



C .PCT 1229

April 29, 2010

Madam,
Sir,

This Circular is addressed to your Office in its capacity as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty (PCT). It is recalled that the PCT Assembly, at its most recent session held in Geneva from September 22 to October 1, 2009, approved amendments to the PCT Regulations and modifications of the Directives of the Assembly relating to the establishment of equivalent amounts of certain fees under the PCT. These amendments will enter into force on July 1, 2010 (see the report of the session, document PCT/A/40/7, paragraphs 45 to 47).

In addition, the PCT Assembly approved related amendments to the applicable agreements between the International Bureau and the International Authorities under PCT Article 16(3), recommending that such amendments should be made to the applicable agreements and should, where possible, also become effective on July 1, 2010.

J. As such, I propose that the amendments set out in the Annex to this Circular (reproduced from document PCT/A/40/7) be incorporated in the Agreement of December 16, 2008, in relation to the functioning of your Office as an International Searching and Preliminary Examining Authority under the PCT.

The effect of the amendment to Article 11 would be that a two months notice period would be required for any change to fees relating to international search and/or preliminary examination, rather than the present period of one month, which also only applies to fee increases. This is significant in ensuring that equivalent amounts under the PCT can be established in all currencies used by receiving offices within sufficient time, so as to be able to notify applicants and implement the appropriate fees in the respective IT systems of offices. The amendment would still allow for urgent changes to be notified at shorter notice, with the agreement of the International Bureau, although it is hoped that Authorities would only use this option in exceptional cases.

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If the amendment and date of entry into force of July 1, 2010 is acceptable to you, I kindly invite you, or the required Official, to reply to this Circular by way of a letter stating agreement to the above.

If you would prefer an alternative date of entry into force, I would invite you to contact Ms. Anjali Aeri (Legal Officer, PCT International Cooperation Division, (tel.: +41 22 338 7066, e-mail: anjali.aeri@wipo.int), to make necessary arrangements.

I look forward to the continued cooperation between the International Bureau and your Office in this important aspect of our mutual work.

Yours sincerely,



Francis Gurry
Director General

Enclosure: Annex

ANNEX

PROPOSED AMENDMENTS OF ARTICLE 11 OF THE AGREEMENTS under PCT ARTICLE 16(3) BETWEEN THE INTERNATIONAL BUREAU AND OFFICES IN RELATION TO THEIR FUNCTIONING AS INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITIES

**Article 11
Amendment**

(1) [No change]

(2) Without prejudice to paragraph (3), amendments may be made to the Annexes to this Agreement by agreement between the Director General of the World Intellectual Property Organization and the Authority; and, notwithstanding paragraph (4), they shall take effect on the date agreed upon by them.

(3) [No change]

(4) Any amendment notified under paragraph (3) shall take effect on the date specified in the notification, provided that, for any change in the currency or amount increase of fees or charges contained in Annex C, for any addition of new fees or charges, and for any change in the conditions for and the extent of refunds or reductions of fees contained in Annex C, that date is at least two months ~~one month~~ later than the date on which the notification is received by the International Bureau.

[End of Annex and of Circular]