330 Yenimahalle-Ankara

☎(+90-312) 3031000 ☎(+90-312) 3031220

Bu formları bilgisayarda doldurunuz ve çıktısını kullanınız.

**Ek-2** Birden fazla buluş sahibi varsa bu sayfayı kullanınız.**Buluş Sahibi** (İkinci buluş sahibinin bilgilerini aşağıda belirtiniz)

Adı Soyadı	
Uyruğu	
T.C. Kimlik No	
Adres	
Telefon / Faks	
E-posta Adresi	@
Buluş Sahibi Profili	<input type="checkbox"/> Akademisyen <input type="checkbox"/> Ar-Ge Personeli <input type="checkbox"/> Firma Sahibi <input type="checkbox"/> Firma Çalışanı
Buluş-Başvuru Sahibi İlişkisi	<input type="checkbox"/> Başvuru sahibi aynı zamanda buluş sahibidir <input type="checkbox"/> Hizmet İlişkisi <input type="checkbox"/> Devir/İntikal <input type="checkbox"/> Sözleşme Gereği <input type="checkbox"/> Diğer (Açıklayınız):

**Buluş Sahibi** (Üçüncü buluş sahibinin bilgilerini aşağıda belirtiniz)

Adı Soyadı	
Uyruğu	
T.C. Kimlik No	
Adres	
Telefon / Faks	
E-posta Adresi	@
Buluş Sahibi Profili	<input type="checkbox"/> Akademisyen <input type="checkbox"/> Ar-Ge Personeli <input type="checkbox"/> Firma Sahibi <input type="checkbox"/> Firma Çalışanı
Buluş-Başvuru Sahibi İlişkisi	<input type="checkbox"/> Başvuru sahibi aynı zamanda buluş sahibidir <input type="checkbox"/> Hizmet İlişkisi <input type="checkbox"/> Devir/İntikal <input type="checkbox"/> Sözleşme Gereği <input type="checkbox"/> Diğer (Açıklayınız):

**Buluş Sahibi** (Dördüncü buluş sahibinin bilgilerini aşağıda belirtiniz)

Adı Soyadı	
Uyruğu	
T.C. Kimlik No	
Adres	
Telefon / Faks	
E-posta Adresi	@
Buluş Sahibi Profili	<input type="checkbox"/> Akademisyen <input type="checkbox"/> Ar-Ge Personeli <input type="checkbox"/> Firma Sahibi <input type="checkbox"/> Firma Çalışanı
Buluş-Başvuru Sahibi İlişkisi	<input type="checkbox"/> Başvuru sahibi aynı zamanda buluş sahibidir <input type="checkbox"/> Hizmet İlişkisi <input type="checkbox"/> Devir/İntikal <input type="checkbox"/> Sözleşme Gereği <input type="checkbox"/> Diğer (Açıklayınız):

Form: P-03 / Ek-2

☒ Hipodrom Cad. No:115 06330 Yenimahalle-Ankara  
☎(+90-312) 3031000 ☎(+90-312) 3031220  
Bu formları bilgisayarda doldurunuz ve çıktısını kullanınız.

**VEKALETNAME****POWER OF ATTORNEY**

Ben (Biz) aşağıda imza sahibi,

I (We) the undersigned

(1)

(1)

adımıza tam yetki ile hareket ederek, Türkiye Cumhuriyeti yasaları gereğince Türk Patent Enstitüsü nezdinde patent başvurularında bulunmaya, bu başvuruları takibe, devrine veya terkinine yetkili olmak üzere

do hereby appoint as attorneys

(2)

(2)

vekil tayin ettim (ettik).

to whom I (we) give full powers on my (our) behalf and in my (our) name to file and prosecute patent applications before the Turkish Patent Institute, to attend to the assignment or withdrawal thereof according to the provisions of the Turkish Legislation.

de tarihinde imzalandı.

Done and signed at  
on

-----  
(1) Vekil tayin edenin (edenlerin) tam adı (adları) veya unvanı (unvanları) ve adresi (adresleri) yazılacak.

(2) Vekilin adı yazılacak.

-----  
(1) Insert the full name and address of the individual(s) or entity(ies) appointing the attorney.

(2) Name of the attorney.

# UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

## AS DESIGNATED (OR ELECTED) OFFICE

### CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex US.I
Credit card payment form (Form PTO-2038) .....	Annex US.II
Transmittal letter to the US as DO/EO (Form PTO-1390) .....	Annex US.III
Application data sheet (Form PTO/AIA/14) .....	Annex US.IV
“Micro entity” certification, gross income basis (Form PTO/SB/15A) .....	Annex US.V
“Micro entity” certification, institution of higher education basis (Form PTO/SB/15B) ..	Annex US.VI
Declaration of the inventor (Form PTO/AIA/01) .....	Annex US.VII
Substitute statement in lieu of declaration of the inventor (Form PTO/AIA/02) .....	Annex US.VIII
Power of attorney (Form PTO/AIA/80) .....	Annex US.IX
Power of attorney to joint inventor(s) (Form PTO/AIA/81) .....	Annex US.X
Power of attorney (Form PTO/AIA/82) .....	Annex US.XI
Information disclosure statement (Form PTO/SB/08a & 08b) .....	Annex US.XII
Recordation form cover sheet (Form PTO-1595) .....	Annex US.XIII
Petition for revival of unintentionally abandoned application (Form PTO/SB/64PCT) ...	Annex US.XIV

#### List of abbreviations:

USPTO:	United States Patent and Trademark Office (USPTO)
35 USC: <sup>1</sup>	Title 35, United States Code, Patents
37 CFR: <sup>1</sup>	Title 37, Code of Federal Regulations, Patents, Trademarks and Copyrights
AIA	Leahy-Smith America Invents Act

<sup>1</sup> The number cited after the letters USC or CFR is the relevant section of the Patent Statute or of the Regulations, respectively.  
(14 February 2022)

**SUMMARY****Designated  
(or elected) Office****SUMMARY****US****UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)****US****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: <sup>1</sup>	English
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Request, description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter in the drawings, abstract <sup>2</sup> Under PCT Article 39(1): Request, description, claims, any text matter in the drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary report on patentability (Chapter II)) <sup>2</sup>
Is a copy of the international application required? <sup>3</sup>	The applicant is only required to send a copy of the international application if the national application is filed prior to the publication of the international application. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2). No copy is required if the international application was filed with the USPTO as receiving Office. A copy of amendments of the claims filed under PCT Article 19 with the International Bureau is required under the conditions indicated in the previous paragraph.

*[Continued on next page]*

<sup>1</sup> Must be furnished within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with in response to a notice sent to the applicant, provided that a processing fee is paid for furnishing the translation later.

<sup>2</sup> If the translation of the amendments is not furnished, the amendments are considered to be cancelled (37 CFR 1.495(d) and (e)).

<sup>3</sup> Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

**SUMMARY****US****Designated  
(or elected) Office****UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)****SUMMARY****US***[Continued]*National fee:<sup>4</sup>

Currency: US dollar (USD)

		Small entity <sup>5</sup>	Micro entity <sup>6</sup>
Basic national fee: <sup>7</sup>	USD 320	(160)	(80)
Search fee: <sup>8</sup>			
– IPRP (Chapter II) prepared by the IPEA/US or the written opinion was prepared by the ISA/US, all claims presented satisfied provisions of PCT Article 33(1) to (4):	USD 0	(0)	(0)
– International search fee paid to the USPTO as ISA:	USD 140	(70)	(35)
– Search report has been prepared by an ISA other than the US and is provided or has been previously communicated by the IB to the USPTO:	USD 540	(270)	(135)
– All other situations:	USD 700	(350)	(175)
Examination fee: <sup>8</sup>			
– IPRP (Chapter II) prepared by the IPEA/US or the written opinion was prepared by the ISA/US, all claims presented satisfied provisions of PCT Article 33(1) to (4):	USD 0	(0)	(0)
– All other situations:	USD 800	(400)	(200)
For every 50 sheets or fraction thereof of the specification and drawings that exceeds 100 sheets (excluding any sequence listing or computer program listing filed in an electronic medium): <sup>8</sup>	USD 420	(210)	(105)
Additional fee for each claim in independent form in excess of three: <sup>8</sup>	USD 480	(240)	(120)
Additional fee for each claim, independent or dependent, in excess of 20: <sup>8</sup>	USD 100	(50)	(25)
In addition, if the application contains one or more multiple dependent claims, per application: <sup>8</sup>	USD 860	(430)	(215)
Surcharge for paying any of the search fee, the examination fee, or filing the oath or declaration after the date of commencement of the national stage: <sup>8</sup>	USD 160	(80)	(40)
Processing fee for filing English-language translation after the expiration of the time limit applicable under PCT Article 22 or 39(1): <sup>8</sup>	USD 140	(70)	(35)

*[Continued on next page]*

<sup>4</sup> The amounts of these fees change periodically. The United States Patent and Trademark Office or the current USPTO Fee Schedule at: <https://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule> should be consulted for the applicable amounts.

<sup>5</sup> The amount in parentheses is applicable in case of filing by a “small entity” (see paragraphs US. 19-21).

<sup>6</sup> The amount in parentheses is applicable in case of filing by a “micro entity” (see paragraphs US. 19-21).

<sup>7</sup> Must be paid within the time limit applicable under PCT Article 22 or 39(1).

<sup>8</sup> If not paid with the basic national fee, the USPTO will invite the applicant to pay the fee within a time period fixed in the invitation.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****US****UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)****US***[Continued]*National fee (*cont'd*):<sup>9</sup>Small  
entity<sup>10</sup>      Micro  
entity<sup>11</sup>

Mega-Sequence Listing filing fee:

— submission of sequence listing of 300 MB to 800 MB	USD 1,060	(530)	(265)
— submission of sequence listing of more than 800 MB	USD 10,500	(5,250)	(2,625)

Exemptions, reductions or refunds of the  
national fee:Reductions of the national fees are indicated under the national fees  
listed above.Special requirements of the Office  
(PCT Rule 51*bis*):

Oath or declaration of the inventor<sup>12</sup>  
 Information disclosure statement is recommended.<sup>13</sup>  
 Furnishing, where applicable, of a nucleotide and/or amino acid  
 sequence listing in electronic form

Who can act as agent?

Patent attorneys and patent agents registered to practice before the  
 Office. A list of registered patent attorneys and agents may be  
 obtained on the Internet at <https://oedci.uspto.gov/OEDCI/>.

Does the Office accept requests for  
restoration of the right of priority  
(PCT Rule 49*ter.2*)?

Yes, the Office applies the “unintentional” criterion to such requests

<sup>9</sup> See footnote 4.<sup>10</sup> See footnote 5.<sup>11</sup> See footnote 6.<sup>12</sup> See paragraphs US 23-26.<sup>13</sup> Should be filed within three months from performing the acts for entering the national phase (see 37 CFR 1.491).

## THE PROCEDURE IN THE NATIONAL PHASE

35 USC 116  
to 118  
37 CFR 1.42, 43, 45,  
46, and 1.421 to 1.424

**US.01 APPLICANT.** For US national phase applications having an international filing date on or after 16 September 2012, the applicant may be:

(a) the inventor(s); (b) the legal representative of a deceased or legally incapacitated inventor; (c) the assignee; (d) the obligated assignee (i.e., a person to whom the inventor is under an obligation to assign the invention); or (e) a person who otherwise shows proprietary interest in the application. For such applications, the person identified in the international stage as the applicant will normally be considered the applicant for the US national phase application, even if such applicant is not the inventor.

**US.02** Where the applicant is a person who otherwise shows sufficient proprietary interest in the matter, such applicant must submit a petition including: the applicable fee, a showing that such person has sufficient proprietary interest in the matter, and a statement that making the application for patent by a person who otherwise shows sufficient proprietary interest in the matter on behalf of and as agent for the inventor is appropriate to preserve the rights of the parties.

**US.03 INVENTORS.** For US national phase applications with an international filing date prior to 16 September 2012, the inventor(s) is required to be the applicant(s) or, if an inventor is dead, insane, or otherwise legally incapacitated, such inventor's legal representative. This is true even if the national phase documents are filed after 16 September 2012.

37 CFR 1.41

**US.04** The inventorship of a US national phase application having an international filing date on or after 16 September 2012 is the inventor or joint inventors set forth in an application data sheet accompanying the initial national phase submission (see paragraph US.06). If the initial national phase submission for an application with an international filing date on or after 16 September 2012 is not accompanied by a proper application data sheet, OR if the national phase application has an international filing date prior to 16 September 2012, the inventorship is the inventor or joint inventors set forth in the international application, which includes any change effected under PCT Rule 92*bis*.

**US.05 FORM FOR ENTERING THE NATIONAL PHASE.** The USPTO has available a special form for the transmittal of the fees and documents required for entering the national phase (Form PTO-1390, see Annex US.III). Use of the Form PTO-1390 is strongly encouraged because the form clearly identifies the submission as a national phase entry filed under 35 USC 371, as required for proper processing (see paragraph US.11). In addition, the Form PTO-1390 provides applicants with a checklist of items generally required or potentially applicable to a national phase filing, as well as a mechanism to make specific requests that may be appropriate in a particular national phase application. For example, the Form PTO-1390 contains checkboxes to expressly request that national examination procedures begin immediately (see paragraph US.37), to instruct the USPTO not to enter amendments made in the international phase, and to assert small entity status (see paragraph US.20). Use of the Form PTO-1390 is not, however, required.

37 CFR 1.76  
1.495(c)

**US.06 APPLICATION DATA SHEET (ADS).** Together with the Form PTO-1390 discussed above, applicants are also strongly encouraged to submit an "application data sheet" (ADS). The ADS facilitates electronic capture of the bibliographic data by the USPTO, thus leading to more accurate data recording and quicker processing by eliminating the need to have this data manually extracted from the application documents. An application data sheet form for use where the international filing date is on or after 16 September 2012 (Form PTO/AIA/14) and instructions for preparing the form can be found at <https://www.uspto.gov/patent/forms/forms-patent-applications-filed-or-after-september-16-2012>. The Form PTO/AIA/14 is attached as Annex US.IV.

US.07. In an application with an international filing date on or after 16 September 2012, an application data sheet is required to postpone submission of the required oath or declaration of the inventors (see paragraph US.26, below).

37 CFR 1.1  
1.5  
1.6(d), (g)  
1.8(a)(2)

US.08 **CORRESPONDENCE.** It is preferable to file the required national phase items online using the EFS-Web or Patent Center system. Both the EFS-Web and Patent Center provide USPTO customers the ability to electronically file a variety of patent application documents directly to the USPTO, including those associated with US national phase entries under 35 USC 371. It is recommended that applicants continue to use the Form PTO-1390 when electronically filing documents for entry into the US national phase under 35 USC 371 (see paragraph US.05). ASCII text files (.TXT) may be used for submitting sequence listings, large tables, or computer program listing appendices. However, there is a file size limit of 100 MB per text file submission, which must be uploaded separately from other types of files. Sequence listing files that exceed 100 MB can be submitted on compact disc in accordance with 37 CFR 1.52(e) on the same day by using Priority Mail Express® from the USPS in accordance with 37 CFR 1.10, or hand delivery, in order to secure the same filing date for all parts of the application. Alternatively, a user may submit the application on paper and include the electronic copy of the sequence listing text file on compact disc in accordance with 37 CFR 1.52(e). Additionally, there is a file size limit of 25 MB per PDF file, but up to 60 documents of this size may be submitted in a single electronic package. Color drawings and photographs/drawings with varying degrees of black/white/grey scale may not be submitted via the EFS-Web/Patent Center.

US.09 More information regarding the electronic filing of US patent applications using EFS-Web and Patent Center may be obtained at <https://www.uspto.gov/patents/apply>. Full technical support is available through the Patent Electronic Business Center (EBC) at (1-866) 217 91 97 from 6 a.m. to 12 Midnight Eastern Time, Monday – Friday (except federal holidays). EBC may be emailed anytime at [ebc@uspto.gov](mailto:ebc@uspto.gov).

US.10 National phase documents may also be submitted by mail addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, USA. If the applicant has received a “Notice of Acceptance of Application Under 35 USC 371 and 37 CFR 1.495,” the reference to “Mail Stop PCT” should be deleted. If a US application number (e.g., 15/123,456) has been assigned, it should be indicated on the documents. If a US application number has not yet been assigned, the correspondence should state the name of the applicant, the international filing date, the international application number and the title of the invention. It is important to note that a copy of the international application used to enter the national phase and/or payment of the required basic national fee may NOT be submitted by facsimile.

35 USC 371  
111  
37 CFR 1.495(g)

US.11 The USPTO requires that documents submitted by the applicant be clearly identified as being for entry into the national phase under the PCT. The identification requirement is usually complied with if the Form PTO-1390 for entering the national phase referred to in paragraph US.05 above and reproduced in Annex US.III is used. The identification of the international application, in the declaration or oath of the inventor (see paragraph US.23) or otherwise, as a prior filed application for priority purposes is not considered to be a sufficient indication of an intention to enter the national phase under the PCT. In accordance with 37 CFR 1.495(g), an initial application submission filed on or after 16 September 2012 that contains conflicting indications as between a new US national patent application under 35 USC 111(a) and a submission to enter the national phase under 35 USC 371 will be treated by the USPTO as a submission to enter the national phase under 35 USC 371. However, an initial application submission filed prior to 16 September 2012 that contains conflicting indications will be treated as a new US national patent application under 35 USC 111(a).

35 USC 371(d)  
37 CFR 1.492(i)  
1.495(c)-(e)

**US.12 TRANSLATION (LATE FURNISHING OF).** If the applicant pays the basic national fee and a copy of the international application is received within the applicable time limit for national phase entry, but a translation of the international application has not been furnished by the applicant or is incomplete, a notice is sent to the applicant which sets a time period for furnishing the translation. The applicant can then furnish the translation provided that a processing fee is paid. The amount of the processing fee is indicated in Annex US.I. The time period set in the notice will be two months from the date of the notice or 32 months from the priority date, whichever is later. The time period set in the notice may be extended as provided for in 37 CFR 1.136(a) (see paragraph US.43(i), below). Where amendments to the claims have been filed with the International Bureau under Article 19 and the applicant fails to furnish a translation or copy (see the Summary) of such amendments to the claims within the time limit for national phase entry, the amendments to the claims are considered to have been cancelled. A translation of any annex to the International Preliminary Examination Report must be furnished prior to the expiration of the applicable time limit under PCT Article 39(1). However, a translation of the annex may be provided during any time period set under 37 CFR 1.495(c) to furnish a translation of the international application, the inventor's oath or declaration, the search fee, the examination fee, and/or the application size fee. If a translation of the annex is not timely filed, the amendments contained in the annex will be considered to be cancelled. However, such amendments may be reintroduced at a later stage (see paragraph US.33).

**US.13 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003). If the translation furnished to the USPTO was incomplete, see the preceding paragraph.

35 USC 371(d)  
37 CFR 1.495(b)  
1.6(d)(3)  
1.8(a)(2)(i)(F)

**US.14 PAYMENT OF NATIONAL FEE.** The basic national fee must be paid within the time limit for entry into the national phase (see PCT Article 22(1) or 39(1)a)) which is 30 months after the priority date. This time limit may not be extended. If the basic national fee is not paid within the applicable time period, the application becomes abandoned as to the United States. An authorization to charge the basic national fee to a deposit account, credit card or any other means may NOT be submitted by facsimile.

37 CFR 1.492(b)(1)-(4)

**US.15 SEARCH FEE.** If the applicant pays the basic national fee and a copy of the international application has been received within the time limit for national phase entry, but the search fee has not been paid, a notice is sent to the applicant which sets a time period for furnishing the search fee. The applicant can then furnish the search fee provided a surcharge fee is paid. The amounts of the search fee and the surcharge are provided in Annex US.I. The period set in the notice is extendable as provided in 37 CFR 1.136(a) (see paragraph US.43(i)).

37 CFR 1.492(c)(1)-(2)

**US.16 EXAMINATION FEE.** If the applicant pays the basic national fee and a copy of the international application has been received within the time limit for national phase entry, but the examination fee has not been paid, a notice is sent to the applicant which sets a time period for furnishing the examination fee. The applicant can then furnish the examination fee provided a surcharge fee is paid. The amounts of the examination fee and the surcharge are provided in Annex US.I. The period set in the notice is extendable as provided in 37 CFR 1.136(a) (see paragraph US.43(i)).

37 CFR 1.492(j)

**US.17 APPLICATION SIZE FEE.** For any US national phase application or national application, where the specification and drawings exceed 100 sheets of paper, for each additional 50 sheets, or fraction thereof, an application size fee will apply. For a US national phase application, the application size fee is calculated on the basis of the number of sheets of specification and drawings in the published international application, without regard to the language of the publication. The specification includes the description, claims, and abstract. Certain other sheets typically present in the international publication are not taken into account in determining the application size fee, i.e., Article 19 amendments/statement, the international search report, and any additional bibliographic sheets (other than the cover sheet containing the abstract). The amount of the fee is in Annex US.I.

37 CFR 1.75(c)  
37 CFR 1.492(d)-(g)  
37 CFR 1.121(c)

**US.18 ADDITIONAL CLAIMS FEE.** An additional claim fee is applicable for each independent claim in excess of three, for each claim in excess of 20, and for an application that contains multiple dependent claim(s). The number of additional claims for fee purposes must be

computed on the basis of the claims valid at the beginning of the national phase (that is, where amendments have been filed, the claims as amended under PCT Article 19 or PCT Rule 66.1, 66.3 and 66.4 or the claims as amended in a preliminary amendment submitted in compliance with the applicable US regulations by the applicant upon entering the national phase under PCT Article 28 or 41). Where the applicant fails to pay the correct amount of the additional claims fee, the USPTO will send a notification of fee deficiency and invite payment of the fee at the amount applicable on the date of payment. To avoid abandonment, the fee must be paid or the claims canceled by amendment prior to the expiration of the time period set for reply to any notification of fee deficiency.

37 CFR 1.27  
1.28  
1.29  
1.33  
1.492

#### US.19 FEE REDUCTION FOR “SMALL ENTITY” OR “MICRO ENTITY.”

Applicants having a “small entity” or “micro entity” status are entitled to a reduction of 50% or 75%, respectively, in certain fees.

US.20 “Small entity” status can be established by a single written assertion of entitlement to “small entity” status without use of a specialized form. “Small entity” status may also be established by checking the box provided on the application data sheet discussed in paragraph US.06 or the Form PTO-1390 for entering the national phase discussed in paragraph US.05, or by payment of the exact basic national fee for a small entity. For a US national phase application with an international filing date on or after 16 September 2012, parties who may assert “small entity” status include the applicant, a patent practitioner of record or a practitioner acting in a representative capacity, the inventor or a joint inventor (if the inventor is an applicant), or the assignee. Assertion of small entity status requires a determination of entitlement to that status. [For a US national phase application with an international filing date prior to 16 September 2012, parties who may assert “small entity” status include a registered practitioner, one of the inventors, or a partial assignee \(an assignee assertion of small entity status must be filed by a 37 CFR 1.33\(b\) party\).](#)

US.21 “Micro entity” status can be established under either the “gross income” or “institution of higher education” basis. Under either basis, an application must also satisfy the requirements for “small entity” status. Unlike “small entity” status, “micro entity” status cannot be established by a simple statement alleging entitlement to “micro entity” status, by checking the box provided on the application data sheet or the Form PTO-1390 for entering the national phase, or by payment of the exact basic national fee. Rather, a certification of entitlement to “micro entity” status must be submitted. The USPTO provides Forms PTO/SB/15A and PTO/SB/15B for use in certifying “micro entity” status. These forms are available on the USPTO Web site at <https://www.uspto.gov/patent/forms/forms-patent-applications-filed-or-after-september-16-2012>; copies of the certification forms are also in Annex US.VI and US.VII. The certification of “micro entity” status must be executed by a party authorized under 37 CFR 1.33(b). It should be noted that a registered practitioner is required to sign the certification for any applicant that is a corporation or organization; an officer of an assignee corporate applicant, for example, is not authorized to sign the certificate of “micro entity” status.

37 CFR 1.23

US.22 **FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex US.I. A copy of a Credit Card Payment Form (Form PTO-2038) and the instructions thereto is attached as Annex US.II. It should be noted that an authorization to charge the basic national fee to a deposit account, credit card or any other means may NOT be submitted by facsimile.

35 USC 115  
371(c)(4)  
and (d)  
37 CFR 1.497  
1.495(c)  
1.63  
1.64

**US.23 OATH OR DECLARATION OF THE INVENTOR.** As a result of changes implemented by the America Invents Act (AIA), the requirements for the oath or declaration of the inventor depend on whether an application was filed before or after 16 September 2012. A sample of an appropriate declaration for use in applications with an international filing date on or after 16 September 2012 is provided in Annex US.VII. In addition, Box No. VIII(iv) of the PCT request form (PCT/RO/101) contains a “DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America).” The declaration contained in Box No. VIII(iv) of the PCT request form (PCT/RO/101) was updated in the 16 September 2012 revision of the PCT request form (PCT/RO/101) to comply with the revised US law. Accordingly, the “DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)” contained in previous versions of the PCT request form (PCT/RO/101) does not comply with current US law and will not be accepted by the USPTO with respect to applications with an international filing date on or after 16 September 2012.

**US.24** For applications with an international filing date on or after 16 September 2012, a “substitute statement” may be submitted in lieu of an oath or declaration of the inventors if the inventor is deceased, is under a legal incapacity, has refused to execute the oath or declaration, or cannot be found or reached after diligent effort (a sample “substitute statement” form is provided in Annex US.X).

**US.25** For applications with an international filing date before 16 September 2012, if the applicant pays the basic national fee and a copy of the international application is received within the time limit for entry into the national phase, but an oath or declaration of the inventor is not furnished, a notice shall be sent to the applicant which sets a time period for furnishing the oath or declaration. The applicant can then furnish the oath or declaration provided that a surcharge is paid. The amount of the surcharge is indicated in Annex US.I. The time period set in the notice will be two months from the date of the notice or 32 months from priority date, whichever is later. The time period set in the notice is extendable as provided for in 37 CFR 1.136 (a) (see paragraph US.43(i)).

**US.26** For applications with an international filing date on or after 16 September 2012, the submission of an “application data sheet” (see paragraph US.06) identifying each inventor and providing each inventor’s residence and mailing address will permit the applicant to postpone submission of the oath or declaration of the inventor (or substitute statement, if applicable) until the application is otherwise in condition for allowance. In such cases, the USPTO will issue a Notice Of Acceptance (Form PCT/DO/EO/903) and refer the application for publication and examination; however, the Notice Of Acceptance (Form PCT/DO/EO/903) will indicate that the oath or declaration requirement has not yet been satisfied.

37 CFR 1.31  
1.32

**US.27 POWER OF ATTORNEY.** No representation of the applicant by an attorney or agent is required where the applicant is an individual or individuals; however, a juristic entity (e.g., organizational assignee) must be represented by an attorney or agent. Where an attorney or agent is to represent an applicant, a power of attorney signed by the applicant/inventor to an attorney or agent registered to practice before the USPTO is required. Sample power of attorney forms for use in an application with an international filing date on or after 16 September 2012 (Forms PTO/AIA/80, 81 and 82) are in Annexes US.IX-XI. It is highly advisable to be represented by an attorney or agent.

37 CFR 1.56  
1.97  
and 1.98

**US.28 INFORMATION DISCLOSURE STATEMENT.** The applicant must (to be prudent) file with the USPTO, not later than three months from the date of entry of the national phase, an information disclosure statement. Such statement must disclose all information of which the applicant, or any other person substantively involved with the preparation of the application or its prosecution, is aware which is material to the patentability of the invention. Such information is material to patentability when it is not cumulative to information already of record in the application, and (1) it establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or (2) it refutes, or is inconsistent with, a position the applicant takes in (i) opposing an argument of unpatentability relied upon by the Office, or (ii) asserting an argument of patentability. A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable by the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable construction consistent with the description, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

**US.29** The information disclosure statement must include:

(1) a listing (preferably on Forms PTO/SB/08a and 08b, see Annex US.XII) of patents, applications, publications or other information. US patents and US patent applications must be listed in a section separately from citations of other documents. Each page of the listing must include:

(i) the application number of the application in which the information disclosure statement is being submitted;

(ii) a column that provides a space, next to each document to be considered, for the examiner's initials;

(iii) a heading that clearly indicates that the list is an information disclosure statement;

(2) a copy of each listed item except for US patents and US patent application publications;

(3) for each item listed which is not in the English language, a concise explanation of its relevance.

**US.30** Applicants may also file an information disclosure statement via the Office's electronic filing system (EFS-Web/[Patent Center](#)) by (1) entering the references' citation information in a fillable electronic form equivalent to the revised Forms PTO/SB/08a and 08b; and (2) transmitting the fillable electronic form data to the Office via EFS-Web/[Patent Center](#).

35 USC 371  
37 CFR 1.97  
and 1.98

**US.31** Note, however, that the examiner will consider the documents cited in the international search report in a PCT national phase application when the Form PCT/DO/EO/903 (which is sent to notify the applicant after he has entered the national phase of the acceptance of the international application under 35 USC 371) indicates that both the international search report and the copies of the prior art documents are present in the national phase file. In such a case, the examiner will consider the documents from the international search report and indicate by a statement in the first Office action that the information has been considered. There is no requirement that the examiner list the documents on a Notice of References Cited (Form PTO-892). In order to have these prior art documents printed on any resulting patent, the applicant must provide a separate listing (preferably on Forms PTO/SB/08a and 08b). If Form PCT/DO/EO/903 does not indicate that both the international search report and copies of the prior art documents are present in the national stage file, the applicant must follow the procedures set forth in 37 CFR 1.97 and 1.98 (concerning the filing and content of information disclosure statements), as outlined above, in order to ensure that the examiner considers the documents cited in the international search report.

- 37 CFR 1.97(e) US.32 A translation into English of the pertinent portions in a non-English language document must be transmitted if an existing translation is readily available to the applicant. Any additional information material to the claimed invention which becomes available after the transmittal of the statement should, within three months of its availability, be submitted by a supplemental information disclosure statement. Failure to disclose completely any pertinent information may result in any resulting US patent based on the application being unenforceable. A fee is generally required if an information disclosure statement is submitted more than three months after entry to the national stage and after a first Office action is mailed, but before a final Office action or a notice of allowance is issued. After a final Office action or a notice of allowance has been issued, a fee, as well as an appropriate statement under 37 CFR 1.97(e), will be required to have an information disclosure statement considered.
- PCT Art. 28 US.33 **AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may make the following amendments, provided no new matter is introduced in the disclosure of the invention:
- 35 USC 133  
37 CFR 1.111 to 1.127 (i) before the final decision of the USPTO to grant or to reject the patent, the applicant may file amendments to the description, claims and drawing(s) of his own volition or when specifically required by the examiner;
- 37 CFR 1.116 (ii) after the final decision, amendments may be made only by cancelling claims or complying with any requirement of form which has been made by the examiner, or by presenting rejected claims in better form for reconsideration on appeal.
- 37 CFR 1.121  
1.125 US.34 For the manner of making amendments and the required format, see the applicable US regulations, in particular 37 CFR 1.121 and 1.125. One of the requirements for effectively amending claims in a national phase application is a complete listing of all claims ever presented, including the text of all pending and withdrawn claims. The status of every claim in such listing must be indicated after its claim number by one of the following identifiers in a parenthetical expression: (Original), (Currently Amended), (Canceled), (Withdrawn), (Previously Presented), (New), and (Not Entered). All “currently amended” claims must include markings to indicate the changes made relative to the immediate prior version of the claims: underlining to indicate additions, strike-through or double brackets for deletions (see 37 CFR 1.121(c) for further details regarding the format of claim amendments). Applicants should note that, in an amendment to the claims filed in a national phase application, the status identifier “original” must be used for claims that had been presented on the international filing date and not modified or canceled. The status identifier “previously presented” must be used in any amendment submitted during the national phase for any claims added or modified under PCT Articles 19 or 34 in the international phase that were subsequently entered in the national phase. The status identifier “canceled” must be used in any amendment submitted during the national phase for any claims canceled under an Article 19 or 34 amendment in the international phase and subsequently entered in the national phase.
- Example 1: Original claims 1-10; Article 19/34 filed with claims 1-20 listed on the replacement sheet wherein claims 1-10 were unchanged and claims 11-20 were added; the status of the claims prior to any further amendment under 37 CFR 1.121 would be as follows: claims 1-10 as “original” and claims 11-20 as “previously presented.”
- Example 2: Original claims 1-10; Article 19/34 filed with claims 1-9 listed on the replacement sheet wherein claims 1-9 were unchanged and claim 10 was cancelled; the status of the claims prior to any further amendment under 37 CFR 1.121 would be as follows: claims 1-9 as “original” and claim 10 as “cancelled.”
- Example 3: Original claims 1-10; Article 19/34 filed with claims 1-9 listed on the replacement sheet wherein claim 1 was unchanged, claim 2 was cancelled and claims 3-10 were renumbered as claims 2-9; the status of the claims prior to any further amendment under 37 CFR 1.121 would be as follows: claim 1 as “original,” claims 2-9 as “previously presented” and claim 10 as “cancelled.”

Example 4: Original claims 1-10; Article 19/34 filed with claims 1-10 listed on the replacement sheet wherein claims 1 and 3-10 were unchanged and claim 2 was cancelled; the status of the claims prior to any further amendment under 37 CFR 1.121 would be as follows: claims 1 and 3-10 as “original” and claim 2 as “cancelled.”

Proposed amendments that are not submitted in compliance with the applicable regulations will not be entered. For example, the submission with the national phase documents of a revised set of claims, absent a preliminary amendment to the claims in compliance with 37 CFR 1.121(c), will not be effective to amend the claims of record in the application.

37 CFR 1.18

**US.35 FEE FOR GRANT.** A patent issue fee and any required publication fee must be paid within a nonextendable period of three months after the mailing of a written notice of allowance. The amount of the said fee is indicated in Annex US.I.

37 CFR 1.20

**US.36 MAINTENANCE FEES.** After a patent has been issued, a fee must be paid for maintaining the patent in force beyond four years after grant. The first such fee is due by three years and six months after issue of the patent. Where the applicant fails to pay within that time limit, he may receive an invitation to pay from the USPTO. Lack of receipt of such an invitation will not be accepted as an excuse for non-payment of the maintenance fee. Payment can then still be made together with a surcharge within the six months following the due date. The amount of the maintenance fees, of the surcharge, and their due dates are indicated in Annex US.I.

PCT Art. 23(2)  
35 USC 371(f)

**US.37 EARLY START OF NATIONAL PHASE BEFORE THE USPTO.** If the applicant desires the examination by the USPTO of his application to start earlier than the expiration of the time limit for entry into the national phase, he must file in writing an express request therefor and submit the basic national fee, a copy of the international application, a translation of the international application (if required) and an oath or declaration of the inventor. The express request may be accomplished, for example, by checking the appropriate box on the Form PTO-1390 for entry into the national phase referred to in paragraph US.05 and reproduced in Annex US.III.

**US.38** The mechanism for deferring submission of the oath or declaration of the inventor by filing an “application data sheet” (see paragraph US.26) is not applicable where the applicant requests early examination by the USPTO. Such early examination of the application requires submission of the oath or declaration (or the substitute statement, if applicable).

35 USC 111  
120  
365(c)  
371(c)  
37 CFR 1.76  
1.78  
1.495(h)

**US.39 CONTINUATION, CONTINUATION-IN-PART OR DIVISIONAL.** The applicant may—instead of entering the national phase—file a continuation, continuation-in-part or divisional of the international application (hereinafter referred to as “the continuing application”), provided the international application designates the US and is not (considered) withdrawn or abandoned at the time of filing the continuing application. An international application is considered abandoned after the expiration of the time limit for entry into the national phase, which is 30 months after the priority date, if a copy of the international application and the basic national fee have not been received in the USPTO. When the basic national fee has been paid and a copy of the international application has been communicated by the International Bureau within the time limit for entry into the national phase, but additional national phase requirements have not been submitted (e.g., an English translation and/or additional required fees), a notice will be sent to the applicant to furnish such additional required materials. If the applicant does not properly respond to the notice within the time period set by the USPTO, the international application will become abandoned.

US.40 Basically, the normal procedure for filing continuing applications applies. The applicant must submit an application data sheet (see paragraph US.06) claiming the benefit of the international filing date of the international application designating the US. The reference to the international application in the application data sheet must identify the international application by international application number and international filing date, and it must indicate the relationship of the applications (i.e., continuation, continuation-in-part, or divisional). This reference to the international application must be submitted during the pendency of the continuing application, and within the later of four months from the actual filing date of the continuing application or sixteen months from the filing date of the international application. This time limit is not extendable. The USPTO may require the filing of a certified copy of the international application together with a translation thereof into English where it was filed in another language. The continuing application may be filed in a language other than English, provided a translation into English is furnished together with a surcharge (see Annex US.I) within the time period fixed by the USPTO in an invitation. Where, at the time of filing the continuing application, the basic filing fee has not been paid or the oath or declaration of the inventor has not been furnished, the requirement may still be complied with against payment of a surcharge within the time period fixed by the USPTO in an invitation. Use of the Form PTO-1390 reproduced in Annex US.III is not appropriate for the filing of a continuing application.

PCT Art. 25  
PCT Rule 51  
35 USC 367  
37 CFR 1.182

US.41 **REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the USPTO finds no error or omission on the part of the receiving Office or the International Bureau, a petition may be taken to the Commissioner of the USPTO, which must contain a statement of the facts involved and the point or points to be reviewed and the action requested. The fee for petition indicated in Annex US.I must be paid at the same time. Any such petition not filed within two months from the action complained of may be dismissed as untimely.

PCT Art. 48(2)  
PCT Rule 82bis  
37 CFR 1.137

US.42 **EXCUSE OF DELAYS IN MEETING TIME LIMITS.** An application abandoned for failure to comply with a time limit during the international phase or for failure to prosecute within a statutory time period before the USPTO, may be revived as a pending application if it is shown to the satisfaction of the USPTO that the delay was unintentional. Any petition to revive an abandoned application must be filed in writing and be accompanied by a petition fee, the amount of which is indicated in Annex US.I, by a proper response to the failed action unless such response has been previously submitted and by a statement indicating that the entire delay was unintentional. The USPTO has provided Form PTO/SB/64PCT (see Annex US.XVI) for use as a petition to revive an unintentionally abandoned international application (use of the form is optional).

US.43 The US rules provide for two distinct procedures to extend the period for action or response in particular situations (the procedure which is available for use in a particular situation will depend upon the circumstances):

37 CFR 1.136

(i) 37 CFR 1.136(a) permits an applicant, against payment of an extension fee (see Annex US.I), to file a petition for extension of time up to five months after the end of the time period set to take action except (1) where excluded, (2) in interference proceedings, (3) where the applicant has been notified otherwise in an Office action or (4) where no further time is available under a set statutory period. The petition and fee can be filed prior to or with or after the response, but the fee must be paid within the time extended. The filing of the petition and fee will extend the time period to take action up to five months dependent on the amount of the fee paid except in those circumstances noted above. The time limit to furnish the basic national fee and a copy of the international application under 37 CFR 1.495 may not be extended.

(ii) After entry into the national phase, 37 CFR 1.136(b) provides for petitions for extensions of time of shortened statutory or non-statutory time periods upon a showing of sufficient cause when the procedure of 37 CFR 1.136(a) is not available and if additional time is still available under a shortened statutory period or if no statutory period applies.

Although the petition and fee procedure of 37 CFR 1.136(a) will normally be available within five months after a set period for response has expired, an extension request for cause under

37 CFR 1.136(b) must be filed during the set period for response. The amount of the petition fee is indicated in Annex US.I.

37 CFR 3.21  
3.24  
3.28  
3.31

**US.44 RECORDING OF ASSIGNMENT DOCUMENTS.** The USPTO will record assignments relating to international patent applications which designate the US. The assignment must identify the application by the international application number. Each document submitted for recording must be accompanied by a cover sheet referring to the international application. A sample recordation form cover sheet is contained in Annex US.XV. Each cover sheet must contain:

- 1) the name of the party conveying the interest;
- 2) the name and address of the party receiving the interest;
- 3) a description of the interest conveyed or transaction to be recorded;
- 4) the application number;
- 5) the name and address of the party to whom correspondence concerning the request to record the document should be mailed;
- 6) the number of applications, patents or registrations identified in the cover sheet and the total fee;
- 7) the date the document was executed;
- 8) a statement by the party submitting the document that to the best of the person's knowledge and belief, the information contained on the cover sheet is true and correct and any copy submitted is a true copy of the original document; and
- 9) the signature of the party submitting the document.

**US.45** Assignments may be filed electronically via the Electronic Patent Assignment System (EPAS). EPAS may be accessed directly at the following web address: <https://epas.uspto.gov>. General information about the electronic filing of assignments may be obtained from the Assignment Services Division Customer Service Desk at (1-571) 272-3350 during regular business hours or via e-mail directed to [EPAS@uspto.gov](mailto:EPAS@uspto.gov). Applicants should note that assignments may NOT be filed via the EFS-Web/[Patent Center](#) electronic filing system.

37 CFR 1.211  
1.213  
1.221

**US.46 PUBLICATION OF APPLICATIONS.** Each international application in compliance with 35 USC 371 and continuing application (see paragraph US.39) from an international application will be published promptly after the expiration of eighteen months from the earliest filing date for which a benefit is sought, unless the application (1) is no longer pending; (2) is subject to national security provisions; (3) has issued as a patent; or (4) was filed with a nonpublication request in compliance with 37 CFR 1.213(a). (A nonpublication request may not be filed if the international application designated any States in addition to or other than the United States of America.) The publication fee (see Annex US.I) must be paid before the patent will be granted. If the application is not published under this section, the publication fee (if paid) will be refunded.

35 USC 154(d)  
37 CFR 1.417

**US.47 PROVISIONAL RIGHTS.** 35 USC 154(d) provides for provisional rights based on international applications. A patent will include the right to obtain a reasonable royalty from any person who partakes of any of the actions listed in 35 USC 154(d)(1) during the period commencing on the date of the publication under PCT Article 21(2)(a) of the international application designating the US, if the publication is in English, or if the publication is in a language other than English, on the date the USPTO receives a translation of the publication in the English language, and ending on the date the patent is issued. The submission of the international publication or an English language translation of the international application pursuant to 35 USC 154(d)(4) must clearly identify the international application to which it pertains (37 CFR 1.5(a)) and, unless it is being submitted pursuant to 37 CFR 1.495, be clearly identified as a submission pursuant to 35 USC 154(d)(4). Otherwise, the submission will be treated as a filing under 35 USC 111(a). Such submissions should be marked "Mail Stop PCT." The right to obtain a reasonable royalty is not available unless the invention as claimed in the patent is substantially identical to the invention claimed in the published international application.

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US.48    **FORMS.** All forms are available online at: <https://www.uspto.gov/patent/patents-forms>.

**FEES<sup>1</sup>****(Currency: US dollar)****National fee<sup>2</sup>**

		Small entity <sup>3</sup>	Micro entity <sup>4</sup>
Basic national fee (37 CFR 1.492(a)) . . . . .	320	(160)	(80)
Search fee (37 CFR 1.492(b)):			
— IPRP (Chapter II) prepared by the IPEA/US or the written opinion was prepared by the ISA/US, all claims presented satisfied provisions of PCT Article 33(1) to (4) . . .	0	(0)	(0)
— International search fee paid to the USPTO as ISA . . . . .	140	(70)	(35)
— Search report has been prepared by an ISA other than the US and is provided or has been previously communicated by the IB to the USPTO . . . . .	540	(270)	(135)
— All other situations . . . . .	700	(350)	(175)
Examination fee (37 CFR 1.492(c)):			
— IPRP (Chapter II) prepared by the IPEA/US or the written opinion was prepared by the ISA/US, all claims presented satisfied provisions of PCT Article 33(1) to (4) . . . . .	0	(0)	(0)
— All other situations . . . . .	800	(400)	(200)
For every 50 sheets or fraction thereof of the specification and drawings that exceeds 100 sheets (excluding any sequence listing or computer program listing filed in an electronic medium) (37 CFR 1.492(j)) . . . . .	420	(210)	(105)
Additional claims fee, where there are more than three claims in independent form, for each independent claim in excess of 3 (37 CFR 1.492(d)) . . . . .	480	(240)	(120)
Additional claims fee, where there are more than 20 claims (whether in independent or dependent form), for each claim in excess of 20 (37 CFR 1.492(e)) . . . . .	100	(50)	(25)
A multiple dependent claim fee, where the application contains one or more multiple dependent claim(s), per application (37 CFR 1.492(f)) . . . . .	860	(430)	(215)
In computing the claims fee, a multiple dependent claim is to be treated as if it were the same number of separate claims as the number of claims on which it depends; the same applies to any claim depending from a multiple dependent claim (e.g., a claim depending on three claims requires a fee of three dependent claims).			
Surcharge for filing any of the search fee, the examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)) . . . . .	160	(80)	(40)
Processing fee for filing English translation of an international application after the time limit applicable under PCT Article 22 or 39(1) (37 CFR 1.492(i)) . . . . .	140	(70)	(35)

**Reductions of the national fee**

Reductions of the national fee are indicated under the national fees listed above.

<sup>1</sup> The amounts of these fees change periodically. The United States Patent and Trademark Office or the current USPTO Fee Schedule at: <https://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule> should be consulted for the applicable amounts.

<sup>2</sup> A national fee calculation sheet appears in Annex US.III.

<sup>3</sup> The amount in parentheses is applicable in case of filing by a “small entity.” “Small entity” status can be established by a simple written assertion of entitlement to “small entity” status, or by payment of the exact amount of the “small entity” basic national fee as set forth in 37 CFR 1.492(a) (see 37 CFR 1.27, paragraph US.14 and Annex US.VI).

<sup>4</sup> The amount in parentheses is applicable in case of filing by a “micro entity”. For further details on the establishment of “micro entity” status, see page 75033 at: [www.uspto.gov/aia\\_implementation/77fr75019.pdf](http://www.uspto.gov/aia_implementation/77fr75019.pdf).

		Small entity <sup>5</sup>	Micro entity <sup>6</sup>
<b>Other fees</b>			
Publication fee (37 CFR 1.18(d)(1))	0	(0)	(0)
Publication fee for republication (37 CFR 1.18(d)(3))	320	(320)	(320)
Utility issue fee (37 CFR 1.18(a)(1))	1,200	(600)	(300)
Reissue issue fee (37 CFR 1.18(a)(1))	1,200	(600)	(300)
<b>Maintenance fees:<sup>7</sup></b>			
— for maintaining patent in force beyond four years (due by three years and six months after grant) (37 CFR 1.20(e))	2,000	(1,000)	(500)
— for maintaining patent in force beyond eight years (due seven years and six months after grant) (37 CFR 1.20(f))	3,760	(1,880)	(940)
— for maintaining patent in force beyond 12 years (due by 11 years and six months after grant) (37 CFR 1.20(g))	7,700	(3,850)	(1,925)
<b>Mega-Sequence Listing filing fee:</b>			
— submission of sequence listing of 300 MB to 800 MB (37 CFR 1.21(o)(1))	1,060	(530)	(265)
— submission of sequence listing of more than 800 MB (37 CFR 1.21(o)(2))	10,500	(5,250)	(2,625)
<b>Patent application processing fees</b>			
<b>Extension fee for response pursuant to 37 CFR 1.136(a):</b>			
— within first month (37 CFR 1.17(a)(1))	220	(110)	(55)
— within second month (37 CFR 1.17(a)(2))	640	(320)	(160)
— within third month (37 CFR 1.17(a)(3))	1,480	(740)	(370)
— within fourth month (37 CFR 1.17(a)(4))	2,320	(1,160)	(580)
— within fifth month (37 CFR 1.17(a)(5))	3,160	(1,580)	(790)
Submission of information disclosure statement pursuant to 37 CFR 1.97(c) and (d) (37 CFR 1.17(p))	260	(130)	(65)
<b>For filing a petition to the Commissioner</b>			
<b>Petition fee:</b>			
— for restoration of the right of priority to a prior foreign application under 37 CFR 1.55(c) (37 CFR 1.17(m))	2,100	(1,050)	(525)
— for acceptance of an unintentionally delayed claim for priority to a prior foreign application under 37 CFR 1.55(e) (37 CFR 1.17(m))	2,100	(1,050)	(525)
— for acceptance of a certified copy of a foreign priority application submitted after the expiration of the applicable time period under 37 CFR 1.55(f) (37 CFR 1.17(g))	220	(110)	(55)
— for restoration of the right of priority to a prior-filed US provisional application under 37 CFR 1.78(b) (37 CFR 1.17(m))	2,100	(1,050)	(525)
— for acceptance of an unintentionally delayed claim for the benefit of a prior-filed US provisional application under 37 CFR 1.78(c) (37 CFR 1.17(m))	2,100	(1,050)	(525)
— for acceptance of an unintentionally delayed claim for the benefit of a prior-filed US non-provisional application or international application under 37 CFR 1.78(e) (37 CFR 1.17(m))	2,100	(1,050)	(525)
— for revival of an unintentionally abandoned application under 37 CFR 1.137(a) (37 CFR 1.17(m))	2,100	(1,050)	(525)
— for decisions on questions not specifically provided for (37 CFR 1.182) (37 CFR 1.17(f))	420	(210)	(105)

<sup>5</sup> See footnote 3.

<sup>6</sup> See footnote 4.

<sup>7</sup> Maintenance fees are payable for international applications filed on or after 12 December 1980. Check the current USPTO Fee Schedule at: <https://www.uspto.gov/learning-and-resources/fees-and-payment/uspto-fee-schedule> for current amounts of the maintenance fees at the time payment is due.

**How can payment of fees be effected?**

All payments must be made in US dollars.

Any payment may be effected by:

- United States Postal Service money order (37 CFR 1.23)
- check (37 CFR 1.23)
- USPTO deposit account (37 CFR 1.25)
- credit card (37 CFR 1.23(b)).

Money orders and checks must be payable in United States dollars to the “Director of the U.S. Patent and Trademark Office.” Remittance from foreign countries must be payable and immediately negotiable in the United States of America for the full amount of the fee required. All payments must indicate the complete application number, the name of applicant and the type of fee being paid.

Payment for all fees may be made using one of the following credit cards: MasterCard, VISA, American Express and Discover. Payment using a debit card or check card will **not** be accepted. Applicants making payments by credit card should use form PTO-2038 contained in this Annex. Blanket authorizations of payments to credit cards will not be accepted. The fee amount must be specified. Credit card authorization may be used only one time. Subsequent charges will require a new authorization. **ADVISORY:** If filing by EFS-Web/[Patent Center](#), do **NOT** attach the PTO-2038 form as a PDF along with your EFS-Web/[Patent Center](#) submission. Please be advised that this is **not** recommended and by doing so your **credit card information may be displayed via PAIR**. To protect your information, it is recommended paying fees online by using the electronic payment method. The PTO-2038 should only be mailed or faxed to the USPTO. The PTO-2038 may not be faxed to the USPTO when paying the basic national fee.

For information concerning electronic transfer of funds to the USPTO, please contact Jusu Jallah, Office of Finance at (571) 272-7473 or (571) 272-6500; fax (571) 273-7473. Applicants choosing to pay by electronic transfer should insure that the *full amount of the fee due* is received by the USPTO. There is a danger of loss of rights if bank charges are deducted.

Additional information regarding acceptable methods for paying fees to the USPTO can be found at: <https://www.uspto.gov/learning-and-resources/fees-and-payment/accepted-payment-methods>.

# United States Patent and Trademark Office

## Instructions for Completing the Credit Card Payment Form

### Credit Card Information

- Enter all credit card information including the payment amount to be charged to your credit card and remember to sign the form. The United States Patent and Trademark Office (USPTO) cannot process credit card payments without an authorized signature.
- The USPTO does **not** accept a general authorization to charge any payment deficiency or any additional fees to a credit card.
- The USPTO does **not** accept debit cards or check cards that require use of a personal identification number as a method of payment.

### Credit Card Billing Address

- Address information is required for credit card payment as a means of verification. Failure to complete the address information, including zip/postal code, may result in the payment not being accepted by your credit card institution.

### Request and Payment Information

- Provide a description of your request based on the payment amount. For example, indicate the item as “basic filing fee” (patent) *or* “first maintenance fee” (patent maintenance fee) *or* “application for registration” (trademark) *or* “certified copy of a patent” (other fee).
- Indicate the nature of your request by the type of fee you wish to pay: Patent Fee, Patent Maintenance Fee, Trademark Fee *or* Other Fee. Complete information for each type of fee as applicable to identify the nature of your request. Indicate only one type of fee per form.
- If you are requesting and paying a fee based on a previously filed patent or trademark application, indicate the application/serial number, patent number or registration number that is associated with your request. “Other Fee” is used to request copies of patent and trademark documents, certified copies, assignments, and other information products.
- IDON numbers are assigned by the USPTO for customers ordering patent and trademark information and products specified as “Other Fee” on the order form. If you have been assigned an IDON number from a previous customer order, include it with your request.
- For more information on USPTO fees and amounts, refer to the current fee schedule at [www.uspto.gov](http://www.uspto.gov). To request a copy by mail, call the USPTO Contact Center at (800) 786-9199 or (571) 272-1000. Information on mailing addresses is also available at [www.uspto.gov](http://www.uspto.gov).

### Protect Your Credit Card Information

- The USPTO strongly recommends using this form for credit card payments submitted by mail, facsimile, or by hand-delivery. To protect your credit card information use only this form and do not include credit card information on any other form or document.
- To protect your credit card information, **do not submit this form electronically** through “EFS-Web” or any other USPTO Web site. Credit card information for electronic credit card payments should be entered exclusively on the USPTO Web site providing electronic payment capability.

# United States Patent and Trademark Office

## Instructions for Completing the Credit Card Payment Form

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with the request for information solicited on the Credit Card Payment Form (PTO-2038). Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the authority for the collection of this information is 15 U.S.C. § 1113 or 35 U.S.C. § 41 and 37 CFR 1.16-1.28, 1.492, or 2.6-2.7; (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the USPTO is to charge the appropriate fee amount to the appropriate credit card account. If you do not furnish the requested information, the USPTO may not be able to charge the fee to the credit card or the credit card institution may refuse to accept the charge, either of which will result in the fee being treated as not having been paid.

The information provided by you in this form will be subject to the following routine uses:

- (1) The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. § 552) and the Privacy Act (5 U.S.C. § 552(a)). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
- (2) A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
- (3) A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.
- (4) A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform the contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. § 552a(m).
- (5) A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services Administration (GSA), or his designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. § 2904 and § 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

**Credit Card Payment Form****(Do not submit this form electronically via EFS-Web)**  
**Please Read Instructions before Completing this Form****Credit Card Information****Credit Card Type:** ☐ Visa ☐ MasterCard ☐ American Express ☐ Discover

Credit Card Account #:

Credit Card Expiration Date (mm/yyyy):

Name as it Appears on Credit Card:

Payment Amount (US Dollars): \$

Cardholder Signature:

Date (mm/dd/yyyy):

The USPTO accepts a handwritten signature or an s-signature under 37 CFR 1.4(d).

**Refund Policy:** The USPTO may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The USPTO will not refund amounts of \$25.00 or less unless a refund is specifically requested and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.**Maximum Daily Limit:** There is a \$24,999.99 daily limit per credit card account effective June 1, 2015. There is no daily limit for debit cards.**Credit Card Billing Address**

Street Address 1:

Street Address 2:

City:

State/Province:

Zip/Postal Code:

Country:

Daytime Phone #:

Fax #:

**Request and Payment Information**

Description of Request and Payment Information:

☐ Patent Fee☐ Patent Maintenance Fee☐ Trademark Fee☐ Other Fee

Application No.

Application No.

Application No.

IDON Customer No.

Patent No.

Patent No.

Registration No.

Attorney Docket No.

Identify or Describe Mark

*If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form or submits this form electronically via EFS-Web, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.*

(14 February 2022)

PTO-1390 (10-20)

Approved for use through 10/31/2022. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		Attorney Docket No.
		U.S. Application No. (if known, see 37 CFR 1.5)
International Application No.	International Filing Date	Priority Date Claimed
Title of Invention		
First Named Inventor		
<b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.</b>		
1. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). NOTE: The express request under 35 U.S.C. 371(f) will not be effective unless the requirements under 35 U.S.C. 371(c)(1), (2), and (4) for payment of the basic national fee, copy of the International Application and English translation thereof (if required), and the oath or declaration of the inventor(s) have been received.		
2. <input type="checkbox"/> A copy of the International Application (35 U.S.C. 371(c)(2)) is attached hereto (not required if the International Application was previously communicated by the International Bureau or was filed in the United States Receiving Office (RO/US)).		
3. An English language translation of the International Application (35 U.S.C. 371(c)(2))		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
4. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4))		
a. <input type="checkbox"/> is attached.		
b. <input type="checkbox"/> was previously filed in the international phase under PCT Rule 4.17(iv).		
<b>Items 5 to 8 below concern amendments made in the international phase.</b>		
<u>PCT Article 19 and 34 amendments</u>		
5. <input type="checkbox"/> Amendments to the claims under PCT Article 19 are attached (not required if communicated by the International Bureau) (35 U.S.C. 371(c)(3)).		
6. <input type="checkbox"/> English translation of the PCT Article 19 amendment is attached (35 U.S.C. 371(c)(3)).		
7. <input type="checkbox"/> English translation of annexes (Article 19 and/or 34 amendments only) of the International Preliminary Examination Report is attached (35 U.S.C. 371(c)(5)).		
<u>Cancellation of amendments made in the international phase</u>		
8a. <input type="checkbox"/> Do not enter the amendment made in the international phase under PCT Article 19.		
8b. <input type="checkbox"/> Do not enter the amendment made in the international phase under PCT Article 34.		
NOTE: A proper amendment made in English under Article 19 or 34 will be entered in the U.S. national phase application absent a clear instruction from applicant not to enter the amendment(s).		
<b>The following items 9 to 17 concern a document(s) or information included.</b>		
9. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
10. <input type="checkbox"/> A preliminary amendment.		
11. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
12. <input type="checkbox"/> A substitute specification. NOTE: A substitute specification cannot include claims. See 37 CFR 1.125(b).		
13. <input type="checkbox"/> A power of attorney and/or change of address letter.		
14. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.3 and 37 CFR 1.821-1.825 (not required if sequence listing in text format was indicated on the PCT Request as part of the International Application and the sequence listing was published as part of the international application).		
15. <input type="checkbox"/> Assignment papers ( <i>cover sheet and document(s)</i> ). Name of Assignee: _____		
16. <input type="checkbox"/> 37 CFR 3.73(c) Statement ( <i>when there is an Assignee</i> ). _____		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLN. No. (if known – see 37 CFR 1.5)		INTERNATIONAL APPLICATION No.		ATTORNEY DOCKET No.	
17. <input type="checkbox"/> Other items or information:					
<b>The following fees have been submitted.</b>					<b>CALCULATIONS</b>
18. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$320					\$
19. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))					\$
<ul style="list-style-type: none"> <li>If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0</li> <li>All other situations ..... \$800</li> </ul>					
20. <input type="checkbox"/> Search fee (37 CFR 1.492(b))					\$
<ul style="list-style-type: none"> <li>If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0</li> <li>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$140</li> <li>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$540</li> <li>All other situations ..... \$700</li> </ul>					
<b>TOTAL OF 18, 19, and 20 =</b>					\$
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)).					\$
Fee for each additional 50 sheets of paper or fraction thereof ..... \$420					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round <b>up</b> to a whole number)		RATE	
- 100 =	/ 50 =			x \$420	
Surcharge for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h))..... \$160					\$
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$100		\$
Independent claims	- 3 =		x \$480		\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$860		\$
Fee for submission of Sequence Listing text file of 300 MB to 800 MB (37 CFR 1.21(o)(1))..... \$1,060					\$
Fee for submission of Sequence Listing text file of more than 800 MB (37 CFR 1.21(o)(2))..... \$10,500					\$
Processing fee for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i))..... \$140 +					\$
<b>TOTAL OF ABOVE CALCULATIONS =</b>					\$
<input type="checkbox"/> <b>Applicant asserts small entity status.</b> See 37 CFR 1.27. Fees above are reduced by ½.					
<input type="checkbox"/> <b>Applicant certifies micro entity status.</b> See 37 CFR 1.29. Fees above are reduced by ¾. Applicant must attach form PTO/SB/15A or B or equivalent.					
<b>TOTAL NATIONAL FEE =</b>					\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31)..... \$50.00 per property +					\$
<b>TOTAL FEES ENCLOSED =</b>					\$

PTO-1390 (10-20)

Approved for use through 10/31/2022. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees.
- c. ☐ The Director is hereby authorized to charge additional fees which may be required, or credit any overpayment, to Deposit Account No. \_\_\_\_\_ as follows:
- i. ☐ any required fee.
- ii. ☐ any required fee except for excess claims fees required under 37 CFR 1.492(d) and (e) and multiple dependent claim fee required under 37 CFR 1.492(f).
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

**ADVISORY:** If filing by EFS-Web, do **NOT** attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is **not** recommended and by doing so your **credit card information may be displayed via PAIR**. To protect your information, it is recommended to pay fees online by using the electronic payment method.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

#### Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

- ☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013, and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.

**NOTE 1:** By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

**NOTE 2:** A U.S. national stage application may not claim priority to the international application of which it is the national phase. The filing date of a U.S. national stage application is the international filing date. See 35 U.S.C. 363.

#### Correspondence Address

- ☐ The address associated with Customer Number: \_\_\_\_\_ **OR** ☐ Correspondence address below

Name					
Address					
City		State		Zip Code	
Country				Telephone	
Email					

Signature			Date		
Name (Print/Type)			Registration No. (Attorney/Agent)		

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/AIA/14 (01-22)

Approved for use through 05/31/2024. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	
		Application Number	
Title of Invention			
<p>The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.</p> <p>This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.</p>			

**Secrecy Order 37 CFR 5.2:**

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

**Inventor Information:**

<b>Inventor 1</b>					<b>Remove</b>
<b>Legal Name</b>					
<b>Prefix</b>	<b>Given Name</b>	<b>Middle Name</b>	<b>Family Name</b>	<b>Suffix</b>	
<b>Residence Information (Select One)</b>		<input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service			
<b>City</b>		<b>State/Province</b>		<b>Country of Residence</b>	
<b>Mailing Address of Inventor:</b>					
<b>Address 1</b>					
<b>Address 2</b>					
<b>City</b>		<b>State/Province</b>			
<b>Postal Code</b>		<b>Country</b>			
<p>All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the <b>Add</b> button.</p>					

**Correspondence Information:**

<p>Enter either Customer Number or complete the Correspondence Information section below.</p> <p>For further information see 37 CFR 1.33(a).</p>		
<input type="checkbox"/> An Address is being provided for the correspondence Information of this application.		
<b>Customer Number</b>		
<b>Email Address</b>		<b>Add Email</b> <b>Remove Email</b>

**Application Information:**

<b>Title of the Invention</b>			
<b>Attorney Docket Number</b>		<b>Small Entity Status Claimed</b>	<input type="checkbox"/>
<b>Application Type</b>			
<b>Subject Matter</b>			
<b>Total Number of Drawing Sheets (if any)</b>		<b>Suggested Figure for Publication (if any)</b>	

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	
	Application Number	
Title of Invention		

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., “Domestic Benefit/National Stage Information” and “Foreign Priority Information”).

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	<input checked="" type="radio"/> Customer Number	<input type="radio"/> US Patent Practitioner	<input type="radio"/> Limited Recognition (37 CFR 11.9)
Customer Number			

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78. When referring to the current application, please leave the “Application Number” field blank.

Prior Application Status		<a href="#">Remove</a>	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Application Data Sheet 37 CFR 1.76</b>		Attorney Docket Number	
		Application Number	
Title of Invention			

## Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)<sup>i</sup> the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Application Number	Country <sup>i</sup>	Filing Date (YYYY-MM-DD)	Access Code <sup>j</sup> (if applicable)

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

## Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

<input type="checkbox"/> This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013. NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.
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<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	
	Application Number	
Title of Invention		

## Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

**NOTE:** This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

### 1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

**A. Priority Document Exchange (PDX)** - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

**B. Search Results from U.S. Application to EPO** - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

### 2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

**NOTE:** Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

PTO/AIA/14 (01-22)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	
	Application Number	
Title of Invention		

## Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

### Applicant 1

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

<input type="radio"/> Assignee	<input type="radio"/> Legal Representative under 35 U.S.C. 117	<input type="radio"/> Joint Inventor
<input type="radio"/> Person to whom the inventor is obligated to assign.	<input type="radio"/> Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

--	--

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☐

Prefix	Given Name	Middle Name	Family Name	Suffix

### Mailing Address Information For Applicant:

Address 1			
Address 2			
City		State/Province	
Country		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button.

## Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	
	Application Number	
Title of Invention		

<b>Assignee 1</b>				
Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.				
If the Assignee or Non-Applicant Assignee is an Organization check here. <input type="checkbox"/>				
Prefix	Given Name	Middle Name	Family Name	Suffix
<b>Mailing Address Information For Assignee including Non-Applicant Assignee:</b>				
Address 1				
Address 2				
City		State/Province		
Country <sup>i</sup>		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.				

## Signature:

**NOTE:** This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). **However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).**

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature			Date (YYYY-MM-DD)	
First Name		Last Name	Registration Number	
Additional Signature may be generated within this form by selecting the Add button.				

PTO/AIA/14 (01-22)  
Approved for use through 05/31/2024. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Application Data Sheet 37 CFR 1.76</b>	Attorney Docket Number	
	Application Number	
Title of Invention		

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## Privacy Act Statement

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- 3 A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
- 4 A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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- 6 A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
- 7 A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
- 8 A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
- 9 A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: MES.GIB

Document Description: Certification of Micro Entity Status (Gross Income Basis)

PTO/SB/15A (07-14)

## CERTIFICATION OF MICRO ENTITY STATUS (GROSS INCOME BASIS)

Application Number or Control Number (if applicable):	Patent Number (if applicable):
First Named Inventor:	Title of Invention:

The applicant hereby certifies the following—

- (1) **SMALL ENTITY REQUIREMENT** – The applicant qualifies as a small entity as defined in 37 CFR 1.27.
- (2) **APPLICATION FILING LIMIT** – Neither the applicant nor the inventor nor a joint inventor has been named as the inventor or a joint inventor on more than four previously filed U.S. patent applications, excluding provisional applications and international applications under the Patent Cooperation Treaty (PCT) for which the basic national fee under 37 CFR 1.492(a) was not paid, and also excluding patent applications for which the applicant has assigned all ownership rights, or is obligated to assign all ownership rights, as a result of the applicant's previous employment.
- (3) **GROSS INCOME LIMIT ON APPLICANTS AND INVENTORS** – Neither the applicant nor the inventor nor a joint inventor, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986 (26 U.S.C. 61(a)), exceeding the "Maximum Qualifying Gross Income" reported on the USPTO Web site at [http://www.uspto.gov/patents/law/micro\\_entity.jsp](http://www.uspto.gov/patents/law/micro_entity.jsp) which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.
- (4) **GROSS INCOME LIMIT ON PARTIES WITH AN "OWNERSHIP INTEREST"** – Neither the applicant nor the inventor nor a joint inventor has assigned, granted, or conveyed, nor is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which the applicable fee is being paid, had a gross income, as defined in section 61(a) of the Internal Revenue Code of 1986, exceeding the "Maximum Qualifying Gross Income" reported on the USPTO Web site at [http://www.uspto.gov/patents/law/micro\\_entity.jsp](http://www.uspto.gov/patents/law/micro_entity.jsp) which is equal to three times the median household income for that preceding calendar year, as most recently reported by the Bureau of the Census.

### SIGNATURE by an [authorized party](#) set forth in 37 CFR 1.33(b)

Signature					
Name					
Date		Telephone		Registration No.	
<input type="checkbox"/>	There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. The required additional certification form(s) signed by the other joint inventor(s) are included with this form.				

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
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4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: MES.IHEB

Document Description: Certification of Micro Entity Status (Education Basis)

PTO/SB/15B (07-14)

<b>CERTIFICATION OF MICRO ENTITY STATUS (INSTITUTION OF HIGHER EDUCATION BASIS)</b>					
Application Number or Control Number (if applicable):			Patent Number (if applicable):		
First Named Inventor:			Title of Invention:		
<p><b>CERTIFICATION ON THE BASIS OF EMPLOYMENT BY AN INSTITUTION OF HIGHER EDUCATION</b></p> <p>The applicant hereby certifies the following—</p> <p style="margin-left: 40px;">The applicant qualifies as a small entity as defined in 37 CFR 1.27.</p> <p style="margin-left: 40px;">The applicant's employer, from which the applicant obtains the majority of the applicant's income, is an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).</p>					
<b>SIGNATURE by an <u>authorized party</u> set forth in 37 CFR 1.33(b)</b>					
Signature					
Name					
Date		Telephone		Registration No.	
<input type="checkbox"/>	There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. The required additional certification form(s) signed by the other joint inventor(s) are included with this form.				
<p><b>CERTIFICATION ON THE BASIS OF ASSIGNMENT OR OBLIGATION TO ASSIGN TO AN INSTITUTION OF HIGHER EDUCATION</b></p> <p>The applicant hereby certifies the following—</p> <p style="margin-left: 40px;">The applicant qualifies as a small entity as defined in 37 CFR 1.27.</p> <p style="margin-left: 40px;">The applicant has assigned, granted, conveyed, or is under an obligation by contract or law, to assign, grant, or convey, a license or other ownership interest in the particular application to an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).</p>					
<b>SIGNATURE by an <u>authorized party</u> set forth in 37 CFR 1.33(b)</b>					
Signature					
Name					
Date		Telephone		Registration No.	
<input type="checkbox"/>	There is more than one inventor and I am one of the inventors who are jointly identified as the applicant. The required additional certification form(s) signed by the other joint inventor(s) are included with this form.				

NOTE: A signed copy of this "institution of higher education basis" micro entity certification form (PTO/SB/15B) filed together with a signed copy of the "gross income basis" micro entity certification form (PTO/SB/15A) will be taken to be a representation that any inventor or person applying for a patent as provided in 37 CFR 1.46 not qualifying on the "gross income basis" qualifies on the "institution of higher education basis."

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/AIA/01 (06-12)

Approved for use through 11/30/2020. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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### DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

<b>Title of Invention</b>	
<p>As the below named inventor, I hereby declare that:</p> <p>This declaration is directed to: <input type="checkbox"/> The attached application, or</p> <p style="margin-left: 150px;"><input type="checkbox"/> United States application or PCT international application number _____</p> <p style="margin-left: 150px;">filed on _____.</p> <p>The above-identified application was made or authorized to be made by me.</p> <p>I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.</p> <p>I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.</p> <p style="text-align: center;"><b>WARNING:</b></p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>	
<p><b>LEGAL NAME OF INVENTOR</b></p> <p>Inventor: _____ Date (Optional) : _____</p> <p>Signature: _____</p>	
<p><small>Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.</small></p>	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
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8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc code: Oath

Document Description: Oath or declaration filed

PTO/AIA/02 (07-13)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## SUBSTITUTE STATEMENT IN LIEU OF AN OATH OR DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (35 U.S.C. 115(d) AND 37 CFR 1.64)

<b>Title of Invention</b>			
This statement is directed to:  <input type="checkbox"/> The attached application,  OR  <input type="checkbox"/> United States application or PCT international application number _____ filed on _____.			
<b>LEGAL NAME of inventor to whom this substitute statement applies:</b>			
(E.g., Given Name (first and middle (if any)) and Family Name or Surname)			
Residence (except for a deceased or legally incapacitated inventor):			
City	State	Country	
Mailing Address (except for a deceased or legally incapacitated inventor):			
City	State	Zip	Country
I believe the above-named inventor or joint inventor to be the original inventor or an original joint inventor of a claimed invention in the application.  The above-identified application was made or authorized to be made by me.  I hereby acknowledge that any willful false statement made in this statement is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.			
Relationship to the inventor to whom this substitute statement applies:			
<input type="checkbox"/> Legal Representative (for deceased or legally incapacitated inventor only), <input type="checkbox"/> Assignee, <input type="checkbox"/> Person to whom the inventor is under an obligation to assign, <input type="checkbox"/> Person who otherwise shows a sufficient proprietary interest in the matter (petition under 37 CFR 1.46 is required), or <input type="checkbox"/> Joint Inventor.			

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## SUBSTITUTE STATEMENT

Circumstances permitting execution of this substitute statement:

- ☐ Inventor is deceased,
- ☐ Inventor is under legal incapacity,
- ☐ Inventor cannot be found or reached after diligent effort, or
- ☐ Inventor has refused to execute the oath or declaration under 37 CFR 1.63.

If there are joint inventors, please check the appropriate box below:

- ☐ An application data sheet under 37 CFR 1.76 (PTO/AIA/14 or equivalent) naming the entire inventive entity has been or is currently submitted.

OR

- ☐ An application data sheet under 37 CFR 1.76 (PTO/AIA/14 or equivalent) has not been submitted. Thus, a Substitute Statement Supplemental Sheet (PTO/AIA/11 or equivalent) naming the entire inventive entity and providing inventor information is attached. See 37 CFR 1.64(b).

### WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

### PERSON EXECUTING THIS SUBSTITUTE STATEMENT:

Name:	Date (Optional):
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Signature:

### APPLICANT NAME AND TITLE OF PERSON EXECUTING THIS SUBSTITUTE STATEMENT:

If the applicant is a juristic entity, list the applicant name and the title of the signer:

Applicant Name:

Title of Person Executing  
This Substitute Statement:

The signer, whose title is supplied above, is authorized to act on behalf of the applicant.

### Residence of the signer (unless provided in an application data sheet, PTO/AIA/14 or equivalent):

City	State	Country
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### Mailing Address of the signer (unless provided in an application data sheet, PTO/AIA/14 or equivalent)

City	State	Zip	Country
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Note: Use an additional PTO/AIA/02 form for each inventor who is deceased, legally incapacitated, cannot be found or reached after diligent effort, or has refused to execute the oath or declaration under 37 CFR 1.63.

## Privacy Act Statement

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1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/AIA/80 (07-17)

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**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(c).

I hereby appoint:

☐

Practitioners associated with Customer Number:

**OR**

☐

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

Name	Registration Number

As attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(c).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(c) to:

☐

The address associated with Customer Number:

**OR**

☐

Firm or individual name

Address

City

State

Zip

Country

Telephone

Email

Assignee name and address:

**A copy of this form, together with a statement under 37 CFR 3.73(c) (Form PTO/AIA/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(c) may be completed by one of the practitioners appointed in this form, and must identify the application in which this Power of Attorney is to be filed.**

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee.

Signature

Date

Name

Telephone

Title

This collection of information is required by 37 CFR 1.31, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public, which is to update (and by the USPTO to process) the file of a patent or reexamination proceeding. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 18 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

## Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
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PTO/AIA/81 (07-12)

Approved for use through 01/31/2018. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>POWER OF ATTORNEY TO ONE OR MORE OF THE JOINT INVENTORS AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	
	Filing Date	
	First Named Inventor	
	Art Unit	
	Examiner Name	
	Title	

**NOTE:** This form may be filed by *pro se* inventors (*i.e.*, prosecuting the application without a registered patent practitioner) who are identified as the Applicant in the above-identified application. For a Power of Attorney to one or more registered patent practitioners, see form PTO/AIA/82.

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ I hereby appoint the following joint inventor(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

--

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with Customer Number. (if applicable):  
-To Request A Customer Number see form PTO/SB/124

--

**OR**

Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

I am the Inventor.

SIGNATURE of Inventor	
Signature	Date
Name	Telephone

**NOTE:** Signatures of all the inventors are required. Submit multiple forms if more than one signature is required, see below\*. See 37 CFR 1.4 for signature requirements and certifications.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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## Privacy Act Statement

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: PA..

Document Description: Power of Attorney

PTO/AIA/82A (07-13)

Approved for use through 03/31/2021. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA/82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

Application Number

Filing Date

First Named Inventor

Title

Art Unit

Examiner Name

Attorney Docket Number

### SIGNATURE of Applicant or Patent Practitioner

Signature

Date (Optional)

Name

Registration  
NumberTitle (if Applicant is a  
juristic entity)

Applicant Name (if Applicant is a juristic entity)

**NOTE:** This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

☐

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

Doc Code: PA..

Document Description: Power of Attorney

PTO/AIA/82B (07-13)

Approved for use through 03/31/2021. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY BY APPLICANT**

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

☐ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

**OR**

☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

**Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:**

☐ The address associated with the above-mentioned Customer Number

**OR**

☐ The address associated with Customer Number:

**OR**

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

- ☐ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☐ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

**SIGNATURE of Applicant for Patent**

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature

Date (Optional)

Name

Title

**NOTE:** Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☐ Total of \_\_\_\_\_ forms are submitted.

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PTO/AIA/82C (07-13)

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**POWER OF ATTORNEY BY APPLICANT**

No more than ten (10) patent practitioners total may be appointed as set forth below by name and registration number. This page need not be submitted if appointing the Patent Practitioner(s) associated with a Customer Number (see form PTO/AIA/82B):

Name	Registration Number

## Privacy Act Statement

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Attorney Docket Number

(31 May 2018)

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of

(31 May 2018)

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Form **PTO-1595** (Rev. 6-18)  
OMB No. 0651-0027 (exp. 06/30/2021)

U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

## RECORDATION FORM COVER SHEET PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

### 1. Name of conveying party(ies)

Additional name(s) of conveying party(ies) attached? ☐ Yes ☐ No

### 3. Nature of conveyance/Execution Date(s):

Execution Date(s) \_\_\_\_\_

- ☐ Assignment
 ☐ Merger  
☐ Security Agreement
 ☐ Change of Name  
☐ Joint Research Agreement  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other \_\_\_\_\_

### 2. Name and address of receiving party(ies)

Name: \_\_\_\_\_

Internal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Country: \_\_\_\_\_ Zip: \_\_\_\_\_

Additional name(s) & address(es) attached? ☐ Yes ☐ No

### 4. Application or patent number(s):

☐ This document serves as an Oath/Declaration (37 CFR 1.63).

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☐ No

### 5. Name and address to whom correspondence concerning document should be mailed:

Name: \_\_\_\_\_

Internal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Docket Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

### 6. Total number of applications and patents involved: \_\_\_\_\_

### 7. Total fee (37 CFR 1.21(h) & 3.41) \$ \_\_\_\_\_

- ☐ Authorized to be charged to deposit account  
☐ Enclosed  
☐ None required (government interest not affecting title)

### 8. Payment Information

Deposit Account Number \_\_\_\_\_

Authorized UserName \_\_\_\_\_

### 9. Signature:

Signature

Date

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O.Box 1450, Alexandria, V.A. 22313-1450

## Guidelines for Completing Patents Cover Sheets (PTO-1595)

Cover Sheet information must be submitted with each document to be recorded. If the document to be recorded concerns both patents and trademarks separate patent and trademark cover sheets, including any attached pages for continuing information, must accompany the document. All pages of the cover sheet should be numbered consecutively, for example, if both a patent and trademark cover sheet is used, and information is continued on one additional page for both patents and trademarks, the pages of the cover sheet would be numbered from 1 to 4.

### Item 1. Name of Conveying Party(ies).

Enter the full name of the party(ies) conveying the interest. If there is insufficient space, enter a check mark in the "Yes" box to indicate that additional information is attached. The name of the additional conveying party(ies) should be placed on an attached page clearly identified as a continuation of the information Item 1. Enter a check mark in the "No" box, if no information is contained on an attached page. If the document to be recorded is a joint research agreement, enter the name(s) of the party(ies) other than the owner of the patent or patent application as the conveying party(ies).

### Item 2. Name and Address of Receiving Party(ies).

Enter the name and full address of the first party receiving the interest. If there is more than one party receiving the interest, enter a check mark in the "Yes" box to indicate that additional information is attached. Enter a check mark in the "No" box, if no information is contained on an attached page. If the document to be recorded is a joint research agreement, enter the name(s) of the patent or patent application owner(s) as the receiving party.

### Item 3. Nature of Conveyance/Execution Date(s).

Enter the execution date(s) of the document. It is preferable to use the name of the month, or an abbreviation of that name, in order that confusion over dates is minimized. Place a check mark in the appropriate box describing the nature of the conveying document. If the "Other" box is checked, specify the nature of the conveyance.

### Item 4. Application Number(s) or Patent Number(s).

Indicate the application number(s), and/or patent number(s) against which the document is to be recorded. National application numbers must include both the series code and a six-digit number (e.g., 07/123,456), and international application numbers must be complete (e.g., PCT/US91/12345).

Enter a check mark in the appropriate box: "Yes" or "No" if additional numbers appear on attached pages. Be sure to identify numbers included on attached pages as the continuation of Item 4. Also enter a check mark if this Assignment is being filed as an Oath/Declaration ( 37 CFR 1.63).

### Item 5. Name and Address of Party to whom correspondence concerning the document should be mailed.

Enter the name and full address of the party to whom correspondence is to be mailed.

### Item 6. Total Applications and Patents involved.

Enter the total number of applications and patents identified for recordation. Be sure to include all applications and patents identified on the cover sheet and on additional pages.

### Block 7. Total Fee Enclosed.

Enter the total fee enclosed or authorized to be charged. A fee is required for each application and patent against which the document is recorded.

### Item 8. Payment Information.

Enter the deposit account number and authorized user name to authorize charges.

### Item 9. Signature.

Enter the name of the person submitting the document. The submitter must sign and date the cover sheet. Enter the total number of pages including the cover sheet, attachments, and document.

This collection of information is required by 35 USC 261 and 262 and 15 USC 1057 and 1060. The information is used by the public to submit (and by the USPTO to process) patent and trademark assignment requests. After the USPTO records the information, the records for patent and trademarks, assignments, and other associated documents can be inspected by the public. To view documents recorded under secrecy orders or documents recorded due to the interest of the federal government, a written authorization must be submitted. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the form to the USPTO. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Manager of the Assignment Division, USPTO, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

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### Item 2. Name and Address of Receiving Party(ies).

Enter the name and full address of the first party receiving the interest. If there is more than one party receiving the interest, enter a check mark in the "Yes" box to indicate that additional information is attached. Enter a check mark in the "No" box, if no information is contained on an attached page. If the document to be recorded is a joint research agreement, enter the name(s) of the patent or patent application owner(s) as the receiving party.

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### Item 4. Application Number(s) or Patent Number(s).

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### Item 9. Signature.

Enter the name of the person submitting the document. The submitter must sign and date the cover sheet. Enter the total number of pages including the cover sheet, attachments, and document.

This collection of information is required by 35 USC 261 and 262 and 15 USC 1057 and 1060. The information is used by the public to submit (and by the USPTO to process) patent and trademark assignment requests. After the USPTO records the information, the records for patent and trademarks, assignments, and other associated documents can be inspected by the public. To view documents recorded under secrecy orders or documents recorded due to the interest of the federal government, a written authorization must be submitted. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the form to the USPTO. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Manager of the Assignment Division, USPTO, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

Doc Code: PET.PCT

Document Description: Petition for review by the PCT Legal Office

PTO/SB/64PCT (12-20)

Approved for use through 12/31/2020. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<p style="text-align: center;"><b>PETITION FOR REVIVAL OF AN INTERNATIONAL (PCT) APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)</b></p> <p style="text-align: center;">Page 1 of 3</p>	<p>Docket Number (Optional)</p>
<p>First named inventor: _____</p> <p>International (PCT) Application No.: _____ U.S. Application No. (if known): _____</p> <p>Filed: _____</p> <p>Title: <div style="border: 1px solid black; height: 40px; width: 100%; margin-top: 5px;"></div></p> <p>Attention: International Patent Legal Administration  <b>Mail Stop PCT</b>          Commissioner for Patents          P.O. Box 1450          Alexandria, VA 22313-1450</p> <p>NOTE: If information or assistance is needed in completing this form, please contact the PCT Helpdesk at (571) 272-4300.</p> <p>The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) and 37 CFR 1.495 were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) (as applicable). The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(c) and (h).</p> <p><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b></p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Proper reply;</li> <li>(3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol> <p><b>1. Petition fee</b></p> <p><input type="checkbox"/> Small entity fee \$ _____ (37 CFR 1.17(m)). Applicant asserts small entity status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Micro entity fee \$ _____ (37 CFR 1.17(m)). Applicant certifies micro entity status. See 37 CFR 1.29.          Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.</p> <p><input type="checkbox"/> Undiscounted fee \$ _____ (37 CFR 1.17(m)).</p> <p><b>2. Proper reply</b></p> <p>The proper reply (the missing requirement(s)) in the form of _____ (identify the type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____.</p> <p><input type="checkbox"/> is enclosed herewith.</p> <p><b>3. Terminal disclaimer with disclaimer fee</b></p> <p><input type="checkbox"/> Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.</p> <p><input type="checkbox"/> A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d) of \$ _____) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).</p>	

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)**

Page 2 of 3

**4. STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(a) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(a) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

Petitioner is reminded that a delay resulting from a deliberately chosen course of action on the part of the applicant does not become an "unintentional" delay within the meaning of 37 CFR 1.137 because:

- the applicant does not consider the claims to be patentable over the references relied upon in an outstanding Office action;
- the applicant does not consider the allowed or patentable claims to be of sufficient breadth or scope to justify the financial expense of obtaining a patent;
- the applicant does not consider any patent to be of sufficient value to justify the financial expense of obtaining the patent;
- the applicant does not consider any patent to be of sufficient value to maintain an interest in obtaining the patent; or
- the applicant remains interested in eventually obtaining a patent, but simply seeks to defer patent fees and patent prosecution expenses.

Petitioner is further reminded that an intentional delay resulting from a deliberate course of action chosen by the applicant is not affected by:

- the correctness of the applicant's (or applicant's representative's) decision to abandon the application or not to seek or persist in seeking revival of the application;
- the correctness or propriety of a rejection, or other objection, requirement, or decision by the Office; or
- the discovery of new information or evidence, or other change in circumstances subsequent to the abandonment or decision not to seek or persist in seeking revival.

NOTE: Where the petition under 37 CFR 1.137(a) is filed more than two years after the date the application became abandoned, the United States Patent and Trademark Office requires an additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional. This requirement is in addition to the requirement to provide a statement that the entire delay was unintentional. See *Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay*, 85 FR 12222 (March 2, 2020). See MPEP 711.03(c)(II)(C)-(F) for additional guidance on the information required to establish that the entire delay was unintentional.

- ☐ Because this petition under 37 CFR 1.137(a) is being filed more than two years after the date the application became abandoned, additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional is enclosed herewith.

Doc Code: PET.PCT

Document Description: Petition for review by the PCT Legal Office

PTO/SB/64PCT (12-20)

Approved for use through 12/31/2020. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN INTERNATIONAL (PCT) APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(a)**

Page 3 of 3

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Typed or Printed Name\_\_\_\_\_  
Registration Number, if applicable\_\_\_\_\_  
Address\_\_\_\_\_  
Telephone Number\_\_\_\_\_  
Address**Enclosures:**

- ☐ Petition fee under 37 CFR 1.17(m)
- ☐ Reply and/or fee
- ☐ Terminal Disclaimer Form
- ☐ Additional sheet(s) containing statements establishing unintentional delay
- ☐ Other (please identify): \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted to the United States Patent and Trademark Office by EFS-Web, or by facsimile to (571) 273-8300, on the date shown below.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature\_\_\_\_\_  
Typed or printed name of person signing certificate

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

# JAPAN PATENT OFFICE (JPO)

## AS DESIGNATED (OR ELECTED) OFFICE

### CONTENTS

THE ENTRY INTO THE NATIONAL PHASE — SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees .....	Annex JP.I
Form No. 53: Transmittal form (related to PR Rule 38-4) .....	Annex JP.II
Form No. 52: Submission of a translation of an amendment under Article 19 (related to PR Rule 38-2) .....	Annex JP.III
Form No. 54: Submission of a translation of an amendment under Article 34 (related to PR Rule 38-6) .....	Annex JP.IV
Form No. 44: Request for examination of application (related to PR Rule 31-2) .....	Annex JP.V
Form No. 55: Request for review (related to PR Rule 38-8) .....	Annex JP.VI
Power of attorney .....	Annex JP.VII

#### List of abbreviations:

Office: Japan Patent Office (JPO)

DA: Design Act of Japan

PA: Patent Act of Japan

PR: Patent Regulations under the Patent Act of Japan

UMA: Utility Model Act of Japan

Art.: Article

**SUMMARY****Designated  
(or elected) Office****SUMMARY****JP****JAPAN PATENT OFFICE (JPO)****JP****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: <sup>1</sup>	Japanese <sup>2</sup>
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Description, claims (if amended, as originally filed or as amended, or both as originally filed and as amended, at applicant's option <sup>3</sup> ), any text matter of drawings, abstract  Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report <sup>3</sup> )
Is a copy of the international application required?	No
National fee: <sup>4</sup>	Currency: Japanese yen (JPY) For patent: Filing fee: JPY 14,000 For utility model: Filing fee: JPY 14,000
Exemptions, reductions or refunds of the national fees:	The fee for request for examination is reduced where an international search report has been established. Moreover, reductions are available to individuals, small and medium-sized enterprises, micro enterprises, academic institutions and certain other entities (see Annex JP.I)

*[Continued on next page]*

<sup>1</sup> The time limit for submission of the Japanese translation of the international application is 30 months from the priority date (under PCT Article 22(1) or 39(1)(a)). This time limit may be extended under certain circumstances (see paragraph JP.03).

<sup>2</sup> Where the international application was filed in Japanese, a copy of any amendments under PCT Articles 19 and 34 may be required, if the communication under Article 20 has not taken place within the time limit applicable under Article 22(1) or 39(1)(a) or if an express request for early processing was filed under Article 23(2).

<sup>3</sup> Where no translation of amendments is filed, the amendments are considered not to have been made. However, amendments may be made as specified in paragraph JP.13 of the JP national chapter.

<sup>4</sup> If not already paid within the applicable time limit under PCT Article 22(1) or 39(1)(a), the Office will invite the applicant to pay the national fee within a time limit fixed in the invitation. Where the translation of the international application is submitted in paper form, a special fee for conversion into electronic format is required.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****JP****JAPAN PATENT OFFICE (JPO)****JP***[Continued]*

Special requirements of the Office  
(PCT Rule 51*bis*):

When the applicant is a legal entity, indication of the name of an officer representing that entity<sup>5</sup> (the indication of such a name is not required where the legal entity is represented by a patent attorney)

Appointment of an agent if the applicant is not resident in Japan<sup>6</sup>

Where the person, the name or the residence of the applicant is changed during the international phase and the change has not been reflected in the international publication or in a Notification of the Recording of a Change (Form PCT/IB/306), a statement indicating the change (preferably on a special request form) and, in case of a change in the person of the applicant, a document evidencing the change<sup>7</sup>

Where a change (addition and/or deletion) in the person of the inventor during the international phase has not been reflected in the international publication or in a Notification of the Recording of a Change (Form PCT/IB/306), the correct indications relating to the inventor (preferably on a special transmittal form (Form 53)), a statement explaining the reasons for the change and a written oath of all inventors<sup>7</sup>

Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form

Who can act as agent?

Any patent attorney, attorney-at-law or other person resident in Japan, or firm registered to practice before the Office

Does the Office accept requests for  
restoration of the right of priority  
(PCT Rule 49*ter.2*)?

Yes, the Office applies the “due care” criterion to such requests<sup>8</sup>

<sup>5</sup> If not already complied with, no later than the date on which the relevant time for national processing occurs (see paragraph JP.02 of the JP national chapter), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>6</sup> Must be appointed within two months from the date of mailing of the invitation from the Office (see paragraph JP.08).

<sup>7</sup> Must be furnished no later than the date on which the relevant time for national processing occurs (see paragraph JP.02 of the JP national chapter); if not furnished, the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>8</sup> For international applications filed on or after 1 April 2015. For the relevant notification by the Office, see *Official Notices (PCT Gazette)* dated 12 March 2015, page 51.

## THE PROCEDURE IN THE NATIONAL PHASE

PA Art.	184-5	<p><b>JP.01 FORMS FOR ENTERING THE NATIONAL PHASE.</b> The Office has available a special transmittal form (Form No. 53) for entering the national phase (see Annex JP.II). This form should preferably (but need not) be used when effecting the payment of the national fee (see paragraph JP.06) and for furnishing the translation of the international application into Japanese. Any document required for entry into the national phase may be submitted in paper form or online in electronic format. However, any document submitted in paper form will be converted by the Office into electronic format and subjected to the payment of a special fee (see Annex JP.I).</p>
PA Art.	184-4	<p><b>JP.02 RELEVANT TIME FOR NATIONAL PROCESSING.</b> The relevant time for national processing occurs:</p> <ul style="list-style-type: none"> <li>(i) on the date of the expiration of 30 months from the priority date,</li> <li>(ii) at the time of filing of the request for examination, if filed on or before the date of (i) (see also JP.10).</li> </ul>
PCT Art.	22	<p><b>JP.03 TRANSLATION (LATE FURNISHING OF).</b> The time limit for filing the Japanese translation of the international application is 30 months from the priority date. Where Form No. 53 (see Annex JP.II) is submitted within two months before the expiration of 30 months from the priority date, that is, during the period from the beginning of the 29th month to the end of the 30th month from the priority date, the translations may be filed within two months from the date of submission of Form No. 53.</p>
PA Art.	39(1) 184-4(1)	
PA Art.	17-2(2) 184-12(2)	<p><b>JP.04 TRANSLATION (CORRECTION).</b> Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).</p>
PA Art.	184-4(2) 184-6(3) 184-7(1), (2), (3) 184-8	<p><b>JP.05 TRANSLATION (COPY) OF AMENDMENTS UNDER PCT ARTICLES 19 AND 34.</b> Where the international application has not been filed in Japanese and amendments have been filed under PCT Article 19 or 34, the applicant should furnish a translation of such amendments into Japanese using Form No. 52 (for amendment under PCT Article 19, see Annex JP.III) or Form No. 54 (for amendments under PCT Article 34, see Annex JP.IV) no later than the date on which the relevant time for national processing occurs (see paragraph JP.02). Where the international application has been filed in Japanese and amendments have been filed under PCT Article 19 or 34, the applicant should furnish a copy of such amendments using the relevant Form No. 54 no later than the date on which the relevant time for the national processing occurs unless the Office has received them from the International Bureau under PCT Article 20 or 36. Any amendments for which the applicant fails to submit a translation, or a copy, within the applicable time limit, shall not be taken into consideration by the Office.</p>
		<p><b>JP.06 FEES (MANNER OF PAYMENT).</b> The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex JP.I.</p>
PCT Rule PR Rule	17.1(c) 38-14	<p><b>JP.07 PRIORITY DOCUMENT.</b> Where the priority document has not been furnished in compliance with PCT Rule 17.1(a), (b) or (b-<i>bis</i>), the applicant in the national phase has an opportunity to furnish the priority document to the Office within 32 months from the priority date.</p>

PCT Rule 90 PA Art. 8 184-11(1), (2), (3), (4), (5) PR Rule 2(2)	<b>JP.08 APPOINTMENT OF AGENT.</b> A person who has neither his domicile nor residence in Japan may not proceed except through his representative with respect to his patent who has his domicile or residence in Japan. If the applicant is not resident in Japan, appointment of an agent and filing of a power of attorney is necessary. Where the applicant filed any documents not through an agent, the Office sends to the applicant an invitation to appoint one. If the applicant fails to appoint one within two months from the date of mailing of the said invitation from the Office, the applications shall be deemed to have been withdrawn. Where the power of attorney is in a language other than Japanese, a Japanese translation is required. A model is given in Annex JP.VII (page 1 in English translation, page 2 in Japanese).
PA Art. 48-2 48-4	<b>JP.09 REQUEST FOR EXAMINATION.</b> Patentability will be examined only after request by the applicant or by a third party. The request for examination must be made in Japanese on Form No. 44 (see Annex JP.V).
PA Art. 48-3 184-17	<b>JP.10 TIME LIMIT FOR REQUESTING EXAMINATION.</b> Examination must be requested within three years from the international filing date. Such request can only be made once all requirements for entry into the national phase have been complied with. The request for examination is considered by the Office as a request for early entry into the national phase if it is made before the expiration of the time limit applicable under PCT Article 22 or 39(1).
PA Art. 48-3(5), (6), (7), (8) 184-11(1)	Where the applicant failed to file a request for examination within three years from the international filing date, in spite of due care required by the circumstances having been taken, he may still do so within two months from the removal of the cause of the failure to observe the time limit or 12 months from the date of expiration of the time limit, whichever time limit expires earlier. The request must be made in writing and set out the reasons for the failure to comply with the time limit. Applicants are to submit any documents to support their reasons.  Applicants domiciled overseas who wish to file a request for examination after the prescribed period has expired must submit the request for examination (Form No. 44), together with a document stating the reasons for the late submission and any other documents through an agent domiciled or resident in Japan.
PA Art. 195(2)	<b>JP.11 FEE FOR REQUESTING EXAMINATION.</b> The request for examination is only effective if the fee for requesting examination has been paid. The amount of the fee is indicated in Annex JP.I.
PA Art. 107 108 112	<b>JP.12 ANNUAL FEES.</b> Annual fees for the first to the third year must all be paid at the same time, within 30 days after receipt of the decision to grant a patent. The annual fees for the fourth and subsequent years must be paid before the end of the previous year. Payment can still be made, together with a 100% surcharge for late payment, before the expiration of six months from the due date. The amounts of the annual fees are indicated in Annex JP.I.
PCT Art. 28 41 PA Art. 184-12(1) 17(2) 17-2	<b>JP.13 AMENDMENT OF THE APPLICATION; TIME LIMITS.</b> Amendments may be made to the description, claims or drawings, after the relevant time for national processing has occurred (see JP.02) and after Form No. 53 and any required translations of the international application have been filed and the national fee has been paid, within the following period:  (i) before the applicant receives either the decision to grant a patent or the first notice of reasons for refusal;  (ii) within a time limit designated in a non-final notice of reasons for refusal;  (iii) within a time limit designated in a final notice of reasons for refusal; or  (iv) where the applicant has filed an appeal against the examiner's decision of refusal, at the time of filing of the appeal.  Amendments shall not go beyond the extent of disclosure in the international application as originally filed. In addition, within the period (iii) or (iv), above, claims may be amended only to the extent that additional prior art search is not necessary.

PCT Art.	25	<b>JP.14 REVIEW UNDER ARTICLE 25 OF THE PCT.</b> The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. The request to the Office should be filed with Form No. 55 (see Annex JP.VI). If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an administrative appeal against this denial may be lodged within 60 days from the receipt of the denial. The Commissioner of the Office will then decide on the appeal.
PCT Rule	51	
PA Art.	184-20	
PR Rule to	38-7 38-9	
PCT Art.	4(3)	<b>JP.15 UTILITY MODEL.</b> Subject to what is said in paragraph JP.16, if the applicant wishes to obtain a utility model instead of a patent in Japan, on the basis of an international application, the applicant, on entry into the national phase, shall so indicate to the Office.
PCT Rule	43	
UMA Art.	49bis.1(a)	
PCT Art.	76.5	
PCT Rule	48-5(1)	<b>JP.16</b> Where, in the case referred to in paragraph JP.15, the international application does not contain drawings, the applicant must furnish the drawing(s) no later than the date on which the relevant time for national processing occurs (see paragraph JP.02). Where the applicant does not furnish the drawing(s) within that time limit, the Office will invite him to furnish the drawing(s) within a time limit fixed in the invitation. Where an international application for a patent is converted into a utility model application (see paragraph JP.19), the drawing(s) must be submitted with the request for conversion.
PCT Rule	7(2)(ii)	
UMA Art.	7.2	
	48-7	
UMA Art.	14(2)	<b>JP.17</b> Utility models are registered without any substantive examination thereof in the national phase.
	32	
		The other requirements for the national phase and the procedures thereafter are basically the same as for patents except that the fees for utility models and registration fees from the first to the third year must be paid instead of the fees for patents. If the applicant desires his utility model to be registered earlier than the expiration of the time limit for entry into the national phase, he may file an express request for an early commencement of the national procedures under PCT Articles 23(2) and 40(2).
UMA Art.	48-8	<b>JP.18</b> In addition to amendments under PCT Articles 19 and 34, amendments under PCT Article 28 or 41 are allowed to an international application for a utility model. The amendment in this case shall be made within the scope of the matter disclosed in the international application as originally filed (or translated into Japanese, see also paragraph JP.03).
PA Art.	46	<b>JP.19 CONVERSION.</b> An international application for a patent or utility model may be converted into the other kind of application or a design application by filing a request for conversion once the applicant has complied with the requirements for entry into the national phase.
	46-2	
	184-16	
UMA Art.	10	
DA Art.	48-11	
	13	The conversion of a patent application into a utility model application may be requested either:  (i) within nine years and six months from the international filing date; or  (ii) within three months from the transmittal of the first decision of the Office that the patent application shall be refused.  The conversion of a utility model application into a patent application may be requested, under certain circumstances, within three years from the international filing date.  The conversion of a patent application into a design application may be requested within three months from the transmittal of the first decision of the Office that the patent application shall be refused.  The conversion of a utility model application into a design application may be requested at any time.  The conversion is subject to payment of a fee for conversion as indicated in Annex JP.I. The original application for a patent or a utility model shall be deemed to have been withdrawn after the conversion of the application.

PR Rule 38-13-2(2)  
27-5

**JP.20 NUCLEOTIDE AND/OR AMINO ACID SEQUENCES.** Where the international application contains the disclosure of a nucleotide and/or amino acid sequence, a diskette or CD-R containing coded data of the sequence listing must be furnished together with:

(i) a document which identifies the international application concerned and the diskette or CD-R furnished;

(ii) a statement that the sequences recorded on the diskette or CD-R are identical to those disclosed in the specification of the application as originally filed; and

(iii) a document which describes the recording format of the diskette or CD-R.

However, where the diskette or CD-R containing the coded data has already been furnished to the Office, the applicant is not required to submit it again.

PCT Rule 49ter.1  
49ter.2  
76.5

PA Art. 41(1)(i)  
43-2(1), (2)  
184-11(1)

PR Rule 27-4-2(1), (2)  
38-14(3), (4),  
(5), (6)  
38-14-2

**JP.21 RESTORATION OF THE RIGHT OF PRIORITY.** For international applications filed on or after 1 April 2015, restoration of the right of priority may be requested where the applicant, in spite of all due care required by the circumstances, failed to file the international application within the priority period, but within two months from the expiration of the priority period.

The request must be filed with the Office within one month from the expiration of the time limit to submit Form No. 53 (that is, the 30th month from the priority date, or if the application has not been filed in Japanese and Form No. 53 was filed during the period from the beginning of the 29th month to the end of the 30th month from the priority date, within two months from the date of submission of Form No. 53). The request must be made in writing and set out the reasons for the failure to file the international application within the priority period. Applicants are to submit any documents to support their reasons. Where the request for examination is made before the expiration of the time limit applicable under PCT Article 22 or 39(1), the request for restoration of the right of priority accompanied with any document to support their reasons must be filed within one month from the date of filing of the request for examination.

Any decision on restoration of the right of priority by the receiving Office, which was based on a finding by it that the failure to file the international application within the priority period occurred in spite of due care required by the circumstances having been taken, will be effective, unless the Office reasonably doubts that a requirement referred to in PCT Rule 49ter. 1 (c) was complied with. In such an exceptional case, the Office shall notify the applicant accordingly, indicating the reasons therefor and giving the applicant an opportunity to make observations within a specified time limit.

Applicants domiciled overseas who wish to request restoration of the right of priority must submit a document stating the reasons for the request and any other documents through an agent domiciled or resident in Japan.

PCT Art. 48(2)  
PCT Rule 49.6

PA Art. 184-4(3), (4),  
(5)  
184-11(4), (5)

PR Rule 38-2

**JP.22 REINSTATEMENT OF RIGHTS.** Reinstatement of rights may be requested either where the applicant failed to furnish a translation of the international application into Japanese within 30 months from the priority date or where the applicant failed to appoint the agent within two months from the date of mailing of the invitation from the Office in spite of due care required by the circumstances having been taken. A request for reinstatement must be made to the Office within two months from the removal of the cause of the failure to observe the time limit or twelve months from the date of expiration of the time limit, whichever time limit expires earlier. The request must be made in writing and set out the reasons for the failure to comply with the time limit. Within the said time limit, the omitted action must be completed. Applicants are to submit any documents to support their reasons.

Applicants domiciled overseas who intend to request reinstatement of rights must submit the translation and other documents through an agent domiciled or resident in Japan.

Even if the application is reinstated by the Office, the time limit for requesting examination remains three years from the international filing date (see paragraph JP.10).

## FEES

(Currency: Japanese yen)

### Patents

National fee . . . . .	14,000	
National fee for request for review . . . . .	14,000	
Fee for request for examination (for international applications filed before 1 April 2019): <sup>1</sup>		
(a) where no international search report has been established: . . . . .	118,000 plus 4,000 for each claim <sup>2</sup>	
(b) where the international search report has been established by the Office: . . . . .	71,000 plus 2,400 per claim	
(c) where the international search report has been established by an International Searching Authority other than the Office: . . . . .	106,000 plus 3,600 per claim	
(d) where the search report has been established by a searching organization which is designated under Japanese law: . . . . .	94,000 plus 3,200 per claim	
Fee for request for examination (for international applications filed on or after 1 April 2019): <sup>1</sup>		
(a) where no international search report has been established: . . . . .	138,000 plus 4,000 for each claim <sup>2</sup>	
(b) where the international search report has been established by the Office: . . . . .	83,000 plus 2,400 per claim	
(c) where the international search report has been established by an International Searching Authority other than the Office: . . . . .	124,000 plus 3,600 per claim	
(d) where the search report has been established by a searching organization which is designated under Japanese law: . . . . .	110,000 plus 3,200 per claim	
Fee for conversion of documents into electronic format . . . . .	2,400 plus 800 per sheet	
Annual fees (per year): <sup>1</sup>	International applications for which an examination is requested on or after 1 April 2004	International applications filed on or after 1 January 1988, and for which an examination was requested on or before 31 March 2004
— for the 1 <sup>st</sup> to the 3 <sup>rd</sup> years	4,300 plus 300 per claim	10,300 plus 900 per claim
— for the 4 <sup>th</sup> to the 6 <sup>th</sup> years	10,300 plus 800 per claim	16,100 plus 1,300 per claim
— for the 7 <sup>th</sup> to the 9 <sup>th</sup> years	24,800 plus 1,900 per claim	32,200 plus 2,500 per claim
— for the 10 <sup>th</sup> to the 25 <sup>th</sup> years	59,400 plus 4,600 per claim	64,400 plus 5,000 per claim
Fee for application for registration of extension of patent right <sup>3</sup> . . . . .	74,000	
Fee for conversion . . . . .	14,000 of a utility model application 16,000 of a design application	

<sup>1</sup> Fee reductions may apply for certain applicants such as small and medium-sized enterprises, micro enterprises, and academic institutions. For further details on the eligibility, see [https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet\\_e.pdf](https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet_e.pdf)

<sup>2</sup> Hereinafter referred to as “per claim”.

<sup>3</sup> The patent term, which is 20 years from the filing date, may be extended by up to five years where there is a period during which patent owners have been unable to work their inventions due to the regulations under the laws (where the subject matter of the inventions relates to human or animal drugs or to agricultural chemicals), provided that the application for registration of extension of the term of the patent right is filed.

**Utility models**

National fee . . . . .	14,000
National fee for request for review . . . . .	14,000
Fee for conversion of documents into electronic format . . . . .	2,400 plus 800 per sheet
Fee for conversion . . . . .	15,000 of a patent application 16,000 of a design application
Fee for technical opinion	
(a) where no international search report has been established . . . . .	42,000 plus 1,000 per claim
(b) where the international search report has been established by the Office . . . . .	8,400 plus 200 per claim
(c) where the international search report has been established by an International Searching Authority other than the Office. . . . .	33,600 plus 800 per claim
Annual fees (per year):	International applications filed on or after 1 April 2005
— for the 1 <sup>st</sup> to the 3 <sup>rd</sup> years . . . . .	2,100 plus 100 per claim
— for the 4 <sup>th</sup> to the 6 <sup>th</sup> years . . . . .	6,100 plus 300 per claim
— for the 7 <sup>th</sup> to the 10 <sup>th</sup> years . . . . .	18,100 plus 900 per claim

**How can payment of fees be effected?**

Payment of the national fee to the Office has to be made in Japanese Yen, by means of patent revenue stamps. The patent revenue stamps can be purchased at major Japan Post Co., Ltd. offices in Japan. The necessary amount of stamps must be affixed to the related form.

Some other payment methods, such as the advance payment system, bank account transfer or online cash transfer, may be available provided that the applicant or their representative in Japan has carried out the necessary registration proceedings at the Office in advance.

In principle, the Office does not accept any payments made directly by overseas residents, such as payment by international bank account transfer, or by credit card or by check, therefore, payment by an applicant overseas has to be made through a representative appointed in Japan.

However, in the case of patent annuity fees for the 4th year onwards, direct payment by bank account transfer or patent revenue stamps is available for overseas residents. For detailed instructions please see: [www.jpo.go.jp/e/system/process/tesuryo/160401\\_renewing\\_outside.html](http://www.jpo.go.jp/e/system/process/tesuryo/160401_renewing_outside.html)

**Form No. 53: Transmittal form**  
(Related to PR Rule 38-4)

【書類名】 国内書面

(【提出日】 令和 年 月 日)

【あて先】 特許庁長官 殿

【出願の表示】

【国際出願番号】

【出願の区分】

【発明者】

【住所又は居所】

【氏名】

【特許出願人】

【住所又は居所】

【氏名又は名称】

(【国籍・地域】)

【代理人】

【識別番号】

【弁理士】

【氏名又は名称】

(【手数料の表示】)

(【予納台帳番号】)

(【納付金額】)

【提出物件の目録】

【物件名】	明細書の翻訳文	1
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【物件名】	請求の範囲の翻訳文	1
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【物件名】	要約書の翻訳文	1
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【物件名】	図面の翻訳文	1
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Form No.52: Submission of translation of an amendment  
under Article 19 (Related to PR Rule 38-2)

【書類名】 特許協力条約第19条補正の翻訳文提出書

(【提出日】 令和 年 月 日)

【あて先】 特許庁長官 殿

【出願の表示】

【国際出願番号】

【出願の区分】

【特許出願人】

【住所又は居所】

【氏名又は名称】

【代理人】

【識別番号】

【弁理士】

【氏名又は名称】

【補正書の提出年月日】

【手続補正1】

【補正対象書類名】 特許請求の範囲

【補正対象項目名】 全文

【補正の方法】 変更

【補正の内容】

【その他】

Form No. 54: Submission of translation of an amendment under Article 34  
(Related to PR Rule 38-6)

【書類名】 特許協力条約第34条補正の翻訳文提出書

(【提出日】 令和 年 月 日)

【あて先】 特許庁長官 殿

【出願の表示】

【国際出願番号】

【出願の区分】

【特許出願人】

【住所又は居所】

【氏名又は名称】

【代理人】

【識別番号】

【弁理士】

【氏名又は名称】

【補正書の提出年月日】

【手続補正1】

【補正対象書類名】

【補正対象項目名】

【補正の方法】

【補正の内容】

【その他】

Form No. 44: Request for examination of application  
(Related to PR Rule 31-2)

【書類名】 出願審査請求書

(【提出日】 令和 年 月 日)

【あて先】 特許庁長官 殿

【出願の表示】

【出願番号】

【請求項の数】

【請求人】

【住所又は居所】

【氏名又は名称】

(【国籍・地域】)

【代理人】

【識別番号】

【弁理士】

【氏名又は名称】

(【手数料の表示】)

(【予納台帳番号】)

(【納付金額】)

Form No. 55: Request for review  
(Related to PR Rule 38-8)

【書類名】 特許協力条約第 2 5 条の規定による検査の申出書

(【提出日】 令和 年 月 日)

【あて先】 特許庁長官 殿

【国際出願番号】

【発明者】

【住所又は居所】

【氏名】

【申出人】

(【識別番号】)

【住所又は居所】

【氏名又は名称】

(【国籍・地域】)

【代理人】

(【識別番号】)

【住所又は居所】

【氏名又は名称】

【拒否（宣言、認定）の通知を受けた日】

【申出の趣旨】

【申出の理由】

【提出物件の目録】

【物件名】 国際出願の翻訳文 1

【物件名】 ( )

## Power of attorney

<b>POWER OF ATTORNEY</b>	
I/We <sup>(i)</sup>   of   do hereby appoint <sup>(ii)</sup>   my/our lawful representative(s) pursuant to the provisions of Art. 8 of the Patent Act, Art. 2-5 of the Utility Model Act and Art. 68 of the Design Act of Japan (“patent administrator”), to make on my/our behalf proceedings for making a <sup>(iii)</sup> application based on PCT application No. PCT <sup>(iv)</sup> to the Japan Patent Office, and to perform all other formalities and acts under the provisions concerned of the Patent, Utility Model and Design Acts of Japan or any orders issued on the basis thereof.	<div style="text-align: center; margin-top: 100px;">           Dated this        day of             .....             By.....         </div>

- (i) Insert the name and address of the applicant(s) (individual or legal entity) appointing the representative(s).
- (ii) Insert the name of the representative(s).
- (iii) State the particular kind of protection (patent or utility model) pursuant to the provisions of Art.43 of the PCT.
- (iv) State the international application number for which the representative(s) are appointed.

## Power of attorney (translation)

## 委 任 状 (訳 文)

私（等） (氏名又は名称)

所在 (住所又は居所)

は、ここに (委任された者の氏名)

を特許法第8条、実用新案法第2条の5及び意匠法第68条の規定による代理人  
(特許管理人)に選任し、私（等）の為に、

国際出願番号PCT/××○○○○/○○○○○○○に基づく（特許）出願の  
手続を日本国特許庁に対してなし、また日本国特許法、実用新案法若しくは  
意匠法又はこれらの法律に基づく命令に規定する一切の手続及び行為をなす  
権限を与えます。

年 月 日

署 名 \_\_\_\_\_

# INSTITUTE FOR INTELLECTUAL PROPERTY OF BOSNIA AND HERZEGOVINA

AS  
DESIGNATED (OR ELECTED) OFFICE

## CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEX

Fees ..... Annex BA.I

### List of abbreviations:

Office: Institute for Intellectual Property of Bosnia and Herzegovina

IPL: Bosnian Patent Law

APL: Bosnian Law on Administrative Procedures

**SUMMARY****Designated  
(or elected) Office****SUMMARY****BA INSTITUTE FOR INTELLECTUAL PROPERTY  
OF BOSNIA AND HERZEGOVINA BA****Summary of requirements for entry into the national phase****If grant of a national patent by the Institute for Intellectual Property of Bosnia and Herzegovina is desired:**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 34 months from the priority date Under PCT Article 39(1)(b): 34 months from the priority date
Translation of international application required into: <sup>1</sup>	Bosnian, Croatian or Serbian
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	Yes
National fee:	Currency: Convertible mark (BAM) Filing and publication fee: BAM 260 — plus for each page of the application over 30: BAM 3 — plus for each claim over 10: BAM 11 Publication fee for granted patent: BAM 60
Exemptions, reductions or refunds of the national fee:	The filing fee is reduced by 50% where the applicant is also the inventor.
Special requirements of the Office (PCT Rule 51 <i>bis</i> ): <sup>2</sup>	Appointment of an agent if the applicant is not resident in Bosnia and Herzegovina
Who can act as agent?	Any person registered to practice before the Office

*[Continued on next page]*<sup>1</sup> Must be furnished within the time limit applicable under PCT Article 22 or 39(1).<sup>2</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****BA INSTITUTE FOR INTELLECTUAL PROPERTY BA  
OF BOSNIA AND HERZEGOVINA***[Continued]*

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Does the Office accept requests for  
restoration of the right of priority  
(PCT Rule 49*ter*.2)?

Yes, please refer to the Office for the applicable criteria and/or any  
fee payable for such requests

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**If extension of a European patent is desired: See European Patent Organisation  
(EP) in Annex B2, Summary (EP) and National Chapters EP and BA**

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## THE PROCEDURE IN THE NATIONAL PHASE

**BA.01 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

**BA.02 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex BA.I.

PCT Art. 28  
41

**BA.03 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may amend or correct the international application up to the grant of a patent, provided that the scope of the subject matter of the application is not broadened thereby.

**BA.04 MAINTENANCE FEES.** After a patent has been granted, maintenance fees must be paid for maintaining the patent in force. The first maintenance fee is payable for the third year following the international filing date. Payment of the maintenance fees for subsequent years must be made before the anniversary of the international filing date. If payment is not made within this time limit, the Office will invite the applicant to pay the maintenance fee, together with a 50% surcharge, within six months after the due date. The amounts of the maintenance fees are indicated in Annex BA.I.

PCT Art. 24(2)  
48(2)  
PCT Rule 82*bis*

**BA.05 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Where, during the international phase or before the Office, the applicant has missed a time limit for performing any act in relation to the international application, such time limit may be extended by the Office. The procedure for excusing a delay is available to: (1) parties which have been delayed in performing certain actions due to justifiable reasons; (2) parties which have failed to submit the application in time because it was submitted to an unauthorized authority due to lack of awareness or obvious mistake; and (3) parties which have missed prescribed deadlines due to lack of awareness or obvious mistake but submit the application or relevant papers to the competent authority within three days after the deadline and where delay would mean that the party would lose rights.

**BA.06** The request for excusing a delay shall explain the circumstances which caused the delay and include the paper(s) sought to be submitted late. The request for excusing a delay must be submitted within eight days from the day on which the circumstances which caused the delay ceased to exist, or, where the party learned about its cessation only later, from the day the party learned of it. Requests for excusing a delay are acceptable only up to three months from the day when the delayed paper or action was due.

PCT Art. 25  
PCT Rule 51

**BA.07 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. In the case of a negative decision of the Office during the national phase (including in case of a request for review under Article 25), an appeal may be submitted to the Board of Appeal of the Institute for Intellectual Property of Bosnia and Herzegovina within one month from the date of receipt of the decision.

## FEES

(Currency: convertible mark)

Filing and publication fee . . . . .	260
Publication fee for granted patent . . . . .	60
Maintenance fees:	
— for the 3 <sup>rd</sup> year, counted from the international filing date . . . . .	90
— for the 4 <sup>th</sup> year, counted from the international filing date . . . . .	110
— for the 5 <sup>th</sup> year, counted from the international filing date . . . . .	130
— for the 6 <sup>th</sup> year, counted from the international filing date . . . . .	190
— for the 7 <sup>th</sup> year, counted from the international filing date . . . . .	250
— for the 8 <sup>th</sup> year, counted from the international filing date . . . . .	310
— for the 9 <sup>th</sup> year, counted from the international filing date . . . . .	370
— for the 10 <sup>th</sup> year, counted from the international filing date. . . . .	480
— for the 11 <sup>th</sup> year, counted from the international filing date. . . . .	600
— for the 12 <sup>th</sup> year, counted from the international filing date. . . . .	720
— for the 13 <sup>th</sup> year, counted from the international filing date. . . . .	940
— for the 14 <sup>th</sup> year, counted from the international filing date. . . . .	1,060
— for the 15 <sup>th</sup> year, counted from the international filing date. . . . .	1,180
— for the 16 <sup>th</sup> year, counted from the international filing date. . . . .	1,400
— for the 17 <sup>th</sup> year, counted from the international filing date. . . . .	1,620
— for the 18 <sup>th</sup> year, counted from the international filing date. . . . .	1,840
— for the 19 <sup>th</sup> year, counted from the international filing date. . . . .	2,060
— for the 20 <sup>th</sup> year, counted from the international filing date. . . . .	2,280

### How can payment of fees be effected?

All fees must be paid to the Institute for Intellectual Property of Bosnia and Herzegovina via a registered patent agent.

Exceptionally, foreign natural persons and legal entities may make the payment directly without a representative if the payment is made in the local currency (BAM). Foreign natural persons and legal entities shall submit to the Office the address for correspondence which must be in the territory of Bosnia and Herzegovina. In that case, upon request, the Office will issue an invoice with all the necessary information for payment.

# MOROCCAN OFFICE OF INDUSTRIAL AND COMMERCIAL PROPERTY (OMPIC)

## AS DESIGNATED (OR ELECTED) OFFICE

### CONTENTS

THE ENTRY INTO THE NATIONAL PHASE—SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees. . . . .	Annex MA.I
Form for filing an application for a patent of invention (B1). . . . .	Annex MA.II
Form for request for rectification of errors of expression, transcription or clerical errors (B2) . . . . .	Annex MA.III
Form for applicant's observations following a rejection decision (ODR). . . . .	Annex MA.IV
Form for amendment of the claims/observations following notification of the preliminary search report (B10) . . . . .	Annex MA.V

#### List of abbreviations:

Office:	Moroccan Office of Industrial and Commercial Property (OMPIC)
Law:	Law No. 17-97 on the Protection of Industrial Property (as modified and completed by Law No. 31-05 in 2006 and Law No. 23-13 in 2014)
Decree:	Decree No. 2-14-316 amending and supplementing Decree No. 2-00-368 implementing Law No. 17-97 on the Protection of Industrial Property (as modified and completed by Law No. 31-05 in 2006 and Law No. 23-13 in 2014)

**SUMMARY****Designated  
(or elected) Office****SUMMARY****MA****MOROCCAN OFFICE OF INDUSTRIAL  
AND COMMERCIAL PROPERTY (OMPIC)****MA****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: <sup>1</sup>	Arabic or French
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	The applicant should only send a copy of the international application if he/she has not received Form PCT/IB/308 and the Office has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2).
National fee <sup>2, 3</sup> :	Currency: Moroccan dirham (MAD) Filing fee: <sup>1</sup> 1.000 (750) <sup>4</sup> 500 <sup>5</sup> (250) <sup>4, 5</sup> Publication fee <sup>1</sup> : 1.000 (750) <sup>4</sup> 500 <sup>5</sup> (250) <sup>4, 5</sup> Additional fee for publication of claims in excess of 10, per claim: 400 160 <sup>5</sup> Fee for establishment of the search report with opinion on patentability: 8,000 (6,000) <sup>4</sup> 4,000 <sup>5</sup> (2,000) <sup>4, 5</sup>
Exemptions, reductions or refunds of the national fee:	See Summary and Annex MA.I

*[Continued on next page]*<sup>1</sup> Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).<sup>2</sup> The complete list of the Office's national fees is available at: [www.ompic.ma/en/content/patent/tariffs](http://www.ompic.ma/en/content/patent/tariffs)<sup>3</sup> Fees are subject to value added tax (VAT) of 20%.<sup>4</sup> The amount in parentheses is applicable to applications filed online. For further information on the online filing of patent applications with the Office, please contact the Office at: [pct@ompic.ma](mailto:pct@ompic.ma).<sup>5</sup> This amount is applicable to very small enterprises, small or medium enterprises (in accordance with the criteria of the SME charter), natural persons, self-entrepreneurs, craftsmen, universities, educational establishments and institutions with a research or development mission (public establishments, foundations, research centers and associations), whether national or foreign.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****MA****MOROCCAN OFFICE OF INDUSTRIAL  
AND COMMERCIAL PROPERTY (OMPIC)****MA***[Continued]*Special requirements of the Office  
(PCT Rule 51*bis*):<sup>6</sup>

Appointment of an agent if the applicant is not resident in Morocco

Instrument of assignment of the international application if the applicant has changed after the international filing date

Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306)

Who can act as agent?

Any natural or legal person resident in Morocco

Does the Office accept requests for  
restoration of the right of priority  
(PCT Rule 49*ter*.2)?

Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests

<sup>6</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

## THE PROCEDURE IN THE NATIONAL PHASE

**MA.01 FORM FOR ENTERING THE NATIONAL PHASE.** The Office has available a form for filing a patent application (Form B1) that can be downloaded from the following link: [www.ompic.ma/fr/content/formulaires-brevets-invention](http://www.ompic.ma/fr/content/formulaires-brevets-invention) (see Annex MA.II).

Law Art. No. 30 to 32  
8 (par. 2)  
Decree Art. No. 4

**MA.02 MINIMUM FILE REQUIREMENTS FOR NATIONAL PHASE ENTRY.** Applicants can use the completed form for filing a patent application (Form B1) to enter the national phase before the Office. Where, at the time of entry into the national phase, one or more of the documents to be submitted together with the form are missing from the patent application file, the applicant or agent has a period of three months from the date of entry into the national phase to bring the file into conformity with the requirements. Payment of the patent filing and search fees must be made within a period of one month from the date of entry into the national phase. If one of the above-mentioned deadlines is not met, the patent application is considered to be withdrawn. In that case, the applicant or agent may file a request for continuation of proceedings within a period of two months (see paragraph MA.13).

Decree Art. No. 2

**MA.03. LANGUAGE OF PROCEEDINGS.** The language of proceedings is Arabic or French.

Decree Art. No. 5

**MA.04 TRANSLATION OF THE DESCRIPTION.** A translation of the description will be required if the patent application was filed in a language other than the working languages of the Office. This translation must be furnished within a period of three months from the date of entry into the national phase.

Law Art. No. 39

**MA.05 CORRECTION OF ERRORS.** Prior to the granting of the patent and on the basis of a substantiated request, the applicant or agent may request the correction of linguistic or transcription errors, as well as clerical errors in the documents filed. Where the request for correction relates to the description, the claims or the drawings, this correction is only admissible if it is obvious, and no other text or line could possibly have been intended by the applicant. A request for correction is filed using the form for correction of linguistic errors, transcription errors or clerical errors (Form B2), which can be downloaded from the following link: [www.ompic.ma/fr/content/formulaires-brevets-invention](http://www.ompic.ma/fr/content/formulaires-brevets-invention) (see Annex MA.III).

Law Art. No. 4

**MA.06 REPRESENTATION.** Any applicant who is a legal or natural person not resident in Morocco must be represented by an agent having their residence or place of business in Morocco. A power of attorney must be furnished, except if the agent is included in the list of patent attorneys maintained by the Office: [www.ompic.ma/sites/default/files/NOTEINFORMATIONN52017.pdf](http://www.ompic.ma/sites/default/files/NOTEINFORMATIONN52017.pdf); except for operations relating to the termination or transmission of rights, which require a power of attorney.

PCT Rule 51bis.1  
51bis.2

**MA.07 DEED OF ASSIGNMENT.** Where the patent application entering the national phase is filed by an applicant other than the one who filed the international application, a deed of assignment of the international application must be furnished, or, as the case may be, a justification of the applicant's change of name must be furnished if this change has not been reflected in a communication from the International Bureau (Form PCT/IB/306).

Law Art. No. 8

**MA.08 INFORMATION ON EARLIER APPLICATIONS.** Pursuant to Article No. 8 of the Law, an applicant wishing to claim a priority must include on Form B1, at the time of filing of the patent application, the information relating to the priority by indicating: i) the earlier filing date, ii) the number of the earlier application and iii) the country of origin of this filing.

- Law Art. No. 43      **MA.09 EXAMINATION.** If the formal requirements to be fulfilled by a patent application are met, the Office establishes a preliminary search report, together with an opinion on the patentability of said application, based on the claims and taking into account the description and drawings, if any, in order to determine whether the invention meets the requirements of patentability. The report is then communicated to the applicant or agent, who has a period of three months from the date of communication to respond, if necessary (see paragraph MA.10).
- Law Art. No. 44      Any patent application that has not been rejected or withdrawn is published in the publication server of the Office.
- Law Art. No. 14.3      Within two months from the publication date of said patent application, third party observations may be submitted to the Office. These observations may bear on the criteria required for the patent to be valid. The Office communicates these without delay to the applicant or agent, who has a period of two months to respond, if necessary.
- Law Art. No. 43.2      A final search report is established on the basis of the preliminary search report and taking into account, where applicable, the final set of claims filed (see paragraph MA.10 below), any observations filed by the applicant in support of the remaining claims and any third party observations.
- Law Art. No. 41      Where there are no reasons for rejection under Article 41 in respect of all or some of the claims, the patent is granted for the claims in full or in part and is published under the category B1 in the publication server of the Office: [www.patent.ompic.ma/](http://www.patent.ompic.ma/). If this is not the case, a substantiated partial or total rejection of the patent application is issued in respect of the claims containing one of the reasons for rejection under Article 41, and the applicant or agent is informed of the rejection decision.
- Law Art. No. 14.2      Within two months from the date of communication of a rejection decision taken by the Office, the applicant or agent may submit observations against this decision (Form ODR, see Annex MA.IV) if they have arguments that might change the examiner's opinion. If the observations submitted are of such a nature as to change the rejection decision, a new decision is established in the light of said observations.
- Law Art. No. 43.1      **MA.10 AMENDMENT OF THE PATENT APPLICATION.** When the preliminary search report and the opinion on patentability are established, they are promptly communicated to the applicant or agent, together with the final title and abstract of the invention. The applicant has a period of three months as of the date of communication of the preliminary search report and the opinion on patentability to amend the claims or submit observations in support of the remaining claims, as the case may be (Form B10, see Annex MA.V).
- The claims cannot be amended in such a way that they extend the subject matter of the invention beyond the content of the application as originally filed.
- Law Art. No. 38.1  
38.2      **MA.11 ABSENCE OF UNITY OF INVENTION.** If the application does not meet the requirement of unity of invention (Article No. 38 of the Law), the applicant or agent may, on their own initiative or when invited to do so by the Office, divide or limit the originally-filed patent application if it has not been rejected, withdrawn or granted. A divisional application can only be filed for features that do not extend beyond the content of the application as originally filed.
- Law Art. No. 82      **MA.12 ANNUAL FEES.** Renewal fees for a patent application must be paid to the Office for the years following that in which the patent has been granted. The owner of a patent who has not paid the renewal fees within the prescribed time limit may incur the loss of his rights. However, the fees may validly be paid within a further six-month period as of the date of expiry of the time limit; in this case, a surcharge is added for each month of delay in payment (see Annex MA.I).
- If the renewal fees have not been paid by the end of the additional six-month period, the owner of a patent loses his rights, and a written and substantiated decision of the Office as to the loss of rights is communicated to the owner of the patent or the agent.

PCT Article 48.2  
PCT Rule 82bis  
Law Art. No. 14.1  
Decree Art. No. 3.1

**MA.13 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Where the time limits for performing certain operations relating to entry into the national phase have not been observed, a request for the continuation of the procedure relating to said operations may be submitted by the applicant or agent to the Office within a period of two months from the date of expiry of said time limits, provided the fees are paid. When this time limit expires, if no request for the continuation of the procedure is submitted to the Office, a request for the reinstatement of rights can be envisaged, if necessary.

Law Art. No. 84  
Decree Art. No. 42

The owner of a patent may, within a period of three months from the date of communication of the loss of rights decision (see paragraph MA.12), submit an appeal to the Office for the reinstatement of his rights, if there were legitimate grounds for the failure to pay the renewal rights for the patent.

PCT Article 25  
PCT Rule 51

**MA.14 REVIEW UNDER PCT ARTICLE 25.** The applicable procedure is set forth in paragraphs 6.018 to 6.021 of the national phase.

**FEES<sup>1, 2</sup>**  
**(Currency Moroccan dirham)**

Filing fee. . . . .	1,000	(750) <sup>3</sup>	500 <sup>4</sup>	(250) <sup>3, 4</sup>
Publication fee . . . . .	1,000	(750) <sup>3</sup>	500 <sup>4</sup>	(250) <sup>3, 4</sup>
Additional fee for publication of claim(s) in excess of 10, per claim. . . . .	400		160 <sup>4</sup>	
Fee for establishment of the search report with opinion on patentability . . . . .	8,000	(6,000) <sup>3</sup>	4,000 <sup>4</sup>	(2,000) <sup>3, 4</sup>
Grant fee. . . . .	4,000	(3,000) <sup>3</sup>	2,000 <sup>4</sup>	(1,000) <sup>3, 4</sup>
Fee for issuing a patent of invention with the contents of the patent in paper format . . . . .	4,000	(3,000) <sup>3</sup>	2,000 <sup>4</sup>	(1,000) <sup>3, 4</sup>
plus, per page . . . . .	10			
<b>Annual fees</b>				
– from the 2 <sup>nd</sup> to the 5 <sup>th</sup> year, per year . . . . .	1,000		250 <sup>4</sup>	
– for the 6 <sup>th</sup> year . . . . .	1,600		400 <sup>4</sup>	
– for the 7 <sup>th</sup> year . . . . .	2,000		500 <sup>4</sup>	
– for the 8 <sup>th</sup> year . . . . .	2,400		600 <sup>4</sup>	
– for the 9 <sup>th</sup> year . . . . .	2,800		700 <sup>4</sup>	
– for the 10 <sup>th</sup> year . . . . .	4,000		1,000 <sup>4</sup>	
– from the 11 <sup>th</sup> to the 15 <sup>th</sup> year, per year . . . . .	6,000		1,500 <sup>4</sup>	
– from the 16 <sup>th</sup> to the 20 <sup>th</sup> year, per year . . . . .	10,000		2,500 <sup>4</sup>	
Fee for request for restoration or extension of the term of protection . . . . .	2,000		500 <sup>4</sup>	
Fee for extension of the protection period . . . . .	40,000		10,000 <sup>4</sup>	
Late payment fee for the payment of the fees due in respect of each year (patent annuities) per month of delay incurred . . . . .	25% of the amount of the annual fee with a minimum of 240			
Fee for restoration . . . . .	100% of the annual fee due in addition to the amount of the late payment fee			
Fee for request for further processing and the like . . . . .	50% of the amount due for the proceedings which are the subject of the request for further processing			

### How can payment of fees be effected?

The payment of fees shall be effected in Moroccan dirhams. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid.

The payment of fees may be effected in cash or by check.

<sup>1</sup> Fees are subject to a value added tax (VAT) of 20%.

<sup>2</sup> The complete list of the Office's national fees is available at [www.ompic.ma/en/content/patent/tariffs](http://www.ompic.ma/en/content/patent/tariffs)

<sup>3</sup> The amount in parentheses is applicable to applications filed online. For further information on online filing of patent applications with the Office, please contact the Office at [pct@ompic.ma](mailto:pct@ompic.ma)

<sup>4</sup> This amount is applicable to very small enterprises, small or medium enterprises (in accordance with the criteria of the SME charter), natural persons, self-entrepreneurs, craftsmen, universities, educational establishments and institutions with a research or development mission (public establishments, foundations, research centers and associations), whether national or foreign.

Version  
Octobre 2019

**BREVET D'INVENTION**  
**FORMULAIRE DE DEPOT D'UNE DEMANDE DE BREVET D'INVENTION**  
Cet imprimé est à dactylographier lisiblement sans rayures ni surcharge

**B1**

<b>NATURE DE LA DEMANDE</b>		<b>CADRE RESERVE A L'OMPI</b>	
<input type="checkbox"/> Demande de brevet	<input type="checkbox"/> Demande divisionnaire N° de dépôt de la demande initiale : Date de dépôt de la demande initiale :	N° de dépôt : Date de dépôt : Lieu de dépôt :	
<b>1. REFERENCES DE LA DEMANDE INTERNATIONALE (EN CAS D'ENTREE EN PHASE NATIONALE « PCT »)</b>			
N° de dépôt de la demande internationale :		Date de dépôt de la demande internationale :	
<b>2. CATEGORIE ET INFORMATION SUR LE DEPOSANT (obligatoire pour le calcul des droits exigibles) <sup>(1)</sup></b>			
<input type="checkbox"/> PME/ TPE <input type="checkbox"/> Universités/établissements d'enseignement <input type="checkbox"/> Autres Dénomination sociale :  ICE:  RC :                                  Tribunal :  l'État dont la législation a servi de cadre à la constitution de ladite personne morale :		<input type="checkbox"/> Personne physique  Nom & Prénom : CNI :  Genre : <input type="checkbox"/> Féminin <input type="checkbox"/> Masculin  Nationalité :	
Adresse <sup>(2)</sup> :			
Ville :		Pays de résidence :	
Téléphone :		Télécopie :	
Email <sup>(3)</sup> :			
<input type="checkbox"/> En cas de plusieurs déposants (cas d'une demande en copropriété), utilisez l'imprimé suite « BS » et cochez cette case			
<b>3. MANDATAIRE (le cas échéant)</b>			
<input type="checkbox"/> <b>Conseiller en PI :</b> Nom & Prénom <b>ou</b> Dénomination sociale: Code : Représenté par:                                  CNI :		Adresse <sup>(2)</sup> :  Ville :    Pays de résidence :  Téléphone :  Télécopie :  Email <sup>(3)</sup> :	
<input type="checkbox"/> <b>Autre :</b> Dénomination sociale <b>ou</b> Nom & Prénom :			
ICE:                                  RC :                                  Tribunal :			
<b>Ou</b> CNI :			
Représenté par:                                  CNI :			
(Empty row for additional information)			
<b>4. ADRESSE DE CORRESPONDANCE<sup>(4)</sup> :</b>			
<b>5. INVENTEUR(S) (les inventeurs sont nécessairement des personnes physiques)</b>			
Nom & Prénom :		Adresse <sup>(2)</sup> :  Email <sup>(3)</sup> :	
Genre : <input type="checkbox"/> Féminin <input type="checkbox"/> Masculin			
Nationalité :			
<input type="checkbox"/> En cas de plusieurs inventeurs, utilisez l'imprimé suite « BS » et cochez cette case			

(1) Un tarif réduit est applicable aux TPE, PME conformément aux critères de la charte des PME, personnes physiques, auto-entrepreneurs, artisans, universités et établissements d'enseignement, qu'ils soient nationaux ou étrangers issus des pays bénéficiaires de la réduction au titre du PCT.

(2) L'adresse doit être libellée de la façon habituellement requise pour une distribution postale rapide et une bonne gestion des éventuelles notifications

(3) Au cas où l'email est renseigné, l'office peut recourir à la notification par voie électronique

(4) Au cas où le déposant/mandataire souhaite être notifié à une adresse autre que celle mentionnée par le déposant/mandataire

ROYAUME DU MAROC  
OFFICE MAROCAIN DE LA PROPRIÉTÉ  
INDUSTRIELLE ET COMMERCIALE



المملكة المغربية  
المكتب المغربي  
للملكية الصناعية والتجارية

Version  
Octobre 2019

B1

# **CADRE RESERVE A L'OMPIC**

N° de dépôt :  
Date de dépôt :  
Lieu de dépôt :

## **6. INTITULE DE L'INVENTION (200 caractères maximum)**

## **7. REVDICATION DE PRIORITE(S) (le cas échéant)**

	N° de dépôt	Date	Pays
<b>Priorité 1</b>			
<b>Priorité 2</b>			

☐ L'OMPIC est prié de se procurer auprès d'une bibliothèque numérique du service d'accès numérique (DAS), au moyen du (des) code(s) d'accès mentionné(s) ci-dessous, une copie certifiée conforme de la ou des demandes antérieures (si la ou les demandes antérieures sont accessibles à l'OMPIC auprès d'une bibliothèque numérique du système DAS) indiquées ci-dessus sous :

☐ Priorité 1)  
code d'accès \_\_\_\_\_

☐ Priorité 2)  
code d'accès \_\_\_\_\_

☐ En cas d'insuffisance de place, utilisez l'imprimé suite « BS » et cochez cette case

## **8. ENREGISTREMENT D'UNE DEMANDE DE BREVET EN TANT QUE PRIORITE DANS LA BIBLIOTHEQUE NUMERIQUE DU SYSTEME DAS**

☐ Cocher cette case si le déposant ne souhaite pas que la présente demande de brevet soit enregistrée dans le système DAS  
(Cette case est réservée aux demandes pour lesquels l'OMPIC est l'office du premier dépôt)

## **9. REFERENCES DU RENVOI A UNE DEMANDE ANTERIEURE <sup>(5)</sup> (le cas échéant)**

N° de dépôt de la demande antérieure : \_\_\_\_\_ Date de dépôt de la demande antérieure: \_\_\_\_\_  
Office auprès duquel la demande a été déposée : \_\_\_\_\_  
Lien accessible vers la demande antérieure : \_\_\_\_\_

<sup>(5)</sup>En cas de non fourniture de la description de l'invention à la date de dépôt

## **10. REFERENCES DU CERTIFICAT DE GARANTIE (le cas échéant)**

N° : \_\_\_\_\_ Date : \_\_\_\_\_  
Lieu de délivrance : \_\_\_\_\_ Exposition(s) : \_\_\_\_\_

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Version  
Octobre 2019

B1

#### CADRE RESERVE A L'OMPIC

N° de dépôt :

Date de dépôt :

Lieu de dépôt :

#### 11. PIECES JOINTES

- ☐ Description de l'invention, page n°....à n°....
- ☐ Revendication(s), page n°....à n°....
- ☐ Abrégé du contenu technique de l'invention, page n°....à n°....
- ☐ Planche de dessins, le cas échéant, page n°....à n°....
- ☐ Pouvoir du mandataire, le cas échéant
- ☐ Copie officielle du dépôt antérieur, le cas échéant
- ☐ Acte ou autorisation de revendiquer la priorité donnée par écrit par le propriétaire de la demande antérieure, le cas échéant
- ☐ Certificat(s) de garantie, le cas échéant
- ☐ Document justificatif de la réduction des droits exigibles, le cas échéant <sup>(6)</sup>
- ☐ Etat d'engagement de paiement, en cas d'organisme conventionné avec l'OMPIC
- ☐ Déclaration d'opposition à la mention d'inventeur ne souhaitant pas être publié
- ☐ Autres, à préciser .....

Nombre de pages composant le dossier de ce dépôt (Formulaire et pièces jointes) :

#### CONDITIONS DE RECEVABILITE:

Le dossier de dépôt d'une demande de brevet d'invention doit comporter au moment du dépôt :

- Le présent formulaire (B1) rempli dactylo graphiquement ;
- Une description de l'invention, qui semble en constituer une, ou un renvoi à une demande déposée antérieurement, sous réserve qu'elle soit accessible.

#### SIGNATURE DU DÉPOSANT, OU DE SON MANDATAIRE

Le signataire certifie l'exactitude des informations figurant dans la présente demande

##### DEPOSANT

Nom :

Signature et qualité:

Date :

##### MANDATAIRE

Nom :

Signature et qualité:

Date :

<sup>(6)</sup> Pour les entreprises marocaines (TPE/PME), elles sont dispensées de fournir une copie de pièces justificatives afin de bénéficier de la réduction des droits exigibles, en particulier les Etats de synthèses (dernier exercice comptable). Si ces Etats de synthèses sont disponibles à l'OMPIC qui tient le Registre Central du Commerce.

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Version  
Octobre 2019

**BREVET D'INVENTION  
FORMULAIRE DE DEPOT D'UNE DEMANDE DE BREVET D'INVENTION  
FEUILLE DE CALCUL**

**B1  
Annexe 1**

**Extrait de la liste des tarifs des services OMPIC applicables à partir du 1<sup>er</sup> Octobre 2017 :**

	Tarif normal HT	Tarif réduit <sup>(1)</sup> HT
Droit de dépôt	1000.00	500.00
Droit de rapport de recherche et opinion sur la brevetabilité	8000.00	4000.00
Droit de publication de la demande de brevet ou du brevet	1000.00	500.00
Complément pour publication de revendication(s) additionnelle(s) dépassant 10 revendications	400.00 par revendication	160.00 par revendication

**Montant des droits exigibles (en DH TTC) :**

(1) Un tarif réduit est applicable aux TPE, PME conformément aux critères de la charte des PME, personnes physiques, auto-entrepreneurs, artisans, universités et établissements d'enseignement, qu'ils soient nationaux ou étrangers issus des pays bénéficiaires de la réduction au titre du PCT.

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OFFICE MAROCAIN DE LA PROPRIÉTÉ  
INDUSTRIELLE ET COMMERCIALE



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للملكية الصناعية والتجارية

**BREVET D'INVENTION**  
**FORMULAIRE DE DEMANDE DE RECTIFICATION DES FAUTES D'EXPRESSION,**  
**DE TRANSCRIPTION OU D'ERREURS MATERIELLES**

Version  
Octobre 2019

**B2**

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<b>1 REFERENCES DE LA DEMANDE</b>		<b>CADRE RESERVE A L'OMPIC</b>	
Numéro de dépôt:		Date d'inscription :	
Date de dépôt:		Lieu de dépôt :	
<b>2 CATEGORIE ET INFORMATION SUR LE DEPOSANT (obligatoire pour le calcul des droits exigibles) <sup>(1)</sup></b>			
<input type="checkbox"/> PME/ TPE <input type="checkbox"/> Universités/établissements d'enseignement <input type="checkbox"/> Autres Dénomination sociale : ICE: RC : Tribunal :		<input type="checkbox"/> Personne physique Nom & Prénom : CNI : Genre : <input type="checkbox"/> Féminin <input type="checkbox"/> Masculin Nationalité :	
Adresse <sup>(2)</sup> :			
Ville :		Pays de résidence :	
Téléphone :		Télécopie :	
Email :			
<b>3 MANDATAIRE (le cas échéant)</b>			
<input type="checkbox"/> Conseiller en PI : Nom & Prénom ou Dénomination sociale: Code : Représentée par: CNI : <input type="checkbox"/> Autre : Dénomination sociale ou Nom & Prénom : ICE: RC : Tribunal : Ou CNI : Représentée par: CNI :		Adresse <sup>(2)</sup> : Ville : Pays de résidence : Téléphone : Télécopie : Email :	
<b>4 OBJET DE LA RECTIFICATION</b>			
Pièce(s) à rectifier	Information(s) à rectifier	Remplacer	Par
<input type="checkbox"/> En cas de plusieurs pièces ou de plusieurs informations à rectifier, utilisez l'imprimé suite « BS » et cochez cette case			
<b>6 PIECES JOINTES</b>			
<input type="checkbox"/> Pouvoir du mandataire, le cas échéant <input type="checkbox"/> Document(s) justificatifs (à préciser), le cas échéant :			
<b>SIGNATURE DU DEMANDEUR, OU DE SON MANDATAIRE</b>			
Le signataire certifie l'exactitude des informations figurant dans la présente demande			
<b>DEMANDEUR</b> Nom : Signature et qualité: Date :		<b>MANDATAIRE</b> Nom : Signature et qualité: Date :	

(1) Un tarif réduit est applicable aux TPE, PME conformément aux critères de la charte des PME, personnes physiques, auto-entrepreneurs, artisans, universités et établissements d'enseignement, qu'ils soient nationaux ou étrangers issus des pays bénéficiaires de la réduction au titre du PCT.

(2) L'adresse doit être libellée de la façon habituellement requise pour une distribution postale rapide et une bonne gestion des éventuelles notifications

ROYAUME DU MAROC  
OFFICE MAROCAIN DE LA PROPRIÉTÉ  
INDUSTRIELLE ET COMMERCIALE



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للملكية الصناعية والتجارية

Version  
Octobre 2019

B2

**BREVET D'INVENTION  
FORMULAIRE DE DEMANDE DE RECTIFICATION DES FAUTES D'EXPRESSION,  
DE TRANSCRIPTION OU D'ERREURS MATÉRIELLES**

**FEUILLE DE CALCUL**

**Extrait de la liste des tarifs des services OMPIC applicables à partir du 1<sup>er</sup> Octobre 2017:**

	Tarif en DH HT	Tarif réduit <sup>(1)</sup> en DH HT
Demande de rectification des fautes d'expression, de transcription ou d'erreurs matérielles	400,00	300,00

**Montant des droits exigibles (en DH TTC) :**

(1) Un tarif réduit est applicable aux TPE, PME conformément aux critères de la charte des PME, personnes physiques, auto-entrepreneurs, artisans, universités et établissements d'enseignement, qu'ils soient nationaux ou étrangers issus des pays bénéficiaires de la réduction au titre du PCT.

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Octobre 2019

**FORMULAIRE DES OBSERVATIONS DU DEPOSANT  
SUITE A UNE DECISION DE REJET**

ODR

Cet imprimé est à dactylographier lisiblement sans rayures ni surcharges

<b>1. REFERENCES DE LA DEMANDE</b>			<b>CADRE RESERVE A L'OMPIC</b>	
Nature de la demande : Brevet d'invention      Marque      DMI			Date des observations :	
N° dépôt de la demande:				
Date de dépôt de la demande :				
<b>2. OBSERVATIONS EMISES PAR :</b>				
<input type="checkbox"/> <b>Personne morale</b>		<b>Adresse<sup>(1)</sup> :</b> ..... ..... Pays de résidence :      Ville :		
Dénomination sociale				
ICE:				
RC	Tribunal :			
<input type="checkbox"/> <b>Personne physique</b>		Téléphone : Télécopie : E-Mail :		
Nom & Prénom :				
CNI :				
Nationalité : Genre : <input type="checkbox"/> Féminin <input type="checkbox"/> Masculin				
<b>3. MANDATAIRE (le cas échéant)</b>				
<input type="checkbox"/> <b>Personne morale :</b>		<b>Adresse<sup>(1)</sup> :</b> ..... ..... Téléphone : Télécopie : E-Mail :		
Dénomination sociale				
ICE :				
RC	Tribunal :			
Représenté par:      CNI :				
<input type="checkbox"/> <b>Personne physique :</b>		Téléphone : Télécopie : E-Mail :		
Nom & Prénom :				
RC ou CNI :				
Tribunal :	ICE:			
<b>4. OBSERVATIONS PRESENTEES :</b> ..... ..... ..... .....				
<input type="checkbox"/> En cas d'insuffisance de la place, utilisez l'imprimé suite « DS » et cochez cette case				
<b>5. PIECES JOINTES</b>				
<input type="checkbox"/> Pouvoir du mandataire, le cas échéant				
<input type="checkbox"/> Autres documents (à préciser) :				
<b>6. SIGNATURE DU DEPOSANT OU TITULAIRE OU DE SON MANDATAIRE</b>				
<b>LE DEPOSANT DES OBSERVATIONS</b>		<b>MANDATAIRE</b>		
Nom :		Nom :		
Signature :		Signature :		
Date:		Date:		
Observations présentées le <sup>2</sup> :				

1-L'adresse doit être libellée de la façon habituellement requise pour une distribution postale rapide et une bonne gestion des éventuelles notifications  
2-A renseigner au moment de la réception des observations

ROYAUME DU MAROC  
OFFICE MAROCAIN DE LA PROPRIÉTÉ  
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**BREVET D'INVENTION**  
**FORMULAIRE DE MODIFICATION DES REVENDICATIONS/OBSERVATIONS SUITE A**  
**LA NOTIFICATION DU RAPPORT DE RECHERCHE PRELIMINAIRE**

Version  
Octobre 2019

**B10**

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<b>1 REFERENCES DE LA DEMANDE DE BREVET</b>		<b>CADRE RESERVE A L'OMPIC</b>	
Numéro de dépôt:		Date de dépôt :	
Date de dépôt:		Lieu de dépôt :	
Date de notification du rapport de recherche:			
<b>2 CATEGORIE ET INFORMATION SUR LE DEPOSANT (obligatoire pour le calcul des droits exigibles) <sup>(1)</sup></b>			
<input type="checkbox"/> PME/ TPE <input type="checkbox"/> Universités/établissements d'enseignement <input type="checkbox"/> Autres Dénomination sociale : ICE: RC : Tribunal :		<input type="checkbox"/> Personne physique Nom & Prénom : CNI : Genre : <input type="checkbox"/> Féminin <input type="checkbox"/> Masculin Nationalité :	
Adresse <sup>(2)</sup> :			
Ville :		Pays de résidence :	
Téléphone :		Télécopie :	
Email:			
<b>3 MANDATAIRE (le cas échéant) :</b>			
<input type="checkbox"/> Conseiller en PI :		Adresse <sup>(2)</sup> :	
Nom & Prénom ou Dénomination sociale:		Ville :	
Code :		Pays de résidence :	
Représenté par: CNI :		Téléphone :	
<input type="checkbox"/> Autre :		Télécopie :	
Dénomination sociale ou Nom & Prénom :		Email :	
ICE: RC : Tribunal :		<sup>(2)</sup> L'adresse doit être libellée de la façon habituellement requise pour une distribution postale rapide et une bonne gestion des éventuelles notifications	
Ou CNI :			
Représenté par: CNI :			
<b>4 OBJET DE LA REQUETE :</b>			
<input type="checkbox"/> Modification des revendications		Nombre de revendications initiales	
		Nombre de revendications après modification	
<input type="checkbox"/> Observations à l'appui des revendications maintenues			

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### 5. Observations (cas échéant) :

--

### 6. RENSEIGNEMENT DES MODIFICATIONS

N° revendication modifiée	Type de modification (suppression, changement ou ajout de revendication)	Nouvelle revendication (avec les modifications soulignées)	Explication de la modification et mention de sa base
Exemple : N° 1	Changement		La revendication est modifiée aux lignes 2 et 3 et indique à présent que le filtre comprend un rétro lavage périodique des moyens couplés en série à une première et deuxième chambre. La base de cette modification figure dans les revendications 2 et 4 telles que déposées initialement/ la base de la modification figure aux paragraphes n° 2 et 19 dans la description telle que déposé.

### 7. PIÈCES JOINTES

- ☐ Revendications modifiées
- ☐ Pouvoir du mandataire, le cas échéant

### SIGNATURE DU DÉPOSANT, OU DE SON MANDATAIRE

Le signataire certifie l'exactitude des informations figurant dans la présente demande

#### DEPOSANT

Nom :

Signature et qualité :

Date :

#### MANDATAIRE

Nom :

Signature et qualité :

Date :

ROYAUME DU MAROC  
OFFICE MAROCAIN DE LA PROPRIÉTÉ  
INDUSTRIELLE ET COMMERCIALE



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المكتب المغربي  
للملكية الصناعية والتجارية

Version  
Octobre 2019

B10

**BREVET D'INVENTION**  
**FORMULAIRE DE MODIFICATION DES REVENDICATIONS/OBSERVATIONS SUITE A**  
**LA NOTIFICATION DU RAPPORT DE RECHERCHE PRELIMINAIRE**

**FEUILLE DE CALCUL**

**Extrait de la liste des tarifs des services OMPIC applicables à partir du 1<sup>er</sup> Octobre 2017 :**

	Tarif normal HT	Tarif réduit <sup>(1)</sup> HT
Complément pour publication des revendications additionnelles dépassant 10 revendications (si le nombre des revendications après modification dépasse celui des revendications initialement déposées)	400,00 par revendication	160,00 par revendication

**Montant des droits exigibles (en DH TTC) :**

<sup>(1)</sup> Un tarif réduit est applicable aux TPE, PME conformément aux critères de la charte des PME, personnes physiques, auto-entrepreneurs, artisans, universités et établissements d'enseignement, qu'ils soient nationaux ou étrangers issus des pays bénéficiaires de la réduction au titre du PCT.

# **PCT Forms** **Selection**

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# PCT

## REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference (*if desired*) (25 characters maximum)

<b>Box No. I</b>	<b>TITLE OF INVENTION</b>		
<b>Box No. II</b>	<b>APPLICANT</b>		
<input type="checkbox"/> This person is also inventor			
Name and address: ( <i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.</i> )			E-mail address*
			Telephone No.
			Facsimile No.
			Applicant's registration No. with the Office
* <b>E-mail authorization:</b> Indicating an e-mail address above authorizes the receiving Office, the International Searching Authority and the International Bureau, if they provide such a service, to send notifications exclusively by e-mail to that address, unless the following box is marked: <input type="checkbox"/> notifications are requested to be sent exclusively by postal mail.			
State ( <i>that is, country</i> ) of nationality:		State ( <i>that is, country</i> ) of residence:	
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box			
<b>Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)</b>			
<input type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet.			
<b>Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE</b>			
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:		<input type="checkbox"/> agent	<input type="checkbox"/> common representative
Name and address: ( <i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i> )		E-mail address*	
		Telephone No.	
		Facsimile No.	
		Agent's registration No. with the Office	
* <b>E-mail authorization:</b> Indicating an e-mail address above authorizes the receiving Office, the International Searching Authority and the International Bureau, if they provide such a service, to send notifications exclusively by e-mail to that address, unless the following box is marked: <input type="checkbox"/> notifications are requested to be sent exclusively by postal mail.			
<input type="checkbox"/> <b>Address for correspondence:</b> Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.			

**Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)**

*If none of the following sub-boxes is used, this sheet should not be included in the request.*

Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>		This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
State <i>(that is, country)</i> of nationality:		Applicant's registration No. with the Office
State <i>(that is, country)</i> of residence:		
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>		This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
State <i>(that is, country)</i> of nationality:		Applicant's registration No. with the Office
State <i>(that is, country)</i> of residence:		
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>		This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
State <i>(that is, country)</i> of nationality:		Applicant's registration No. with the Office
State <i>(that is, country)</i> of residence:		
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>		This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
State <i>(that is, country)</i> of nationality:		Applicant's registration No. with the Office
State <i>(that is, country)</i> of residence:		
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>		This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
State <i>(that is, country)</i> of nationality:		Applicant's registration No. with the Office
State <i>(that is, country)</i> of residence:		
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
<input type="checkbox"/> Further applicants and/or (further) inventors are indicated on another continuation sheet.		

**Supplemental Box***If the Supplemental Box is not used, this sheet should not be included in the request.*

1. If, in any of the Boxes, except Boxes Nos. VIII(i) to (v) for which a special continuation box is provided, **the space is insufficient** to furnish all the information: in such case, write "Continuation of Box No...." (indicate the number of the Box) and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:
  - (i) **if more than one person is to be indicated as applicant and/or inventor** and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below;
  - (ii) if, in Box No. II or in any of the sub-boxes of Box No. III, the indication **"the States indicated in the Supplemental Box"** is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
  - (iii) if, in Box No. II or in any of the sub-boxes of Box No. III, **the inventor or the inventor/applicant is not inventor for the purposes of all designated States**: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;
  - (iv) if, in addition to the agent(s) indicated in Box No. IV, there are **further agents**: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;
  - (v) if, in Box No. VI, there are **more than three earlier applications whose priority is claimed**: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI.
2. If the applicant intends to make an indication of the wish that the international application be treated, in certain designated States, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition: in such case, write the name or two-letter code of each designated State concerned and the indication **"patent of addition," "certificate of addition," "inventor's certificate of addition" or "utility certificate of addition,"** the number of the parent application or parent patent or other parent grant and the date of grant of the parent patent or other parent grant or the date of filing of the parent application (Rules 4.11(a) (i) and 49bis.1(a) or (b)).
3. If the applicant intends to make an indication of the wish that the international application be treated, in the United States of America, as a continuation or continuation-in-part of an earlier application: in such case, write "United States of America" or "US" and the indication **"continuation" or "continuation-in-part"** and the number and the filing date of the parent application (Rules 4.11(a)(ii) and 49bis.1(d)).

**Box No. V DESIGNATIONS**

The filing of this request **constitutes under Rule 4.9(a) the designation** of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.

However,

- ☐ DE Germany **is not designated** for any kind of national protection
- ☐ JP Japan **is not designated** for any kind of national protection
- ☐ KR Republic of Korea **is not designated** for any kind of national protection

*(The check-boxes above may only be used to exclude (irrevocably) the designations concerned if, at the time of filing or subsequently under Rule 26bis.1, the international application contains in Box No. VI a priority claim to an earlier national application filed in the particular State concerned, in order to avoid the ceasing of the effect, under the national law, of this earlier national application.)*

**Box No. VI PRIORITY CLAIM AND DOCUMENT**

**The priority of the following earlier application(s) is hereby claimed:**

Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country or Member of WTO	regional application: regional Office	international application: receiving Office
item (1)				
item (2)				
item (3)				

☐ Further priority claims are indicated in the Supplemental Box.

**Furnishing the priority document(s):**

☐ The **receiving Office** is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) *(only if the earlier application(s) was filed with the receiving Office which, for the purposes of this international application, is the receiving Office)* identified above as:

☐ all items    ☐ item (1)    ☐ item (2)    ☐ item (3)    ☐ other, see Supplemental Box

☐ The **International Bureau** is requested to obtain from a digital library a certified copy of the earlier application(s) identified above, using, where applicable, the access code(s) indicated below *(if the earlier application(s) is available to it from a digital library)*:

☐ item (1)    ☐ item (2)    ☐ item (3)    ☐ other, see Supplemental Box  
access code \_\_\_\_\_ access code \_\_\_\_\_ access code \_\_\_\_\_

**Restore the right of priority:** the receiving Office is requested to restore the right of priority for the earlier application(s) identified above or in the Supplemental Box as item(s) (\_\_\_\_\_). *(See also the Notes to Box No. VI; further information **must** be provided to support a request to restore the right of priority.)*

**Incorporation by reference:** where an element of the international application referred to in Article 11(1)(iii)(d) or (e) or a part of the description, claims or drawings referred to in Rule 20.5(a), or an element or part of the description, claims or drawings referred to in Rule 20.5bis(a) is not otherwise contained in this international application but is completely contained in an earlier application whose priority is claimed on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, that element or part is, subject to confirmation under Rule 20.6, incorporated by reference in this international application for the purposes of Rule 20.6.

**Box No. VII INTERNATIONAL SEARCHING AUTHORITY**

**Choice of International Searching Authority (ISA)** *(if more than one International Searching Authority is competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):*

ISA/ \_\_\_\_\_

Continuation of Box No. VII USE OF EARLIER SEARCH AND CLASSIFICATION RESULTS		
<b>1. Request by the applicant under Rule 4.12</b>		
1.1 <input type="checkbox"/>	The ISA indicated in Box No. VII is <b>requested to take into account the results of the earlier search(es)</b> indicated below ( <i>see also Notes to Continuation of Box No. VII, item 1; use of results of more than one earlier search</i> )	
Filing date (day/month/year)	Application Number	Country (or regional Office)
<input type="checkbox"/>	<b>Statement (Rule 4.12(ii)):</b> this international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out except, where applicable, that it is filed in a different language.	
1.2 <b>Submission of the earlier search results, where necessary*</b>		
<input type="checkbox"/>	<b>Availability of documents (Rules 12bis.1(c) and (d) and 12bis.2(b)):</b> the following documents <b>are available to the ISA</b> in a form and a manner acceptable to it, and therefore <b>DO NOT need</b> to be submitted by the applicant to the receiving Office, or to the ISA.	
<input type="checkbox"/>	a copy of the results of the earlier search,	
<input type="checkbox"/>	a copy of the earlier application,	
<input type="checkbox"/>	a translation of the earlier application into a language which is accepted by the ISA,	
<input type="checkbox"/>	a translation of the results of the earlier search into a language which is accepted by the ISA,	
<input type="checkbox"/>	a copy of any document cited in the earlier search results ( <i>if known, please indicate below the documents available to the ISA</i> ):	
<input type="checkbox"/>	<b>Request from the applicant to the receiving Office to transmit to the ISA a copy of the earlier search results (Rule 12bis.1(b) and (d)):</b> ( <i>where the earlier search was not carried out by the ISA indicated in Box No. VII but by the same Office as that which is acting as receiving Office; or where the earlier search results are otherwise available to the receiving Office</i> ): the applicant <b>requests</b> the receiving Office <b>to prepare and transmit</b> to the ISA a copy of the earlier search results.	
* The applicant <b>only</b> needs to furnish a copy of the earlier search results to the receiving Office, or the ISA, if none of the scenarios mentioned under item 1 applies. ( <i>See item 10 in the check-list and also Notes to Continuation of Box No. VII, item 1</i> ).		
<input type="checkbox"/>	Further earlier searches are indicated on a continuation sheet.	
<b>2. Transmission of the earlier search and classification results to the ISA by the receiving Office where the applicant DID NOT make a request under Rule 4.12</b>		
2.1	Where the international application claims priority of an earlier application, subject to Article 30(2)(a) and (3), <b>the receiving Office:</b>	
	– <b>shall transmit</b> a copy of the earlier search and classification results to the ISA (unless such copy is already available to the ISA), where the earlier application was filed with the <b>same Office</b> as that which is acting as <b>the receiving Office</b> and that Office <b>has carried out</b> the earlier search in respect of the earlier application (Rule 23bis.2(a));	
	– <b>may transmit</b> such a copy if the earlier application was filed with a different Office, but where the results of that earlier search and classification are nevertheless available to the receiving Office (Rule 23bis.2(c)).	
However, where the applicant did not request the receiving Office to transmit to the ISA a copy of the earlier search results under Rule 4.12 (see above item 1), in respect of an earlier search carried out on the following earlier application, the priority of which is subsequently claimed in this international application, the applicant may consider ( <i>see also Notes to Continuation of Box No. VII, item 2; use of more than one earlier search</i> ):		
	Filing date (day/month/year)	Country (or regional Office)
2.2 <b>Request not to transmit the earlier search results by the receiving Office to the ISA (Rule 23bis.2(b))</b>		
<input type="checkbox"/>	<b>to request</b> that the receiving Office <b>DOES NOT transmit</b> the results of the earlier search to the ISA (Rule 23bis.2(b)) ( <i>may only be checked where the international application is filed with the following receiving Offices: DE, FI and SE</i> )	
2.3 <b>Authorization to transmit the earlier search and classification results by the receiving Office to the ISA (Rule 23bis.2(a) and (e))</b>		
<input type="checkbox"/>	<b>to authorize</b> the receiving Office <b>to transmit</b> the results of the earlier search and classification to the ISA (Rule 23bis.2(e)) ( <i>may only be checked where the international application is filed with the following receiving Offices: AU, CZ, FI, HU, IL, JP, NO, SE, SG and US</i> )	
<input type="checkbox"/>	<b>to authorize</b> the receiving Office <b>to transmit</b> the results of the earlier international search and classification to the ISA (Rule 23bis.2(a) and Article 30(2)(a) and (3)) ( <i>may only be checked where the earlier search concerns an <b>international application</b>, the priority of which is subsequently claimed in this international application and where the earlier international search was carried out by a <b>different ISA</b> than the ISA chosen in Box No. VII</i> )	
<input type="checkbox"/>	Further earlier searches are indicated on a continuation sheet.	
<b>Box No. VIII DECLARATIONS</b>		
The following <b>declarations</b> are contained in Boxes Nos. VIII (i) to (v) ( <i>mark the applicable check-boxes below and indicate in the right column the number of each type of declaration</i> ):		Number of declarations
<input type="checkbox"/>	Box No. VIII (i) Declaration as to the identity of the inventor :	
<input type="checkbox"/>	Box No. VIII (ii) Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent :	
<input type="checkbox"/>	Box No. VIII (iii) Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application :	
<input type="checkbox"/>	Box No. VIII (iv) Declaration of inventorship (only for the purposes of the designation of the United States of America) :	
<input type="checkbox"/>	Box No. VIII (v) Declaration as to non-prejudicial disclosures or exceptions to lack of novelty :	

**Box No. VIII (i) DECLARATION: IDENTITY OF THE INVENTOR**

*The declaration must conform to the standardized wording provided for in Section 211; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (i). If this Box is not used, this sheet should not be included in the request.*

Declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)):



This declaration is continued on the following sheet, "Continuation of Box No. VIII (i)".

**Box No. VIII (ii) DECLARATION: ENTITLEMENT TO APPLY FOR AND BE GRANTED A PATENT**

*The declaration must conform to the standardized wording provided for in Section 212; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (ii). If this Box is not used, this sheet should not be included in the request.*

Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (ii)".

**Box No. VIII (iii) DECLARATION: ENTITLEMENT TO CLAIM PRIORITY**

*The declaration must conform to the standardized wording provided for in Section 213; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iii). If this Box is not used, this sheet should not be included in the request.*

Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iii)".

**Box No. VIII (iv) DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)**

*The declaration must conform to the following standardized wording provided for in Section 214; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iv). If this Box is not used, this sheet should not be included in the request.*

**Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv))  
for the purposes of the designation of the United States of America:**

I hereby declare that I believe I am the original inventor or an original joint inventor of a claimed invention in the application.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/..... (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that the above-identified international application was made or authorized to be made by me.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

**Name:** .....

Residence: .....  
(city and either US state, if applicable, or country)

Mailing Address: .....  
.....  
.....

Inventor's Signature: ..... Date: .....  
(The signature must be that of the inventor, not that of the agent)

**Name:** .....

Residence: .....  
(city and either US state, if applicable, or country)

Mailing Address: .....  
.....  
.....

Inventor's Signature: ..... Date: .....  
(The signature must be that of the inventor, not that of the agent)

**Name:** .....

Residence: .....  
(city and either US state, if applicable, or country)

Mailing Address: .....  
.....  
.....

Inventor's Signature: ..... Date: .....  
(The signature must be that of the inventor, not that of the agent)

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".

**Box No. VIII (v) DECLARATION: NON-PREJUDICIAL DISCLOSURES OR EXCEPTIONS TO LACK OF NOVELTY**

*The declaration must conform to the standardized wording provided for in Section 215; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (v). If this Box is not used, this sheet should not be included in the request.*

Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v)):

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (v)".

**Continuation of Box No. VIII (i) to (v)    DECLARATION**

*If the space is insufficient in any of Boxes Nos. VIII (i) to (v) to furnish all the information, including in the case where **more than three inventors are to be named** in Box No. VIII (iv), in such case, write "Continuation of Box No. VIII ..." (indicate the item number of the Box) and furnish the information in the same manner as required for the purposes of the Box in which the space was insufficient. If additional space is needed in respect of two or more declarations, a separate continuation box must be used for each such declaration. If this Box is not used, this sheet should not be included in the request.*

<b>Box No. IX CHECK LIST for PAPER filing</b> – only to be used when filing on PAPER			
This international application <b>contains the following:</b>		This international application is <b>accompanied by</b> the following item(s) ( <i>mark the applicable check-boxes below and indicate in right column the number of each item</i> ):	
(a) request form PCT/RO/101 (including any declarations and supplemental sheets)..... :	Number of sheets	1. <input type="checkbox"/> fee calculation sheet. .... :	Number of items
(b) description ..... :		2. <input type="checkbox"/> original separate power of attorney ..... :	
(c) claims ..... :		3. <input type="checkbox"/> original general power of attorney..... :	
(d) abstract ..... :		4. <input type="checkbox"/> copy of general power of attorney; reference number: ..... :	
(e) drawings (if any)..... :		5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s) ..... :	
		6. <input type="checkbox"/> Translation of international application into ( <i>language</i> ): ..... :	
		7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material ..... :	
<b>Total number of sheets</b> :		8. <input type="checkbox"/> copy of results of earlier search(es) (Rule 12bis.1(a)) ... :	
(f) sequence listing part of the description as a WIPO Standard ST.26 XML file ( <i>indicate type and number of physical data carrier(s)</i> ): .....		9. <input type="checkbox"/> other ( <i>specify</i> ): ..... :	
<b>Figure of the drawings</b> which should accompany the abstract:		<b>Language of filing</b> of the international application:	

<b>Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE</b>	
<i>Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).</i>	

For receiving Office use only			
1. Date of actual receipt of the purported international application:		2. Drawings:  <input type="checkbox"/> received:    <input type="checkbox"/> not received:	
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:			
4. Date of timely receipt of the required corrections under PCT Article 11(2):			
5. International Searching Authority (if two or more are competent):		6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid	

For International Bureau use only
Date of receipt of the record copy by the International Bureau:

<b>Box No. IX CHECK LIST for electronic filing with RO/US – only to be used when filing via the USPTO electronic filing system</b>			
This international application <b>contains</b> the following:	Number of sheets	This international application is <b>accompanied by</b> the following item(s) <i>(mark the applicable check-boxes below and indicate in right column the number of each item):</i>	Number of items
(a) request form PCT/RO/101 (including any declarations and supplemental sheets) ..... :		1. <input type="checkbox"/> fee calculation sheet. .... :	
(b) description ..... :		2. <input type="checkbox"/> original separate power of attorney ..... :	
(c) claims ..... :		3. <input type="checkbox"/> original general power of attorney. .... :	
(d) abstract ..... :		4. <input type="checkbox"/> copy of general power of attorney; reference number: ..... :	
(e) drawings (if any) ..... :		5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s) ..... :	
<b>Total number of sheets</b> ..... :		6. <input type="checkbox"/> Translation of international application into ( <i>language</i> ): ..... :	
(f) sequence listing part of the description <input type="checkbox"/> filed as a <b>WIPO Standard ST.26 XML file</b> <input type="checkbox"/> WILL BE filed separately on physical data carrier(s) as a <b>WIPO Standard ST.26 XML file</b> , on the same day  Indicate type and number of physical data carrier(s) ..... : ..... :		7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material ..... :	
..... :		8. <input type="checkbox"/> copy of results of earlier search(es) (Rule 12bis.1(a)) ... :	
..... :		9. <input type="checkbox"/> other ( <i>specify</i> ): ..... :	
<b>Figure of the drawings</b> which should accompany the abstract:		<b>Language of filing</b> of the international application:	
<b>Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE</b> <i>Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).</i>			

For receiving Office use only			
1. Date of actual receipt of the purported international application:	2. Drawings:		
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:	<input type="checkbox"/> received:		
4. Date of timely receipt of the required corrections under PCT Article 11(2):	<input type="checkbox"/> not received:		
5. International Searching Authority (if two or more are competent):	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid		

For International Bureau use only
Date of receipt of the record copy by the International Bureau:

## NOTES TO THE REQUEST FORM (PCT/RO/101)

These Notes are intended to facilitate the filling in of the request form. For more detailed information, see the *PCT Applicant's Guide*, a WIPO publication, which is available, together with other PCT related documents, at WIPO's website: [www.wipo.int/pct/en/](http://www.wipo.int/pct/en/). The Notes are based on the requirements of the Patent Cooperation Treaty (PCT), the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the request form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

The request form should be typed or printed; check-boxes may be marked by hand with black ink (Rule 11.9(a) and (b)).

The request form and these Notes may be downloaded from WIPO's website at the address given above.

### WHERE TO FILE THE INTERNATIONAL APPLICATION

The international application (request, description, claims, abstract and drawings, if any) must be filed with a competent receiving Office (Article 11(1)(i)) – that is, subject to any applicable prescriptions concerning national security, at the choice of the applicant, either:

(i) the receiving Office of, or acting for, a PCT Contracting State of which the applicant or, if there are two or more applicants, at least one of them, is a resident or national (Rule 19.1(a)(i) or (ii) or (b)), or

(ii) the International Bureau of WIPO in Geneva, Switzerland, if the applicant or, if there are two or more applicants, at least one of the applicants is a resident or national of any PCT Contracting State (Rule 19.1(a)(iii)).

### CONFIRMATION COPY OF THE REQUEST FORM

Where the international application was initially filed by facsimile with a receiving Office that accepts such filings (see the *PCT Applicant's Guide*, Annex C) this should be indicated on the first sheet of the form by the annotation "CONFIRMATION COPY" followed by the date of the facsimile transmission.

### APPLICANT'S OR AGENT'S FILE REFERENCE

A **File Reference** may be indicated, if desired. It should not exceed 25 characters. Characters in excess of 25 may be disregarded by the receiving Office or any International Authority (Rule 11.6(f) and Section 109).

### BOX No. I

**Title of Invention** (Rules 4.3 and 5.1(a)): The title must be short (preferably two to seven words when in English or translated into English) and precise. It must be identical with the title heading the description.

### BOXES Nos. II AND III

**General:** At least one of the applicants named must be a resident or national of a PCT Contracting State for which the receiving Office acts (Articles 9 and 11(1)(i) and Rules 18 and 19). If the international application is filed with the International Bureau under Rule 19.1(a)(iii), at least one of the applicants must be a resident or national of any PCT Contracting State.

**Indication Whether a Person is Applicant and/or Inventor** (Rules 4.5(a) and 4.6(a) and (b)):

*Check-box "This person is also inventor"* (Box No. II): Mark this check-box if the applicant named is also the inventor or one of the inventors; do not mark this check-box if the applicant is a legal entity.

*Check-box "applicant and inventor"* (Box No. III): Mark this check-box if the person named is both applicant and inventor; do not mark this check-box if the person is a legal entity.

*Check-box "applicant only"* (Box No. III): Mark this check-box if the person named is a legal entity or if the person named is not also inventor.

*Check-box "inventor only"* (Box No. III): Mark this check-box if the person named is inventor but not also applicant. This would be the case, for example, where the inventor is deceased or has assigned the invention and the assignee is the applicant for all designated States. Do not mark this check-box if the person is a legal entity.

In Box No. III, one of the three check-boxes must always be marked for each person named.

A person must not be named more than once in Boxes Nos. II and III, even where that person is both applicant and inventor.

**Different Applicants for Different Designated States** (Rules 4.5(d), 18.3 and 19.2): It is possible to indicate different applicants for the purposes of different designated States. At least one of all the applicants named must be a national or resident of a PCT Contracting State for which the receiving Office acts, irrespective of the designated State(s) for the purposes of which that applicant is named.

For the indication of the designated States for which a person is applicant, mark the applicable check-box (only one for each person). If the person is not an applicant for all designated States, the check-box "the States indicated in the Supplemental Box" must be marked, and the name of the person must be repeated in the Supplemental Box with an indication of the States for which that person is applicant (see item 1(ii) in that Box).

**Naming of Inventor** (Rule 4.1(a)(iv) and (c)(i)): It is strongly recommended to always name the inventor since such information is generally required in the national phase. For details, see the *PCT Applicant's Guide*, Annex B.

**Different Inventors for Different Designated States** (Rule 4.6(c)): Different persons may be indicated as inventors for different designated States (for example, where, in this respect, the requirements of the national laws of the designated States are not the same); in such a case, the Supplemental Box must be used (see item 1(iii) in that Box). In the absence of any indication, it will be assumed that the inventor(s) named is (are) inventor(s) for all designated States.

**Names and Addresses** (Rule 4.4): The family name (preferably in capital letters) must be indicated before the given name(s). Titles and academic degrees must be omitted. Names of legal entities must be indicated by their full official designations.

The address must be indicated in such a way that it allows prompt postal delivery; it must consist of all the relevant administrative units (up to and including the indication of the house number, if any, the postal code (if any), and the name of the country).

Only one address may be indicated per person. For the indication of a special "address for correspondence", see the notes to Box No. IV.

**Telephone, Facsimile Numbers and/or E-mail Addresses** should be indicated for the persons named in Boxes Nos. II and IV in order to allow rapid communication with them (see Rule 4.4(c)). Any telephone or facsimile number should include the applicable country and area codes. A single e-mail address only should be indicated. In order to allow rapid and safe receipt of notifications from Offices, **it is strongly recommended that an e-mail address is provided to receive notifications.**

If an e-mail address is indicated, the receiving Office and the International Searching Authority, if they provide such a service, and the International Bureau will send notifications to that address by e-mail. In this case, no paper notifications will be sent by postal mail, unless the relevant Office is willing to additionally send such paper notifications. Note that not all Offices will send such notifications by e-mail (for details about each Office's procedure, see the *PCT Applicant's Guide*, Annex B). If no e-mail address is provided, or if the applicant chooses to receive notifications exclusively by postal mail, or in the cases where the receiving Office or the International Searching Authority does not provide for sending notifications by e-mail, notifications will be sent to the given address exclusively by postal mail.

Note that it is the applicant's responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked for any reason on the recipient's side. Changes to the e-mail address indicated in the request should be requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis*. Where the e-mail authorization is given both in respect of the applicant and in respect of an agent or common representative, e-mail communications will be sent only to the appointed agent or common representative.

**Applicant's Registration Number with the Office** (Rule 4.5(e)): Where the applicant is registered with the national or regional Office acting as receiving Office, the request may indicate the number or other indication under which the applicant is so registered.

**Nationality** (Rules 4.5(a) and (b) and 18.1): For each applicant, the nationality must be indicated by the name or two-letter code of the State (that is, country) of which the person is a national. A legal entity constituted according to the national law of a State is considered a national of that State. The indication of the nationality is not required where a person is inventor only.

**Residence** (Rules 4.5(a) and (c) and 18.1): For each applicant, the residence must be indicated by the name or two-letter code of the State (that is, country) of which the person is a resident. If the State of residence is not indicated, it will be assumed to be the same as the State indicated in the address. Possession of a real and effective industrial or commercial establishment in a State is considered residence in that State. The indication of the residence is not required where a person is inventor only.

**Names of States** (Section 115): For the indication of names of States, the two-letter codes appearing in WIPO Standard ST.3 and in the *PCT Applicant's Guide*, Annex K, may be used.

## BOX No. IV

**Who Can Act as Agent?** (Article 49 and Rule 83.1*bis*): For each of the receiving Offices, information as to who can act as agent is given in the *PCT Applicant's Guide*, Annex C.

**Agent or Common Representative** (Rules 4.7, 4.8, 90.1 and 90.2 and Section 108): Mark the applicable check-box in order to indicate whether the person named is (or has been) appointed as "agent" or "common representative" (the "common representative" must be one of the applicants). For the manner in which name(s), address(es) (including names of States), telephone, facsimile numbers and/or e-mail addresses must be indicated, see the notes to Boxes Nos. II and III. Where several agents are listed, the agent to whom correspondence should be addressed is to be listed first. If there are two or more applicants but no common agent is appointed to represent all of them, one of the applicants who is a national or resident of a PCT Contracting State may be appointed by the other

applicants as their common representative. If this is not done, the applicant first named in the request who is entitled to file an international application with the receiving Office concerned will be considered to be the common representative.

**Manner of Appointment of Agent or Common Representative** (Rules 90.4 and 90.5 and Section 106): The appointment of an agent or a common representative may be effected by designating the agent or common representative in Box No. IV and by the applicant signing the request or a separate power of attorney. Where there are two or more applicants, the appointment of a common agent or common representative must be effected by each applicant signing, at his choice, the request or a separate power of attorney. If the separate power of attorney is not signed, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney will be considered non-existent unless the defect is corrected. However, the receiving Office may waive the requirement that a separate power of attorney be submitted to it (for details about each receiving Office, see the *PCT Applicant's Guide*, Annex C).

Where a general power of attorney has been filed and is referred to in the request, a copy thereof must be attached to the request. Any applicant who did not sign the general power of attorney must sign either the request or a separate power of attorney, unless the receiving Office has waived the requirement that a separate power of attorney be submitted to it (for details, see the *PCT Applicant's Guide*, Annex C).

**Agent's Registration Number with the Office** (Rule 4.7(b)): Where the agent is registered with the national or regional Office that is acting as receiving Office, the request may indicate the number or other indication under which the agent is so registered.

**Address for Correspondence** (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. IV will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II or III, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address must be indicated in Box No. IV instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. IV must be marked (that is, the last check-box must not be marked if either of the check-boxes "agent" or "common representative" has been marked).

**Telephone, Facsimile Numbers and/or E-mail Addresses**  
See Notes to Boxes Nos II and III.

## BOX No. V

**Designations (Regional and national patents)** (Rule 4.9): Upon filing of the request, the applicant will obtain an automatic and all-inclusive coverage of all designations available under the PCT on the international filing date, in respect of every kind of protection available and, where applicable, in respect of both regional and national patents. If the applicant wishes the international application to be treated, in a certain designated or elected State, as an application not for a patent but for another kind of protection available under the national law of the designated or elected State concerned, the applicant will have to indicate his choice directly to the designated or elected Office when performing the acts, referred to in Articles 22 or 39(1), for entry into the national phase. For details about various kinds of protection available in designated or elected States, see the *PCT Applicant's Guide*, Annex B.

However, for the reasons explained below, it is possible to indicate, by marking the applicable check-box(es), that DE Germany, JP Japan and/or KR Republic of Korea are not designated for any kind of national protection. Each of those States has notified the International Bureau that Rule 4.9(b) applies to it since its national law provides that the filing of an international application which contains the designation of that State and claims the priority, **at the time of filing** or subsequently under Rule 26bis.1, of an earlier national application (for DE: for the same kind of protection) having effect in that State shall have the result that the earlier national application ceases, where applicable, after the expiration of certain time limits, to have effect with the same consequences as the withdrawal of the earlier national application. The designation of DE Germany for the purposes of a EP European patent is not affected by what is said above. For details see the *PCT Applicant's Guide*, in the relevant Annex B.

Only the three States mentioned above may be excluded from the all-inclusive coverage of all designations in Box No. V. For any other PCT Contracting State which the applicant wishes to exclude from the all-inclusive coverage of all designations, the applicant should submit a separate notice of withdrawal of the designation concerned under Rule 90bis.2. **Important: Should a notice of withdrawal be filed, that notice will have to be signed by the applicant or, if there are two or more applicants, by all of them (Rule 90bis.5), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney (Rule 90.4(a)).**

#### BOX No. VI

**Priority Claim(s)** (Rule 4.10): If the priority of an earlier application is claimed, the declaration containing the priority claim must be made in the request.

The request must indicate the *date* on which the earlier application from which priority is claimed was filed and the *number* it was assigned. Note that that date must fall within the period of 12 months preceding the international filing date.

Where the earlier application is a national application, the *country* party to the Paris Convention for the Protection of Industrial Property, or the *Member* of the World Trade Organization that is not a party to that Convention, in which that earlier application was filed must be indicated. Where the earlier application is a regional application, the *regional Office* concerned must be indicated. Where the earlier application is an international application, the *receiving Office* with which that earlier application was filed must be indicated.

Where the earlier application is a regional application (see however below), or an international application, the priority claim may also, if the applicant so wishes, indicate one or more countries party to the Paris Convention for which that earlier application was filed (Rule 4.10(b)(i)); such an indication is not, however, mandatory. Where the earlier application is a regional application and at least one of the countries party to the regional patent treaty is neither party to the Paris Convention nor a Member of the World Trade Organization, at least one country party to the Paris Convention or one Member of the World Trade Organization for which that earlier application was filed must be indicated (Rule 4.10(b)(ii)) in the Supplemental Box.

As to the possibility of correcting or adding a priority claim, see Rule 26bis.1 and the *PCT Applicant's Guide*, International Phase.

**Restoration of the Right of Priority** (Rules 4.1(c)(v) and 26bis.3): The procedure for restoration of the right of priority is not applicable to a receiving Office which has provided notice to the International Bureau under Rule 26bis.3(j) of the incompatibility of Rule 26bis.3(a) to (i) with the national law applied by that Office. Where the international application is filed on a date which is later than the date on which the priority period (see Rule 2.4) expired but within the period of two months

from that date, the applicant may request the receiving Office to restore the right of priority (Rule 26bis.3). Such a request must be filed with the receiving Office within two months from the date on which the priority period expired; it may be included in the request (Rule 4.1(c)(v)) by identifying the priority claim(s) in Box No. VI. If, in Box No. VI, a priority claim is identified in respect of which a request to restore the right of priority is made, in such case, a separate document should be submitted entitled "Statement for Restoration of the Right of Priority". This separate document should indicate, for each earlier application concerned, the filing date, the earlier application number and the name or two-letter code of the country, Member of WTO, regional Office or receiving Office. Then, for each earlier application concerned, the applicant should state the reasons for the failure to file the international application within the priority period (Rules 26bis.3(a) and 26bis.3(b)(ii)). Note that such a request may be subjected by the receiving Office to the payment to it of a fee, payable within the time limit referred to above (Rule 26bis.3(e)). According to Rule 26bis.3(d), the time limit for payment of the fee may be extended, at the option of the receiving Office, for a period of up to two months from the expiration of the time limit applicable under Rule 26bis.3(e). Note further that the receiving Office may require the furnishing, within a reasonable time limit, of a declaration or other evidence in support of the statement of reasons; preferably, such declaration or other evidence should already be submitted to the receiving Office together with the request for restoration (Rule 26bis.3(b) and (f)). The receiving Office shall restore the right of priority if it finds that a criterion for restoration applied by the Office is satisfied (Rule 26bis.3(a)). For information on which criteria a receiving Office applies see the *PCT Applicant's Guide*, Annex C.

**Incorporation by Reference** (Rules 4.18 and 20): The procedure for incorporation by reference is not applicable to a receiving Office which has provided notice to the International Bureau, under Rule 20.8(a) or (a-bis), of the incompatibility of the provisions on incorporation by reference with its national law. Where the receiving Office finds that any of the requirements of Article 11(1)(iii)(d) and (e) are not or appear not to be fulfilled, it will invite the applicant to either furnish the required correction or confirm that the element concerned referred to in Article 11(1)(iii)(d) or (e) is incorporated by reference under Rule 4.18. Where the applicant furnishes the required correction under Article 11(2), the international filing date will be the date on which the receiving Office receives the required correction (see Rule 20.3(a)(ii) and (b)(i)), provided that all other requirements of Article 11(1) are fulfilled. However, where the applicant confirms the incorporation by reference of an element referred to in Article 11(1)(iii)(d) or (e) which is completely contained in an earlier application the priority of which is claimed in the international application, that element will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, and the international filing date will be the date on which all Article 11(1) requirements are fulfilled (see Rule 20.3(a)(ii) and (b)(ii)).

Where the applicant furnishes a missing part to the receiving Office after the date on which all of the requirements of Article 11(1) were fulfilled but within the applicable time limit under Rule 20.7, that part will be included in the international application and the international filing date will be corrected to the date on which the receiving Office received that part (see Rule 20.5(c)). In such a case, the applicant will be given the opportunity to request the receiving Office to disregard the missing part concerned, in which case the missing part would be considered not to have been furnished and the correction of the international filing date not to have been made (see Rule 20.5(e)). However, where the applicant confirms the incorporation by reference of a missing part in accordance with Rule 20.6(a) and the receiving Office finds that all the requirements of Rules 4.18 and 20.6(a) are complied with, that part will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, and the international filing date will be the date on which all of the requirements of Article 11(1) are fulfilled (see Rule 20.5(d)).

Where, in the case of an element or part having been erroneously filed, the applicant furnishes the correct element or part to the receiving Office after the date on which all of the requirements of Article 11(1) were fulfilled but within the applicable time limit under Rule 20.7, the correct element or part will be included in the international application, the erroneously filed element or part will be removed from the international application, and the international filing date will be corrected to the date on which the receiving Office received that element or part (see Rule 20.5bis(c)). In such a case, the applicant will be given the opportunity to request the receiving Office to disregard the correct element or part concerned, in which case the correct element or part would be considered not to have been furnished and the correction of the international filing date not to have been made (see Rule 20.5bis(e)). However, where the applicant confirms the incorporation by reference of the correct element or part in accordance with Rule 20.6(a) and the receiving Office finds that all the requirements of Rules 4.18 and 20.6(a) are complied with, the correct element or part will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, and the international filing date will be the date on which all of the requirements of Article 11(1) are fulfilled.

**Furnishing the priority document(s)** (Rule 17.1): A certified copy of each earlier application the priority of which is claimed (priority document) must be submitted by the applicant, irrespective of whether that earlier application is a national, regional or international application. The priority document must be submitted to the receiving Office or to the International Bureau before the expiration of 16 months from the (earliest) priority date or, where an early start of the national phase is requested, not later than at the time such request is made. Any priority document received by the International Bureau after the expiration of the 16-month time limit but before the date of international publication shall be considered to have been received on the last day of that time limit (Rule 17.1(a)).

Where the priority document was issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office (not later than 16 months after the priority date) to prepare and transmit the priority document to the International Bureau (Rule 4.1(c)(ii)). Such requests may be made by marking the applicable check-boxes in Box No. VI. Note that where such a request is made, the applicant must, where applicable, pay to the receiving Office the *fee for priority document*, otherwise, the request will be considered not to have been made (see Rule 17.1(b)).

Where the priority document is available from an Office that participates in the WIPO Digital Access Service for Priority Documents (DAS) ([www.wipo.int/das/en](http://www.wipo.int/das/en)), the applicant may use DAS to provide the priority document to the International Bureau. Once the applicant requests the depositing Office to provide a copy of the priority document to DAS (see *PCT Applicant's Guide*, Annex B of the DAS depositing Office for further indications of the procedure to be followed), the applicant will receive an access code (unless the applicant has already automatically received the access code from the depositing Office in the priority application filing process). The applicant should then mark the applicable check-boxes in Box No. VI, and indicate the access code for each specific priority document.

Information concerning whether and which priority documents are available to the International Bureau from a digital library is published in the *Official Notices (PCT Gazette)* pursuant to Section 715(c) and the *PCT Applicant's Guide*, Annex B(IB).

**Dates** (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year – in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order and separated by periods, slants

or hyphens, for example, “26 October 2018 (26.10.2018)”, “26 October 2018 (26/10/2018)” or “26 October 2018 (26-10-2018)”.

## BOX No. VII

**Choice of International Searching Authority (ISA)** (Rules 4.1(b)(iv) and 4.14bis): If two or more International Searching Authorities are competent for carrying out the international search in relation to the international application – depending on the language in which that application is filed and the receiving Office with which it is filed – the name of the competent Authority chosen by the applicant must be indicated in the space provided, either by its full name or two-letter code.

### Continuation of BOX No. VII, item 1

**Request to Use Results of Earlier Search; Submission of Earlier Search Results** (Rules 4.12, 12bis, 16.3 and 41.1). The applicant may request the ISA to take into account, in carrying out the international search, the results of an earlier search carried out either by that Authority, by another ISA or by a national or regional Office (Rule 4.12). Where the applicant has made such a request and complied with the requirements under Rule 12bis, and where the earlier search was carried out by the same ISA or by the same national or regional Office as that which is acting as the ISA, the ISA shall, to the extent possible, take into account the results of the earlier search. If, on the other hand, the earlier search was carried out by another ISA or by a national or regional Office other than that which is acting as the ISA, the ISA may, but is not obliged to, take the results of the earlier search into account (Rule 41.1). Where the ISA takes into account the results of an earlier search, it shall (partially) refund the search fee to the extent and under the conditions provided for in the agreement under Article 16(3)(b) (see, for each ISA, the *PCT Applicant's Guide*, Annex D).

Any request to take into account the results of an earlier search should identify: the filing date and number of the application in respect of which the earlier search was carried out and the Authority or Office which carried out the earlier search (Rules 4.1(b)(ii) and 4.12(i)).

The applicant shall submit to the receiving Office, together with the international application at the time of filing, a copy of the results of the earlier search (Rule 12bis.1(a)), except:

- where the earlier search was carried out by the same Office as that which is acting as the receiving Office or where the earlier search results are otherwise available to the receiving Office, the applicant may, instead of submitting a copy of the results of the earlier search, request the receiving Office to transmit a copy of those results to the ISA by marking the appropriate check-box (Rule 12bis.1(b) and (d));
- where the earlier search was carried out by the same Authority or Office as that which is acting as ISA, no copy of the results of the earlier search is required to be submitted to the receiving Office or to the ISA (Rules 12bis.1(c) and 12bis.2(b));
- where a copy of the results of the earlier search is available to the receiving Office or to the ISA in a form and manner acceptable to it, and if so indicated in the request form by the applicant by marking the appropriate check-box, no copy of the results is required to be submitted to the receiving Office or to the ISA (Rules 12bis.1(d) and 12bis.2(b));

Where the applicant has made a request under Rule 4.12, the earlier search results to be submitted by the receiving Office to the ISA shall include, where applicable, a copy of any earlier classification results (Rule 23bis.1(b)).

**Use of Results of more than one Earlier Search:** Where the ISA is requested to use the results of more than one earlier search, please mark the relevant check-box, and furnish duplicates of this page, marked “continuation sheet of item 1 of Continuation of Box No. VII”, attached to the request form.

## Continuation of BOX NO. VII, item 2

**Transmission of the Earlier Search and Classification Results to the ISA by the Receiving Office where the applicant did not make a request under Rule 4.12** Where the international application claims priority of an earlier application, subject to Article 30(2) and (3), the receiving Office shall transmit to the ISA a copy of the results of the earlier search and classification (unless such copy is already available to the ISA) if the earlier application was filed with the same national or regional Office as that which is acting as the receiving Office, and that Office has carried out the earlier search in respect of the earlier application (Rule 23bis.2(a)); the receiving Office may transmit a copy of the results of the earlier search and classification if the earlier application was filed with a different Office but where the results of that earlier search and classification are nevertheless available to the receiving Office (Rule 23bis.2(c)).

**Request not to Transmit the Earlier Search Results by the receiving Office to the ISA:** Where the international application is filed with a receiving Office which has notified the International Bureau under Rule 23bis.2(b) that it may, on request of the applicant, **decide not to** transmit the results of an earlier search to the ISA, the applicant may check the check-box in item 2.2 of Continuation of Box No. VII. This only concerns international applications filed with the following receiving Offices: DE, FI and SE (see [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html)).

**Authorization to Transmit the Earlier Search and Classification Results by the receiving Office to the ISA:** Where the international application is filed with a receiving Office which has notified the International Bureau under Rule 23bis.2(e) that the transmission of copies of earlier search and classification results without the authorization of the applicant is not compatible with the national law applied by the receiving Office, the applicant may check the first check-box in item 2.3 of Continuation of Box No. VII to nevertheless **authorize** the receiving Office to transmit the earlier search and classification results to the ISA. This only concerns international applications filed with the following receiving Offices: AU, CZ, FI, HU, IL, JP, NO, SE, SG and US. (see [www.wipo.int/pct/en/texts/reservations/res\\_incomp.html](http://www.wipo.int/pct/en/texts/reservations/res_incomp.html)).

In respect of all receiving Offices, the second check-box in item 2.3 of Continuation of Box No. VII may also be used to expressly authorize the receiving Office to transmit the earlier search and classification results where the earlier search was carried out in respect of an international application, the priority of which is subsequently claimed in this international application and where the earlier international search was carried out by a **different** ISA than the ISA chosen in Box No. VII.

**Use of Results of more than one Earlier Search:** Where the international application claims priority of more than one earlier application, and where the applicant is entitled and wishes to make an indication under item 2.2 or 2.3 (Rule 23bis.2(a)(b) and (e)) for each earlier application, please mark the relevant check-box, and furnish duplicates of this page that lists each priority claim concerned, marked “continuation sheet of item 2 of Continuation of Box No. VII”, attached to the request form.

## BOX No. VIII

**Declarations Containing Standardized Wording** (Rules 4.1(c)(iii) and 4.17): At the option of the applicant, the request may, for the purposes of the national law applicable in one or more designated States, contain one or more of the following declarations:

- (i) declaration as to the identity of the inventor;
- (ii) declaration as to the applicant’s entitlement, as at the international filing date, to apply for and be granted a patent;
- (iii) declaration as to the applicant’s entitlement, as at the international filing date, to claim the priority of the earlier application;
- (iv) declaration of inventorship (only for the purposes of the designation of the United States of America);

- (v) declaration as to non-prejudicial disclosures or exceptions to lack of novelty;

which must conform to the standardized wording provided for in Sections 211 to 215, respectively, and which must be set forth in Boxes Nos. VIII (i) to (v), as detailed below. Where any such declarations are included, the appropriate check-boxes in Box No. VIII should be marked and the number of each type of declaration should be indicated in the right-hand column. As to the possibility of correcting or adding a declaration, see Rule 26ter, Section 216 and the *PCT Applicant’s Guide*, International Phase.

If the circumstances of a particular case are such that the standardized wordings are not applicable, the applicant should not attempt to make use of the declarations provided for in Rule 4.17 but rather will have to comply with the national requirements concerned upon entry into the national phase.

The fact that a declaration is made under Rule 4.17 does not of itself establish the matters declared; the effect of those matters in the designated States concerned will be determined by the designated Offices in accordance with the applicable national law.

Even if the wording of a declaration does not conform to the standardized wording provided for in the Administrative Instructions pursuant to Rule 4.17, any designated Office may accept that declaration for the purposes of the applicable national law, but is not required to do so.

**Details as to National Law Requirements:** For information on the declarations required by each designated Office, see the *PCT Applicant’s Guide*, in the relevant National Chapter.

**Effect in Designated Offices** (Rule 51bis.2): Where the applicant submits any of the declarations provided for in Rule 4.17(i) to (iv) containing the required standardized wording (either with the international application, or to the International Bureau within the relevant time limit under Rule 26ter, or directly to the designated Office during the national phase), the designated Office may not, in the national phase, require further documents or evidence on the matter to which the declaration relates, unless that designated Office may reasonably doubt the veracity of the declaration concerned.

## BOXES Nos. VIII (i) TO (v) (IN GENERAL)

**Different Declaration Boxes:** There are six different declaration boxes in the pre-printed request form – one box for each of the five different types of declarations provided for in Rule 4.17 (Box No. VIII (i) to Box No. VIII (v)) and a continuation sheet (Continuation of Box No. VIII (i) to (v)) to be used in case any single declaration does not fit in the corresponding box. The title of each type of declaration which is found in the standardized wording provided for in the Administrative Instructions is pre-printed on the appropriate sheet of the request.

**Separate Sheet for Each Declaration:** Each declaration must start on a separate sheet of the request form in the appropriate Declaration Box.

**Titles, Items, Item Numbers, Dotted Lines, Words in Parentheses and Words in Brackets:** The prescribed standardized wording of the declarations includes titles, various items, item numbers, dotted lines, words in parentheses and words in brackets. Except for Box No. VIII (iv) which contains the pre-printed standardized wording, only those items which are applicable should be included in a declaration where necessary to support the statements in that declaration (that is, omit those items which do not apply) and item numbers need not be included. Dotted lines indicate where information is required to be inserted. Words in parentheses are instructions to applicants as to the information which may be included in the declaration depending upon the factual circumstances. Words in brackets are optional and should appear in the declaration without the brackets if they apply;

if they do not apply, they should be omitted together with the corresponding brackets.

**Naming of Several Persons:** More than one person may be named in a single declaration. In the alternative, with one exception, a separate declaration may be made for each person. With respect to the declaration of inventorship set forth in Box No. VIII (iv), which is applicable only for the purposes of the designation of the United States of America, all inventors must be indicated in a single declaration (see Notes to Box No. VIII (iv), below). The wording of declarations to be set forth in Boxes Nos. VIII (i), (ii), (iii) and (v) may be adapted from the singular to the plural as necessary.

#### BOX No. VIII (i)

**Declaration as to the Identity of the Inventor** (Rule 4.17(i) and Section 211): The declaration must be worded as follows:

“Declaration as to the identity of the inventor (Rules 4.17(i) and 51*bis*.1(a)(i)):

in relation to [this] international application [No. PCT/...],

... (*name*) of ... (*address*) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application”

Such a declaration is not necessary in respect of any inventor who is indicated as such (either as inventor only or applicant and inventor) in Box No. II or No. III in accordance with Rule 4.5 or 4.6. However, where the inventor is indicated as applicant in Box No. II or No. III in accordance with Rule 4.5, a declaration as to the applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii)) may be appropriate. Where indications regarding the inventor in accordance with Rule 4.5 or 4.6 are not included in Box No. II or No. III, this declaration may be combined with the prescribed wording of the declaration as to the applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii)). For details on such a combined declaration, see Notes to Box No. VIII (ii), below. For details as to the declaration of inventorship for the purposes of the designation of the United States of America, see Notes to Box No. VIII (iv), below.

#### BOX No. VIII (ii)

**Declaration as to the Applicant's Entitlement to Apply for and Be Granted a Patent** (Rule 4.17(ii) and Section 212): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant's entitlement:

“Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51*bis*.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

in relation to [this] international application [No. PCT/...],

... (*name*) is entitled to apply for and be granted a patent by virtue of the following:

- (i) ... (*name*) of ... (*address*) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application
- (ii) ... (*name*) [is] [was] entitled as employer of the inventor, ... (*inventor's name*)
- (iii) an agreement between ... (*name*) and ... (*name*), dated ...
- (iv) an assignment from ... (*name*) to ... (*name*), dated ...
- (v) consent from ... (*name*) in favor of ... (*name*), dated ...
- (vi) a court order issued by ... (*name of court*), effecting a transfer from ... (*name*) to ... (*name*), dated ...
- (vii) transfer of entitlement from ... (*name*) to ... (*name*) by way of ... (*specify kind of transfer*), dated ...

- (viii) the applicant's name changed from ... (*name*) to ... (*name*) on ... (*date*)”

Items (i) to (viii) may be incorporated as is necessary to explain the applicant's entitlement. ***This declaration is only applicable to those events which have occurred prior to the international filing date.*** The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the inventor, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement. Where the inventor is not indicated in Box No. II or No. III, this declaration may be presented as a combined declaration explaining the applicant's entitlement to apply for and be granted a patent and identifying the inventor. In such a case, the introductory phrase of the declaration must be as follows:

“Combined declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51*bis*.1(a)(ii)) and as to the identity of the inventor (Rules 4.17(i) and 51*bis*.1(a)(i)), in a case where the declaration under Rule 4.17(iv) is not appropriate:”

The remainder of the combined declaration must be worded as indicated in the preceding paragraphs.

For details as to the declaration as to the identity of the inventor, see the Notes to Box No. VIII (i), above.

#### BOX No. VIII (iii)

**Declaration as to the Applicant's Entitlement to Claim Priority of the Earlier Application** (Rule 4.17(iii) and Section 213): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant's entitlement:

“Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51*bis*.1(a)(iii)):

in relation to [this] international application [No. PCT/...],

... (*name*) is entitled to claim priority of earlier application No. ... by virtue of the following:

- (i) the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application
- (ii) ... (*name*) [is] [was] entitled as employer of the inventor, ... (*inventor's name*)
- (iii) an agreement between ... (*name*) and ... (*name*), dated ...
- (iv) an assignment from ... (*name*) to ... (*name*), dated ...
- (v) consent from ... (*name*) in favor of ... (*name*), dated ...
- (vi) a court order, issued by ... (*name of court*), effecting a transfer from ... (*name*) to ... (*name*), dated ...
- (vii) transfer of entitlement from ... (*name*) to ... (*name*) by way of ... (*specify kind of transfer*), dated ...
- (viii) the applicant's name changed from ... (*name*) to ... (*name*) on ... (*date*)”

Items (i) to (viii) may be incorporated as is necessary to explain the applicant's entitlement. ***This declaration is only applicable to those events which have occurred prior to the international filing date.*** In addition, this declaration is only applicable where the person or name of the applicant is different from that of the applicant who filed the earlier application from which priority is claimed. For example, this declaration may be applicable where only one applicant out of five is different from the applicants indicated in respect of an earlier application. The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of

transfers from the applicant in respect of the earlier application, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement.

### BOX No. VIII (iv)

**Declaration of Inventorship** (Rule 4.17(iv) and Section 214): The standardized wording for the declaration is pre-printed in Box No. VIII (iv).

The name, residence and address must be included for each inventor. If the name and address of an inventor is not written in the Latin alphabet, the name and address must be indicated in the Latin alphabet. All inventors must sign and date the declaration even if they do not all sign the same copy of the declaration (Section 214(b)).

If there are more than three inventors, those other inventors must be indicated on the "Continuation of Box No. VIII (i) to (v)" sheet. The continuation sheet should be entitled "Continuation of Box No. VIII (iv)," must indicate the name, residence and address for those other inventors, and at least the name and address in the Latin alphabet. In such a case, the "complete declaration" includes Box No. VIII (iv) and the continuation sheet. All inventors must sign and date a complete declaration even if they do not all sign the same copy of the complete declaration, and a copy of each separately signed complete declaration must be submitted (Section 214(b)).

**Where the declaration** was not included in the request, but **is furnished later**, the PCT application number **MUST** be indicated within the text of Box No. VIII (iv).

### BOX No. VIII (v)

**Declaration as to Non-prejudicial Disclosures or Exceptions to Lack of Novelty** (Rule 4.17(v) and Section 215): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (iv) as is necessary:

"Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51*bis*.1(a)(v)):

in relation to [this] international application [No. PCT/...],

... (*name*) declares that the subject matter claimed in [the] [this] international application was disclosed as follows:

- (i) kind of disclosure (*include as applicable*):
  - (a) international exhibition
  - (b) publication
  - (c) abuse
  - (d) other: ... (*specify*)
- (ii) date of disclosure: ...
- (iii) title of disclosure (*if applicable*): ...
- (iv) place of disclosure (*if applicable*): ..."

Either (a), (b), (c) or (d) of item (i) should always be included in the declaration. Item (ii) should also always be included in the declaration. Items (iii) and (iv) may be incorporated depending upon the circumstances.

### BOX No. IX

**Sheets Constituting the International Application:** The number of sheets of the various parts of the international application must be indicated in the check list using Arabic numerals. Sheets containing any of the Boxes Nos. VIII(i) to (v) (declaration sheets) must be counted as part of the request. Any tables, including those related to a disclosure of sequences, form an integral part of the description and the pages containing such tables will be counted as sheets of the description.

**Nucleotide and/or amino acid sequences:** If the international application contains disclosure of nucleotide and/or amino acid

sequences, the sequences must be presented in a sequence listing in compliance with WIPO Standard ST.26 (XML file). It is strongly recommended to file the entire application electronically whenever possible. If the sequence listing is too large to upload to the receiving Office online filing system, applicants may provide the sequence listing on physical data carrier(s) accepted by the Office and indicate the type and number of the carriers.

Nevertheless, if an international application containing a sequence listing is filed on paper, the sequence listing must be filed on physical data carrier(s) labeled "Sequence Listing"; the type and number of the carriers such as diskettes, CD-ROMs, CD-Rs or other data carriers accepted by the ISA, should be indicated in item (f).

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### Electronic filing with RO/US

The sheet containing Box No. IX CHECK LIST for electronic filing with RO/US "last sheet – electronic filing with RO/US" should **only** be used if the request form is filed online with the receiving Office of the United States of America (RO/US).

**Nucleotide and/or amino acid sequences:** Where the international application containing a sequence listing is filed electronically, the first check-box of check-box (f) in Box No. IX should be marked. An international application that includes a WIPO Standard ST.26 XML file can only be filed electronically with RO/US via the USPTO Patent Center web interface.

The RO/US has a limitation on the size of the XML sequence listing file it can accept electronically. If the XML file containing the sequence listing, or a compressed zip file package thereof, is larger than 100MB, the applicant must file the sequence listing on physical data carrier(s) labeled "Sequence Listing". In such cases, the data carrier(s) must be furnished on the same day that the international application is filed online. This may be furnished via "Priority Mail Express Post Office to Addressee" service with a "date accepted" by the United States Postal Service the same date as the online filing date. Alternatively, the data carrier(s) may be submitted using commercial delivery services or by hand delivery to the Customer Service Window, provided that it reaches the RO/US on the same day as the international application filed online. In such cases, the corresponding check-boxes in check-box (f) in Box No. IX must be marked. The number and type of carrier(s) should be indicated in check-box (f).

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**Items Accompanying the International Application:** Where the international application is accompanied by certain items, the applicable check-boxes must be marked, any applicable indication must be made on the dotted line after the applicable item, and the number of such items should be indicated at the end of the relevant line; detailed explanations are provided below only in respect of those items which so require.

**Check-box No. 4:** Mark this check-box where a copy of a general power of attorney is filed with the international application; where the general power of attorney has been deposited with the receiving Office, and that Office has accorded to it a reference number, that number may be indicated.

**Check-box No. 6:** Mark this check-box where a translation of the international application for the purposes of international search (Rule 12.3) is filed together with the international application and indicate the language of that translation.

**Check-box No. 7:** Mark this check-box where a filled-in Form PCT/RO/134 or any separate sheet containing indications concerning deposited microorganisms and/or other biological material is filed with the international application. If Form PCT/RO/134 or any sheet containing the said indications is included as one of the sheets of the description (as required by certain designated States (see the *PCT Applicant's Guide*, Annex L)), do not mark this check-box (for further information, see Rule 13*bis* and Section 209).

**Language of Filing of the International Application** (Rules 12.1(a) and 20.1(c) and (d)): With regard to the language in which the international application is filed, for the purposes of according an international filing date, it is, subject to the following sentence, sufficient that the description and the claims are in the language, or one of the languages, accepted by the receiving Office for the filing of international applications; that language should be indicated in that check-box (as regards the language of the abstract and any text matter in the drawings, see Rule 26.3ter(a) and (b); as regards the language of the request, see Rules 12.1(c) and 26.3ter(c) and (d)); as regards the language of the language-dependent free text contained in the sequence listing part of the description, see Rule 12.1(d)). Note that where the international application is filed with the RO/US, all elements of the international application (request, description, sequence listing part of the description, claims, abstract and text matter of drawings) must, for the purposes of according an international filing date, be only in English, including the language-dependent free text in any sequence listing part of the description.

### BOX No. X

**Signature** (Rules 4.1(d), 4.15, 26.2bis(a), 51bis.1(a)(vi) and 90): The signature must be that of the applicant; if there are several applicants, all must sign. However, if the signature of one or more of the applicants is missing, the receiving Office will not invite the applicant to furnish the missing signature(s) provided that at least one of the applicants signed the request.

**Important: Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicants by all of them (Rule 90bis.5), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand, a separate power of attorney (Rule 90.4(a)) or a general power of attorney (Rule 90.5(a)).**

Furthermore, for the purposes of the national phase processing, each designated Office will be entitled to require the applicant to furnish the confirmation of the international application by the signature of any applicant for the designated State concerned, who has not signed the request.

Where the signature on the request is not that of the applicant but that of the agent, or the common representative, a separate power of attorney appointing the agent or the common representative, respectively, or a copy of a general power of attorney already in the possession of the receiving Office, must be furnished. The power of attorney must be signed by the applicant, or if there is more than one applicant, by at least one of them. If the power is not filed with the request, the receiving Office will invite the applicant to furnish it, unless it has waived the requirement for a separate power of attorney (for details about each receiving Office, see the *PCT Applicant's Guide*, Annex C).

### SUPPLEMENTAL BOX

The cases in which the Supplemental Box may be used and the manner of making indications in it are explained in the left column of that Box.

Items 2 and 3: Even if an indication is made in respect of items 2 and 3 under Rule 49bis.1(a), (b) or (d), the applicant will be required to make an indication to this effect upon entry into the national phase before the designated offices concerned.

If the applicant wishes to specify that the international application be treated in any designated State as an application for a utility model, see Notes to Box No. V.

### GENERAL REMARKS

**Language of Correspondence** (Rule 92.2 and Section 104): Any letter from the applicant to the receiving Office must be in the language of filing of the international application provided that, where the international application is to be published in the language of a translation required under Rule 12.3, such letter should be in the language of that translation; however, the receiving Office may authorize the use of another language.

Any letter from the applicant to the International Bureau must be in the same language as the international application if that language is English or French; otherwise, it must be in English or French, at the choice of the applicant.

Any letter from the applicant to the ISA must be in the same language as the international application, provided that, where a translation of the international application for the purposes of international search has been transmitted under Rule 23.1(b), such letter is in the language of that translation. However, the ISA may authorize the use of another language.

**Arrangement of Elements and Numbering of Sheets of the International Application** (Rule 11.7 and Section 207): The elements of the international application must be placed in the following order: the request, the description, the claim(s), the abstract, the drawings (if any).

All sheets of the description, claims and abstract must be numbered in consecutive Arabic numerals, which must be placed at the top or bottom of the sheet, in the middle, but not in the margin which must remain blank. The number of each sheet of the drawings must consist of two Arabic numerals separated by an oblique stroke, the first being the sheet number and the second being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3).

**Indication of the Applicant's or Agent's File Reference** on the sheets of the description, claim(s), abstract and drawings (Rule 11.6(f)): The file reference indicated on the request may also be indicated in the left-hand corner of the top margin, within 1.5 cm from the top of any sheet of the international application.

# PCT

## FEE CALCULATION SHEET

### Annex to the Request

For receiving Office use only

International Application No. \_\_\_\_\_

Date stamp of the receiving Office \_\_\_\_\_

Applicant's or agent's file reference \_\_\_\_\_

Applicant \_\_\_\_\_

#### CALCULATION OF PRESCRIBED FEES

(Applicants may be entitled to a reduction of certain fees as indicated in the PCT Fee Tables (www.wipo.int/pct/en/fees.pdf))

1. TRANSMITTAL FEE: .....  T

2. SEARCH FEE: .....  S

International search to be carried out by: \_\_\_\_\_

3. INTERNATIONAL FILING FEE

Enter total number of sheets indicated in Box No IX: \_\_\_\_\_

i1 Fixed amount for the first 30 sheets . . . . .  i1

i2 \_\_\_\_\_ x \_\_\_\_\_ =  i2  
number of sheets fee per sheet  
in excess of 30

Add amounts entered at i1 and i2 and enter total at I: .....  I

(Applicants from certain States are entitled to a reduction of 90% of the international filing fee (see www.wipo.int/pct/en/fees/fee\_reduction.pdf). Where the applicant is (or all applicants are) so entitled, the total to be entered at I is 10% of the international filing fee.)

4. FEE FOR PRIORITY DOCUMENT (if applicable): .....  P

5. FEE FOR RESTORATION OF THE RIGHT OF PRIORITY (if applicable): .....  RP

6. FEE FOR EARLIER SEARCH DOCUMENTS (if applicable): .....  ES

7. TOTAL FEES PAYABLE . . . . .

Add amounts entered at T, S, I, P, RP and ES, and enter total in the TOTAL box

TOTAL

#### MODE OF PAYMENT (Not all modes of payment may be available at all receiving Offices)

- ☐ credit card (details should not be included on this sheet) ☐ authorization to charge deposit or current account (see below) ☐ bank transfer ☐ cash
- ☐ postal money order ☐ check ☐ revenue stamps ☐ other (specify): \_\_\_\_\_

#### AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT OR CURRENT ACCOUNT

(This mode of payment may not be available at all receiving Offices)

- ☐ Authorization to charge the total fees indicated above.
- ☐ (This check-box may be marked only if the conditions for deposit or current accounts of the receiving Office so permit) Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.
- ☐ Authorization to charge the fee for priority document.

Receiving Office: RO/ \_\_\_\_\_

Deposit or Current Account No.: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

## NOTES TO THE FEE CALCULATION SHEET (ANNEX TO FORM PCT/RO/101)

The purpose of the fee calculation sheet is to help the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete the sheet by entering the appropriate amounts in the boxes provided and submit the fee calculation sheet at the time of filing the international application. This will help the receiving Office to verify the calculations and to identify any error in them.

Information about the applicable fees payable can be obtained from the receiving Office and the International Bureau at [www.wipo.int/pct/en/fees.pdf](http://www.wipo.int/pct/en/fees.pdf). The amounts of the international filing and search fees may change due to currency fluctuations. Applicants are advised to check what are the latest applicable amounts. All fees, must be paid within one month from the date of receipt of the international application.

### CALCULATION OF PRESCRIBED FEES

**Box T: Transmittal Fee** for the benefit of the receiving Office (Rule 14.1): The amount of the transmittal fee, if any, is fixed by the receiving Office. It must be paid within one month from the date of receipt of the international application by the receiving Office. Information about this fee is contained in the *PCT Applicant's Guide*, Annex C.

**Box S: Search Fee** for the benefit of the International Searching Authority (ISA) (Rule 16.1): The amount of the search fee is fixed by the ISA. It must be paid within one month from the date of receipt of the international application by the receiving Office. Information about this fee is contained in the *PCT Applicant's Guide*, Annex D.

Where two or more ISAs are competent, the applicant must indicate his choice in the space provided for this purpose and pay the amount of the international search fee fixed by the ISA chosen. Information on the competent ISA and whether the applicant has a choice between two or more ISAs is contained in the *PCT Applicant's Guide*, Annex C.

**Box I: International Filing Fee:** The amount of the international filing fee depends on the **Total number of sheets** of the international application indicated in Box No. IX of the request. No fee is charged for any WIPO Standard ST.26 XML sequence listing.

The international filing fee must be paid within one month from the date of receipt of the international application by the receiving Office.

**Reductions:** Applicants may be entitled to reductions to certain fees, which are indicated in the PCT Fee Tables ([www.wipo.int/pct/en/fees.pdf](http://www.wipo.int/pct/en/fees.pdf)) and the relevant Annex C of the *PCT Applicants Guide*. If reduced fees apply, the reduced amount should be indicated in the fee calculation sheet. These include reductions that apply where the international application is filed in electronic form and/or if the applicant is a natural person from certain States. These two types of fees reduction are fully explained below.

**Reduction of the International Filing Fee Where the International Application Is Filed in Electronic Form:** Where the international application is filed in electronic form, the total amount of the international filing fee is reduced depending on the electronic formats used. The international filing fee is reduced by: 100 Swiss francs (or the equivalent in the currency in which the international filing fee is paid to the receiving Office) in respect of international applications where the request is not in character coded format (see PCT Schedule of Fees, item 4(a)); 200 Swiss francs (or the equivalent in the currency in which the international filing fee is paid to the receiving Office) where the request is in character coded format (see PCT Schedule of Fees, item 4(b)); and 300 Swiss francs (or the equivalent in the currency in which the international filing fee is paid to the receiving Office) where the request, description, claims and abstract are all in character coded format (see PCT Schedule

of Fees, item 4(c)). For further details, see the *PCT Applicant's Guide*, International Phase and Annex C, as well as information published in the *Official Notices (PCT Gazette)* and the *PCT Newsletter*. Since international applications filed in electronic form will contain the Request Form and Fee Calculation Sheet in such electronic form, no provision is made for this fee reduction in the Fee Calculation Sheet annexed to Form PCT/RO/101.

**Reduction of the International Filing Fee for Applicants from Certain States:** An applicant who is a natural person and who is a national of and resides in a State that is listed as being a State whose per capita gross domestic product is below US\$ 25,000 (according to the most recent ten year average per capita gross domestic product figures at constant 2005 US\$ values published by the United Nations), and whose nationals and residents who are natural persons have filed less than 10 international applications per year (per million population) or less than 50 international applications per year (in absolute numbers) according to the most recent 5-year average yearly filing figures published by the International Bureau; or an applicant, whether a natural person or not, who is a national of and resides in a State that is listed as being classified by the United Nations as a least developed country, is entitled, in accordance with the Schedule of Fees, to a reduction of 90% of certain PCT fees including the international filing fee. The applicant is only entitled to the reduction of the international filing fee if, at the time of filing of the international application, the applicant is or all applicants are the true and only owner(s) of the application and under no obligation to assign, grant, convey or license the rights in the invention to another party which is not eligible for the fee reduction. If there are several applicants, each must satisfy the above-mentioned criteria. If the applicant is or all applicants are entitled to the reduction of the international filing fee, this reduction applies on the basis of the indications of name, nationality and residence given in Boxes Nos. II and III of the request, without the need for a specific request to be made.

The fee reduction is available even if one or more of the applicants are not from PCT Contracting States, provided that each of them is a national and resident of a State that meets the above-mentioned requirements and that at least one of the applicants is a national or resident of a PCT Contracting State and thus is entitled to file an international application.

Information about PCT Contracting States whose nationals and residents are entitled to a reduction of 90% of certain PCT fees, including the international filing fee, is contained in the *PCT Applicant's Guide*, Annex C and on the WIPO website (see [www.wipo.int/pct/en/](http://www.wipo.int/pct/en/)), and is also published and regularly updated in the *Official Notices (PCT Gazette)* and the *PCT Newsletter*.

**Calculation of the International Filing Fee in Case of Fee Reduction:** Where the applicant is (or all applicants are) entitled to a reduction of the international filing fee, the total to be entered in box I is 10% of the international filing fee (see below).

**Box P: Fee for Priority Document (Rule 17.1(b)):** Where the applicant has requested, by marking the applicable check-box in Box No. VI of the request, that the receiving Office prepare and transmit to the International Bureau a certified copy of the earlier application the priority of which is claimed, the amount of the fee prescribed by the receiving Office for such service may be entered (for information, see the *PCT Applicant's Guide*, Annex C).

If that fee is not paid at the latest before the expiration of 16 months from the priority date, the receiving Office may consider the request under Rule 17.1(b) as not having been made.

**Box RP: Fee for the restoration of the right of priority (Rule 26bis.3(d)):** Where the applicant has requested within the applicable time limit under Rule 26bis.3(e) that the receiving Office restore the right of priority in connection with any earlier application the priority of which is claimed in the international application, the amount of the fee prescribed by the receiving Office for such service may be entered (for information, see the *PCT Applicant's Guide*, Annex C).

**Box ES: Fee for earlier search documents (Rule 12bis.1(b) and (d)):** Where the applicant has requested, by marking the appropriate check-box in item 1.2 of Continuation of Box No. VII, of the request, that the receiving Office prepare and transmit to the ISA copies of the results of an earlier search, which are requested by the applicant to be taken into

consideration by the ISA (such a request may only be filed if the earlier search was carried out by the same Office as that which is acting as the receiving Office (Rule 12bis.1(b)) or where the earlier search results are otherwise available to the receiving Office (Rule 12bis.1(d)), the amount of the fee prescribed by the receiving Office for such service may be entered (for information, see the *PCT Applicant's Guide*, Annex C).

**Total Box:** The total of the amounts entered in boxes T, S, I, P, RP and ES should be entered in this box. If the applicant so wishes, the currency, or currencies, in which the fees are paid may be indicated next to or in the total box.

#### MODE OF PAYMENT

In order to help the receiving Office identify the mode of payment of the prescribed fees, it is recommended that the applicable check-box(es) be marked. Credit card details should not be included on the fee calculation sheet. They should be furnished separately and by secure means acceptable to the receiving Office.

#### AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT OR CURRENT ACCOUNT

The receiving Office will not charge (or credit) fees to deposit or current accounts unless the deposit or current account authorization is signed and indicates the deposit or current account number.

# PCT

## REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference (*if desired*) (25 characters maximum)

<b>Box No. I</b>	<b>TITLE OF INVENTION</b>
<b>Box No. II</b>	<b>APPLICANT</b>
<input type="checkbox"/> This person is also inventor	
Name and address: ( <i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.</i> )	Telephone No.
	Facsimile No.
	Applicant's registration No. with the Office
<b>E-mail authorization:</b> Marking one of the check-boxes below authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send, notifications issued in respect of this international application to that e-mail address if those offices are willing to do so. <input type="checkbox"/> as advance copies followed by paper notifications; or <input type="checkbox"/> exclusively in electronic form (no paper notifications will be sent). E-mail address:	
State ( <i>that is, country</i> ) of nationality:	State ( <i>that is, country</i> ) of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box	
<b>Box No. III</b>	<b>FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)</b>
<input type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet.	
<b>Box No. IV</b>	<b>AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE</b>
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:	<input type="checkbox"/> agent <input type="checkbox"/> common representative
Name and address: ( <i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i> )	Telephone No.
	Facsimile No.
	Agent's registration No. with the Office
<b>E-mail authorization:</b> Marking one of the check-boxes below authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send, notifications issued in respect of this international application to that e-mail address if those offices are willing to do so. <input type="checkbox"/> as advance copies followed by paper notifications; or <input type="checkbox"/> exclusively in electronic form (no paper notifications will be sent). E-mail address:	
<input type="checkbox"/> <b>Address for correspondence:</b> Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.	

**Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)**

*If none of the following sub-boxes is used, this sheet should not be included in the request.*

Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>		This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
State <i>(that is, country)</i> of nationality:		Applicant's registration No. with the Office
State <i>(that is, country)</i> of residence:		
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>		This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
State <i>(that is, country)</i> of nationality:		Applicant's registration No. with the Office
State <i>(that is, country)</i> of residence:		
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>		This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
State <i>(that is, country)</i> of nationality:		Applicant's registration No. with the Office
State <i>(that is, country)</i> of residence:		
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>		This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
State <i>(that is, country)</i> of nationality:		Applicant's registration No. with the Office
State <i>(that is, country)</i> of residence:		
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>		This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
State <i>(that is, country)</i> of nationality:		Applicant's registration No. with the Office
State <i>(that is, country)</i> of residence:		
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
<input type="checkbox"/> Further applicants and/or (further) inventors are indicated on another continuation sheet.		

**Supplemental Box**

If the Supplemental Box is not used, this sheet should not be included in the request.

1. If, in any of the Boxes, except Boxes Nos. VIII(i) to (v) for which a special continuation box is provided, **the space is insufficient** to furnish all the information: in such case, write "Continuation of Box No...." (indicate the number of the Box) and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:
  - (i) **if more than one person is to be indicated as applicant and/or inventor** and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below;
  - (ii) if, in Box No. II or in any of the sub-boxes of Box No. III, the indication **"the States indicated in the Supplemental Box"** is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
  - (iii) if, in Box No. II or in any of the sub-boxes of Box No. III, **the inventor or the inventor/applicant is not inventor for the purposes of all designated States**: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;
  - (iv) if, in addition to the agent(s) indicated in Box No. IV, there are **further agents**: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;
  - (v) if, in Box No. VI, there are **more than three earlier applications whose priority is claimed**: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI.
2. If the applicant intends to make an indication of the wish that the international application be treated, in certain designated States, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition: in such case, write the name or two-letter code of each designated State concerned and the indication **"patent of addition," "certificate of addition," "inventor's certificate of addition"** or **"utility certificate of addition,"** the number of the parent application or parent patent or other parent grant and the date of grant of the parent patent or other parent grant or the date of filing of the parent application (Rules 4.11(a)(i) and 49bis.1(a) or (b)).
3. If the applicant intends to make an indication of the wish that the international application be treated, in the United States of America, as a continuation or continuation-in-part of an earlier application: in such case, write "United States of America" or "US" and the indication **"continuation"** or **"continuation-in-part"** and the number and the filing date of the parent application (Rules 4.11(a)(ii) and 49bis.1(d)).

TO BE INCLUDED  
ONLY IF NECESSARY

**Box No. V DESIGNATIONS**

The filing of this request **constitutes under Rule 4.9(a) the designation** of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.

However,

- ☐ DE Germany **is not designated** for any kind of national protection
- ☐ JP Japan **is not designated** for any kind of national protection
- ☐ KR Republic of Korea **is not designated** for any kind of national protection

*(The check-boxes above may only be used to exclude (irrevocably) the designations concerned if, at the time of filing or subsequently under Rule 26bis.1, the international application contains in Box No. VI a priority claim to an earlier national application filed in the particular State concerned, in order to avoid the ceasing of the effect, under the national law, of this earlier national application.)*

**Box No. VI PRIORITY CLAIM AND DOCUMENT**

**The priority of the following earlier application(s) is hereby claimed:**

Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country or Member of WTO	regional application: regional Office	international application: receiving Office
item (1)				
item (2)				
item (3)				

☐ Further priority claims are indicated in the Supplemental Box.

**Furnishing the priority document(s):**

☐ The **receiving Office** is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) *(only if the earlier application(s) was filed with the receiving Office which, for the purposes of this international application, is the receiving Office)* identified above as:

☐ all items    ☐ item (1)    ☐ item (2)    ☐ item (3)    ☐ other, see Supplemental Box

☐ The **International Bureau** is requested to obtain from a digital library a certified copy of the earlier application(s) identified above, using, where applicable, the access code(s) indicated below *(if the earlier application(s) is available to it from a digital library)*:

☐ item (1)    ☐ item (2)    ☐ item (3)    ☐ other, see Supplemental Box  
access code \_\_\_\_\_ access code \_\_\_\_\_ access code \_\_\_\_\_

**Restore the right of priority:** the receiving Office is requested to restore the right of priority for the earlier application(s) identified above or in the Supplemental Box as item(s) (\_\_\_\_\_). *(See also the Notes to Box No. VI; further information **must** be provided to support a request to restore the right of priority.)*

**Incorporation by reference:** where an element of the international application referred to in Article 11(1)(iii)(d) or (e) or a part of the description, claims or drawings referred to in Rule 20.5(a) is not otherwise contained in this international application but is completely contained in an earlier application whose priority is claimed on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, that element or part is, subject to confirmation under Rule 20.6, incorporated by reference in this international application for the purposes of Rule 20.6.

**Box No. VII INTERNATIONAL SEARCHING AUTHORITY**

**Choice of International Searching Authority (ISA)** *(if more than one International Searching Authority is competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):*

ISA/ \_\_\_\_\_

Continuation of Box No. VII USE OF EARLIER SEARCH AND CLASSIFICATION RESULTS		
<b>1. Request by the applicant under Rule 4.12</b>		
1.1 <input type="checkbox"/>	The ISA indicated in Box No. VII is <b>requested to take into account the results of the earlier search(es)</b> indicated below ( <i>see also Notes to Continuation of Box No. VII, item 1; use of results of more than one earlier search</i> )	
Filing date (day/month/year)	Application Number	Country (or regional Office)
<input type="checkbox"/>	<b>Statement (Rule 4.12(ii)):</b> this international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out except, where applicable, that it is filed in a different language.	
1.2 <b>Submission of the earlier search results, where necessary*</b>		
<input type="checkbox"/>	<b>Availability of documents (Rules 12bis.1(c) and (d) and 12bis.2(b)):</b> the following documents <b>are available to the ISA</b> in a form and a manner acceptable to it, and therefore <b>DO NOT need</b> to be submitted by the applicant to the receiving Office, or to the ISA.	
<input type="checkbox"/>	a copy of the results of the earlier search,	
<input type="checkbox"/>	a copy of the earlier application,	
<input type="checkbox"/>	a translation of the earlier application into a language which is accepted by the ISA,	
<input type="checkbox"/>	a translation of the results of the earlier search into a language which is accepted by the ISA,	
<input type="checkbox"/>	a copy of any document cited in the earlier search results ( <i>if known, please indicate below the documents available to the ISA</i> ):	
<input type="checkbox"/>	<b>Request from the applicant to the receiving Office to transmit to the ISA a copy of the earlier search results (Rule 12bis.1(b) and (d)):</b> ( <i>where the earlier search was not carried out by the ISA indicated in Box No. VII but by the same Office as that which is acting as receiving Office; or where the earlier search results are otherwise available to the receiving Office</i> ): the applicant <b>requests</b> the receiving Office <b>to prepare and transmit</b> to the ISA a copy of the earlier search results.	
* The applicant <b>only</b> needs to furnish a copy of the earlier search results to the receiving Office, or the ISA, if none of the scenarios mentioned under item 1 applies. ( <i>See item 10 in the check-list and also Notes to Continuation of Box No. VII, item 1</i> ).		
<input type="checkbox"/>	Further earlier searches are indicated on a continuation sheet.	
<b>2. Transmission of the earlier search and classification results to the ISA by the receiving Office where the applicant DID NOT make a request under Rule 4.12</b>		
2.1	Where the international application claims priority of an earlier application, subject to Article 30(2)(a) and (3), <b>the receiving Office:</b>	
	– <b>shall transmit</b> a copy of the earlier search and classification results to the ISA (unless such copy is already available to the ISA), where the earlier application was filed with the <b>same Office</b> as that which is acting as <b>the receiving Office</b> and that Office <b>has carried out</b> the earlier search in respect of the earlier application (Rule 23bis.2(a));	
	– <b>may transmit</b> such a copy if the earlier application was filed with a different Office, but where the results of that earlier search and classification are nevertheless available to the receiving Office (Rule 23bis.2(c)).	
However, where the applicant did not request the receiving Office to transmit to the ISA a copy of the earlier search results under Rule 4.12 (see above item 1), in respect of an earlier search carried out on the following earlier application, the priority of which is subsequently claimed in this international application, the applicant may consider ( <i>see also Notes to Continuation of Box No. VII, item 2; use of more than one earlier search</i> ):		
Filing date (day/month/year)	Application Number	Country (or regional Office)
2.2	<b>Request not to transmit the earlier search results by the receiving Office to the ISA (Rule 23bis.2(b))</b>	
<input type="checkbox"/>	<b>to request</b> that the receiving Office <b>DOES NOT transmit</b> the results of the earlier search to the ISA (Rule 23bis.2(b)) ( <i>may only be checked where the international application is filed with the following receiving Offices: DE, FI and SE</i> )	
2.3	<b>Authorization to transmit the earlier search and classification results by the receiving Office to the ISA (Rule 23bis.2(a) and (e))</b>	
<input type="checkbox"/>	<b>to authorize</b> the receiving Office <b>to transmit</b> the results of the earlier search and classification to the ISA (Rule 23bis.2(e)) ( <i>may only be checked where the international application is filed with the following receiving Offices: AU, CZ, FI, HU, IL, JP, NO, SE, SG and US</i> )	
<input type="checkbox"/>	<b>to authorize</b> the receiving Office <b>to transmit</b> the results of the earlier international search and classification to the ISA (Rule 23bis.2(a) and Article 30(2)(a) and (3)) ( <i>may only be checked where the earlier search concerns an <b>international application</b>, the priority of which is subsequently claimed in this international application and where the earlier international search was carried out by a <b>different ISA</b> than the ISA chosen in Box No. VII</i> )	
<input type="checkbox"/>	Further earlier searches are indicated on a continuation sheet.	
<b>Box No. VIII DECLARATIONS</b>		
The following <b>declarations</b> are contained in Boxes Nos. VIII (i) to (v) ( <i>mark the applicable check-boxes below and indicate in the right column the number of each type of declaration</i> ):		Number of declarations
<input type="checkbox"/>	Box No. VIII (i) Declaration as to the identity of the inventor	:
<input type="checkbox"/>	Box No. VIII (ii) Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent	:
<input type="checkbox"/>	Box No. VIII (iii) Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application	:
<input type="checkbox"/>	Box No. VIII (iv) Declaration of inventorship (only for the purposes of the designation of the United States of America)	:
<input type="checkbox"/>	Box No. VIII (v) Declaration as to non-prejudicial disclosures or exceptions to lack of novelty	:

**Box No. VIII (i) DECLARATION: IDENTITY OF THE INVENTOR**

*The declaration must conform to the standardized wording provided for in Section 211; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (i). If this Box is not used, this sheet should not be included in the request.*

Declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)):

**NOT INCLUDED**  
(not need since the inventor is named in Box No. III)

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (i)".

**Box No. VIII (ii) DECLARATION: ENTITLEMENT TO APPLY FOR AND BE GRANTED A PATENT**

*The declaration must conform to the standardized wording provided for in Section 212; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (ii). If this Box is not used, this sheet should not be included in the request.*

Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (ii)".

**Box No. VIII (iii) DECLARATION: ENTITLEMENT TO CLAIM PRIORITY**

*The declaration must conform to the standardized wording provided for in Section 213; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iii). If this Box is not used, this sheet should not be included in the request.*

Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

TO BE INCLUDED  
ONLY IF NECESSARY

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iii)".

**Box No. VIII (iv) DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)**

*The declaration must conform to the following standardized wording provided for in Section 214; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iv). If this Box is not used, this sheet should not be included in the request.*

**Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv))  
for the purposes of the designation of the United States of America:**

I hereby declare that I believe I am the original inventor or an original joint inventor of a claimed invention in the application.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/..... (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that the above-identified international application was made or authorized to be made by me.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

**Name:** .....

**Residence:** .....  
(city and either US state, if applicable, or country)

**Mailing Address:** .....  
.....  
.....

**Inventor's Signature:** ..... **Date:** .....  
(The signature must be that of the inventor, not that of the agent)

**Name:** .....

**Residence:** .....  
(city and either US state, if applicable, or country)

**Mailing Address:** .....  
.....  
.....

**Inventor's Signature:** ..... **Date:** .....  
(The signature must be that of the inventor, not that of the agent)

**Name:** .....

**Residence:** .....  
(city and either US state, if applicable, or country)

**Mailing Address:** .....  
.....  
.....

**Inventor's Signature:** ..... **Date:** .....  
(The signature must be that of the inventor, not that of the agent)

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".

**Box No. VIII (v) DECLARATION: NON-PREJUDICIAL DISCLOSURES OR EXCEPTIONS TO LACK OF NOVELTY**

*The declaration must conform to the standardized wording provided for in Section 215; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (v). If this Box is not used, this sheet should not be included in the request.*

Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v)):

TO BE INCLUDED  
ONLY IF NECESSARY

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (v)".

**Continuation of Box No. VIII (i) to (v)    DECLARATION**

*If the space is insufficient in any of Boxes Nos. VIII (i) to (v) to furnish all the information, including in the case where **more than three inventors are to be named** in Box No. VIII (iv), in such case, write "Continuation of Box No. VIII ..." (indicate the item number of the Box) and furnish the information in the same manner as required for the purposes of the Box in which the space was insufficient. If additional space is needed in respect of two or more declarations, a separate continuation box must be used for each such declaration. If this Box is not used, this sheet should not be included in the request.*

TO BE INCLUDED  
ONLY IF NECESSARY

**Box No. IX**      **CHECK LIST for PAPER filings** – this sheet is only to be used when filing an international application on **PAPER**

<p>This international application <b>contains the following:</b></p> <p>(a) request form PCT/RO/101 (including any declarations and supplemental sheets) . . . . . :</p> <p>(b) description (excluding any sequence listing part of the description, see (f), below) . . . . . :</p> <p>(c) claims . . . . . :</p> <p>(d) abstract . . . . . :</p> <p>(e) drawings (if any) . . . . . :</p> <p>(f) sequence listing part of the description (if any) . . . . . :</p> <p><b>Total number of sheets</b> :</p>	<p>Number of sheets</p>	<p>This international application is <b>accompanied by</b> the following item(s) (<i>mark the applicable check-boxes below and indicate in right column the number of each item</i>):</p> <p>1. <input type="checkbox"/> fee calculation sheet. . . . . :</p> <p>2. <input type="checkbox"/> original separate power of attorney . . . . . :</p> <p>3. <input type="checkbox"/> original general power of attorney . . . . . :</p> <p>4. <input type="checkbox"/> copy of general power of attorney; reference number: . . . . . :</p> <p>5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s) . . . . . :</p> <p>6. <input type="checkbox"/> Translation of international application into (<i>language</i>): . . . . . :</p> <p>7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material . . . . . :</p> <p>8. <input type="checkbox"/> (<i>only where item (f) is marked in the left column</i>) copy in electronic form (Annex C/ST.25 text file) on physical data carrier(s) of the sequence listing, not forming part of the international application, which is <b>furnished only for the purposes of international search</b> under Rule 13ter (<i>type and number of physical data carriers</i>). . . . . :</p> <p>9. <input type="checkbox"/> (<i>only where item (f) (in the left column) and item 8 (above) are marked</i>) a statement confirming that “the information recorded in electronic form submitted under Rule 13ter is identical to the sequence listing as contained in the international application” as filed on paper . . . . . :</p> <p>10. <input type="checkbox"/> copy of results of earlier search(es) (Rule 12bis.1(a)) . . . . . :</p> <p>11. <input type="checkbox"/> other (<i>specify</i>): . . . . . :</p>	<p>Number of items</p>
<p><b>Figure of the drawings</b> which should accompany the abstract:</p>	<p><b>Language of filing</b> of the international application:</p>		

**Box No. X      SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**

*Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).*

For receiving Office use only	
1. Date of actual receipt of the purported international application:	2. Drawings:  <input type="checkbox"/> received:   <input type="checkbox"/> not received:
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:	
4. Date of timely receipt of the required corrections under PCT Article 11(2):	
5. International Searching Authority (if two or more are competent):	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid

For International Bureau use only \_\_\_\_\_

Date of receipt of the record copy  
by the International Bureau: \_\_\_\_\_

**Box No. IX CHECK LIST for EFS-Web filings** - this sheet is only to be used when filing an international application with RO/US via **EFS-Web**

This international application <b>contains</b> the following:	Number of sheets	This international application is <b>accompanied by</b> the following item(s) ( <i>mark the applicable check-boxes below and indicate in right column the number of each item</i> ):	Number of items
(a) request form PCT/RO/101 (including any declarations and supplemental sheets) .....		1. <input type="checkbox"/> fee calculation sheet. ....	:
(b) description (excluding any sequence listing part of the description, see (f), below) .....		2. <input type="checkbox"/> original separate power of attorney .....	:
(c) claims .....		3. <input type="checkbox"/> original general power of attorney. ....	:
(d) abstract .....		4. <input type="checkbox"/> copy of general power of attorney; reference number: .....	:
(e) drawings (if any) .....		5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s) .....	:
(f) sequence listing part of the description in the form of an <b>image file</b> (e.g. PDF) .....		6. <input type="checkbox"/> Translation of international application into (language): .....	:
		7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material .....	:
		8. <input type="checkbox"/> (only where item (f) is marked in the left column) copy of the sequence listing in electronic form (Annex C/ST.25 text file) not forming part of the international application but <b>furnished only for the purposes of international search</b> under Rule 13ter. ....	:
<b>Total number of sheets</b> (including the sequence listing part of the description if filed as an <b>image file</b> ) .....		9. <input type="checkbox"/> (only where item (f) (in the left column) and item 8 (above) are marked) a statement confirming that "the information recorded in electronic form submitted under Rule 13ter is identical to the sequence listing as contained in the international application" as filed via EFS-Web: .....	:
(g) sequence listing part of the description		10. <input type="checkbox"/> copy of results of earlier search(es) (Rule 12bis.1(a)) ...	:
<input type="checkbox"/> filed in the form of an Annex C/ST.25 text file		11. <input type="checkbox"/> other ( <i>specify</i> ): .....	:
<input type="checkbox"/> WILL BE filed separately on physical data carrier(s), on the same day and in the form of an Annex C/ST.25 text file			
Indicate type and number of physical data carrier(s) .....			
<b>Figure of the drawings</b> which should accompany the abstract:		<b>Language of filing</b> of the international application:	

**Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

For receiving Office use only		2. Drawings:  <input type="checkbox"/> received:    <input type="checkbox"/> not received:
1. Date of actual receipt of the purported international application:		
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:		
4. Date of timely receipt of the required corrections under PCT Article 11(2):		
5. International Searching Authority (if two or more are competent):	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid	

For International Bureau use only
Date of receipt of the record copy by the International Bureau:

This sheet is not part of and does not count as a sheet of the international application.

**PCT**

**FEE CALCULATION SHEET**

**Annex to the Request**

For receiving Office use only

International Application No. \_\_\_\_\_

Date stamp of the receiving Office \_\_\_\_\_

Applicant's or agent's file reference \_\_\_\_\_

Applicant \_\_\_\_\_

**CALCULATION OF PRESCRIBED FEES**

*(Applicants may be entitled to a reduction of certain fees as indicated in the PCT Fee Tables (www.wipo.int/pct/en/fees.pdf))*

1. TRANSMITTAL FEE: .....  T

2. SEARCH FEE: .....  S

International search to be carried out by: \_\_\_\_\_

3. INTERNATIONAL FILING FEE

Enter total number of sheets indicated in Box No IX: \_\_\_\_\_

i1 Fixed amount for the first 30 sheets . . . . .  i1

i2 \_\_\_\_\_ x \_\_\_\_\_ =  i2  
number of sheets fee per sheet  
in excess of 30

Add amounts entered at i1 and i2 and enter total at I: .....  I

*(Applicants from certain States are entitled to a reduction of 90% of the international filing fee (see www.wipo.int/pct/en/fees/fee\_reduction.pdf). Where the applicant is (or all applicants are) so entitled, the total to be entered at I is 10% of the international filing fee.)*

4. FEE FOR PRIORITY DOCUMENT (if applicable): .....  P

5. FEE FOR RESTORATION OF THE RIGHT OF PRIORITY (if applicable): .....  RP

6. FEE FOR EARLIER SEARCH DOCUMENTS (if applicable): .....  ES

7. TOTAL FEES PAYABLE . . . . .

Add amounts entered at T, S, I, P, RP and ES,  
and enter total in the TOTAL box

**TOTAL**

**MODE OF PAYMENT** (Not all modes of payment may be available at all receiving Offices)

- ☐ credit card (details should not be included on this sheet) ☐ authorization to charge deposit or current account (see below) ☐ bank transfer ☐ cash
- ☐ postal money order ☐ check ☐ revenue stamps ☐ other (specify): \_\_\_\_\_

**AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT OR CURRENT ACCOUNT**

*(This mode of payment may not be available at all receiving Offices)*

- ☐ Authorization to charge the total fees indicated above.
- ☐ *(This check-box may be marked only if the conditions for deposit or current accounts of the receiving Office so permit)* Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.
- ☐ Authorization to charge the fee for priority document.

Receiving Office: RO/ \_\_\_\_\_

Deposit or Current Account No.: \_\_\_\_\_

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

# PATENT COOPERATION TREATY

From the RECEIVING OFFICE

# PCT

## INVITATION TO CORRECT THE PURPORTED INTERNATIONAL APPLICATION

(PCT Article 11(2)(a) and Rules 20.3, 20.6 and 20.7)

<p>To:</p>	
	<p>Date of mailing (day/month/year)</p>
Applicant's or agent's file reference	<p><b>REPLY DUE</b> within <b>TWO MONTHS</b> from the above date of mailing. See also last two paragraphs below.</p>
International application No.	<p>Date of receipt (day/month/year)</p>
Applicant	
Title of the invention	

The applicant is hereby invited, within the time limit indicated above, to correct the purported international application since it does not fulfill the requirements under Article 11(1) for the according of an international filing date, for the reason(s) indicated below.

1. ☐ The applicant obviously lacks for reasons of residence and nationality the right to file an international application with this receiving Office (Article 11(1)(i) and Rules 18 and 19).
2. ☐ The description is not in (one of) the prescribed language(s), which is (are): \_\_\_\_\_  
(Article 11(1)(ii) and Rules 12.1(a) and 20.1(c)).
3. ☐ The claims are not in (one of) the prescribed language(s), which is (are): \_\_\_\_\_  
(Article 11(1)(ii) and Rules 12.1(a) and 20.1(c)).
4. ☐ The application does not contain an indication that it is intended as an international application (Article 11(1)(iii)(a) and Rule 4.2).
5. ☐ The application does not contain the name of the applicant, as prescribed (Article 11(1)(iii)(c) and Rule 20.1(b)).
6. ☐ The application does not contain a part which on the face of it appears to be a description (Article 11(1)(iii)(d) and Rule 5) (See Annex).
7. ☐ The application does not contain a part which on the face of it appears to be a claim or claims (Article 11(1)(iii)(e) and Rule 6) (See Annex).

**Where item 6 and/or 7 apply, the applicant is hereby invited, within the time limit indicated above, at the applicant's option:**

- ☐ (i) to furnish the required correction under Article 11(2); or
- ☐ (ii) to confirm in accordance with Rule 20.6(a) that the element referred to in Article 11(1)(iii)(d) and/or (e) was incorporated by reference under Rule 4.18 (see Annex for details);
- and to make observations, if any.

### ATTENTION

- ☒ Except where a missing element is considered to have been contained in the international application under Rule 20.6(b), the international filing date will be the date on which the corrections are received, if that date falls within the time limit indicated above. If the corrections are not received within that time limit, the application will not be treated as an international application.
- ☐ The time limit for responding to this invitation expires later than 12 months from the filing date of the earliest application the priority of which is claimed. Thus, any correction under Article 11(2) which is received by this receiving Office after the expiration of this 12-month period may result in that priority claim being considered void for the purposes of the procedure under the PCT (Rule 26bis.2(b)), except if the international application was filed within 14 months from the filing date of the earliest application whose priority is claimed (Rule 26bis.2(c)(iii)).

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

Continuation of item 6. and 7.:

Where the applicant wishes to confirm in accordance with Rule 20.6(a) that the element referred to in Article 11(1)(iii)(d) and/or (e) was incorporated by reference under Rule 4.18, the applicant shall furnish, within two months from the date of mailing of this invitation (Rule 20.7(a)(i)), the following:

1. ☒ Written notice confirming that the element referred to in Article 11(1)(iii)(d) and/or (e) was incorporated by reference in the international application under Rule 4.18 (*no special Form required*).
2. ☒ Sheet or sheets embodying the entire element as contained in the earlier application, which applicant desires to be part of the international application, in the following language (Rule 12.1*bis*):
  - a. ☐ language of filing of the international application, that is, in \_\_\_\_\_
  - b. ☐ language of translation under Rule 12.3(a), that is, in \_\_\_\_\_
  - c. ☐ language of translation under Rule 12.4(a), that is, in \_\_\_\_\_
3. ☐ Where the applicant has not already complied with Rules 17.1(a), (b) or (b-*bis*) in relation to the priority document, a copy of the earlier application as filed.
4. ☐ Translation of the earlier application into the following language (Rule 20.6(a)(iii)):
  - a. ☐ language of filing of the international application, that is, into \_\_\_\_\_
  - b. ☐ language of translation under Rule 12.3(a), that is, into \_\_\_\_\_
  - c. ☐ language of translation under Rule 12.4(a), that is, into \_\_\_\_\_

If this receiving Office finds that the requirements of Rules 4.18 and 20.6 have been complied with and that the element referred to in Article 11(1)(iii)(d) and/or (e) was completely contained in the earlier application, that element will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office.

# PATENT COOPERATION TREATY

From the RECEIVING OFFICE

# PCT

## NOTIFICATION OF THE INTERNATIONAL APPLICATION NUMBER AND OF THE INTERNATIONAL FILING DATE

(PCT Rule 20.2(c))

To:		Date of mailing (day/month/year)	
		Applicant's or agent's file reference	
Applicant's or agent's file reference		<b>IMPORTANT NOTIFICATION</b>	
International application No.	International filing date (day/month/year)	Priority date (day/month/year)	
Applicant			
Title of the invention			

1. The applicant is hereby notified that the international application has been accorded the international application number and the international filing date indicated above.
2. The applicant is further notified that the record copy of the international application:
  - ☐ was transmitted to the International Bureau on \_\_\_\_\_
  - ☐ has not yet been transmitted to the International Bureau for the reason indicated below and a copy of this notification has been sent to the International Bureau\*:
    - ☐ because the necessary national security clearance has not yet been obtained.
    - ☐ because (reason to be specified):

\* The International Bureau monitors the transmittal of the record copy by the receiving Office and will notify the applicant (with Form PCT/IB/301) of its receipt. Should the record copy not have been received by the expiration of 14 months from the priority date, the International Bureau will notify the applicant (Rule 22.1(c)).

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

# PATENT COOPERATION TREATY

From the RECEIVING OFFICE

# PCT

## INVITATION RELATING TO MISSING PARTS OR ERRONEOUSLY FILED ELEMENTS OR PARTS

(PCT Rules 20.5(a) and 20.5bis(a))

To:		Date of mailing (day/month/year)	
		<b>REPLY DUE</b> within <b>TWO MONTHS</b> from the above date of mailing. See also item 4 below.	
Applicant's or agent's file reference			
International application No.	Date of receipt (day/month/year)	Priority date (day/month/year)	
Applicant			

- This receiving Office has found:
  - ☐ parts of the description are, or appear to be, missing (*specify pages*): \_\_\_\_\_
  - ☐ a part of a claim or a part of the claims are, or appear to be, missing (*specify pages*): \_\_\_\_\_
  - ☐ parts or all of the drawings are, or appear to be, missing (*specify pages*): \_\_\_\_\_
  - ☐ references to drawings, which appear to be missing, are made on pages \_\_\_\_\_
  - ☐ the entire description, or parts of the description have or appear to have been, erroneously filed (*specify pages*): \_\_\_\_\_
  - ☐ all claims, a part of a claim, or a part of the claims have or appear to have been, erroneously filed (*specify pages*): \_\_\_\_\_
  - ☐ parts or all of the drawings have or appear to have been, erroneously filed (*specify pages*): \_\_\_\_\_
- The applicant is hereby invited, within the time limit indicated above, at the applicant's option:  
☐ (i) to complete or correct the purported international application by furnishing the missing part(s) or the correct element(s) or part(s); or  
☐ (ii) to confirm in accordance with Rule 20.6(a) that the missing part(s) or the correct element(s) or part(s) was incorporated by reference under Rule 4.18 (see Annex for details);  
and to make observations, if any.
- Where missing drawings are not furnished to this receiving Office within the time limit indicated above, any references to such drawings in the international application will be considered non-existent (Article 14(2)).
- Attention:**  
☒ Where the applicant furnishes to this receiving Office, after the date on which all of the requirements of Article 11(1) were fulfilled (and an international filing date has been accorded) but within the time limit indicated above, the missing part or the correct element or part so as to complete or correct the international application, as the case may be, this receiving Office will correct the international filing date to the date on which it received that element or part (Rule 20.5(c) or 20.5bis(c)).  
☐ The time limit for responding to this invitation expires later than 12 months from the filing date of the earliest application the priority of which is claimed. In the case referred to in paragraph 2.(i), any missing part or correct element or part received by this receiving Office after the expiration of this 12-month period may result not only in the international filing date being corrected but also in that priority claim being considered void for the purposes of the procedure under the PCT (Rule 26bis.2(b)), except if the international application was filed within 14 months from the filing date of the earliest application whose priority is claimed (Rule 26bis.2(c)(iii)).

A copy of this Invitation is being sent to the International Bureau and the International Searching Authority.

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

## Continuation of item 2:

Where the applicant wishes to confirm in accordance with Rule 20.6(a) that the missing part or the correct element or part was incorporated by reference under Rule 4.18, the applicant shall furnish, within two months from the date of mailing of this invitation (Rule 20.7(a)(i)), the following:

1. ☒ Written notice confirming that the element or part was incorporated by reference in the international application under Rule 4.18 (*no special Form required*).
2. ☒ Sheet or sheets embodying the element or part concerned as contained in the earlier application, which the applicant desires to be part of the international application, in the following language (Rule 12.1*bis*):
  - a. ☐ language of filing of the international application, that is, in \_\_\_\_\_
  - b. ☐ language of translation under Rule 12.3(a), that is, in \_\_\_\_\_
  - c. ☐ language of translation under Rule 12.4(a), that is, in \_\_\_\_\_
3. ☐ Where the applicant has not already complied with Rules 17.1(a), (b) or (b-*bis*) in relation to the priority document, a copy of the earlier application as filed.
4. ☐ Translation of the earlier application into the following language (Rule 20.6(a)(iii)):
  - a. ☐ language of filing of the international application, that is, into \_\_\_\_\_
  - b. ☐ language of translation under Rule 12.3(a), that is, into \_\_\_\_\_
  - c. ☐ language of translation under Rule 12.4(a), that is, into \_\_\_\_\_
5. ☐ In the case of a part of the description, claims or drawings, an indication as to where that part is contained in the earlier application and, where applicable, in any translation referred to under item (4).

If this receiving Office finds that the requirements of Rules 4.18 and 20.6 have been complied with and that the element or part was completely contained in the earlier application, that element or part will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office. Any erroneously filed element or part will remain in the international application (see Rule 20.5*bis*(d)).

# PATENT COOPERATION TREATY

From the RECEIVING OFFICE

# PCT

## NOTIFICATION ON DECISION OF CONFIRMATION OF INCORPORATION BY REFERENCE OF ELEMENT OR PART

(PCT Rule 20.6(b) and (c))

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

### IMPORTANT NOTIFICATION

International application No.

International filing date/Date of first receipt of papers  
(day/month/year)

Applicant

This receiving Office has found that:

1. ☐ the requirements of Rules 4.18 and 20.6(a) have been complied with and that the element or part is considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office (for further details on the international filing date accorded, see Form PCT/RO/105 issued separately) (Rule 20.6(b)).

This decision concerns page number(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
received on \_\_\_\_\_

For the purposes of Rule 20.6(a)(ii), this decision has been based on:

- a. ☐ the priority document furnished under Rule 17.1(a), (b) or (b-bis).  
b. ☐ a copy of the earlier application as filed (Rule 20.6(a)(ii)).

2. ☐ the requirements of Rules 4.18 and 20.6(a) have **not** been complied with and that the element or part is **not** considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office (Rule 20.6(c)), for the reasons indicated in the Annex to this form.

This decision concerns page number(s) \_\_\_\_\_

For further details concerning the processing of the later submitted sheets, only where item 2. applies, see Form PCT/RO/126.

A copy of this Notification is being sent to the International Bureau and the International Searching Authority.

Name and mailing address of the receiving Office

Authorized officer

Facsimile No.

Telephone No.

Continuation of item 2: this receiving Office refuses the request for incorporation by reference of the element or part for the following reason(s):

- ☐ One or more of the following items is not available to the receiving Office and has not been submitted within the applicable time limit under Rule 20.7:
- ☐ a sheet or sheets embodying the entire element contained in the earlier application or the part concerned (Rule 20.6(a)(i));
  - ☐ a copy of the earlier application as filed (Rule 20.6(a)(ii));
  - ☐ a translation of the earlier application (Rule 20.6(a)(iii));
  - ☐ in the case of a part of the description, claims or drawings, an indication as to where that part is contained in the earlier application and, where applicable, in any translation thereof (Rule 20.6(a)(iv));
- ☐ The element or part is not completely contained in the earlier application, the priority of which is claimed (*specify*):

- ☐ Additional comments, where necessary:

# PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:
-----

## PCT

### INVITATION TO CORRECT PRIORITY CLAIM AND/OR NOTIFICATION OF POSSIBILITY TO REQUEST RESTORATION OF THE RIGHT OF PRIORITY

(PCT Rules 4.10, 26bis.1, 26bis.2(a) and (b), 26bis.3)

Applicant's or agent's file reference		Date of mailing (day/month/year)
		<b>REPLY DUE</b> See items 1 and 2
International application No.	International filing date (day/month/year)	Priority date (day/month/year)
Applicant		

1. ☐ The applicant is hereby **invited** to correct, by a notice submitted to the receiving Office, within the time limit indicated below, defects in the priority claim as indicated in Annex A.

**Time limit to respond to this Invitation (Rule 26bis.1(a)):**

- within 16 months from the (earliest) priority date; or
  - if the (earliest) priority date is changed as a result of the correction or addition of the (earliest) priority claim, within 16 months from that (earliest) priority date so changed,
- whichever expires first, provided that such a notice may, in any event, be submitted until the expiration of four months from the international filing date.

**Failure to respond** to this Invitation within the prescribed time limit may result in the priority claim concerned to be considered void for the purposes of the procedure under the PCT (Rule 26bis.2(b)).

2. ☐ The international filing date of the international application is later than the date on which the priority period (Rule 2.4) expired but is within two months from that date. The applicant is hereby **notified** of the possibility of submitting to the receiving Office, within the time limit indicated below, a request to restore the right of priority as indicated in Annex B.

**Time limit to request the restoration of the right of priority (Rule 26bis.3(e)):**

- within two months from the date on which the priority period expired.

3. ☐ In the case where **multiple priorities** have been claimed, this notice relates to the following priority claim:

A copy of this Invitation/Notification is being sent to the International Bureau.

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

This receiving Office has found the following defects in the priority claim(s):

**1. Failure to Comply with the Requirements of Rule 4.10**

- a. ☐ **National** application
- ☐ Missing indication of the filing date of the earlier application.
  - ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.<sup>1</sup>
  - ☐ Missing indication of the number of the earlier application.<sup>2</sup>
  - ☐ Missing indication of the country party to the Paris Convention for the Protection of Industrial Property, or of the Member of the World Trade Organization that is not party to that Convention, in which the earlier national application was filed.
  - ☐ The country indicated is neither a party to the Paris Convention for the Protection of Industrial Property nor a Member of the World Trade Organization.
- b. ☐ **Regional** application
- ☐ Missing indication of the filing date of the earlier application.
  - ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.<sup>1</sup>
  - ☐ Missing indication of the number of the earlier application.<sup>2</sup>
  - ☐ Missing indication of the authority entrusted with the granting of regional patents under the applicable regional patent treaty.
  - ☐ The authority indicated as the authority entrusted with the granting of regional patents does not grant regional patents.
  - ☐ The priority claim in relation to the ARIPO application does not indicate either at least one country party to the Paris Convention for the Protection of Industrial Property, or at least one Member of the World Trade Organization, for which the earlier application was filed.
- c. ☐ **International** application
- ☐ Missing indication of the filing date of the earlier application.
  - ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.<sup>1</sup>
  - ☐ Missing indication of the number of the earlier application.<sup>2</sup>
  - ☐ Missing indication of the receiving Office with which it was filed.

**2. Inconsistency with the Corresponding Indications in the Priority Document<sup>2</sup>**

- a. ☐ Inconsistency with regard to the filing date of the earlier application:  
The request indicates:  
The priority document indicates:
- b. ☐ Inconsistency with regard to the number of the earlier application:  
The request indicates:  
The priority document indicates:
- c. ☐ Inconsistency with regard to the country party to the Paris Convention for the Protection of Industrial Property or the Member of the World Trade Organization in which the **national** application was filed:  
The request indicates:  
The priority document indicates:
- d. ☐ Inconsistency with regard to the authority entrusted with the granting of *regional patents* under the applicable regional patent treaty:  
The request indicates:  
The priority document indicates:
- e. ☐ Inconsistency with regard to the receiving Office with which the **international** application was filed:  
The request indicates:  
The priority document indicates:

<sup>1</sup> If the international filing date is later than the date on which the priority period expired, but is within two months from that date, the priority claim will not be considered void (Rule 26bis.2(c)(iii)).

<sup>2</sup> Even if this defect is not corrected in response to this Invitation, the priority claim concerned will not be considered void (Rule 26bis.2(c)(i) and (ii)).

**NOTIFICATION OF POSSIBILITY TO REQUEST RESTORATION OF THE RIGHT OF PRIORITY**

(Rule 26bis.3)

The international filing date of the international application is later than the date on which the priority period (Rule 2.4) expired but is within two months from that date. If the filing date of the earlier application has been indicated correctly and no request for correction of that filing date is submitted under Rule 26bis.1(a), the applicant may submit to the receiving Office, within the time limit indicated below, a request to restore the right of priority.

**REQUEST TO RESTORE THE RIGHT OF PRIORITY**

The **request to restore the right of priority** must be filed **within two months** from the date on which the priority period expired provided that, where the applicant makes a request for early publication under Article 21(2)(b), the request must be submitted before technical preparations for international publication have been completed (Rule 26bis.3(e)).

The **request to restore the right of priority** must state the reasons for the failure to file the international application within the priority period. This receiving Office will restore the right of priority if it finds that the following criterion or one of the following criteria for restoration is satisfied, namely that the failure to file the international application within the priority period:

☐ occurred in spite of due care required by the circumstances having been taken

and/or

☐ was unintentional

☐ This receiving Office may invite the applicant to furnish a declaration or other evidence in support of the statement of reasons (Rule 26bis.3(f)). Preferably, such declaration or other evidence should already be furnished together with the request for restoration of the right of priority.

**FEE PAYMENT**

☐ The submission of the request to restore the right of priority is subject to **the payment of a fee**, payable **within two months**<sup>3</sup> from the date on which the priority period expired, in the amount of:

☐ \_\_\_\_\_ (amount/currency) for restoration based on the criterion of due care;

or

☐ \_\_\_\_\_ (amount/currency) for restoration based on the criterion of unintentional.

☐ No fee payment is required.

<sup>3</sup> The receiving Office may extend the time limit for payment of the fee for a period of up to two months from the expiration of this time limit.

# PATENT COOPERATION TREATY

From the RECEIVING OFFICE

# PCT

## NOTIFICATION RELATING TO PRIORITY CLAIM

(PCT Rules 26bis.1 and 26bis.2 and  
Administrative Instructions, Sections 302 and 314)

To:	Date of mailing (day/month/year)
	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference	International filing date (day/month/year)
International application No.	
Applicant	

The applicant is hereby **notified** of the following in respect of the priority claim(s) made in the international application.

1. ☐ **Correction of priority claim** In accordance with the applicant's notice received on \_\_\_\_\_ the following priority claim has been corrected to read as follows:

- ☐ even though the indication of the number of the earlier application is missing.
- ☐ even though the following indication in the priority claim is not the same as the corresponding indication appearing in the priority document:
- ☐ even though the international application has an international filing date which is later than the date on which the priority period expired, but is within two months from that date.

2. ☐ **Addition of priority claim** In accordance with the applicant's notice received on \_\_\_\_\_ the following priority claim has been added:

- ☐ even though the indication of the number of the earlier application is missing.
- ☐ even though the following indication in the priority claim is not the same as the corresponding indication appearing in the priority document:
- ☐ even though the international application has an international filing date which is later than the date on which the priority period expired, but is within two months from that date.

3. ☐ The priority claim is **considered void** (Rule 26bis.2(b)) because:

- ☐ **at the expiration of the prescribed time limit under Rule 26bis.1(a)**, the receiving Office **had not received a notice** from the applicant correcting the priority claim so as to comply with the requirements of Rule 4.10, as notified in Form PCT/RO/110.
- ☐ the applicant's **notice was received after the expiration of the prescribed time limit under Rule 26bis.1(a)**; and consequently, the priority claim could not be corrected so as to comply with the requirements of Rule 4.10.
- ☐ the applicant's **notice failed to correct the priority claim** so as to comply with the requirements of Rule 4.10.

The applicant may, before the technical preparations for international publication have been completed, submit information concerning the priority claim, which the International Bureau will publish together with the international application (Rule 26bis.2(d)).

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

4. ☐ As a **result of the correction and/or addition** of priority claim(s) under items 1 and/or 2, or of the priority claim(s) under item 3 **being considered void**, the **(earliest) priority date** is:
5. ☐ The priority claim cannot be corrected/added since the applicant's notice was received on \_\_\_\_\_, that is, after expiration of the prescribed time limit under Rule 26bis.1(a). However, where the applicant's notice concerns a correction, in accordance with Rule 26bis.2(c)(i) to (iii), the priority claim(s) indicated in Box VI of the request **will not be considered void**.
- The applicant may, prior to the expiration of 30 months from the priority date and subject to the payment of a fee, request the International Bureau to publish information concerning the matter. See Rule 26bis.2(e) and the *PCT Applicant's Guide*, Annex B2(IB).
6. ☐ In the case where **multiple priorities** have been claimed, the above item(s) relate to the following priority claim(s):
7. A copy of this Notification has been sent to the International Bureau and ☐ to the International Searching Authority.

# PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:          The International Bureau of WIPO 34, chemin des Colombettes 1211, Geneva 20 Switzerland	<b>PCT</b>  REQUEST FOR THE RECORDING OF A CHANGE  (PCT Rule 92 <i>bis</i> .1)
	Date of mailing (day/month/year)
International application No.	International filing date (day/month/year)

1. The following indications appear on record concerning:  <input type="checkbox"/> the applicant <input type="checkbox"/> the inventor <input type="checkbox"/> the agent <input type="checkbox"/> the common representative		
Name and address	State of Nationality*	State of Residence*
	Telephone No.	
	Facsimile No.	
	E-mail address	
2. This receiving Office hereby requests the International Bureau to record the following change in:  <input type="checkbox"/> the person <input type="checkbox"/> the name <input type="checkbox"/> the address <input type="checkbox"/> the nationality* <input type="checkbox"/> the residence*		
Name and address	State of Nationality*	State of Residence*
	Telephone No.	
	Facsimile No.	
	E-mail address	
<input type="checkbox"/> Notifications by e-mail authorized		
3. Further observations, if necessary:		
* To be indicated only for a change concerning the applicant.		

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

The supplementary search request must be filed directly with the International Bureau. The full name or two-letter code of the Authority specified for supplementary search must be indicated by the applicant below:

AUTHORITY/\_\_\_\_\_

# PCT

## SUPPLEMENTARY SEARCH REQUEST

Under Rule 45bis.1, the undersigned requests that a supplementary international search be carried out in respect of the international application specified below:

For International Bureau use only

Identification of Authority		Date of receipt of Request	
<b>Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION</b>			
Applicant's or agent's file reference		International application No.	
International filing date (day/month/year)		(Earliest) Priority date (day/month/year)	
Title of invention			
<b>Box No. II APPLICANT</b>			
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)		E-mail address*	
		Telephone No.	
		Facsimile No.	
		Applicant's registration No. with the Office	
<p>* <b>E-mail authorization:</b> Indicating an e-mail address above authorizes the International Bureau and the Authority specified for supplementary search, if they provide such a service, to send notifications exclusively by e-mail to that address, unless the following box is marked:</p> <p><input type="checkbox"/> notifications are requested to be sent exclusively by postal mail.</p>			
State (that is, country) of nationality:		State (that is, country) of residence:	
<b>Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE</b>			
<p>The following person is <input type="checkbox"/> agent <input type="checkbox"/> common representative</p> <p>and <input type="checkbox"/> has been appointed earlier and represents the applicant(s) also for the supplementary international search.</p> <p><input type="checkbox"/> is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.</p> <p><input type="checkbox"/> is hereby appointed, specifically for the procedure before this Authority specified for supplementary search, in addition to the agent(s)/common representative appointed earlier.</p>			
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)		E-mail address*	
		Telephone No.	
		Facsimile No.	
		Agent's registration No. with the Office	
<p>* <b>E-mail authorization:</b> Indicating an e-mail address above authorizes the International Bureau and the Authority specified for supplementary search, if they provide such a service, to send notifications exclusively by e-mail to that address, unless the following box is marked:</p> <p><input type="checkbox"/> notifications are requested to be sent exclusively by postal mail.</p>			

**Continuation of Box No. III****ADDRESS FOR CORRESPONDENCE**

- ☐ **Address for correspondence:** Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

**Box No. IV BASIS FOR SUPPLEMENTARY INTERNATIONAL SEARCH**

Language for the purposes of supplementary international search: \_\_\_\_\_

- ☐ which is the language in which the international application was filed
- ☐ which is the language of translation furnished for the purposes of international search
- ☐ which is the language of translation furnished for the purposes of international publication
- ☐ which is the language of the translation to be furnished for the purposes of supplementary international search

- ☐ Following the finding by the International Searching Authority that the international application does not comply with the requirements of unity of invention, the applicant wishes to limit the supplementary international search to one of the inventions as identified by the International Searching Authority other than the main invention referred to in Article 17(3)(a). The numbers of the claims relating to this invention are:

**Box No. V CHECK LIST**

The supplementary search request is accompanied by the item(s) marked below:

1. ☐ translation of the international application for the purposes of the supplementary international search (Rule 45bis.1(c)(i))
2. ☐ fee calculation sheet
3. ☐ original separate power of attorney
4. ☐ original general power of attorney
5. ☐ copy of general power of attorney; reference number, if any:
6. ☐ sequence listing (Rule 45bis.1(c)(ii))
7. ☐ statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed
8. ☐ other (*specify*):

**For International Bureau use only**

received

not received

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

**Box No. VI****SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**

*Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading this request).*

**For International Bureau use only**

1. Date of actual receipt of REQUEST:
2. ☐ The date of receipt is AFTER the expiration of 22 months from the priority date and items 3 and 4, below, do not apply.
3. ☐ The date of receipt of the request is WITHIN the time limit of 22 months from the priority date as extended by virtue of Rule 80.5.
4. ☐ Although the date of receipt of the request is after the expiration of 22 months from the priority date, the delay in arrival is EXCUSED pursuant to Rules 82 or 82quater.

## NOTES TO THE SUPPLEMENTARY SEARCH REQUEST FORM (PCT/IB/375)

These notes are intended to facilitate the filing of the supplementary search request form and to give some information concerning the supplementary international search. For more detailed information, see the *PCT Applicant's Guide*, a WIPO publication, which is available, together with other PCT related documents, on WIPO's website: [www.wipo.int/pct/en/](http://www.wipo.int/pct/en/). The Notes are based on the requirements of the PCT, the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the supplementary search request form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the Administrative Instructions, respectively.

The supplementary search request form shall be typed or printed; check-boxes may be marked by hand with dark ink (Rules 11.9(a) and (b) and 11.14).

The supplementary search request form and these Notes may be downloaded from WIPO's website at the address given above.

### IMPORTANT GENERAL INFORMATION

**Which International Searching Authority can be selected to carry out a supplementary international search?** Only an International Searching Authority which has stated its preparedness to carry out supplementary international searches (Rule 45*bis*.1(e)), and which is not carrying out the international search under Article 16(1) ("main search"), can be selected (Rule 45*bis*.9(b)). Information about which Authorities are prepared to carry out such searches and about any possible limitations and conditions is provided in the *PCT Applicant's Guide*, Annex SISA.

If the applicant wishes more than one supplementary international search to be carried out (Rule 45*bis*.1(a)), a separate request form should be submitted for each supplementary search requested.

**Where must the supplementary search request be filed?** (Rule 45*bis*.1). A supplementary search request must be filed with the International Bureau and not with the Authority specified for supplementary search. The International Bureau transmits the request to the Authority selected by the applicant once the requirements under Rule 45*bis*.1(b), (c)(i)), 45*bis*.2(c) and 45*bis*.3(c) have been complied with, but not before the date of receipt by the International Bureau of the international search report or the expiration of 17 months from the priority date, whichever occurs first.

The Authority specified for supplementary search chosen by the applicant should be identified, preferably by an indication of the name or two-letter code of the Authority, at the top of the first sheet of the supplementary search request in the space provided for that purpose.

**When must the supplementary search request be filed?** (Rule 45*bis*.1(a)). The supplementary search request must be filed with the International Bureau prior to the expiration of 22 months from the priority date.

**In which language must the supplementary search request be filed?** (Rule 92.2(d)). The supplementary search request must be filed in either English or French.

**What is the language of correspondence?** (Rule 92.2(d) and Section 104). Any letter from the applicant to the International Bureau must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

**What must the supplementary search request be accompanied by?** Where neither the language in which the international application was filed nor that in which a translation (if any) has been furnished under Rule 12.3 or 12.4 is accepted

by the Authority specified for supplementary search, a translation of the international application into a language which is accepted by that Authority should be submitted together with the request.

If applicable, a copy of a sequence listing in electronic form complying with WIPO Standard ST.26, if required by the Authority specified for supplementary search, should preferably be submitted together with the request.

### Box No. I

**Applicant's or Agent's file reference:** A file reference may be indicated, if desired. It should not exceed 25 characters. Characters in excess of 25 may be disregarded (Section 109).

**Identification of the international application:** The international application number must be indicated in Box No. I.

**International filing date and (earliest) priority date** (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year – in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order, and separated by periods, slants or hyphens, for example, "26 October 2018 (26.10.2018)", "26 October 2018 (26/10/2018)" or "26 October 2018 (26-10-2018)". Where the international application claims the priority of several earlier applications, the filing date of the earliest application whose priority is claimed must be indicated as the priority date.

**Title of the invention:** If a new title has been established by the International Searching Authority, that title must be indicated in Box No. I.

### Box No. II

**Applicant** (Rule 45*bis*.1(b)(i)): The applicant, or, if there is more than one applicant, at least one of the applicants must be indicated in the supplementary search request. Mark in Box No. II of the supplementary search request the same indications that are in Boxes No. II and III of the PCT Request. The Notes to the PCT Request apply *mutatis mutandis*.

**Applicant's registration number with the Office:** Where the applicant is registered with the national or regional Office that is acting as the Authority specified for supplementary search, the supplementary search request may indicate the number or other indication under which the applicant is so registered.

**Telephone, Facsimile Number and/or E-mail address** should be indicated for the person named in Box No. II in order to allow rapid communication with the applicant (see Rule 4.4(c)). Any telephone or facsimile number should include the applicable

country and area codes. A single e-mail address only should be indicated. In order to allow rapid and safe receipt of notifications from Offices, **it is strongly recommended that an e-mail address is provided to receive notifications.**

If an e-mail address is indicated, the International Bureau, and the Authority specified for supplementary search, if it provides such a service, will send notifications to that address by e-mail. In this case, no paper notifications will be sent by postal mail, unless the Authority specified for supplementary search is willing to additionally send such paper notifications. Note that not all Offices will send such notifications by e-mail (for details about each Office's procedure, see *PCT Applicant's Guide*, Annex B). If no e-mail address is provided, or the applicant chooses to receive notifications exclusively by postal mail, or in the cases where the Authority specified for supplementary search does not provide for sending notifications by e-mail, notifications will be sent to the given address exclusively by postal mail.

Note that it is the applicant's responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked, for any reason, on the recipient's side. Changes to the e-mail address indicated should be requested to be recorded, preferably directly at the International Bureau, under Rule 92bis. Where the e-mail authorization is given both in respect of the applicant and in respect of an agent or common representative, the International Bureau and the Authority specified for supplementary search will send e-mail communications only to the appointed agent or common representative.

### Box No. III

**Agent or Common Representative** (Rules 45bis.1(b)(i), 90.1 and 90.2): Mark the applicable check-boxes to indicate *first* whether the person named in this Box is agent or common representative, *then* whether that person *has been appointed earlier* (i.e., during the procedure under Chapter I), or *is appointed in the supplementary search request* and any earlier appointment of another person is revoked, or *is appointed specifically for the procedure before the Authority specified for supplementary search* (without revocation of any earlier appointment), in addition to the person(s) appointed earlier.

Where an additional person is appointed specifically for the procedure before the Authority specified for supplementary search, all notifications issued by that Authority will be addressed only to that additional person. A separate power of attorney must be filed with the Authority specified for supplementary search, the International Bureau or the receiving Office, if the person appointed at the time the supplementary search request is filed (i.e., was not appointed earlier) signs the supplementary search request on behalf of the applicant (Rule 90.4).

**Agent's registration number with the Office:** Where the agent is registered with the national or regional Office that is acting as Authority specified for supplementary search, the supplementary search request may indicate the number or other indication under which the agent is so registered.

**E- mail address** (see Notes to Box. No. II)

**Address for correspondence** Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. III will be used. Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II, of the applicant. However, if the applicant wishes correspondence to be sent to a different address in such a case, that address may be indicated in Box No. III instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. III must be marked (that is, the last check-box must

not be marked if either of the check-boxes "agent" or "common representative" in Box No. III has been marked).

### Box No. IV

**Language for the supplementary international search:** The language for the purposes of supplementary international search should be indicated in Box No. IV and it should be specified whether that language is that of the international application as filed, the language of the translation furnished for the purposes of international search (Rule 12.3), the language of the translation furnished for the purposes of publication of the international application (Rule 12.4) and/or the language of the translation to be furnished for the purposes of supplementary international search.

Where neither the language in which the international application was filed nor that in which a translation (if any) has been furnished under Rule 12.3 or 12.4 is accepted by the Authority specified for supplementary search, a translation of the international application into a language which is accepted by that Authority must be furnished with the supplementary search request.

**Limitation of the supplementary international search to certain claims:** The check-box should be marked where the International Searching Authority has found that the international application does not comply with the requirement of unity of invention and the applicant wishes to limit the supplementary international search to one of the inventions as identified by the International Searching Authority other than the main invention referred to in Article 17(3)(a). The claims relating to the invention selected and, where applicable, the number of the invention as identified by the International Searching Authority, should be indicated in the space provided. Note that where the international search report is available to the Authority specified for supplementary search before it starts the search, the Authority may exclude from the supplementary search any claims which were not the subject of the international search (Rule 45bis.5(d)).

### Box No. V

**Check list:** It is recommended that this Box be filled in carefully in order for the Authority specified for supplementary search to determine, as soon as possible, whether it is in possession of the documents on the basis of which the applicant wishes supplementary international search to start. Where a translation of the international application must be furnished for the purposes of supplementary international search (Rule 45bis.1(c)(i)), check-Box No. 1 should be marked.

Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences and the international application does not contain a sequence listing complying with WIPO Standard ST.26, the applicant should preferably furnish the listing for search purposes to the International Bureau with the supplementary search request (Rule 45bis.1(c)(ii)). If this is the case, check-box No.6 should be marked.

### Box No. VI

**Signature of applicant, agent or common representative** (Rules 90 and 92.1): The supplementary search request must be signed by one of the applicants, the agent or the common representative.

**Important:** Should a notice of withdrawal of the supplementary search request be filed, that notice will have to be signed by the applicant or, if there are two or more applicants by all of them (Rule 90bis.5), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the request for supplementary search, the demand, a separate power of attorney (Rule 90.4(a)) or a general power of attorney (Rule 90.5(a)).

# PCT

## FEE CALCULATION SHEET

### Annex to the supplementary search request

<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">AUTHORITY</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">International Application No.</div> <div style="border: 1px solid black; padding: 5px;">Applicant's or agent's file reference</div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">For International Bureau use only</div> <div style="border: 1px solid black; padding: 5px; height: 100px;">Date stamp of the International Bureau</div>
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">Applicant</div>	
<div style="border: 1px solid black; padding: 5px;"><b>CALCULATION OF PRESCRIBED FEES</b>  <i>(Applicants may be entitled to a reduction of the supplementary search fee and the supplementary search handling fee as indicated in the PCT Fee Tables (www.wipo.int/pct/en/fees.pdf))</i>  <div style="display: flex; justify-content: space-between; align-items: flex-end;"><div>1. SUPPLEMENTARY SEARCH FEE . . . . .</div><div style="border: 1px solid black; width: 150px; height: 20px; text-align: center;">SS</div></div><div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"><div>2. SUPPLEMENTARY SEARCH HANDLING FEE . . .</div><div style="border: 1px solid black; width: 150px; height: 20px; text-align: center;">SH</div></div><div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"><div>3. TOTAL OF PRESCRIBED FEES . . . . .</div><div style="border: 1px solid black; width: 150px; height: 40px; text-align: center; line-height: 40px;">TOTAL</div></div></div>	
<div style="border: 1px solid black; padding: 5px;"><b>MODE OF PAYMENT</b>  <div style="display: flex; align-items: flex-start; margin-bottom: 5px;"><div style="margin-right: 10px;"><input type="checkbox"/></div><div>credit card <i>(details should not be included on this sheet)</i> e-mail address for E-payment: _____ <i>(Leave blank if address is same as that indicated in Box No. II or III)</i></div></div><div style="display: flex; align-items: flex-start; margin-bottom: 5px;"><div style="margin-right: 10px;"><input type="checkbox"/></div><div>authorization to charge deposit or current account with the International Bureau (see below)</div></div><div style="display: flex; align-items: flex-start; margin-bottom: 5px;"><div style="margin-right: 10px;"><input type="checkbox"/></div><div>bank transfer</div></div><div style="display: flex; align-items: flex-start; margin-bottom: 5px;"><div style="margin-right: 10px;"><input type="checkbox"/></div><div>postal money order</div></div><div style="display: flex; align-items: flex-start;"><div style="margin-right: 10px;"><input type="checkbox"/></div><div>check</div></div></div>	
<div style="border: 1px solid black; padding: 5px;"><b>AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT OR CURRENT ACCOUNT WITH INTERNATIONAL BUREAU</b>  <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Authorization to charge the total fees indicated above.  <input type="checkbox"/> Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.</div><div><div style="margin-bottom: 10px;">Deposit or Current Account No.: _____</div><div style="margin-bottom: 10px;">Date: _____</div><div style="margin-bottom: 10px;">Name: _____</div><div>Signature: _____</div></div></div></div>	

## NOTES TO THE FEE CALCULATION SHEET (ANNEX TO FORM PCT/IB/375)

The purpose of the fee calculation sheet is to help the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete, by entering the appropriate amounts in the boxes provided, and submit the fee calculation sheet at the time of filing of the supplementary search request. This will help the International Bureau to verify the calculations and to identify any error in them.

### CALCULATION OF PRESCRIBED FEES

Two fees must be paid for supplementary international search:

- (i) the supplementary search fee for the benefit of the Authority specified for supplementary search (Rule 45*bis*.3);
- (ii) the supplementary search handling fee for the benefit of the International Bureau (Rule 45*bis*.2).

Both fees must be paid to the International Bureau within one month from the date on which the request for supplementary search was received. Payments of the fees can only be accepted in Swiss francs. The amount payable shall be the amount applicable on the date of payment.

Information as to the amount of those fees can be obtained from the International Bureau. This information is also published in the *PCT Applicant's Guide*, Annex SISA, the *PCT Newsletter* and in *Official Notices (PCT Gazette)*.

**Box SS:** The amount of the supplementary search fee must be entered in Box SS.

**Box SH:** The amount of the supplementary search handling fee must be entered in Box SH.

**Reductions:** Some Offices have different supplementary search fees, depending upon the documentation to be searched, which are indicated in the PCT Fee Tables ([www.wipo.int/pct/en/fees.pdf](http://www.wipo.int/pct/en/fees.pdf)) and the relevant Annex SISA of the *PCT Applicant's Guide*. If reduced fees apply, the reduced amount should be indicated in the fee calculation sheet. Applicants may also be entitled to a reduction to the supplementary search handling fee, which is explained further below.

**Reduction of the supplementary search handling fee for applicants from certain States:** An applicant who is a natural person and who is a national of and resides in a State that is listed as being a State whose per capita gross domestic product is below US\$ 25,000 (according to the most recent ten year average per capita gross domestic product figures at constant 2005 US\$ values published by the United Nations), and whose nationals and residents who are natural persons have filed less than 10 international applications per year (per million population) or less than 50 international applications per year (in absolute numbers) according to the most recent 5-year average yearly filing figures published by the International Bureau; or an applicant, whether a natural person or not, who is a national of and resides in a State that is listed as being classified by the United Nations as a least developed country, is entitled, in accordance with the Schedule of Fees, to a reduction of 90% of certain PCT fees including the supplementary search handling fee. The applicant is only entitled to the reduction of the supplementary search handling fee if, at the time of filing of the supplementary search request, the applicant is or all applicants are the true and only owner(s) of the application and under no obligation to assign, grant, convey or license the rights in the invention to another party which is not eligible for the fee reduction. If there are several applicants, each

must satisfy the above-mentioned criteria. If the applicant is or all applicants are entitled to the reduction of the supplementary search handling fee, this reduction applies on the basis of the indications of name, nationality and residence given in Box No. II of the supplementary search request, without the need for a specific request to be made.

The fee reduction will be available even if one or more of the applicants are not from PCT Contracting States, provided that each of them is a national and resident of a State that meets the above-mentioned requirements and that at least one of the applicants is a national or resident of a PCT Contracting State and thus is entitled to file an international application.

Information about PCT Contracting States whose nationals and residents are entitled to a reduction of 90% of certain PCT fees, including the supplementary search handling fee, is contained in the *PCT Applicant's Guide*, Annex C and on the WIPO website (see [www.wipo.int/pct/en/](http://www.wipo.int/pct/en/)), and is also published in the *Official Notices (PCT Gazette)* and the *PCT Newsletter*.

**Calculation of the supplementary search handling fee in case of fee reduction:** Where the applicant is (or all applicants are) entitled to a reduction of the supplementary search handling fee, the total to be entered in Box SH is 10% of the supplementary search handling fee.

**Total Box** (item 3): the total of the amounts inserted in Boxes SS and SH is the amount which must be paid to the International Bureau.

### MODE OF PAYMENT

In order to help the International Bureau identify the mode of payment of the prescribed fees, it is recommended to mark the applicable check-box(es). Credit card details should not be furnished with the request for supplementary search. Applicants who choose credit card payment will be sent an e-mail with a unique link to our secure E-payment system. Where an e-mail address has been indicated, in Box No. II or III, this address will be used. If no e-mail address has been indicated or the applicant wishes to use an alternative e-mail address for the purposes of E-payment, this should be indicated here.

### AUTHORIZATION TO CHARGE (OR CREDIT) CURRENT ACCOUNT

This mode of payment is only available if a current account has been opened with the International Bureau. Information on how to open such an account with the International Bureau can be found on WIPO's website: [www.wipo.int/pct/en/filing/account.htm](http://www.wipo.int/pct/en/filing/account.htm). Any current account with the receiving Office cannot be charged for the purpose of paying the supplementary search fee and the supplementary search handling fees due to the International Bureau.

The International Bureau will not charge fees to current accounts unless the current account authorization is signed and indicates the current account number.

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ \_\_\_\_\_

# PCT

## DEMAND

### CHAPTER II

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only

Identification of IPEA	Date of receipt of DEMAND
------------------------	---------------------------

#### Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION

Applicant's or agent's file reference	International application No.
International filing date ( <i>day/month/year</i> )	(Earliest) Priority date ( <i>day/month/year</i> )
Title of invention	

#### Box No. II APPLICANT(S)

Name and address: ( <i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i> )	E-mail address*
	Telephone No.
	Facsimile No.
	Applicant's registration No. with the Office

\* **E-mail authorization:** Indicating an e-mail address above authorizes the International Bureau and the International Preliminary Examining Authority, if they provide such a service, to send notifications exclusively by e-mail to that address, unless the following box is marked:

☐ notifications are requested to be sent exclusively by postal mail.

State ( <i>that is, country</i> ) of nationality:	State ( <i>that is, country</i> ) of residence:
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Name and address: (*Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.*)

Name and address: ( <i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i> )	
State ( <i>that is, country</i> ) of nationality:	State ( <i>that is, country</i> ) of residence:

☐ Further applicants are indicated on a continuation sheet.

**Continuation of Box No. II APPLICANT(S)**

*If none of the following sub-boxes is used, this sheet should not be included in the demand.*

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

☐ Further applicants are indicated on another continuation sheet.

**Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE**

The following person is ☐ agent ☐ common representative  
 and ☐ has been appointed earlier and represents the applicant(s) also for international preliminary examination.  
☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.  
☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: *(Family name followed by given name; for a legal entity, full official designation.  
 The address must include postal code and name of country.)*

E-mail address\*

Telephone No.

Facsimile No.

Agent's registration No. with the Office

\* **E-mail authorization:** Indicating an e-mail address above authorizes the International Bureau and the International Preliminary Examining Authority, if they provide such a service, to send notifications exclusively by e-mail to that address, unless the following box is marked:

☐ notifications are requested to be sent exclusively by postal mail.

☐ **Address for correspondence:** Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

**Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION****Statement concerning amendments:\***

1. The applicant wishes the international preliminary examination **to start on the basis of:**

the description ☐ as originally filed, or  
☐ as amended under Article 34

the sequence listing  
 (if any) ☐ as originally filed, or  
☐ as amended under Article 34

the claims ☐ as originally filed, or  
☐ as amended under Article 19, and/or  
☐ as amended under Article 34

the drawings  
 (if any) ☐ as originally filed, or  
☐ as amended under Article 34

2. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.

3. ☐ Where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant requests the IPEA **to postpone** the start of the international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d).

4. ☐ The applicant expressly requests **to postpone** the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54bis.1(a).

\* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

**Language for the purposes of international preliminary examination:**

- ☐ which is the language in which the international application was filed.  
☐ which is the language of a translation furnished for the purposes of international search.  
☐ which is the language of publication of the international application.  
☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

**Box No. V ELECTION OF STATES**

The filing of this demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the PCT.

**Box No. VI CHECK LIST**

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- |   |   |                          |
|---|---|--------------------------|
| 1. translation of international application   | : | sheets                   |
| 2. amendments under Article 34  | : | sheets                   |
| 3. amended sequence listing under Article 34  | : | <input type="checkbox"/> |
| 4. letter accompanying the amendments under Article 34 (Rule 66.8)                            | : | sheets                   |
| 5. copy (or, where required, translation) of amendments under Article 19                      | : | sheets                   |
| 6. copy of the letter accompanying the amendments under Article 19 (Rules 46.5(b) and 53.9)   | : | sheets                   |
| 7. copy (or, where applicable, translation) of any statement under Article 19 (Rule 62.1(ii)) | : | sheets                   |
| 8. other ( <i>specify</i> )   | : | sheets                   |

For International Preliminary Examining Authority use only  
received not received

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- |  |   |
|--|---|
| 1. <input type="checkbox"/> fee calculation sheet  | 5. <input type="checkbox"/> sequence listing for the purposes of international preliminary examination (Rule 13 <sup>ter</sup> )                            |
| 2. <input type="checkbox"/> original separate power of attorney                                | 6. <input type="checkbox"/> a statement to the effect that the sequence listing does not go beyond the disclosure in the international application as filed |
| 3. <input type="checkbox"/> original general power of attorney                                 | 7. <input type="checkbox"/> other ( <i>specify</i> ): _____   |
| 4. <input type="checkbox"/> copy of general power of attorney; reference number, if any: _____ |   |

**Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

For International Preliminary Examining Authority use only	
1. Date of actual receipt of DEMAND:	
2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):	
3. <input type="checkbox"/> The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply. <input type="checkbox"/> The applicant has been informed accordingly.	6. <input type="checkbox"/> The date of receipt of the demand is AFTER the expiration of the time limit under Rule 54bis.1(a) and item 7 or 8, below, does not apply.
4. <input type="checkbox"/> The date of receipt of the demand is WITHIN the time limit of 19 months from the priority date as extended by virtue of Rule 80.5.	7. <input type="checkbox"/> The date of receipt of the demand is WITHIN the time limit under Rule 54bis.1(a) as extended by virtue of Rule 80.5.
5. <input type="checkbox"/> Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rules 82 or 82quater.	8. <input type="checkbox"/> Although the date of receipt of the demand is after the expiration of the time limit under Rule 54bis.1(a), the delay in arrival is EXCUSED pursuant to Rules 82 or 82quater.

For International Bureau use only
Demand received from IPEA on:

## NOTES TO THE DEMAND FORM (PCT/IPEA/401)

These Notes are intended to facilitate the filling in of the demand form and to give some information concerning international preliminary examination under Chapter II of the Patent Cooperation Treaty (PCT). For more detailed information, see the *PCT Applicant's Guide*, a WIPO publication, which is available, together with other PCT related documents, at WIPO's website: [www.wipo.int/pct/en/](http://www.wipo.int/pct/en/). The Notes are based on the requirements of the PCT, the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the demand form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the Administrative Instructions, respectively.

The demand form shall be typed or printed; check-boxes may be marked by hand with dark ink (Rules 11.9(a) and (b) and 11.14).

The demand form and these Notes may be downloaded from WIPO's website at the address given above.

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### IMPORTANT GENERAL INFORMATION

#### **Who May File a Demand?** (Article 31(2)(a) and Rule 54):

A demand (for international preliminary examination) may only be filed by an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II of the PCT; furthermore, the international application must have been filed with a receiving Office of, or acting for, a State bound by Chapter II. Where there are two or more applicants (for the same or different elected States) at least one of them must qualify.

**Where Must the Demand Be Filed?** (Article 31(6)(a)): The demand must be filed with a competent International Preliminary Examining Authority (IPEA). The receiving Office with which the international application was filed will, upon request, give information about the competent IPEA (or see the *PCT Applicant's Guide*, Annex C). If several IPEAs are competent, the applicant has the choice and the demand must be filed with (and the fees must be paid to) the IPEA chosen by the applicant. The IPEA chosen by the applicant may be identified, preferably by an indication of the name or two-letter code of the IPEA, at the top of the first sheet of the demand in the space provided for that purpose.

**When Must the Demand Be Filed?** (Article 39(1) and Rule 54bis.1): As long as certain designated Offices are still not bound by the 30-month time limit under Article 22 for entry into the national phase, the demand – because it contains the required election of designated States – must be filed within 19 months from the priority date if the applicant wishes to postpone entry into the national phase from 20 to 30 months from the priority date in respect of those designated Offices. For updated information about those Offices, see the *PCT Applicant's Guide*, National Chapters, Summaries, available on the WIPO website at the address indicated above. It is recalled that the time limit of 30 months from the priority date applies to all other designated Offices regardless of whether or not a demand is filed.

If the applicant wishes to file a demand, but not because of the reason explained above, the applicable time limit for filing such demand is three months from the date of transmittal of the international search report or of the declaration referred to in Article 17(2)(a), and the written opinion established by the International Searching Authority or 22 months from the priority date, whichever expires later (see Rule 54bis.1(a)).

Any demand made after the expiration of the applicable time limit will be considered as if it had not been submitted and the IPEA shall so declare.

**In Which Language Must the Demand Be Filed?** (Rule 55.1): The demand must be filed in the language in which international preliminary examination will be carried out (see Notes to Box No. IV).

**What is the Language of Correspondence?** (Rules 55.3 and 92.2 and Section 104): Any letter from the applicant to the IPEA must be in the same language as the international application to which it relates. However, where the international preliminary examination will be carried out on the basis of a translation (see Notes to Box No. IV), any letter from the applicant to the IPEA must be in the language of the translation. The IPEA may authorize the use of other languages for letters which do not contain or relate to amendments of the international application. Any letter from the applicant to the International Bureau must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

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### BOX No. I

**Applicant's or Agent's File Reference:** A file reference may be indicated, if desired. It should not exceed 25 characters. Characters in excess of 25 may be disregarded (Section 109).

**Identification of the International Application** (Rule 53.6): The international application number must be indicated in Box No. I. Where the demand is filed at a time when the international application number has not yet been notified by the receiving Office, the name of that Office must be indicated instead of the international application number.

**International Filing Date and (Earliest) Priority Date** (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year – in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order, and separated by periods, slants or hyphens, for example, "26 October 2018 (26.10.2018)", "26 October 2018 (26/10/2018)" or "26 October 2018 (26-10-2018)". Where the international application claims the priority of several earlier applications, the filing date of the earliest application whose priority is claimed must be indicated as the priority date.

**Title of the Invention:** If a new title has been established by the International Searching Authority, that title must be indicated in Box No. I.

### BOX No. II

**Applicant(s)** (Rule 53.4): All the applicants for the elected States must be indicated in the demand. It should be noted that those persons named as "inventor only" in the request need not be named in the demand.

Insert in Box No. II of the demand the required indications as in Boxes Nos. II and III of the request. The Notes to the request apply *mutatis mutandis*. If there are two or more applicants for the States elected in the demand, give the required indications for each of them; if there are more than three applicants, make the required indications on the “Continuation Sheet”.

If different applicants were indicated in the request for different designated States, there is no need to again indicate in the demand the States for which a person is applicant, because those indications have been made in the request.

**Applicant’s registration number with the Office** (Rule 53.4): Where the applicant is registered with the national or regional Office that is acting as International Preliminary Examining Authority, the demand may indicate the number or other indication under which the applicant is so registered.

**An E-mail address** should be indicated for the person named in Box No. II in order to allow rapid communication with the applicant (see Rule 4.4(c)). Any telephone or facsimile number should include the applicable country and area codes. A single e-mail address only should be indicated. In order to allow rapid and safe receipt of notifications from Offices, **it is strongly recommended that an e-mail address is provided to receive notifications.**

If an e-mail address is indicated, the International Bureau, and the International Preliminary Examining Authority, if it provides such a service, will send notifications to that address by e-mail. In this case, no paper notifications will be sent by postal mail, unless the International Preliminary Examining Authority is willing to additionally send such paper notifications. Note that not all Offices will send such notifications by e-mail (for details about each Office’s procedure, see the *PCT Applicant’s Guide*, Annex B). If no e-mail address is provided, or the applicant chooses to receive notifications exclusively by postal mail, or in the cases where the International Preliminary Examining Authority does not provide for sending notifications by e-mail, notifications will be sent to the given address exclusively by postal mail.

Note that it is the applicant’s responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked, for any reason, on the recipient’s side. Changes to the e-mail address indicated should be requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis*. Where the e-mail authorization is given both in respect of the applicant and in respect of an agent or common representative, the International Bureau and the International Preliminary Examining Authority will send e-mail communications only to the appointed agent or common representative.

### BOX No. III

**Agent or Common Representative** (Rules 53.5, 90.1 and 90.2): Mark the applicable check-boxes to indicate *first* whether the person named in this Box is agent or common representative, *then* whether that person *has been appointed earlier* (i.e., during the procedure under Chapter I), or *is appointed in the demand* and any earlier appointment of another person is revoked, or *is appointed specifically for the procedure before the IPEA* (without revocation of any earlier appointment), in addition to the person(s) appointed earlier.

Where an additional person is appointed specifically for the procedure before the IPEA, all notifications issued by the IPEA will be addressed only to that additional person.

A separate power of attorney must be filed with the IPEA, the International Bureau or the receiving Office, if the person appointed at the time the demand is filed (i.e., was not appointed earlier) signs the demand on behalf of the applicant (Rule 90.4). However, the receiving Office, the International Bureau or the IPEA may waive the requirement that a separate power of attorney be filed. For details, see the *PCT Applicant’s Guide*, Annex B(1B), Annex C and Annex E.

**Agent’s registration number with the Office** (Rule 53.5): Where the agent is registered with the national or regional Office that is acting as International Preliminary Examining Authority, the demand may indicate the number or other indication under which the agent is so registered.

**E-mail address** (see Notes to Box. No. II).

**Address for Correspondence** (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. III will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address may be indicated in Box No. III instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. III must be marked (that is, the last check-box must not be marked if either of the check-boxes “agent” or “common representative” in Box No. III has been marked).

### BOX No. IV

**Statement Concerning Amendments** (Rules 53.2(a)(iv), 53.9, 62, 66.1 and 69.1): The international preliminary examination will start on the basis of the international application as filed or, if amendments have been filed, as amended. Mark the appropriate check-box(es) to enable the IPEA to determine when and on what basis it can start international preliminary examination.

**Mark the corresponding check-box(es) under No. 1** where the international preliminary examination should start on the basis of the international application as originally filed or where amendments are to be taken into account, as the case may be. Where amendments under Article 19 are to be taken into account, the applicant should preferably submit a copy of the amendments made under Article 19, the letter accompanying the amendments (Rules 62.1(ii) and 46.5(b)) and any statement (Rule 62.1(ii)). Where amendments under Article 34 are to be taken into account, the applicant must submit *with the Demand* the amendments of the international application under Article 34, together with a letter which must draw attention to the differences caused by the amendments and indicate the basis for the amendments in the application as filed and shall also explain the reasons for the amendments (Rule 66.8). If a check-box is marked but the demand is not accompanied by the documents referred to, the start of international preliminary examination will be delayed until the IPEA receives them.

**Mark check-box No. 2** if amendments of the claims under Article 19 have been filed with the International Bureau during the Chapter I procedure, but the applicant wishes those amendments to be considered reversed by an amendment under Article 34 (Rule 53.9(a)(ii)).

**Mark check-box No. 3** if the applicant wants to keep the option for the filing of amendments of the claims under Article 19 open where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b). The applicant may request the IPEA **to postpone** the start of international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d) (Rule 53.9(b)).

**Mark check-box No. 4** if the applicant wishes **to postpone** the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54*bis*.1(a). Otherwise, and unless Rule 69.1(b) applies (see above), the IPEA will start the international preliminary examination once it is in possession of the required fees, the international search report (or the declaration under Article 17(2)(a)) and the written opinion established by the ISA (Rule 69.1(a)).

**The applicable time limit under Rule 54*bis*.1(a)** is three months from the date of transmittal of the international search report or of the declaration referred to in Article 17(2)(a), and the written opinion established by the International Searching Authority, or 22 months from the priority date, whichever expires later.

**If no check-box is marked**, refer to the footnote at the bottom of the Box.

**Language for the Purposes of International Preliminary Examination** (Rule 55.2): Where neither the language in which the international application is filed nor the language in which the international application is published is accepted by the IPEA that is to carry out the international preliminary examination, the applicant must furnish with the demand a translation of the international application into a language which is both a language accepted by that Authority and a language of publication.

Where such translation has already been furnished to the International Searching Authority for the purposes of carrying out international search and the IPEA is part of the same Office or intergovernmental organization as the International Searching Authority, the applicant need not furnish another translation. In such a case the international preliminary examination is carried out on the basis of the translation furnished for the purposes of international search.

The language for the purposes of international preliminary examination should be indicated in Box No. IV and the corresponding check-box should be marked.

**Language of Amendments** (Rule 55.3): Amendments, letters and statements relating thereto must be in the same language as

that in which the international preliminary examination is carried out, as explained in the preceding paragraphs.

**Time Limit for Furnishing Translation of the International Application** (Rule 55.2): Any required translation of the international application should be furnished (by the applicant) together with the demand. If it is not so furnished, the IPEA will invite the applicant to furnish it within a time limit which shall not be less than one month from the date of the invitation. That time limit may be extended by the IPEA.

#### BOX No. V

**Election of States** (Rule 53.7): The making of a demand shall constitute the election of all States which have been designated and which are bound by Chapter II of the PCT.

#### BOX No. VI

**Check List:** It is recommended that this Box be filled in carefully in order for the IPEA to determine as soon as possible whether it is in possession of the documents on the basis of which the applicant wishes international preliminary examination to start.

#### BOX No. VII

**Signature** (Rules 53.8, 60.1(*a-ter*) and 90): The demand must be signed by the applicant or by his agent; if there are several applicants, the demand must be signed by all of them, or by the common agent or the common representative of all of them. However, if the signature(s) of one or more applicants is missing, the IPEA will not invite the applicants to furnish the missing signature(s) provided that at least one of the applicants has signed the demand.

Where the signature on the demand is not that of the applicant, but that of the agent or the common representative, a separate power of attorney appointing the agent or the common representative, respectively, or a copy of a general power of attorney the original of which has already been deposited with the receiving Office or the competent Authority, must be furnished. The power of attorney must be signed by the applicant or, if there is more than one applicant, by at least one of them. If the power is not filed with the demand, the IPEA will invite the applicant to furnish it, unless it has waived the requirement for a separate power of attorney (for details about each IPEA, see the *PCT Applicant's Guide*, Annex E).

**Important:** Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicant's by all of them (Rule 90*bis*.5), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand, a separate power of attorney (Rule 90.4(a)) or a general power of attorney (Rule 90.5(a)).

## PCT

## FEE CALCULATION SHEET

## Annex to the Demand

International application No.	For International Preliminary Examining Authority use only										
Applicant's or agent's file reference	Date stamp of the IPEA										
Applicant											
<div style="border: 1px solid black; padding: 5px;"> <b>CALCULATION OF PRESCRIBED FEES</b>   <i>(Applicants may be entitled to a reduction of the preliminary examination fee and the handling fee as indicated in the PCT Fee Tables (www.wipo.int/pct/en/fees.pdf))</i> </div> <div style="margin-top: 10px;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">1. PRELIMINARY EXAMINATION FEE .....</td> <td style="width: 20%; border: 1px solid black; text-align: center;">P</td> <td style="width: 20%;"></td> </tr> <tr> <td>2. HANDLING FEE .....</td> <td style="border: 1px solid black; text-align: center;">H</td> <td></td> </tr> <tr> <td>3. TOTAL OF PRESCRIBED FEES Add the amounts entered at P and H and enter total in the TOTAL box .....</td> <td colspan="2" style="border: 1px solid black; text-align: center; height: 30px;">TOTAL</td> </tr> </table> </div>			1. PRELIMINARY EXAMINATION FEE .....	P		2. HANDLING FEE .....	H		3. TOTAL OF PRESCRIBED FEES Add the amounts entered at P and H and enter total in the TOTAL box .....	TOTAL	
1. PRELIMINARY EXAMINATION FEE .....	P										
2. HANDLING FEE .....	H										
3. TOTAL OF PRESCRIBED FEES Add the amounts entered at P and H and enter total in the TOTAL box .....	TOTAL										
<div style="border: 1px solid black; padding: 5px;"> <b>MODE OF PAYMENT</b>  <i>(Not all modes of payment may be available at all IPEAs)</i> </div> <div style="margin-top: 10px;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> credit card <i>(details should not be included on this sheet)</i>   <input type="checkbox"/> authorization to charge deposit or current account with the IPEA (see below)  <input type="checkbox"/> bank transfer   <input type="checkbox"/> cash         </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> postal money order   <input type="checkbox"/> check   <input type="checkbox"/> revenue stamps   <input type="checkbox"/> other <i>(specify)</i>: _____         </td> </tr> </table> </div>			<input type="checkbox"/> credit card <i>(details should not be included on this sheet)</i>  <input type="checkbox"/> authorization to charge deposit or current account with the IPEA (see below) <input type="checkbox"/> bank transfer  <input type="checkbox"/> cash	<input type="checkbox"/> postal money order  <input type="checkbox"/> check  <input type="checkbox"/> revenue stamps  <input type="checkbox"/> other <i>(specify)</i> : _____							
<input type="checkbox"/> credit card <i>(details should not be included on this sheet)</i>  <input type="checkbox"/> authorization to charge deposit or current account with the IPEA (see below) <input type="checkbox"/> bank transfer  <input type="checkbox"/> cash	<input type="checkbox"/> postal money order  <input type="checkbox"/> check  <input type="checkbox"/> revenue stamps  <input type="checkbox"/> other <i>(specify)</i> : _____										
<div style="border: 1px solid black; padding: 5px;"> <b>AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT OR CURRENT ACCOUNT</b>  <i>(This mode of payment may not be available at all IPEAs)</i> </div> <div style="margin-top: 10px;"> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Authorization to charge the total fees indicated above.   <input type="checkbox"/> <i>(This check-box may be marked only if the conditions for deposit or current accounts of the IPEA so permit)</i>            Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.         </td> <td style="width: 50%; vertical-align: top;">           IPEA/ _____             Deposit or Current Account No.: _____             Date: _____             Name: _____             Signature: _____         </td> </tr> </table> </div>			<input type="checkbox"/> Authorization to charge the total fees indicated above.  <input type="checkbox"/> <i>(This check-box may be marked only if the conditions for deposit or current accounts of the IPEA so permit)</i> Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.	IPEA/ _____  Deposit or Current Account No.: _____  Date: _____  Name: _____  Signature: _____							
<input type="checkbox"/> Authorization to charge the total fees indicated above.  <input type="checkbox"/> <i>(This check-box may be marked only if the conditions for deposit or current accounts of the IPEA so permit)</i> Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.	IPEA/ _____  Deposit or Current Account No.: _____  Date: _____  Name: _____  Signature: _____										

## NOTES TO THE FEE CALCULATION SHEET (ANNEX TO FORM PCT/IPEA/401)

The purpose of the fee calculation sheet is to help the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete, by entering the appropriate amounts in the boxes provided, and submit the fee calculation sheet at the time of filing of the demand. This will help the International Preliminary Examining Authority (IPEA) to verify the calculations and to identify any error in them.

### CALCULATION OF PRESCRIBED FEES

Two fees must be paid for international preliminary examination:

- (i) the preliminary examination fee for the benefit of the IPEA (Rule 58.1);
- (ii) the handling fee for the benefit of the International Bureau (Rule 57).

Both fees must be paid to the IPEA within one month from the date on which the demand is submitted or 22 months from the priority date, whichever expires later. The amount payable is the amount applicable on the date of payment (Rules 57.3 and 58.1(b)). The fees must be paid in a currency acceptable to the IPEA.

Information about the amount of those fees or about equivalent amounts in other currencies can be obtained from the IPEA or the receiving Office. This information is also published in the *PCT Applicant's Guide*, Annex E, and from time to time in *Official Notices (PCT Gazette)*.

**Box P:** The amount of the preliminary examination fee must be entered in Box P.

**Box H:** The amount of the handling fee must be entered in Box H.

**Reductions:** Applicants may be entitled to reductions to the preliminary examination fees, which are indicated in the PCT Fee Tables ([www.wipo.int/pct/en/fees.pdf](http://www.wipo.int/pct/en/fees.pdf)) and the relevant Annex E of the *PCT Applicants Guide*. If reduced fees apply, the reduced amount should be indicated in the fee calculation sheet. Applicants may also be entitled to a reduction to the handling fee, which is explained below.

**Reduction of the Handling Fee for Applicants from Certain States:** An applicant who is a natural person and who is a national of and resides in a State that is listed as being a State whose per capita gross domestic product is below US\$ 25,000 (according to the most recent ten year average per capita gross domestic product figures at constant 2005 US\$ values published by the United Nations), and whose nationals and residents who are natural persons have filed less than 10 international applications per year (per million population) or less than 50 international applications per year (in absolute numbers) according to the most recent 5-year average yearly filing figures published by the International Bureau; or an applicant, whether a natural person or not, who is a national of and resides in a State that is listed as being classified by the United Nations as a least developed country, is entitled, in accordance with the Schedule of Fees, to a reduction of 90% of certain PCT fees including the handling fee. The applicant is only entitled to the reduction of the handling fee if, at the time of filing of the demand, the applicant is or all applicants are the true and only owner(s) of the application and under no obligation to assign, grant, convey or license the rights

in the invention to another party which is not eligible for the fee reduction. If there are several applicants, each must satisfy the above-mentioned criteria. If the applicant is or all applicants are entitled to the reduction of the handling fee, this reduction applies on the basis of the indications of name, nationality and residence given in Box No. II of the demand, without the need for a specific request to be made.

The fee reduction will be available even if one or more of the applicants are not from PCT Contracting States, provided that each of them is a national and resident of a State that meets the above-mentioned requirements and that at least one of the applicants is a national or resident of a PCT Contracting State and thus is entitled to file an international application.

Information about PCT Contracting States whose nationals and residents are entitled to a reduction of 90% of certain PCT fees, including the handling fee, is contained in the *PCT Applicant's Guide*, Annex C and on the WIPO website ([www.wipo.int/pct/en/](http://www.wipo.int/pct/en/)), and is also published and regularly updated in the *Official Notices (PCT Gazette)* and the *PCT Newsletter*.

**Calculation of the Handling Fee in Case of Fee Reduction:** Where the applicant is (or all applicants are) entitled to a reduction of the handling fee, the total to be entered at Box H is 10% of the handling fee.

**Total Box:** The total of the amounts inserted in Boxes P and H is the amount which must be paid to the IPEA.

### MODE OF PAYMENT

In order to help the IPEA identify the mode of payment of the prescribed fees, it is recommended to mark the applicable check-box(es). Credit card details should not be included on the fee calculation sheet. They should be furnished separately.

### AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT OR CURRENT ACCOUNT

The applicant should check whether the IPEA allows the use of deposit or current accounts for payment of PCT fees. In addition, it is recommended that the applicant check what are the specific conditions applicable to the use of deposit or current accounts with the IPEA since not all IPEAs provide the same services.

Finally, if the IPEA is not the same national Office or intergovernmental organization as that with which the international application was filed, the deposit or current account with the receiving Office cannot be charged for the purpose of paying the preliminary examination and handling fees due to the IPEA.

The IPEA will not charge fees to deposit or current accounts unless the deposit or current account authorization is signed and indicates the deposit or current account number.

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ \_\_\_\_\_

# PCT

## DEMAND

### CHAPTER II

under Article 31 of the Patent Cooperation Treaty:  
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only

Identification of IPEA	Date of receipt of DEMAND
------------------------	---------------------------

#### Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION

Applicant's or agent's file reference	International application No.
International filing date ( <i>day/month/year</i> )	(Earliest) Priority date ( <i>day/month/year</i> )
Title of invention	

#### Box No. II APPLICANT(S)

Name and address: ( <i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i> )	Telephone No.
	Facsimile No.
	Applicant's registration No. with the Office

**E-mail authorization:** Marking one of the check-boxes below authorizes the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application if those offices are willing to do so.

☐ as advance copies followed by paper notifications; or ☐ exclusively in electronic form (no paper notifications will be sent).  
E-mail address: \_\_\_\_\_

State ( <i>that is, country</i> ) of nationality:	State ( <i>that is, country</i> ) of residence:
---	---

Name and address: (*Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.*)

State ( <i>that is, country</i> ) of nationality:		State ( <i>that is, country</i> ) of residence:	
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☐ Further applicants are indicated on a continuation sheet.

**Continuation of Box No. II APPLICANT(S)**

*If none of the following sub-boxes is used, this sheet should not be included in the demand.*

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

☐

Further applicants are indicated on another continuation sheet.

**Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE**

The following person is ☐ agent ☐ common representative  
 and ☐ has been appointed earlier and represents the applicant(s) also for international preliminary examination.  
☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.  
☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: *(Family name followed by given name; for a legal entity, full official designation.  
 The address must include postal code and name of country.)*

Telephone No.

Facsimile No.

Agent's registration No. with the Office

**E-mail authorization:** Marking one of the check-boxes below authorizes the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application if those offices are willing to do so.

☐ as advance copies followed by paper notifications; or ☐ exclusively in electronic form (no paper notifications will be sent).  
 E-mail address: \_\_\_\_\_

☐ **Address for correspondence:** Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

**Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION****Statement concerning amendments:\***

1. The applicant wishes the international preliminary examination **to start on the basis of:**

the description ☐ as originally filed, or

☐ as amended under Article 34

the sequence listing (if any) ☐ as originally filed, or

☐ as amended under Article 34:

☐ in the form of an Annex C/ST.25 text file

☐ on paper or in the form of an image file

the claims ☐ as originally filed, or

☐ as amended under Article 19, and/or

☐ as amended under Article 34

the drawings (if any) ☐ as originally filed, or

☐ as amended under Article 34

2. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.

3. ☐ Where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant requests the IPEA **to postpone** the start of the international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d).

4. ☐ The applicant expressly requests **to postpone** the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54bis.1(a).

\* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

**Language for the purposes of international preliminary examination:**

☐ which is the language in which the international application was filed.

☐ which is the language of a translation furnished for the purposes of international search.

☐ which is the language of publication of the international application.

☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

**Box No. V ELECTION OF STATES**

The filing of this demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the PCT.

**Box No. VI CHECK LIST**

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- |   |   |        |
|---|---|--------|
| 1. translation of international application   | : | sheets |
| 2. amendments under Article 34  | : | sheets |
| 3. letter accompanying the amendments under Article 34 (Rule 66.8)                            | : | sheets |
| 4. copy (or, where required, translation) of amendments under Article 19                      | : | sheets |
| 5. copy of the letter accompanying the amendments under Article 19 (Rules 46.5(b) and 53.9)   | : | sheets |
| 6. copy (or, where applicable, translation) of any statement under Article 19 (Rule 62.1(ii)) | : | sheets |
| 7. other ( <i>specify</i> )   | : | sheets |

For International Preliminary Examining Authority use only

received	not received
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<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- |  |  |
|--|--|
| 1. <input type="checkbox"/> fee calculation sheet  | 5. <input type="checkbox"/> sequence listing in the form of an Annex C/ST.25 text file |
| 2. <input type="checkbox"/> original separate power of attorney                          | 6. <input type="checkbox"/> other ( <i>specify</i> ): _____                            |
| 3. <input type="checkbox"/> original general power of attorney                           | _____  |
| 4. <input type="checkbox"/> copy of general power of attorney; reference number, if any: | _____  |

**Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.
- ☐ The applicant has been informed accordingly.
4. ☐ The date of receipt of the demand is WITHIN the time limit of 19 months from the priority date as extended by virtue of Rule 80.5.
5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rules 82 or 82quater.

6. ☐ The date of receipt of the demand is AFTER the expiration of the time limit under Rule 54bis.1(a) and item 7 or 8, below, does not apply.
7. ☐ The date of receipt of the demand is WITHIN the time limit under Rule 54bis.1(a) as extended by virtue of Rule 80.5.
8. ☐ Although the date of receipt of the demand is after the expiration of the time limit under Rule 54bis.1(a), the delay in arrival is EXCUSED pursuant to Rules 82 or 82quater.

For International Bureau use only

Demand received from IPEA on:

## PCT

## FEE CALCULATION SHEET

## Annex to the Demand

International application No.	For International Preliminary Examining Authority use only										
Applicant's or agent's file reference	Date stamp of the IPEA										
Applicant											
<div style="text-align: center;"> <b>CALCULATION OF PRESCRIBED FEES</b> </div> <p><i>(Applicants may be entitled to a reduction of the preliminary examination fee and the handling fee as indicated in the PCT Fee Tables (www.wipo.int/pct/en/fees.pdf))</i></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">1. PRELIMINARY EXAMINATION FEE .....</td> <td style="width: 20%; border: 1px solid black; text-align: center;">P</td> <td style="width: 20%;"></td> </tr> <tr> <td>2. HANDLING FEE .....</td> <td style="border: 1px solid black; text-align: center;">H</td> <td></td> </tr> <tr> <td>3. TOTAL OF PRESCRIBED FEES Add the amounts entered at P and H and enter total in the TOTAL box .....</td> <td colspan="2" style="border: 1px solid black; text-align: center; height: 30px;">TOTAL</td> </tr> </table>			1. PRELIMINARY EXAMINATION FEE .....	P		2. HANDLING FEE .....	H		3. TOTAL OF PRESCRIBED FEES Add the amounts entered at P and H and enter total in the TOTAL box .....	TOTAL	
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<div style="text-align: center;"> <b>MODE OF PAYMENT</b> </div> <p><i>(Not all modes of payment may be available at all IPEAs)</i></p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> credit card <i>(details should not be included on this sheet)</i>  <input type="checkbox"/> authorization to charge deposit or current account with the IPEA (see below)  <input type="checkbox"/> bank transfer  <input type="checkbox"/> cash         </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> postal money order  <input type="checkbox"/> check  <input type="checkbox"/> revenue stamps  <input type="checkbox"/> other <i>(specify)</i>: _____         </td> </tr> </table>			<input type="checkbox"/> credit card <i>(details should not be included on this sheet)</i> <input type="checkbox"/> authorization to charge deposit or current account with the IPEA (see below) <input type="checkbox"/> bank transfer <input type="checkbox"/> cash	<input type="checkbox"/> postal money order <input type="checkbox"/> check <input type="checkbox"/> revenue stamps <input type="checkbox"/> other <i>(specify)</i> : _____							
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<div style="text-align: center;"> <b>AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT OR CURRENT ACCOUNT</b> </div> <p><i>(This mode of payment may not be available at all IPEAs)</i></p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Authorization to charge the total fees indicated above.   <input type="checkbox"/> <i>(This check-box may be marked only if the conditions for deposit or current accounts of the IPEA so permit)</i>            Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.         </td> <td style="width: 50%; vertical-align: top;">           IPEA/ _____             Deposit or Current Account No.: _____             Date: _____             Name: _____             Signature: _____         </td> </tr> </table>			<input type="checkbox"/> Authorization to charge the total fees indicated above.  <input type="checkbox"/> <i>(This check-box may be marked only if the conditions for deposit or current accounts of the IPEA so permit)</i> Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.	IPEA/ _____  Deposit or Current Account No.: _____  Date: _____  Name: _____  Signature: _____							
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# PATENT COOPERATION TREATY

## PCT

### NOTICE OF WITHDRAWAL

(PCT Rules 90bis.1, 90bis.2,  
90bis.3, 90bis.3bis and 90bis.4)

To:

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20  
Switzerland

Preferably through ePCT

Applicant's or agent's file reference

International application No.

International filing date  
(day/month/year)

Applicant

Priority date  
(day/month/year)

The applicant hereby **withdraws**:

- ☐ the **international application** identified above (Rule 90bis.1) (*where the international application is withdrawn, the international processing of the international application will be discontinued (Rule 90bis.6(b))*):
- ☐ the withdrawal is made conditional on it being received by the International Bureau in time to prevent international publication
- ☐ the **designations** specified below (Rule 90bis.2) (*withdrawal of **all** designated States will be treated as withdrawal of the international application under Rule 90bis.1. In such a case, the check-box "the international application" should preferably be marked instead*):
- ☐ the following designation(s):
- ☐ all designations except:
- ☐ the **priority claim(s)** specified below (Rule 90bis.3) (*if multiple priorities have been claimed, this notice relates to the following priority claim(s)) (withdrawal of the earliest priority claim will result in the re-calculation of time limits which have not already expired (Rule 90bis.3(d))*):
- ☐ the withdrawal is made conditional on it being received by the International Bureau in time to prevent international publication
- ☐ the **demand** (Rule 90bis.4) (*where the demand is withdrawn, the processing of the international application by the International Preliminary Examining Authority will be discontinued (Rule 90bis.6(c))*)
- ☐ the **election(s)** specified below (Rule 90bis.4) (*where **all** elections are withdrawn, the processing of the international application by the International Preliminary Examining Authority will be discontinued (Rule 90bis.6(c)). In such a case, the check-box "the demand" should preferably be marked instead*):
- ☐ the **supplementary search request** (Rule 90bis.3bis) (*where the supplementary search request is withdrawn, the processing of the international application by the Authority(ies) specified for supplementary search will be discontinued (Rule 90bis.6(b-bis))*)  
\_\_\_\_\_ (*indicate the Authority specified for supplementary search*)

**ATTENTION** Under Rule 90bis.6(a), withdrawal of the international application, of any designation, of any priority claim, of the demand or of any election under Rule 90bis will have no effect in any designated or elected Office where the processing or examination of the international application has already started under Article 23(2) or 40(2).

**Signature of applicant(s), agent or common representative** (*in order for the withdrawal to be effective, the notice of withdrawal must be signed by (all) the applicant(s), their appointed agent or appointed common representative. Where one of the applicants is considered to be the common representative under Rule 90.2(b), all applicants must sign (see Rule 90bis.5).*)

Date:



**DELTA**PATENTS

Training for Patent Professionals

# PASSING THE EQE WITH DELTA

# DELTAPATENTS WELCOMES YOU

## Why DeltaPatents?

DeltaPatents is a **patent attorney firm** based in the Netherlands with a passion for quality. We provide the highest quality advice and service to public and private companies at various stages of growth from start-up to Fortune 500. Our patent specialists have a deep technological knowledge and extensive industrial experience. Through our education activities, we stay ahead in terms of law changes, case law and procedural requirements.

We are proud to be a leading training organization for the **European Qualifying Examination (EQE)**. Our renowned courses can be followed throughout Europe. We offer a complete range of courses and high quality training material for the EQE. The knowledge and experience gained during more than 15 years of EQE training provides a solid basis for our comprehensive range of training courses in different areas. We offer **Continuing Education of Patent Attorneys** (e.g. patent law update course, a Unitary Patent course, and various IP master classes) across Europe as well as outside. For **R&D** (R&D managers, researchers, developers, inventors, entrepreneurs, IP management, IP coordinators and tech-transfer officers), we provide targeted IP tutorials and several workshops. These can also be organized in-house at your organization, open to other participants or exclusively in-house.

*“It was a pleasure to study with such a skilled and nice instructor”*

Our **blogs** keep you up-to-date on the EQE, EPO Case law, Patent procedures, Unitary Patent and Patent News.



In 2006 we started **training IP support staff**, culminating in a full training program preparing for the official Dutch Formalities Officers exam. The program includes training modules directed to EPC and PCT formalities. These training modules are offered throughout Europe.

Our training focuses on giving insight and understanding, and ensuring that the acquired knowledge can be practically applied. Unique for DeltaPatents is that we thoroughly train and guide our tutors. For our tutors, training is a profession, mastered by teamwork and frequent involvement in courses. We take feedback of attendants seriously and act on it. For us, quality and customer satisfaction are essential.

## DeltaPatents' personal touch

We believe in teaching and treating candidates with a personal touch. You will be trained in small groups, giving ample opportunity to discuss unclear issues in more detail and get personal assistance.

Hospitality is important to us. For participants staying in Eindhoven for courses of multiple days, we organize a social event, such as a dinner or a trip to a local place of interest. We welcome contact (e.g. via e-mail, telephone or video chat) with our tutors to ask follow-up questions, to clarify course materials or to report mistakes.





# PASSING THE EQE WITH DELTAPATENTS

## EQE training

The EQE exam is notoriously difficult to pass. Despite most candidates studying hard, the pass rate of the Main Exam averages around 30%, with some fluctuations depending on the complexity of that year's exam. First-time sitters usually score a few percent higher.

All papers score low. In particular, Papers C and DII are major hurdles. Paper DI (legal part) requires a significant time investment in studying and mastering the EPC and PCT law, Guidelines, Ancillary Regulations and case law.

The low pass rates illustrate that, despite spending quite some time in preparation, you may fail. This is highly frustrating. Frequently heard comments are:

*"The hardest exam I ever took"*

*"The first exam I ever failed"*

To achieve success, you need to commit hundreds of hours to studying both legal theory and application of the law. You increase your chances by making a plan, attending the best courses available and using the highest quality materials available. You benefit from getting dedicated training focussed on passing this exam by tutors that know everything about this exam and what it needs to pass.

We specialize in providing courses and training material for the EQE, covering the Pre-Exam as well as each of the papers of the Main Exam. A full range of short modules have been developed, allowing each candidate to optimally complement already acquired knowledge and skills.



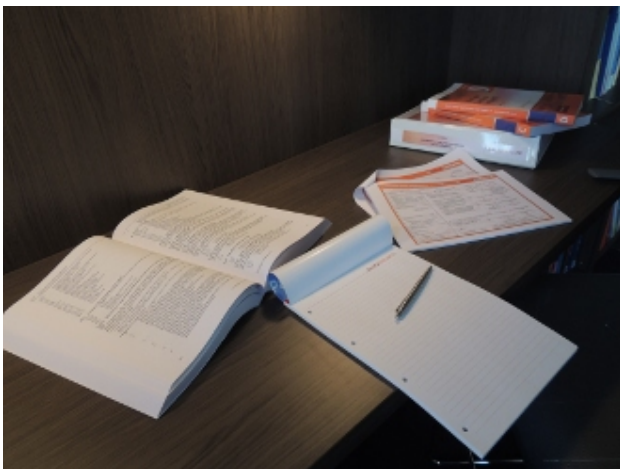
*"I like the prescriptive style of the trainers: 'read this', 'don't read that'; I do not want endless options, I want to know how to pass the exam"*



## EQE Pre-Exam training

For the Pre-Exam, we offer:

- **Pre-Exam Integrated course**  
This intensive 12-day course (in 4 blocks) will bring candidates from a basic level with no or limited legal knowledge to the level required for the EQE Pre-Exam. All legal topics, EPC procedural, EPC substantive and PCT, are covered. Legal interactive tutorials will be alternated with practicing what has been learned: candidates will experience from the start how this knowledge can be used in an efficient way in order to pass the Pre-Exam. Homework is an integral part of the course. The questions test absorption and understanding. We provide full answers for all homework questions for self-evaluation.
- **Pre-Exam Distance Learning**  
The same as the Pre-Exam Integrated course, but as distance learning: with homework schedules and 2-/3-week video sessions.
- **Legal Methodology Course**  
In this 1-day course, we explain how to answer the legal questions for the Pre-Exam. We will teach a methodology, which will help to score optimally on the legal part of the Pre-Exam and how to deal with the True/False format
- **Claim Analysis Course**  
In this 2-day course, we cover the Claim Analysis part of the Pre-Exam with a specific exam methodology. The methodology is practiced using multiple choice questions and cases and one full pre-exam.



## EQE Main Exam training

Our modular approach allows candidates to freely choose which paper(s) they wish to prepare for in a certain exam year. We offer:

- **Methodology courses for each paper**  
In these 2 or 3 day courses, we detail the requirements of the paper and clarify the key issues of the paper. We give a step-by-step approach for efficiently handling the paper, including practical analysis techniques, checklists and guidance in optimising scoring of marks with the knowledge you have. The methodology is developed and tested over more than a decade. In the courses, we show how the methodology works by applying it to at least one exam paper.  
Our methodology courses for re-sitters apply the methodology to the last exam paper.
- **(Guided) Exam courses for each paper**  
We offer a variety of courses for guided practicing of papers, depending on demand. For example:
  - 2 or 3-day course wherein a handed-in paper is corrected and marked and discussed during the course. One more exam paper is practiced during the course, with guidance and assistance from the tutor.
  - 4- or 5-day Paper D Guided Trial Run course providing a final test of EQE readiness, combining guidance through up-to-date DI and DII exam questions with practice under time pressure.

*“This C methodology course is much more effective than other courses I have attended before. The pointing out of all relevant legal provisions were very useful for me”*

*“The Paper C Methodology course is genius. I literally heard a click in my head”*

*“D Methodology course: a great combination of various tools, methodologies and discussion on how to deal with various issues in the exam”*

*“The D Methodology course should be mandatory!”*

*“The first time I have the impression that DII could be manageable ...”*

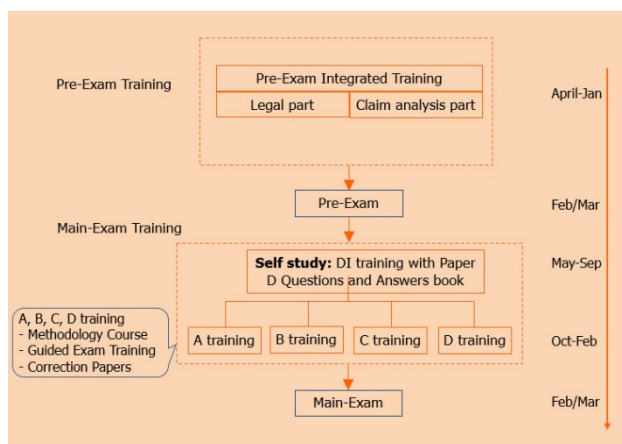
*“Guided Exam: the ultimate tool for making it possible to pass!”*

## Integrated EQE training programs

Our modular system allows candidates to choose a program which matches their learning style and needs in prioritising study versus balancing it with focussing on work or private life. Here two exemplary programs are shown, a fast track program and a slow-track program. Please contact us to discuss how to optimise your preparation depending on your needs.

### Fast track program

In this program, which is the default program in the Netherlands, candidates aim to pass the Pre-Exam, immediately followed by next year passing all four Main Exam papers.

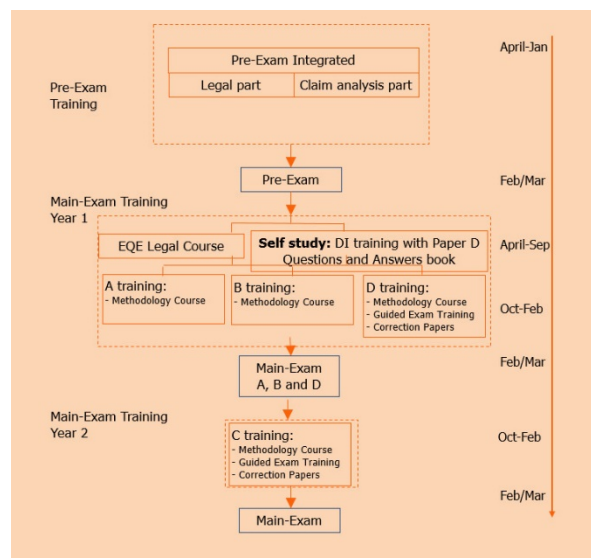


The Main Exam year will be challenging: four papers in parallel, including paper DI which requires a lot of hours of studying. To spread the load, a good legal preparation is already required in the Pre-Exam year. For this our Pre-Exam Integrated Training is ideal: legal and claim analysis integrated in one program. After finishing this course, you are ready for the Pre-Exam.

### Slow track program

In this program, candidates plan a couple of years for passing the Main Exam. Here a schedule is shown wherein Papers A, B and D are taken in the first Main Exam and in the following year paper C is taken.

A candidate can choose to build up the legal knowledge relatively fast by following our Pre-Exam Integrated Training (legal parts) for the pre-exam, optionally followed by our Legal Refresher course. Alternatively, if less legal knowledge has been acquired for the pre-exam, the our Pre-Exam Integrated Training (legal parts) can be followed as a preparation before the Paper D training.



The Main Exam training can start with our Legal Refresher Course, followed by the training for the four papers in parallel. The paper training ideally starts with a Methodology Course, followed by a Guided Exam Training and, optionally, finished with our Correction Paper program.

## EQE Distance Learning

We have developed this program during the past years for candidates who are unable to attend the DeltaPatents' courses, or for anyone looking for extra study and practice materials. We offer a "Correction of Papers" program and "Pre-Exam Distance Learning":

- Paper Correction: you hand-in exam papers and we correct them, giving individual feedback as well as our own detailed marking sheets and model solutions
- Pre-Exam Distance Learning: complete legal training for the Pre-Exam, with homework schedule and feedback of tutors on handed-in homework.



*Video sessions:  
2- or 3-weekly video  
conference sessions where  
the tutor discusses the  
upcoming modules and  
answers questions from the  
participants*



*"I would like to thank you for all the help I received during my distance course Paper D. It really helped to have the pressure of handing in the homework and make me work steadily in the months before the exam"*

## Personal coaching

Based on our extensive experience in training candidate, we offer a one-to-one intensive personal coaching, wherein we, together with the candidate, determine the personal reasons for failing the exam, correct some of the mistakes, come to an approach optimized for the candidate and a recommended further preparation plan. The personal coaching will be agreed beforehand.

One possible scenario is where, before the personal session, the candidate prepares a paper at home and the tutor marks this. On a first afternoon of the personal guidance, the exam, known problems of the candidates and the prepared exam are discussed. On a second day, the candidate makes a further paper, which is immediately discussed with the tutor, finished by discussing a further preparation plan.



EP-wide in-house training

## Training locations

We do not only provide training in our base in Eindhoven. The Netherlands, but many of our training modules are available at several locations in Europe to minimize your travel costs.

## In-house training

All courses can also be given in-house. If required, a module can be tailored to your local organizational needs. Please contact us if you are interested in inviting us to your office.



## About the EQE

In Supplement to OJ EPO 2/2014, you can find:

- Regulation on the European qualifying examination for professional representatives (REE)
- Implementing provisions to the Regulation on the European qualifying examination (IPREE)
- Instructions to candidates concerning the conduct of the European qualifying examination

The examination is organised and conducted by a Supervisory Board, an Examination Board, Examination Committees and an Examination Secretariat, comprising members from the EPI and EPO.

The EQE is designed to establish whether the candidate has the requisite aptitude and knowledge to represent applicants before the EPO.

### EQE syllabus

Candidates need to be particularly conversant with European patent law, the Patent Cooperation Treaty, the Paris Convention, EPO board of appeal case law and certain national laws in so far as they apply to European patent applications and European patents. The content of the examination only relates to legal texts which were in force on 31 December of the year preceding the examination.

### Languages

The examination papers are drawn up in the three official languages of the EPO (English, French and German). Candidates may choose any of these languages to answer in. Candidates may also be permitted to submit their answers in another official language of a Contracting State if so requested during enrolling for the exam.

### Structure of the exam

The EQE, held once a year, comprises five papers, divided over a single paper Pre-examination (Pre-Exam), followed by a Main Exam consisting of four papers.

- Pre-Exam (4 hours)  
Assesses candidates' ability to answer legal questions and questions relating to the drafting of claims. The exam is multiple-choice and consists of two parts; a legal part and a claims analysis part. The Pre-Exam must be passed before the Main Exam may be attempted.
- Main Exam  
Candidates are free to choose the paper(s) they wish to sit in a certain year; they do not need to be taken in a prescribed order or combination.

- Paper A (4 hours)  
Tests the candidate's ability to draft claims and the introductory part of a European patent application. As of the EQE 2017 there will be a single A paper.
- Paper B (3,5 hours)  
Requires candidates to prepare a reply to an official letter in which prior art has been cited. As of the EQE 2017 there will be a single B paper.
- Paper C (5,5 hours)  
Involves drafting a notice of opposition to a European patent.
- Paper D (5,5 hours)  
Consists of two parts DI and DII and assesses candidates' ability to answer legal questions (DI) and to draft a legal advice (DII).

### Passing the EQE

To pass the EQE, it is obligatory to pass all examination papers. Candidates may not enrol for any of the Main Exam papers until they have passed the Pre-Exam.

Each answer paper is marked on a scale from zero to 100 by the relevant Examination Committee.

For the Pre-Exam, a PASS grade is awarded for an answer Paper with 70 marks or more; otherwise a FAIL grade is awarded for that paper.

For the Main Exam, there is a compensatory system whereby under certain circumstances, low marks can be offset by good marks in other papers. For each paper of the Main Exam,

- a PASS grade is awarded for an answer paper with 50 marks or more;
- a FAIL grade is awarded for an answer paper with fewer than 45 marks;
- a COMPENSABLE FAIL grade is awarded for an answer paper with at least 45 but fewer than 50 marks

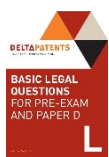
A candidate is declared to have passed the Main Exam once he has sat all the examination papers and if he satisfies all of the following conditions:

- he has not been awarded a FAIL grade in any of the papers
- he has been awarded a PASS grade in at least two papers, and
- his total aggregate mark in the four papers is at least 200.

If a candidate re-sits an examination paper, the marks and grade previously obtained for this paper are no longer valid. It is not possible to re-sit a passed exam.

## DeltaPatents' Web Shop for Training Material

For our courses, our professional tutors continuously develop and update the training material using input from past participants and to follow recent legal changes. Methodology books, books with Questions and Answers as well as very thorough model solutions for each paper are available for those who study for the EQE.



### EQE Basic Legal Questions

The book contains:

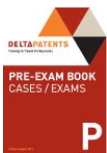
- Introduction - how to prepare
- Study Guide
- Legal Questions and Answers in True/False format and open questions
- To prepare for Pre-Exam as well as Main Exam



### EQE Main Exam Questions for Paper D

The completely updated book contains:

- A comprehensive Study Guide
- A list of abbreviations which may be used in your answer on the EQE
- A set of more than 350 legal and exam style questions, with a recommended minimum subset



### EQE Pre-Exam Cases and Exams

The book contains:

- Introduction - how to prepare
- Legal Cases
- Claim Analysis Cases

Pre-Exams 2014 - 2018, together with our proprietary model solutions explaining the answers



### EQE Main Exam Methodology books

For EQE paper C, we have developed a methodology books. The book describes the requirements of the paper and, in combination with thorough discussion of the EPC provisions relevant for the paper, present a structured approach for tackling the paper.



EQE Main Exam Analysis/Model solutions For Paper AB, Paper C and Paper D Main Exam paper, we have developed very detailed and thorough

Analysis and Model Solutions.

The booklets cover analysis of the paper, applying the methodology to the paper and the correct answer, updated for the current law.

### References to the EPC


By: Jelle Hoekstra



The ideal reference book for the EQE and daily use. The main book, of almost 900 pages, gives the EPC Articles, mixed with the Rules, relevant parts of the Guidelines, many selected Ancillary Regulations, all Enlarged Board decisions and all established case law. The book is a unique one-stop shop, covering all relevant information for the EPC part of the EQE.

Many flow-charts, legal overviews and tables are included to enable fast answering in the EQE.





**“VERY HELPFUL AND  
MOTIVATED PEOPLE,  
WHICH GIVES A VERY  
INTERESTING AND  
WARM FEELING  
DURING THE  
COURSE.”**



## Meet the Tutors



Jelle Hoekstra



Roel van Woudenberg



Sander van Rijnsouw



Nico Cordes



Diane Tweedlie



Jessica Kroeze



Tnaja laCour



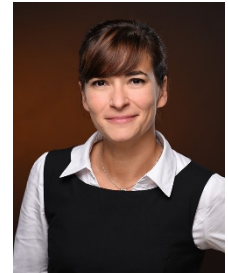
Joeri Beetz



Grégory Baque



Heide Götz



Cécile Kirsch



Mieke Zonjee

## Contact

For more information please visit the DeltaPatents website ([www.deltapatents.com](http://www.deltapatents.com)) or contact Mieke Zonjee at DeltaPatents ([training@deltapatents.com](mailto:training@deltapatents.com)).



# REGISTRATION FORM

FOR COURSES OFFERED IN THE NETHERLANDS, DENMARK, FRANCE, GERMANY, ITALY, SWEDEN AND UK

You may register by **fax** + 31 40 2366708 **mail** DeltaPatents B.V., Fellenoord 370, 5611 ZL Eindhoven, the Netherlands

**website** www.deltapatents.com **e-mail** training@deltapatents.com

name

company

address

billing-address (if different)

billing e-mail or phone

purchase order

VAT-number

tel. no.

e-mail address

First price mentioned is for courses in the Netherlands, second price mentioned is for courses in Denmark, France, Germany, Italy, Sweden and UK. A registration fee of €122 is charged for each booking. If more than one course is booked at the same time, only one administrative fee of €122 will be charged. All prices are exclusive of 21% VAT. No VAT will be charged if a VAT-number is provided on this form.

Paper A & B ☐ 4-day A & B Methodology €1.550/€1.870

Date:

☐ 2-day A Methodology €775/€935

☐ 2-day B Methodology €775/€935

Paper C ☐ 3-day C Methodology €1.160/€1.430

Date:

☐ 2-day C Guided Course €1.050/€1.270

☐ 5-day C Full Preparation: 3-day Methodology and 2-day Guided Exam €2.600

Paper D ☐ 3-day D (DI – DII) Methodology €1.160/€1.430

☐ English

☐ German

Date:

☐ 2-day D (DI – DII) Guided Course €1.100/€1.320

☐ 5-day D Full Preparation: 3-day Methodology and 2-day Guided Exam €2.650

☐ 4-day D Guided Trial Run €1.550/€1.870

☐ English

☐ German

☐ 5-day D Guided Trial Run (incl. D Methodology crash) €1.940/€2.310 ☐ English ☐ German

Paper A & B ☐ 4-day A & B Methodology €1.550/€1.870

Date:

☐ 2-day A Methodology €775/€935

☐ 2-day B Methodology €775/€935

Cancellation policy: please check our website for our cancellation policy