



C. PCT 1186

July 30, 2009

Madam,
Sir,

This Circular is addressed to your Office in its capacity as receiving Office (RO) for the purpose of consultation on proposed modifications to the PCT Receiving Office Guidelines (ROGLs). It is also addressed to certain non-governmental organizations representing users of the PCT system.

Proposed modifications of the PCT Receiving Office Guidelines

The proposed modifications are consequential to amendments of the Regulations under the PCT adopted by the PCT Assembly at its thirty-eighth session (see document PCT/A/38/6) and the modifications to the Administrative Instructions under the PCT (AIs) as promulgated by Circular C. PCT 1173, dated April 21, 2009, which amendments and modifications both entered into force on July 1, 2009. It is recalled that these amendments and modifications concern, in particular, the procedure in case of PCT Article 11 defects which are detected after an international filing date has been granted, the form of claim amendments and the filing of international applications containing sequence listings.

The occasion of this Circular is also used to propose a revised version of new paragraphs 205E and 205F. These paragraphs were initially proposed in Circular C. PCT 1157, dated December 19, 2008, and the topic of those two paragraphs was subsequently the subject of a proposal which has been considered by the Meeting of International Authorities (see paragraphs 90 to 93 of document PCT/MIA/16/15). In light of the positions expressed at this meeting, a further round of consultations on those two paragraphs appeared to be necessary. It is recalled that these two paragraphs were initially proposed by the International Bureau in light of the decision of the PCT Working Group for the International Bureau to include in the ROGLs provisions dealing with both issues (correction of minor defects in pages submitted under Rule 20.6 and the procedure where the applicant wishes to replace an “incorrect” element or part by the “correct” one) (see paragraphs 122 to 124 and 127 of document PCT/WG/1/16) (see document PCT/WG/1/16, paragraphs 140 to 143).

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In addition, the proposed text of the ROGLs contains certain other clarifications and simplifications which are not consequential to the entry into force of the amended Regulations or the modified AIs on July 1, 2009.

./. The paragraphs of the ROGLs which are proposed to be modified are set out in the Annex to this Circular.

Comments on the proposed modifications to ROGLs

Noting that the modified ROGLs should be promulgated as soon as possible after July 1, 2009, and that further consultation may be required after consideration of the comments received in response to this Circular, you are invited to provide comments, if any, to the International Bureau by September 7, 2009, preferably by fax to (+41 22) 910 00 30 or by email to: pct.legal@wipo.int.

Yours sincerely,



Francis Gurry
Director General

Enclosure: Annex – Proposed modified paragraphs of the ROGLs.

45. *Invitation to Correct.* If the receiving Office finds that the international application ~~lacks compliance—does not comply~~ with any of the requirement of Article 11(1), it invites (Form PCT/RO/103) the applicant to submit the required correction(s) or, where the requirements concerned are those relating to a missing element, to confirm in accordance with Rule 20.6(a) that the element is incorporated by reference under Rule 4.18 (Rule 20.3(a)), unless the receiving Office has notified the International Bureau under Rule 20.8(a) that Rule 20.6 is incompatible with its national law.

Later Finding of Non-Compliance with Requirements of Article 11(1)

52. If, within four months from the international filing date, the receiving Office finds that any of the requirements listed in Article 11(1)(i) to (iii) was not complied with on that date, it proceeds in accordance with Article 14(4) and Rules 29.4 and 30. However, the receiving Office does not apply that procedure if the requirements for transmittal of a purported international application to the International Bureau as receiving Office under Rule 19.4(a)(i) or (ii) are fulfilled, in which case it transmits the international application to the International Bureau as receiving Office (paragraphs 274 to 276). ~~Furthermore, where the receiving Office finds that no part which on the face of it appears to be a description or claims was contained in the international application at the time of filing, it first invites the applicant to either incorporate the missing element by reference (see paragraph 49) or to correct the defect under Rule 20.3 within the time limit of Rule 20.7(a)(i) (Form PCT/RO/103). If no response is received to this invitation within the time limit under Rule 20.7(a)(i), the receiving Office proceeds as outlined in paragraphs 53 and 54.~~

53. Where the receiving Office intends to declare the international application withdrawn under Article 14(4), it notifies (Form PCT/RO/115) the applicant of its intention and the reasons therefor. At the same time, it invites the applicant to submit arguments under Rule 29.4(a) within ~~one~~ two months from the notification. Where the defect consists of a missing element referred to in Article 11(1)(iii)(d) or (e), the receiving Office also invites the applicant to confirm, in accordance with Rule 20.6(a), that the element is incorporated by reference under Rule 4.18, (see Rule 29.4) unless the receiving Office has notified the International Bureau under Rule 20.8(a) that Rule 20.6(a) is incompatible with its national law. If, following such notification, the receiving Office decides, for example, after having considered the arguments presented by the applicant, and/or after having made a finding under Rule 20.6(b), not to issue such a declaration, it notifies (Form PCT/RO/127) the applicant as provided for in Section 312, and/or it proceeds as described in Section 309(b) and issues Form PCT/RO/114.

54. If, despite the applicant's arguments, or after having refused the incorporation by reference of a missing element (Rule 20.6(c)), the receiving Office declares the international application withdrawn under Article 14(4), it proceeds in compliance with Rule 29.1. A declaration under Article 14(4) may only be issued if the receiving Office has found, within four months from the international filing date, that any of the requirements listed in Article 11(1)(i) to (iii) was not complied with on that date (Rule 30.1). Form PCT/RO/143 is used to notify the applicant. The notification must indicate the reasons for such declaration. Where applicable, Form PCT/RO/114 is issued at the same time, refusing the incorporation by reference.

CHAPTER VI ARTICLE 14 CHECK AND OTHER FORMAL REQUIREMENTS

139. *Arrangement of Elements and Numbering of Sheets.* The elements of the international application must be placed in the following order: the request, the description (if applicable, including the sequence listing free text referred to in Rule 5.2(b) but excluding the sequence listing part of the description) ~~(other than any sequence listing part thereof)~~, the claim(s), the abstract, the drawings (if any), and, where applicable, the sequence listing part of the description. All sheets constituting the international application must be numbered in consecutive Arabic numerals with the following

separate series of numbering: the first applying to the request only and commencing with the first sheet of the request; the second series commencing with the first sheet of the description (~~except any sequence listing part thereof~~) and continuing through the claims until the last sheet of the abstract; if applicable, a third series applying to the sheets of the drawings only; and, if applicable, ~~preferably,~~ a further series applying to the sequence listing part of the description commencing with the first sheet of that part. The number of each sheet of the drawings must consist of two sets of Arabic numerals separated by a slant, the first set being the sheet number and the second set being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3); see Rule 11.7 and Section 207. While Rule 11.7(b) indicates that the numbers must be centered at the top or bottom of the sheet, but not placed in the margin, objections to non-compliance with this specific limitation is unnecessary where the numbers appear in the top or bottom margins but do not interfere with the areas where the receiving Office stamps the sheets with the international application number, date of receipt and any indications relating to substitute sheets.

Check List

149. **Indications Made by the Applicant.** The purpose of the check list in Box No. IX of the request, which should be completed by the applicant, is to allow the receiving Office to verify whether all sheets intended to constitute the international application and all items to accompany it were filed. The receiving Office checks whether the applicant has correctly completed the check list, failing which it makes the necessary annotations (Rule 3.3, Section 313 and paragraphs 150 to 152). The actual number of sheets constituting each element of the international application as well as their total on the international filing date should be indicated. Thus, the receiving Office counts the sheets of the record copy (which includes the request but not the fee calculation sheet) and checks whether the number of sheets of the international application and the items which accompany it correspond to the indications made by the applicant in Box No. IX of the request. As regards the request, there must be at least three sheets, namely, the “first sheet,” the “second sheet” and the “last sheet.” As regards any sequence listings ~~and or table(s) related to sequence listings~~, the number of sheets containing such sequence listing must be indicated separately (Rule 3.3(a)(i)). The language of filing of the application should be indicated; if it is not, the receiving Office should preferably make the indication *ex officio* (paragraphs 161 to 165); the applicant should subsequently be invited to indicate the language only if the receiving Office is not in a position to determine in which language the international application was filed.

195. If the receiving Office finds that any part of the international application appears to be missing, it invites (Form PCT/RO/107) the applicant under Rule 20.5(a) either to complete the purported international application by furnishing the missing parts, or, where a statement of incorporation by reference under Rule 4.18 was contained in the request or submitted with the international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received, to confirm, in accordance with Rule 20.6(a), that the missing parts are incorporated by reference. The second option is not available if the receiving Office has notified the International Bureau under Rule 20.8(a) that Rule 20.6(a) is incompatible with its national law. Such an Office either proceeds as described in Rule 20.8(a-bis) or promptly requests the International Bureau as receiving Office to agree, in accordance with the procedure outlined in paragraphs 278 to 281, to the transmittal of the international application under Section 333(b) and (c). [A copy of the invitation \(Form PCT/RO/107\) is sent to the International Bureau and to the International Searching Authority.](#)

205C. **Positive Finding.** Where the receiving Office finds that all the requirements of Rules 4.18 and 20.6(a) have been complied with, the Office proceeds as described in Section 309(b) and issues Form PCT/RO/114 accordingly. A copy of the notice, which should also include the indication by the applicant as to where the relevant part is contained in the earlier application, is sent to the International Bureau [and to the International Searching Authority](#). The receiving Office considers that the missing parts concerned have already been filed on the date on which one or more elements referred to in Article 11(1)(iii) were first received and maintains (or grants, if at this point this has not yet been

done) the international filing date accordingly. In case the receiving Office does not receive all subsequently furnished sheets on the same day, the receiving Office issues as many Forms PCT/RO/114 as required, indicating on each Form on which date the later submitted sheets were received.

205D. Negative Finding. Where the receiving Office finds that not all the requirements of Rules 4.18 and 20.6(a) have been complied with or that the part concerned is not completely contained in the earlier application, the receiving Office issues Form PCT/RO/114 accordingly and treats the subsequently furnished sheets as if the incorporation by reference had not been confirmed and proceeds, after the expiration of the time limit under Rule 20.7, as described in Section 309(c) (see also paragraphs 200 to 202). [A copy of the notice \(Form PCT/RO/114\) is sent to the International Bureau and to the International Searching Authority.](#)

Sheets Submitted under Rule 20.6(a)(i) which contain matter not completely contained in earlier application

[205E. Where the applicant timely confirms the incorporation by reference of missing elements or parts and furnishes a sheet or sheets containing such missing elements or parts, but such sheets contain matter which was not completely contained in the earlier application and therefore cannot be incorporated by reference, the receiving Office may, according to its own practice, and depending on the case, correct the sheets ex officio with a view to bring them into conformity with the earlier application. The general manner of making ex officio corrections by the receiving Office is provided in paragraphs 161 to 163. Where there is more than one possibility of correcting the defect, the receiving Office should contact the applicant by telephone and/or in writing to clarify the applicant's intention before making any ex officio correction. Alternatively, the receiving Office may informally contact the applicant informing him that he should re-submit the sheet\(s\) the contents of which correspond with the earlier application within the applicable time limit under Rule 20.7\(a\) PCT; otherwise the receiving Office proceeds under Rule 20.6\(c\) PCT.](#)

Incorporation by reference cannot replace elements/parts of the international application as originally filed

[205F. Where the applicant wishes to completely replace an element or all elements of an international application as originally filed with different elements through incorporation by reference of missing parts, the receiving Office may only add any elements of the international application as missing parts but may not perform a substitution of the international application as filed with the subsequently furnished missing parts. The description, claims or drawings from the earlier application, which are to be incorporated by reference, cannot replace the description, claims or drawings of the international application as filed. The parts to be incorporated by reference \(Rule 20.5\) should be combined with the elements of the international application originally submitted and should be checked for compliance with the physical requirements referred to in Rule 11 to the extent that compliance is necessary for the purpose of reasonably uniform international publication \(Rule 26.3\(b\)\(ii\)\), including image scanning and OCR by the International Bureau. The receiving Office should invite the applicant to, or, if at all feasible and if the Office so wishes, by way of an ex officio correction, order the pages of the combined international application in such a manner that the sheets incorporated by reference are placed first, sequentially followed by the pages which were originally filed such as in the following example:](#)

[Description incorporated from earlier application](#)

[Description as originally filed](#)

[Claims incorporated from earlier application](#)

[Claims as originally filed](#)

[Drawings incorporated from earlier application](#)

[Drawings as originally filed](#)

CHAPTER IX NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTING ~~AND/OR~~ ~~TABLE(S) RELATING THERETO~~

General

222. The receiving Office examines the check list in Box No. IX ~~(f), (b) and (c)~~ of the request for reference to any nucleotide and/or amino acid sequence listings ~~and/or table(s) filed in electronic form only or filed in electronic form in addition to being~~ filed on paper (Section 801(a)(i) or (ii)) and checks whether such sequence listings ~~and/or table(s)~~ have been filed as part of the description (that is, as far as the sequence listing is concerned, not for the purposes of international search under Rule 13ter only). ~~It also checks that the type and number of carriers on which the sequence listing and/or table(s) are contained is as indicated in the check list.~~ It also checks that the ~~copies~~ copy indicated in items 9(i) and (ii) and 10(i) and (ii), and ~~any the~~ statement ~~as to identity~~ indicated in items ~~9(iii) and 10(iii)~~, accompany the international application. It also checks that the type and number of physical data carriers on which the sequence listing is contained is as indicated in item 9. If there is any inconsistency, the check list may need to be corrected. The receiving Office need not check for compliance of any sequence listing ~~and/or table(s), filed in electronic form and/or on paper as~~ part of the description, with the prescribed requirements set out in the standard contained in Annex C ~~or technical requirements contained in Annex C bis and Section 802~~ of the Administrative Instructions since that check is made by the International Searching Authority (Rule 13ter). Consequently, the receiving Office need not check the language of the sequence listing, nor need it check compliance with the requirements as to presentation of the sequence listing ~~on paper and/or in electronic form~~; in particular, it need not check whether the sequence listing complies with Rule 5.2 ~~and the above-mentioned standard~~. However, the receiving Office must check the sheets containing the sequence listing ~~and/or table(s)~~ to a limited extent, for example, in relation to the compliance with the physical requirements necessary for the purpose of a reasonably uniform international publication as required by paragraph 3(i) of the said Annex C; the receiving Office must also check the appropriate marking in the check list of the request. In addition, the receiving Office must check that the correct international filing fee has been paid (paragraph ~~241A~~242).

222A. The receiving Office transmits to the International Searching Authority any sequence listing ~~and/or table(s) relating thereto~~ furnished to it in electronic form (for the purposes of international search only whether or not forming part of the international application) (Rule 23.1(c) and Sections 313(c) ~~and 804~~) and any sequence listing ~~and/or table(s)~~ in printed form furnished to it subsequent to the filing of the international application (Section 313(c)) as outlined in paragraph 290).

Sheets Containing Sequence Listings

223. Sheets of a sequence listing included in the international application must be presented as a separate part (“sequence listing part”) of the description”) and should preferably be sequentially numbered in a series separate from ~~those that~~ used in numbering the sheets of the request (first series), the sheets of the description, claims and abstract (second series), and any sheets of drawings (third series) (Section 207 and paragraph 139). For the purposes of the check list in Box No. IX of the request form, the receiving Office checks whether the number of sheets of such sequence listing is indicated separately in the check list (Rule 3.3(a)(i)). If that number is not indicated, the receiving Office includes it *ex officio* (paragraphs 161 to 165).

224. Tables related to a sequence listing contained in the international application must be included as an integral part of the description. Pages containing such tables are counted as sheets of the international application (paragraph 243).

~~224~~225. If the applicant furnishes sheets containing a sequence listing on the same date as the international application, but separately from the international application,~~If the applicant furnishes on the same date, with the international application but separately from the international application, sheets containing a sequence listing and/or table(s),~~ the receiving Office, if in doubt, clarifies with the applicant whether those sheets are intended to form part of the international application. If the applicant so confirms, the receiving Office corrects the check list *ex officio* and invites the applicant to pay any required fee for sheets in excess of the previously calculated total number of sheets. Form PCT/RO/102 or PCT/RO/133, as the case may be, is used for that purpose (paragraphs 252 to 265).

Sheets Not Numbered or Incorrectly Numbered

~~225~~226. If sheets containing a sequence listing are not numbered or are incorrectly numbered, the receiving Office may either renumber them *ex officio* or invite the applicant under Rule 26 to do so by submitting replacement sheets (Rule 26.4 and paragraphs 153 to 159). Where sheets are renumbered, the total number of sheets indicated in the check list may need to be corrected and the receiving Office invites the applicant to pay any required additional fee for sheets in excess of the previously calculated total number of sheets (paragraphs 241 and 252 to 265).

~~Sequence Listing and/or Table(s) on an Electronic Medium in Electronic Form~~

~~226.~~ ~~Where a sequence listing and/or table(s) on an electronic medium in electronic form are filed with a receiving Office which has notified the International Bureau under Section 801(b) that it is prepared to accept such filings, that receiving Office checks that the electronic medium is an electronic medium specified by the receiving Office under that Section. Where the sequence listing and/or table(s) are filed in electronic form but not on an electronic medium specified by the receiving Office under Section 801(b), that Office invites the applicant, under Article 14(1)(a)(v) as outlined in paragraphs 153 to 159, to furnish to it a replacement sequence listing and/or table(s) on an electronic medium it has specified (Section 801(d)).~~

~~226A.~~ ~~Where a sequence listing and/or table(s) are filed in electronic form with a receiving Office which has not notified the International Bureau under Section 801(b) that it is prepared to accept such filings, that Office may, nevertheless, decide in the particular case to accept such filing in electronic form (Section 801(c)). However, where the receiving Office is not prepared to accept such filing in electronic form, it promptly requests the International Bureau as receiving Office to agree, in accordance with the procedure outlined in paragraphs 278 to 281, to the transmittal of the international application under Section 333(b) and (c) (Section 801(e)).~~

~~226B.~~ ~~Where the receiving Office accepts the filing of a sequence listing and/or table(s) on an electronic medium in electronic form under Section 801(a)(i) or (ii), the receiving Office indelibly marks the international application number on each copy of the electronic medium and transmits one copy to the International Searching Authority together with the search copy. Where the search copy has already been sent, the receiving Office promptly transmits the sequence listing and/or table(s) on an electronic medium to the International Searching Authority (Rule 23.1(e) and Section 313(e)). Further details regarding the preparation, identification and transmittal of international applications containing sequence listing and/or table(s) are outlined in paragraphs 284B to 284E.~~

~~226C.~~ ~~Where the receiving Office receives a sequence listing on an electronic medium in electronic form under Section 801(a)(i) or (ii), but is not prepared to accept such filing, it indelibly marks the international application number on the copy of the electronic medium and transmits it to the International Searching Authority together with the search copy. Where the search copy has already been sent, the receiving Office promptly transmits the sequence listing to the International Searching~~

~~Authority (Rule 23.1(c) and Section 313(e)). No copy of any such sequence listing should be kept by the receiving Office except where no international filing date is accorded (paragraph 50).~~

Subsequently Furnished Sequence Listing ~~and/or Table(s) on Paper~~

227. Sheets containing a sequence listing ~~and/or table(s)~~ which are furnished after the filing of the international application would not normally be intended to form part of the international application. However, where the applicant indicates to the receiving Office that those sheets are intended to form part of the international application, for example, in response to an invitation for clarification whether the papers were erroneously omitted from the papers constituting the international application, the procedure under Rule 20.5 applies (paragraphs 200 to 206). In other cases, the applicant may have erroneously submitted to the receiving Office corrected sheets intended for the International Searching Authority (Rule 13~~ter~~.1). In such case, the receiving Office should either send those sheets promptly to that Authority and inform the applicant accordingly (see paragraph 290) or inform the applicant that those sheets should be sent by the applicant directly to the International Searching Authority.

CHAPTER XI FEES

The International Filing Fee

~~241A~~242. ~~[Deleted] Where the sequence listing is contained in the an international application containing a sequence listing is filed on paper¹, any sheet of the sequence listing is counted as a regular page of the international application (Section 707).~~ ~~and/or table(s) relating thereto are filed on an electronic medium in electronic form, as provided under Section 801(a), the international filing fee comprises (Section 803) the following two components:~~

~~(i) a basic component calculated as provided in the Schedule of Fees in respect of all pages filed on paper; (that is, (a) all pages of the request, (b) description, excluding, if filed both on paper and in electronic form, the sequence listing and/or all the pages which exclusively contain tables related to a sequence listing), (c) claims, (d) abstract and (e) drawings) (see item 3(i1) and (i2) of the Fee calculation sheet), and~~

~~————— (ii) an additional component for the sequence listing and/or table(s) only, corresponding to 400 times the fee per sheet as referred to in item 1 of the Schedule of Fees, regardless of the actual length of the sequence listing and/or table(s) filed in electronic form and regardless of the fact that the sequence listing and/or table(s) may have been filed on paper in addition to electronic form (see item 3(i3) of the Fee calculation sheet).~~

243. ~~[Deleted] Where tables, including those related to a sequence listing, are contained in the international application, any sheet containing those tables is counted as a regular page of the description.~~

¹ Where the international application is filed in electronic form, the pages of the sequence listing part of the description will not be considered for the purposes of the calculation of the international filing fee if they are submitted in Annex C/ST. 25 compliant text format. However, if the sequence listing part is submitted in any other format (e.g. PDF), these pages of sequence listing will count as any other pages of the description for the purposes of calculation the international filing fee.

CHAPTER XII
TRANSMITTAL OF INTERNATIONAL APPLICATION
TO INTERNATIONAL BUREAU AS RECEIVING OFFICE (RULE 19.4)

276. Any fees already paid by the applicant are to be refunded except for the amount necessary to cover any fee required under Rule 19.4(b). The transmittal fee, the international filing fee and the search fee are payable to the International Bureau as receiving Office in a currency prescribed by it (paragraphs 237 to ~~241A~~243). For the purposes of calculation of the time limit(s) for payment of those fees, the date of receipt of the international application is considered to be the date on which it is actually received by the International Bureau as receiving Office (Rule 19.4(c)).

CHAPTER XIII
RECORD COPY, SEARCH COPY AND HOME COPY

~~284B. *International Applications Containing a Sequence Listing and/or Table(s) in Electronic Form.* Where the sequence listing and/or table(s) are filed only in electronic form under Section 801(a)(i), the record copy consists of those elements of the international application filed on paper together with the sequence listing and/or table(s) filed in electronic form (Section 804(a)). Where the sequence listing and/or table(s) are filed both in electronic form and in written form under Section 801(a)(ii), the record copy consists of all the elements of the application filed on paper, including the sequence listing and/or table(s) in written form (Section 804(b)).~~

~~284C. Where the sequence listing and/or table(s) are filed under Section 801(a)(i) or (ii) in less than the number of copies required for the purposes of Section 804 (see paragraphs 284D and 284E), the receiving Office either:~~

~~——— (i) promptly prepares any additional copies required, in which case it may fix a fee for performing that task and collect such fee from the applicant; or~~

~~——— (ii) invites the applicant to promptly furnish the additional number of copies required, accompanied by a statement that the sequence listing and/or table(s) in electronic form contained in those copies are identical to the sequence listing and/or table(s) in electronic form as filed.~~

~~However, where the sequence listing and/or table(s) are also filed in written form under Section 801(a)(ii), the receiving Office may not require the applicant to file additional copies of the sequence listing and/or table(s) in written form (Section 804(c)).~~

~~284D. Where the sequence listing and/or table(s) are filed both in electronic form and in written form, the receiving Office marks the words “RECORD COPY SEQUENCE LISTING AND/OR TABLE(S)” (or the equivalent of those words in the language of publication of the international application) in the upper left hand corner of the first page of the sequence listing and of the first page of the first table in written form (Section 804(e)(i) and (f)) and transmits that part of the record copy to the International Bureau together with the other paper parts of the record copy (see paragraphs 283 and 284B).~~

~~284E. Where the sequence listing and/or table(s) are filed only on an electronic medium in electronic form, the receiving Office marks the words “RECORD COPY SEQUENCE LISTING” or “TABLE(S)” on the original electronic medium containing the sequence listing and/or table(s) in electronic form and transmits that part of the record copy to the International Bureau together with the paper part of the record copy (Section 804(d)(i)).~~

~~Where the sequence listing and/or table(s) of the international application are filed both in electronic form and in written form, the receiving Office marks the words “COPY FOR INTERNATIONAL BUREAU SEQUENCE LISTING AND/OR TABLE(S)” on one copy of the electronic medium~~

~~containing the sequence listing and/or table(s) in electronic form and transmits that copy with the record copy (Section 804(e)(i)). In addition, in both cases, the receiving Office:~~

~~—— (i) marks the words “SEARCH COPY SEQUENCE LISTING AND/OR TABLE(S)” on one additional copy of the electronic medium containing the sequence listing and/or table(s) in electronic form and transmits that part of the search copy to the International Searching Authority, together with the paper part of the search copy (Section 804(d)(ii) and (e)(ii));~~

~~—— (ii) marks the words “HOME COPY SEQUENCE LISTING AND/OR TABLE(S)” on the other such copy of the electronic medium containing the sequence listing and/or table(s) in electronic form and keeps that part of the home copy in its files together with the paper part of the home copy (Section 804(d)(iii) and (e)(iii)).~~

~~The receiving Office may, when marking the copies referred to above, use, instead of the words referred to, the equivalent of those words in the language of publication of the international application (Section 804(f)).~~

Transmittal to the International Searching Authority of the Search Copy and Other Items

290. Items to Accompany the Search Copy. Together with the search copy, the receiving Office transmits any sequence listing in electronic form (Rule 23.1(c)) or any sequence listing in printed form not forming part of the international application (Section 313(c)) ~~and/or any table(s) related to a sequence listing (whether in electronic form or on paper)~~, any document concerning the deposit of biological material, any document concerning an earlier search, and a copy of any required power of attorney. Where the sequence listing is received by the receiving Office after the transmittal of the search copy, the receiving Office promptly transmits the sequence listing to the International Searching Authority (Rule 23.1(c) and Section 313(c)).

[End of Annex]