

What's New in ePCT

16 & 18 April 2024

Q&A Report

No.	Questions	Answers
I. Access Rights		
1	When do you plan to start sending those e-mails with the link valid for 7 days?	The new procedure started from the release of the new version of ePCT (4.13) on Monday, 15 April 2024.
2	Working as a current eOwner, if a R92bis request is filed (which I probably initiated) - the notification email with link will be sent to the email that is listed under the Applicant - correct?	The notification "Confirm ePCT access rights" is sent to the e-mail of record. Therefore, it can be either the applicant's e-mail or the agent's if an agent has been appointed.
3	After filing the 92bis request for change of agent, will the Notification be sent to the old agent or the new agent?	The notification "Confirm ePCT access rights" is sent to the e-mail of record. When it's a change of agent, this notification will be sent to the e-mail of the new agent after the change has been duly recorded by the IB.
4	Will I continue to receive emails based on being eOwner or do emails only go to the email listed (in our case is our docketing department)?	<p>As an eOwner, you will still receive ePCT notifications according to your ePCT Notification preferences, and no change has been made in this regard.</p> <p>The notification "Confirm ePCT access rights" is relating to the change under PCT R92bis. The purpose is to allow the applicant/agent to verify the existing access rights in the application concerned after the change. Therefore, this notification is sent to the e-mail of record, namely the e-mail of either the agent (e.g., the docketing department) or if no agent, the (deemed) common representative, namely an applicant.</p>
5	To confirm, when you say "the applicant controls all access rights" during a 92bis change, the same also applies to "the applicant's agent" when the applicant is represented by this agent, correct?	The term "applicant" used in this context refers to the agent, (deemed) common representative or address for correspondence, namely the person who is entitled to receive communications from the IB.

6	Will the links being sent to the new agent be clickable only within the email itself? For example, if the email is converted to PDF, can the link be copied and pasted into a search engine and accessed that way?	It depends on the PDF printer and the output format. The hyperlink may be lost if the e-mail is saved as image format PDF document. If the text format is kept, the link will still work and be clickable.
7	What happens if the notice to confirm access rights is never answered (no response is given in the notice link)?	<p>The current eOwner(s) will no longer have access to the application (confidential data and documents). The IA access remains suspended, so it's not possible to submit a request for access rights either.</p> <p>However, you can still contact us to reactivate the IA access. In the next version of ePCT, it will be possible to resend the notification from ePCT if no action was taken and the link has expired.</p>
8	Is there a way to manage access rights while filing an application? (Rather than after it is filed)	Using ePCT you can manage access rights since the creation of your draft application.
9	What happens in cases where we file IA with RO/EP, and we would like to request access rights to this IA in ePCT. Do we have to follow the same procedure as showed here?	<p>When using EPO Online Filing 2.0 to file PCT applications, it's possible to request access rights at the time of filing. Please refer to Generate access rights code with ePCT-compatible software at the time of filing</p> <p>Also, you can request access rights after filing following the instructions: Action - Request access rights to an international application after filing</p>
10	Is it possible when filing the R92bis request simultaneously give confirmation that the access rights remain same?	<p>The notification "Confirm ePCT access rights" is sent after the R92bis change request has been processed by the IB, because the change must be examined by the IB before it can be recorded.</p> <p>Please be reminded that if the request is submitted via the ePCT Action - Rule 92bis change request, the system will be able to identify the type of the change and some changes will not suspend the IA access.</p>
11	Did I understand correctly that upload of assignments confirming the transfer of rights is mandatory when adding new applicants or when a 92bis applicants change in the IA has to be made?	When the change of applicant is requested by a new agent (representing the new applicant), then documentary evidence such as assignment documents are required, together with a power of attorney in favour of the new agent from the new applicant. However, if the change of applicant is requested by the agent of record (already appointed), there is no need to submit assignment documents.

12	Is it only possible to applicant to give access rights? What about representatives?	The notification “Confirm ePCT access rights” is sent to the e-mail of record. When there is an agent appointed by the applicant(s) who has been recorded in the application, it’s the agent’s e-mail.
13	When filing a 92bis, because we are now the new agent on an already filed application, will the access right email have a link to add/confirm us as the new owner? Or is it just to confirm or remove currently listed owners?	The link in the notification “Confirm ePCT access rights” is for you to remove or keep the existing access rights in the application and also have the IA access reactivated. In you case, after you removed the existing access rights (eOwners, eEditors, eViewers), immediately you will be able to use ePCT Action to request your own access rights. Refer to Action - Request access rights to an international application after filing
14	In case the former agent provides me with the code indicated in the bottom of IB/301, will I be able to access the application and change access rights by myself?	If the former agent didn't have the access right, you can use this code to request access rights in ePCT. Otherwise, you will need to wait for the notification “Confirm ePCT Access rights” sent to you as new agent in order to change access rights (to remove former agent) before you can submit a request to gain access rights.
15	Is it still possible to file as a natural person with domicile in a Law Firm or is it mandatory to file as Legal Entity?	There is no change on this. The requirements on who may be appointed as an agent, a natural person and/or a legal entity, are determined by the receiving Office. Please refer to the PCT Applicant's Guide , Annex C.
16	If a new agent is appointed subsequently to the filing under Rule 92bis. If the person signing a 92bis action signs on behalf of the applicant (and is the same as the agent to be appointed), would a power of attorney still need to be submitted?	A power of attorney is required when an agent is appointed by the applicant after filing. Please note that the purpose of the statement of authorization for signing is mostly to replace the indication of position/title of a signatory who works at the Applicant legal entity/ company. It is not to waive the power of attorney appointing an agent.
17	For a change of Agent is it still mandatory to send the POA also in original to the RO?	A copy of the POA submitted to the IB is already sufficient for the change of agent.
18	It is still necessary to submit the POA both by ePCT and then by courier in original, isn't it?	
19	Is it no longer possible to sign on behalf of someone else as an agent? i.e., the patent administrator signing on behalf of the patent attorney (in the attorney’s name).	PCT requires the signature from a person who has the right to represent the applicant, in your case the attorney (i.e., the agent). We recommend that you use the external signature function to collect the attorney’s signature into ePCT if the attorney does not have a WIPO Account, or share access rights with the attorney for him/her to sign documents if he/she has an account.

20	Would it be possible for a "new address for correspondence" (US counsel as new address for correspondence for NZ Applicant) to remove previous agent of record's access, provided 92bis requesting address for correspondence update is signed by Applicant of record?	Yes, when the address for correspondence is recorded by the IB to replace the agent, the e-mail provided by the address for correspondence in the R92bis request will receive the notification to manage access rights after the R92bis change, including to remove the former agent's access rights.
21	Please could you explain in what situations would the access rights be automatically suspended?	The R92bis requests submitted via the Upload Documents function always suspend the access to the application as the system is unable to identify the type of the change. If you use ePCT Action, depending on the type of change, some changes which have an impact on the existing access rights will suspend the access, while some will not, as follows: Applicant or Agent: change of name, person and/or address will suspend access; Inventor only (not also applicant): change of name and/or person will suspend access; Inventor only (not also applicant): change of address will NOT suspend access; Deletion of Applicant, Inventor or Agent will suspend access.
22	Would confirmation be required for any Rule 92bis request? or just Applicant and agent change?	However, adding a new Party (regardless of the type) or submitting a request for change concerning only the nationality, residence, country of address, telephone or facsimile number, e-mail address, notification method, or applicable designations will not result in online access being suspended. Please refer to Action – Rule 92bis change request overview
23	It is correct that we receive no notification if we change just the inventor or inventor data?	Inventor only (not also applicant): change of name and/or person will suspend access; Inventor only (not also applicant): change of address will NOT suspend access; Deletion of a party, including an inventor will suspend access. Please refer to Action – Rule 92bis change request overview
24	I have submitted Rule 92bis request via the Action tab to update both Applicant and inventor addresses and access has been suspended. Is this how it's supposed to be?	The IA access is suspended due to the change of the applicant's address. If it's only a change of address of the inventor only (not also applicant) submitted, the access will not be suspended.
25	Follow up question: you mention that submitting a request for change concerning only the nationality, residence, country of address, telephone or facsimile number, notification method, or applicable designations will not result in online access being suspended. However, if	It happens in some cases where the change request is submitted as a change of address of an applicant (legal entity), but in fact it's also a change of the person/applicant. For security reasons and the applicant's benefits, IA access is also suspended for the change of the applicant's address.

	through the application, you mention Applicant address change will suspend access.	
26	Our employee with eOwner rights has left our firm. WIPO removed rights on all applications for this employee. ePCT indicates eOwner exists, we cannot request access. How can we determine who has eOwner rights - so access can be requested by that individual?	In this case, there is at least another eOwner in addition to the employee who has left. You can contact us, and we will help you to identify the existing eOwner(s). Then it will be the other existing eOwner or one of the other existing eOwners to share access rights with more colleagues. Note that, it's impossible to submit such a request for access rights when there is already an eOwner in the application.
27	If a PCT application that it is transfer to me, is handled by a different agent, how can I take action for representing the applicant?	You will need to submit a request under PCT R92bis to have you duly recorded as the new agent, so you can represent the applicant in the application concerned. As to managing the application in ePCT, you will need to request access rights to the application after the IB recorded the change of agent. If the former agent was an eOwner of the application, you will receive the notification containing the link for you to remove his/her access before you are able to request your own access rights.
28	Who will have access rights if the applicant has an unfortunate accident? What are your recommendations.	It is always recommended to have at least two eOwners per application. Any eOwner can manage access rights, including the removal of existing eOwner(s) and addition of new eOwner(s). If the sole eOwner is unable to manage an application and instead would like to have a new eOwner, please contact us for assistance.
II. Miscellaneous Questions		
29	The new version of ePCT released on Monday, 15 April 2024 is active for filing patent application?	ePCT is active and available even when we release a new version with new features. You can always use it for your filings.
30	Just to clarify, when uploading 92bis, or inventors' declaration, etc. using actions, the ability to select the option indicating the uploaded documents are already signed so no text, external or other electronic signature will be required?	Yes, if a document that you upload in an ePCT Action already contains the required signature(s). Under "Signature type", you can simply select "Document(s) signed by Applicant/Agent included in the attachment(s)" and then submit the Action.
31	If filing with the IB, and the attorney is US (not authorized to represent the applicant before the IB office, as the applicant has no US nationality and/or residence), can they select to be authorized to sign on behalf of the Applicant	In this case, the attorney can be recorded as address for correspondence and only the applicant can sign the request form (PCT/RO/101).

	for a new application? Or do we have to have the actual Applicant sign in this instance?	
32	Please confirm whether ePCT does require EU approved attorney or any one as patent agent from any country.?	<p>A person may be appointed as agent if that person has the right to practice before the receiving Office with which the international application is filed. Where the international application is filed with RO/IB, 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.</p> <p>There are now 87 receiving Office using ePCT to accept PCT filings. Please refer to the PCT Applicant's Guide, Annex C of the Office you selected to check more specific information.</p> <p>In ePCT, only when you selected RO/IB, you will need to confirm your entitlement to be appointed as agent at the time of filing, as shown below:</p> <div data-bbox="987 616 1771 962" style="border: 1px solid #ccc; padding: 5px;"> <p>Party</p> <p><input checked="" type="radio"/> Agent</p> <p><input type="radio"/> Common representative</p> <p><input type="radio"/> Address for correspondence (no agent or common representative appointed)</p> <hr/> <p>Type *</p> <p><input type="radio"/> Legal entity</p> <p><input checked="" type="radio"/> Natural person</p> <hr/> <p><input type="checkbox"/> The Agent is entitled to practice before the following Receiving Office</p> <p>IMPORTANT: Based on the nationality and residence of the applicant(s), the agent would only be entitled to act before the receiving Office (RO/IB) if entitled to practice before one of the following receiving Offices: EP, IT, US Learn more</p> </div>
33	Can a response to correct defects be submitted this way, or do we still need to do that through the RO?	<p>When the RO is the competent authority to examine and authorize the correction, it is required to submit to the RO, such as a response to correct defects outlined in the Form PCT/RO/106. ePCT can be used if this RO accepts eRouted documents via ePCT.</p> <p>Please note that currently RO/US does not accept eRouted documents. The USPTO's system, Patent Center, should be used for such a submission.</p>
34	Regarding changing the IA in ePCT - does that mean a draft ePCT record for an upcoming PCT application filing can be changed from, say, the IB to the US Receiving Office without having to recreate completely? Previously, once a Receiving Office was chosen, it couldn't be changed, correct?	<p>The function "Change receiving Office" does not apply to the draft application when RO/US is selected, as ePCT is only used to prepare the request form instead of a direct filing in ePCT.</p> <p>Please also note that only if the selected receiving Office is not RO/IB, you have a one-time opportunity to change the selected receiving Office to RO/IB. It's not possible to change from RO/IB to another receiving Office.</p>

35	<p>We prepared a draft request form and would like to change the RO after. However, we cannot find a function to do so, could you please advise if it's possible. And if so, how. If not, can WIPO add this function?</p>	<p>Please note that if the selected receiving Office is not RO/IB, you have a one-time opportunity to change the selected receiving Office to RO/IB. Due to various technical settings and validations involved for different Offices, the function is limited to changing receiving Office to RO/IB only.</p> <p>Also, if the original receiving Office is IL or US, the option to change the RO to RO/IB is not available due to the very limited validation functionality with these two Offices as only the request form is prepared in ePCT.</p> <p>Please refer to "Change receiving Office".</p>
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