



C.PCT 949  
21.1

October 22, 2003

Madam,  
Sir,

This Circular is addressed to your Office in its capacity as an elected Office under the Patent Cooperation Treaty (PCT). It concerns new Rule 94.1(c) of the Regulations under the PCT as adopted by the PCT Assembly on October 1, 2002, and due to enter into force on January 1, 2004. For ease of reference, the text of amended Rule 94 is set out in the Annex to this Circular.

It is recalled that, under Rule 94.1(b), the International Bureau is required to furnish copies of any document contained in its file at the request of any person, but not before the international publication of the international application and subject to Article 38 and Rule 44*ter*.1, and subject to the reimbursement of the cost of the service. Under new Rule 94.1(c), the furnishing of documents under paragraph (b) shall, if so requested by an elected Office, include the furnishing of copies of the international preliminary examination report on behalf of that elected Office. In adopting new Rule 94.1(c), the PCT Assembly decided that new Rule 94.1(c) shall apply 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.

If your Office, in its capacity as an elected Office under the PCT, plans to request that the International Bureau furnish copies of the international preliminary examination report on behalf of your Office in accordance with Rule 94.1(c), the International Bureau asks that your Office notify the International Bureau accordingly. Any such request would have effect as of January 1, 2004, or any later date your Office would specify.

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The International Bureau would appreciate receiving any such notifications as soon as possible, preferably by fax to (+41-22) 910 00 30, so that the relevant information can be published in the *PCT Gazette* as provided by Rule 94.1(c).

Yours sincerely,



Francis Gurry  
Assistant Director General

Enclosure: Annex – Text of Rule 94

**Rule 94**  
**Access to Files**  
**(as with effect from January 1, 2004)**

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 Rule 44~~ter~~.1, furnish, subject to the reimbursement of the cost of the service, copies of any document contained in its file.

(c) The International Bureau shall, if so requested by an elected Office, furnish copies of the international preliminary examination report under paragraph (b) on behalf of that Office. The International Bureau shall promptly publish details of any such request in the Gazette.

94.2 *Access to the File Held by the International Preliminary Examining Authority*

At the request of the applicant or any person authorized by the applicant, or, once the international preliminary examination report has been established, of any elected Office, the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in its file.

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 international publication of the international application. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

[End of Annex and of Circular]