



C. PCT 1044
-21.1

September 6, 2005

Madam,
Sir,

1. In accordance with Rule 89.2(a) of the Regulations under the Patent Cooperation Treaty (PCT), modifications of the Administrative Instructions under the PCT (including Annex F), Form PCT/RO/101, the Notes to Form PCT/RO/101, paragraph 192C(ii) of the PCT Receiving Office Guidelines, Form PCT/ISA/237 (French version only), Form PCT/ISA/220 and Form PCT/IB/372 are hereby promulgated with effect from October 1, 2005.

2. This promulgation follows three separate rounds of consultation pursuant to:

– Circular C. PCT 1014/C. SCIT 2609, Annexes II to VI (dated February 7, 2005), sent to your Office in its capacity as receiving Office, International Searching Authority, International Preliminary Examining Authority and/or designated or elected Office under the PCT, and also to interested intergovernmental or non-governmental organizations, regarding modification of Parts 1, 2, 3, 7 and 8, and to Annexes C, C-bis and F of the Administrative Instructions;

– Circular C. PCT 1032 (dated May 2, 2005), sent to your Office in its capacity as receiving Office, and, in so far as the United States of America is concerned, as designated and/or elected Office under the PCT, and also to interested intergovernmental or non-governmental organizations, regarding modified signature requirements in respect of the declaration of inventorship referred to in PCT Rule 4.17(iv);

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– Circular C. PCT 1043 (dated July 25, 2005), sent to your Office in its capacity as receiving Office, International Searching Authority, International Preliminary Examining Authority and/or designated or elected Office under the PCT, and also to interested intergovernmental or non-governmental organizations, regarding changes to the types of physical media that are accepted under Annex F of the Administrative Instructions.

Modifications pursuant to Circular C. PCT 1014/C. SCIT 2609

3. The modifications of Sections 102*bis* and 335 of the Administrative Instructions are as proposed by Circular C. PCT 1014/C. SCIT 2609, Annex II, except that, as a result of the consultations, further changes have been made so as to allow the filing of PCT-EASY request data and abstracts on any physical medium that is specified by the receiving Office, provided that such physical medium is in accordance with Annex F of the Administrative Instructions (see the list of acceptable physical media in Annex F, Appendix IV, section 4, including diskettes, CD-R and DVD-R). Please note that receiving Offices which already accept diskettes under present Section 102*bis*(a) are invited to notify the International Bureau under Section 102*bis*(b) only if they also accept other types of physical media (such as CD-R and DVD-R) for the filing of PCT-EASY request data and abstracts.

4. The modifications of Sections 703, 705, 708, 709 and 711 of the Administrative Instructions are as proposed by Circular C. PCT 1014/C. SCIT 2609, Annex III.

5. The modifications of Sections 701, 702, 704, 705*bis*, 707, 710, 712 and 713 and of Annex F of the Administrative Instructions are as proposed by Circular C. PCT 1014/C. SCIT 2609, Annexes III and VI, respectively, except that, besides modifications of a mere drafting nature, further changes have been made so as to take into account that certain modifications proposed by Circular C. PCT 1014/C. SCIT 2609 are not yet promulgated but rather will be the subject of a further round of consultations (see paragraph 8, below).

6. Note that modifications of Section 703(b)(iii) and Appendix III of Annex F of the Administrative Instructions (Basic Common Standard) have no effect on reservations notified to the International Bureau under Section 703(f). Reservations already in force under Section 703(f) will therefore continue to be effective for as long as the incompatibility with any of items (ii) to (iv) of Section 703(b) continues.¹

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¹ See “PCT Reservations, Declarations, Notifications and Incompatibilities” at: www.wipo.int/pct/en/texts/reservations/res_incomp.pdf.

7. Note further that the modifications of Section 710(a) and Appendix III of Annex F of the Administrative Instructions have no effect on notifications that have already been sent to the International Bureau under that Section. Receiving Offices, International Searching Authorities and International Preliminary Examining Authorities that have already sent notifications under Section 710(a) will thus not be required to send new notifications to the International Bureau.²

8. Consequential on comments received during the consultations, certain modifications of the Administrative Instructions proposed by Circular C. PCT 1014/C. SCIT 2609, Annexes II to VI, are not yet promulgated but will require further consultations under Rule 89.2(b). This concerns, in particular:

(a) provisions concerning the determination of the date of receipt of international applications filed in electronic form and by electronic means of transmissions (“online filings”) (see Circular C. PCT 1014/C. SCIT 2609, paragraphs 14 and 15, and in particular the modifications of Sections 704 and 710 proposed in Annex III of that Circular);

(b) provisions concerning the submission of backup copies where the international application is filed in electronic form (see, in particular, the modifications of Sections 706 and 710 proposed in Annex III of Circular C. PCT 1014/C. SCIT 2609);

(c) provisions for corrections, amendments and rectifications of the description or the claims in relation to an international application which has been filed in electronic form in character coded format (see Circular C. PCT 1014/C. SCIT 2609, paragraphs 17 and 18, and in particular the addition of Section 706*bis* proposed in Annex III of that Circular);

(d) the move from present Part 8 to Part 7 of provisions, further modified, relating to the filing and processing in electronic form of sequence listings and tables related thereto where the remainder of the international application is filed on paper, and the proposed deletion of present Part 8 (see Circular C. PCT 1014/C. SCIT 2609, paragraphs 19 to 21, and 24, and in particular the addition of Section 714 proposed in Annex III of that Circular, the deletion of Part 8 proposed in Annex IV of that Circular, and the modification of Annex C and the deletion of Annex C-*bis* proposed in Annex V of that Circular);

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² See the list of notifications under Section 710 and the Table of Notifications at: http://www.wipo.int/pct-safe/en/pct_ros/notifications.htm.

(e) provisions allowing for the filing not only of sequence listings and tables related thereto in electronic form (as under present Part 8) but also of computer program listings and tables related thereto (see Circular C. PCT 1014/C. SCIT 2609, paragraph 22, and in particular the modifications of Sections 202, 204, 207, 707 and 714 proposed in Annexes II and III of that Circular);

9. A separate Circular, inviting comments on proposed further modifications of the provisions referred to in paragraph 8, above, will be sent in due course.

10. The text of the modifications of Annex F of the Administrative Instructions is set out in document PCT/AI/ANF/1 Rev.3, dated September 6, 2005. This document is available on WIPO's web site at: www.wipo.int/pct/en/texts/index.htm. Paper copies of this document are available from the International Bureau upon request.

Modifications pursuant to Circular C. PCT 1032

11. The modifications are as proposed in Circular C. PCT 1032, concerning:

- Section 214(a) of the Administrative Instructions;
- Box No. VIII (iv) of Form PCT/RO/101 entitled “Declaration of Inventorship”;
- Notes to Form PCT/RO/101; and
- Paragraph 192C(ii) of the PCT Receiving Office Guidelines.

Modifications pursuant to Circular C. PCT 1043

12. The modifications are as proposed by Circular C. PCT 1043 and in the PFC/05/003 file, which is available on WIPO's web site at: www.wipo.int/pct/efiling_standard/en/pfc_files.htm. As a result of the consultations, sections 4.6 and 4.7 of Appendix IV of Annex F have been deleted.

13. The text of the modified sections of Appendix IV of Annex F of the Administrative Instructions is set out in document PCT/AI/ANF/1 Rev.3, dated September 6, 2005. As above indicated, this document is available on WIPO's web site; paper copies of this document are available from the International Bureau upon request.

Modifications to Form PCT/ISA/237 (French version only)

14. Note that, in addition to the modifications referred to in Circulars C. PCT 1032, C. PCT 1014/C. SCIT 2609 and C. PCT 1043, Form PCT/ISA/237 has also been modified to correct inconsistencies in the French version only, as follows:

– Addition of a box at the bottom of the cover page to provide for the indication of the date of completion of the written opinion of the International Searching Authority (ISA).

Modifications to Forms PCT/ISA/220 and PCT/IB/372

15. Note further that, in addition to the modifications referred to in Circulars C. PCT 1032, C. PCT 1014/C. SCIT 2609 and C. PCT 1043, Forms PCT/ISA/220 and PCT/IB/372 have also been modified to update the facsimile number at the International Bureau.

Enclosed documents

./ 16. The text of the modified Sections of the Administrative Instructions is set out in the enclosed document PCT/AI/2 Rev.4, dated September 6, 2005.

./ 17. The text of modified paragraph 192C(ii) of the PCT Receiving Office Guidelines is set out in the enclosed document PCT/GL/RO/3 Rev.1, dated September 6, 2005.

18. These documents are also available on WIPO's web site at: www.wipo.int/pct/en/texts/index.htm and www.wipo.int/pct/en/texts/gdlines.htm, respectively. Paper copies of these documents are available from the International Bureau upon request.

Availability of Modified Form PCT/RO/101 and Notes thereto, of Modified Forms PCT/ISA/237 (French version only), PCT/ISA/220 and PCT/IB/372

19. Modified Form PCT/RO/101 and Notes thereto, Forms PCT/ISA/237 (French version only), PCT/ISA/220 and PCT/IB/372 will be available in PDF format on WIPO's web site as of the date of this Circular at: www.wipo.int/pct/en/forms/.

20. Offices requiring the updated versions of Form PCT/RO/101 and the Notes thereto, Form PCT/ISA/237 (French version only) and Form PCT/ISA/220 either on paper or in electronic form, and either as blank originals and/or as marked-up copies of the Forms and the Notes concerning Form PCT/RO/101, should contact the PCT Legal Division at: pct.legal@wipo.int.

21. As from October 1, 2005, only the updated version of Form PCT/RO/101 and the Notes thereto should be distributed to applicants and used by them.

22. The revised French version of Form PCT/ISA/237 should be used as soon as possible, once it is available on WIPO's web site, by any International Searching Authority working in the French language.

23. The revised version of Form PCT/ISA/220 should be used as soon as possible, once it is available on WIPO's web site, by all International Searching Authorities.

24. Lastly, the revised version of Form PCT/IB/372 should be made available to applicants and used by them as from the date this revised Form is available on WIPO's web site.

Yours sincerely,



Francis Gurry
Deputy Director General

Enclosures: document PCT/AI/2 Rev.4
 document PCT/GL/RO/3 Rev.1

WIPO



PCT/AI/2 Rev.4

ORIGINAL: English

DATE: September 6, 2005

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

PATENT COOPERATION TREATY (PCT)

ADMINISTRATIVE INSTRUCTIONS UNDER THE PATENT COOPERATION TREATY

as in force from October 1, 2005

1. This document contains the text of modifications, with effect from October 1, 2005, of the Administrative Instructions under the Patent Cooperation Treaty (PCT), as in force since April 1, 2005 (see documents PCT/AI/2 dated June 17, 2004, PCT/AI/2 Rev.1 dated February 18, 2005, and PCT/AI/2 Rev.2 and Rev.3, dated March 24, 2005). The modifications contained in this document are promulgated after consultation with the interested Offices and Authorities pursuant to Rule 89.2 of the Regulations under the PCT. Only editor's notes relating to the modifications are reproduced in this document; the editor's notes appearing in document PCT/AI/2, have been omitted from this document and remain as set out in document PCT/AI/2.

2. The modifications contained in this document, with effect from October 1, 2005, will be published in PCT Gazette No. 39/2005 on September 29, 2005. This document is also available, together with the other documents that contain the Administrative Instructions in force, on WIPO's web site at: <http://www.wipo.int/pct/en/texts/index.htm>; paper copies are available from the International Bureau of WIPO upon request.

MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS

(as in force from October 1, 2005)

Section 102bis

**Filing of PCT- EASY Request Together with
PCT-EASY Physical Medium Containing Request Data and Abstract**

(a) Pursuant to Rule 89*ter*, any receiving Office may, if it is prepared to do so, accept the filing with it of an international application containing the request presented as a print-out prepared using the PCT-EASY features of the PCT-SAFE software made available by the International Bureau (“PCT-EASY request”) together with a physical medium that has been specified by the receiving Office in accordance with Annex F. Such physical medium shall contain a copy in electronic form of the data contained in the request and of the abstract (“PCT-EASY physical medium”).

(b) Any receiving Office which, under paragraph (a), accepts the filing of PCT-EASY requests together with PCT-EASY physical media shall notify the International Bureau accordingly. The International Bureau shall promptly publish this information in the Gazette.

(c) Item 3(a) of the Schedule of Fees annexed to the Regulations shall apply to reduce the fees payable in respect of an international application containing a PCT-EASY request filed, together with a PCT-EASY physical medium, with a receiving Office which, under paragraph (a), accepts the filing of such international applications.

Section 214

Declaration of Inventorship

(a) A declaration of inventorship, referred to in Rule 4.17(iv), that is made for the purposes of the designation of the United States of America shall be worded as follows:

“Declaration of inventorship (Rules 4.17(iv) and 51*bis*.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, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

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 26*ter*).

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading “Prior Applications,” by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor’s certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: ...

Residence: ... (city and either US state, if applicable, or country)

Mailing Address: ...

Citizenship: ...

Prior Applications: ...

Inventor's Signature: ... (The signature must be that of the inventor, not that of the agent)

Date: ...”

(b) Where there is more than one inventor and all inventors do not sign the same declaration referred to in paragraph (a), each declaration shall indicate the names of all the inventors.

(c) Any correction or addition under Rule 26*ter*.1 of a declaration referred to in paragraph (a) shall take the form of a declaration referred to in that paragraph and be signed by the inventor. In addition, any such correction shall be entitled “Supplemental declaration of inventorship (Rules 4.17(iv) and 51*bis*.1(a)(iv))”.

Section 335

Transmittal of PCT-EASY Request Data and Abstract

The request data and abstract contained on a PCT-EASY physical medium furnished to the receiving Office in accordance with Section 102*bis* shall be transmitted by that Office to the International Bureau, in a form and manner agreed upon by that Office and that Bureau, at the same time as the record copy.

PART 7
INSTRUCTIONS RELATING TO THE FILING AND PROCESSING IN
ELECTRONIC FORM OF INTERNATIONAL APPLICATIONS

Section 701
Abbreviated Expressions

For the purposes of this Part and Annex F, unless the contrary clearly follows from the wording, the nature of the provision or the context:

(i) “electronic package” means a package of one or more electronic files assembled for the purposes of transmission of one or more documents in electronic form;

(ii) and (iii) [No change]

(iv) “electronic signature” means information in electronic form which is attached to, or logically associated with, a document in electronic form, which may be used to identify the signer and which indicates the signer’s approval of the content of the document;

(v) [No change]

(vi) “communication” of an international application or other document has the same meaning as in Rule 89*bis*.3;

(vii) words and expressions whose meanings are explained in Annex F have the same meanings in this Part.

Section 702

Filing, Processing and Communication in Electronic Form of International Applications

(a) The filing, processing and communication of international applications filed in electronic form, and the processing and communication in electronic form of international applications filed on paper, shall be in accordance with this Part and Annex F.

(b) Subject to this Part, an international application that is filed, processed or communicated in electronic form shall not be denied legal effect merely because it is in electronic form.

(c) This Part and Annex F do not apply to an international application containing a sequence listing part which is filed in electronic form under Section 801(a), except that Section 705*bis* shall apply *mutatis mutandis* to such an application to the extent that it is filed on paper.

Section 703

Filing Requirements; Basic Common Standard

(a) [No change]

(b) An international application filed in electronic form shall be:

(i) and (ii) [No change]

(iii) in the form of an electronic package, appropriate to the means of transmittal, that has been specified by the receiving Office in accordance with Annex F or that complies with the basic common standard;

(iv) and (v) [No change]

(c) to (f) [No change]

Section 704

Receipt; International Filing Date; Signature; Physical Requirements

(a) to (g) [No change]

Section 705

**Home Copy, Record Copy and Search Copy
Where International Application is Filed in Electronic Form**

(a) to (d) [No change]

Section 705bis

**Processing in Electronic Form of International Applications Filed on Paper;
Home Copy, Record Copy and Search Copy**

(a) Where an international application is filed on paper, it may, subject to this Part, be processed and kept as a complete and accurate copy in electronic form prepared by the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau. Any receiving Office, International Searching Authority or International Preliminary Examining Authority which proceeds under this paragraph shall notify the International Bureau accordingly.

(b) Pursuant to paragraph (a) and for the purposes of Article 12, where an international application is filed on paper:

(i) the receiving Office may keep a copy in electronic form referred to in that paragraph as the home copy;

(ii) the International Bureau may keep a copy in electronic form referred to in that paragraph as the record copy;

(iii) the International Searching Authority may keep a copy in electronic form referred to in that paragraph as the search copy.

(c) Where a copy in electronic form is kept as the record copy under paragraph (b)(ii), the original of the international application as filed on paper shall be kept, for a period of at least 10 years from the international filing date, by the International Bureau or, where so agreed by the receiving Office and the International Bureau, by the receiving Office on behalf of the International Bureau. The original shall be marked with the words “INTERNATIONAL APPLICATION—ORIGINAL AS FILED ON PAPER (SECTION 705bis)” or their equivalent in the language of publication of the international application on the bottom of the first page of the request and of the first page of the description.

(d) Where, before the expiration of the period referred to in paragraph (c), the International Bureau finds, upon request for correction made by the applicant or otherwise, that a copy in electronic form kept as the record copy under paragraph (b)(ii) is not in fact a complete and accurate copy of the original kept under paragraph (c), it shall correct the record copy so as to bring it into conformity with the original. If the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or a designated or elected Office considers that the International Bureau should make a finding under the first sentence of this paragraph, it shall call the relevant facts to the attention of the International Bureau.

(e) Where the International Bureau has corrected the record copy in accordance with paragraph (d), it shall promptly notify the applicant, publish the corrected international application together with a revised front page, and publish a notice of this fact in the Gazette. Section 422(a)(i) to (v) shall apply *mutatis mutandis* with regard to the notification of the receiving Office, the International Searching Authority, the International Preliminary Examining Authority and the designated and elected Offices.

Section 706

[No change]

Section 707

Calculation of International Filing Fee and Fee Reduction

(a) Where an international application is filed in electronic form, the international filing fee shall, subject to paragraph (a-*bis*), be calculated on the basis of the number of sheets that the application would contain if presented as a print-out complying with the physical requirements prescribed in Rule 11.¹

(a-*bis*) Where an international application filed in electronic form contains a sequence listing as referred to in Rule 5.2(a), the calculation of the international filing fee shall not take into account any sheet of the sequence listing nor any sheet of any tables related thereto in excess of 400 sheets.

(b) [No change]

Section 708

Special Provisions Concerning Legibility, Completeness, Infection by Viruses, Etc.

(a) Where an international application is filed in electronic form, the receiving Office shall promptly check whether the application is legible and whether it appears to have been fully received. Where the Office finds that all or part of the international application is illegible or that part of the application appears not to have been received, the international application shall be treated as not having been received to the extent that it is illegible or, where transmitted by electronic means, that the attempted transmission failed, and the Office shall, if practicable having regard to the indications furnished by the applicant, promptly notify the applicant accordingly.

(b) Where a purported international application is received in electronic form, the receiving Office shall promptly check it for infection by viruses and other forms of malicious logic. Where the Office finds that the purported application is so infected:

(i) to (v) [No change]

¹ Noting that Rule 11 leaves some flexibility as to the margins of the sheets (see Rule 11.6) and the size of the characters (see Rule 11.9(d)), the international filing fee should be calculated on the basis of the number of sheets that the application would contain if presented as a print-out complying with the minimum margin and character size requirements. In practice, however, the receiving Office should not print-out the international application but rather rely on the number of pages of the international application as calculated by the electronic filing software and indicated in the request.

Section 709

Means of Communication with the Receiving Office

(a) to (c) [No change]

Section 710

Notification and Publication of Receiving Offices' Requirements and Practices

(a) A notification by a receiving Office to the International Bureau under Rule 89*bis*.1(d) and Section 703(a) that it is prepared to receive international applications in electronic form shall indicate, where applicable:

(i) the electronic document formats, means of transmittal, types of electronic packages, electronic filing software and types of electronic signature specified by it under Section 703(b)(i) to (iv) and (c), and any options specified by it under the basic common standard;

(ii) the conditions, rules and procedures relating to electronic receipt, including hours of operation, choices for processes to verify or acknowledge receipt, choices for electronic communication of invitations and notifications, any methods of online payment, details concerning any help desks, electronic and software requirements and other administrative matters related to the filing in electronic form of international applications and related documents;

(iii) to (v) [No change]

(vi) the certification authorities that are accepted by the Office, and the electronic addresses of the certificate policies under which certificates are issued;

(vii) [No change]

(b) The receiving Office shall notify the International Bureau of any change in the matters previously indicated by it in a notification under Section 705*bis*(a) or paragraph (a) of this Section.

(c) The International Bureau shall promptly publish in the Gazette any notification received by it under Section 705*bis*(a) or paragraph (a) or (b) of this Section.

(d) [No change]

Section 711

Electronic Records Management

(a) Records, copies and files in electronic form in relation to international applications shall be processed and, for the purposes of Rule 93, kept in accordance with the requirements of authentication, integrity, confidentiality and non-repudiation, and having due regard to the principles of electronic records management, set out in Annex F.

(b) [No change]

Section 712

Access to Electronic Records

Access permitted by the Treaty, the Regulations or these Administrative Instructions to documents contained in the file of an international application filed, processed or kept in electronic form may, at the option of the national Office or intergovernmental organization concerned, be provided by electronic means or in electronic form, having due regard to the need to ensure the integrity and where applicable confidentiality of data, the principles of electronic records management set out in Annex F, and the need to ensure security of the electronic networks, systems and applications of the Office or organization.

Section 713

Application of Provisions to International Authorities and the International Bureau, and to Notifications, Communications, Correspondence and Other Documents

(a) The provisions of this Part, other than Sections 703(c), 704(c) to (g), 706, 707, 708(b)(iii) to (v), 710(a)(iv) and 714(b), shall, if they are capable of applying but do not expressly apply to the International Searching Authorities, the International Preliminary Examining Authorities and the International Bureau, apply *mutatis mutandis* to those Authorities and that Bureau.

(b) The provisions of this Part, other than Sections 702(c), 703(c), 704(c) to (f), 705, 705bis(b) to (e), 706, 707, 708(b)(iii) to (v) and 710(a)(iv), shall, if they are capable of applying but do not expressly apply to notifications, communications, correspondence or other documents relating to international applications that are filed, processed or communicated in electronic form, shall apply *mutatis mutandis* to such notifications, communications, correspondence or other documents relating to international applications.

Section 714

Furnishing by the International Bureau of Copies of Documents Kept in Electronic Form; Designated Offices' Signature Requirements

(a) Where any International Searching Authority, International Preliminary Examining Authority or designated Office has not notified the International Bureau in accordance with Rule 89bis.1(d) or Section 705bis(a) that it is prepared to process international applications in electronic form, the International Bureau shall furnish to that Office or Authority a copy on paper of any document which is kept by the International Bureau in electronic form and which that Office or Authority is entitled to receive. The International Bureau may also, upon request by the Authority or Office concerned, furnish such copy in electronic form.

(b) Any designated Office may require that any document or correspondence submitted to it by the applicant in electronic form be signed by the applicant using a type of electronic signature specified by it in accordance with Annex F.

Section 804
Preparation, Identification and Transmittal of Copies
of International Applications Containing Sequence Listings and/or Tables

(a) Where sequence listings and/or tables are filed only in electronic form under Section 801(a)(i), the record copy for the purposes of Article 12 shall, subject to Sections 702(c) and 705*bis*, consist of those elements of the international application filed on paper together with the sequence listings and/or tables filed in electronic form.

(b) Where sequence listings and/or tables are filed both in electronic form and on paper under Section 801(a)(ii), the record copy for the purposes of Article 12 shall, subject to Sections 702(c) and 705*bis*, consist of all the elements of the international application filed on paper, including the sequence listings and/or tables filed on paper.

(c) [No change]

(d) Where the sequence listings and/or tables are filed under Section 801(a)(i), the receiving Office shall, subject to Sections 702(c) and 705*bis*, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:

(i) to (iii) [No change]

(e) Where the sequence listings and/or tables are filed under Section 801(a)(ii), the receiving Office shall, subject to Sections 702(c) and 705*bis*, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:

(i) to (iii) [No change]

(f) [No change]

[End of document]

WIPO



PCT/GL/RO/3 Rev.1

ORIGINAL: English

DATE: September 6, 2005

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

PATENT COOPERATION TREATY (PCT)

PCT RECEIVING OFFICE GUIDELINES

(Guidelines for the processing by receiving Offices
of international application under the Patent Cooperation Treaty)

as in force from October 1, 2005

1. This document contains the text of modifications, with effect from October 1, 2005, to the Receiving Office Guidelines under the Patent Cooperation Treaty (PCT), as in force from January 1, 2004 (see document PCT/GL/RO/3 dated December 15, 2003). The modifications contained in this document are promulgated after consultation with the interested Offices and Authorities pursuant to Rule 89.2 of the Regulations under the PCT.

2. The present modifications will be published in *PCT Gazette* No. 39/2005 on September 29, 2005. The full text of this document is published on WIPO's web site at: www.wipo.int/pct/en/texts/gdlines.htm; paper copies are available from the International Bureau of WIPO upon request.

**MODIFICATIONS TO PARAGRAPH 192C
OF THE PCT RECEIVING OFFICE GUIDELINES**

(as in force as from October 1, 2005)

192C. Where the request contains one or more declarations referred to in Rule 4.17, the receiving Office may check (Rule 26ter.2(a)) that:

(i) each declaration is worded as prescribed by Sections 211 to 215, as applicable, and indicates the designated States to which it applies (as explained in the Notes to the request form). The standardized wording of the declaration of inventorship which is applicable only for the purpose of the designation of the United States of America is pre-printed in Box No. VIII (iv) since no part of that wording may be omitted by the applicant;

(ii) any declaration of inventorship in Box No. VIII (iv) is signed and dated directly by the inventor for the United States of America – a signature by an appointed agent is not sufficient for that purpose.

The receiving Office carries out no further checks on any declarations contained in the request form. In particular, it does not check that the name(s) and address(es) of the person(s) making a declaration correspond to the name(s) and address(es) of the applicant(s) or inventor(s) indicated in Boxes Nos. II and III of the request form. It also does not check for the purposes of which State a given declaration is made under Rule 4.17.

[End of document]