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February 7, 2007

Madam,
Sir,

In accordance with Rule 89.2(a) of the Regulations under the Patent Cooperation Treaty (PCT), modifications to the Administrative Instructions, including Annexes D and E thereof and modified Forms for use by applicants and International Authorities, are hereby promulgated with effect from April 1, 2007.

This follows consultation under Rule 89.2(b) of the Regulations under the PCT with your Office in its capacity as receiving Office (RO), International Searching Authority (ISA), International Preliminary Examining Authority (IPEA) or designated/elected Office (DO/EO), and also with certain non-governmental organizations, regarding the modification of the Administrative Instructions and Forms relating to ROs, IB, ISAs and IPEAs.

The modifications are as proposed by Circular C.PCT 1089 (dated November 7, 2006) except where further changes have been made as a result of consultation, as indicated below (editorial and minor drafting changes are not specifically mentioned). Moreover, as a result of consultation, additional modifications have been made to Forms PCT/RO/115, PCT/IPEA/401 and PCT/IPEA/408, and they are promulgated herewith.

Modifications of the Administrative Instructions under the PCT

Sections 303, 305^{ter}, 307, 308, 308^{bis}, 324, 325, 410, 411^{bis}, 413, 413^{bis}, 511, 607 and Annexes D and E of the Administrative Instructions are modified as proposed by Circular C.PCT 1089.

Sections 113, 309, 310, 310^{bis}, 310^{ter}, and 411 of the Administrative Instructions are modified as proposed by Circular C.PCT 1089 and as a result of consultation. Furthermore, Section 102 containing the list of Forms for obligatory use by International Authorities has been updated accordingly.

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Modified Forms relating to receiving Offices

Forms PCT/RO/104, PCT/RO/105, PCT/RO/108, PCT/RO/109 and PCT/RO/111 are modified as proposed by Circular C.PCT 1089.

Form PCT/RO/101 is modified as proposed by Circular C.PCT 1089 and as a result of consultation. Applicants are now notified in the Notes to this Form that they should provide the statement of reasons referred to in Rule 26bis.3(b)(ii) as a separate document rather than in the Supplemental Box. As a consequence, previously proposed new paragraph 1(vi) in the Supplemental Box is now deleted.

Forms PCT/RO/103, PCT/RO/107, PCT/RO/110, PCT/RO/118, PCT/RO/126, PCT/RO/158 and PCT/RO/159 are modified as proposed by Circular C.PCT 1089 and as a result of consultation.

Form PCT/RO/114 is modified as proposed by Circular C.PCT 1089 and as a result of consultation. Check boxes for specific reasons for the refusal of a request for incorporation by reference are added in an Annex to this Form.

Form PCT/RO/115 was erroneously omitted from Circular C.PCT 1089 and incorporates similar changes as in Forms PCT/ISA/209 and PCT/IB/321.

Modified Forms relating to International Searching Authorities

Forms PCT/ISA/209, PCT/ISA/216 and PCT/ISA/217 are modified as proposed by Circular C.PCT 1089.

Forms PCT/ISA/201, PCT/ISA/210 and PCT/ISA/237 are modified as proposed by Circular C.PCT 1089 and as a result of consultation.

Modified Forms relating to the International Bureau

Forms PCT/IB/314, PCT/IB/315 PCT/IB/318 and PCT/IB/321 are modified as proposed by Circular C.PCT 1089.

Form PCT/IB/316 is modified as proposed by Circular C.PCT 1089 and as a result of consultation.

Modified Forms relating to International Preliminary Examining Authorities

Forms PCT/IPEA/409, PCT/IPEA/411 and PCT/IPEA/412 are modified as proposed by Circular C.PCT 1089.

Form PCT/IPEA/408 is added as a result of consultation to incorporate the same changes as in Forms PCT/ISA/237 and PCT/IPEA/409.

Form PCT/IPEA/401 is added as a result of consultation to incorporate certain changes as in Form PCT/RO/101, that is, an enlarged box for the title of the invention as well as the deletion of the box for the teleprinter number.

The modified Forms should be used from April 1, 2007, and only in respect of international applications filed on or after April 1, 2007. However, pursuant to paragraph 2.(b)(ii) of the “Decisions Relating to Entry into Force and Transitional Arrangements” (see Annex III of document PCT/A/34/6), Forms PCT/ISA/210, PCT/ISA/237, PCT/IPEA/408 and PCT/IPEA/409 should already be used in respect of international applications the filing date of which is before April 1, 2007, and for which international search reports, written opinions and international preliminary examination reports are established on or after April 1, 2007. Where an Office or an Authority is not in a position to use all modified Forms from that date, the old Forms, to the extent that they are still applicable or, where required, with additions or corrections, may still be used for a transitional period.

Availability of modified Administrative Instructions and PCT Forms

The consolidated text of the Administrative Instructions (PCT/AI/6) is available from the WIPO website under “Administrative Instructions in force from April 1, 2007” at: www.wipo.int/pct/en/texts/. The modified Forms are available in PDF format from the WIPO website, “Forms in force from April 2007” at: www.wipo.int/pct/en/forms/. Offices that require blank originals, marked-up copies and/or electronic files of the Forms should contact the PCT Legal Division at: pct.legal@wipo.int.

Offices which use languages other than English and French are requested to establish the Forms in such other languages as required with due regard to the provisions of Section 102 of the Administrative Instructions.

Yours sincerely,



Francis Gurry
Deputy Director General