

C. PCT 1353

September 10, 2012

Madam,
Sir,

Following consultation with your Office, in its capacity as receiving Office (RO) under the Patent Cooperation Treaty (PCT), and also with certain intergovernmental and non-governmental organizations, modifications to the PCT Receiving Office Guidelines (ROGLs) are hereby promulgated with effect from September 16, 2012.

The modifications relate to amendments of the PCT Regulations necessitated following certain changes to the patent law of the United States of America which will enter into force on September 16, 2012 and are as proposed in Circular C. PCT 1350, dated July 20, 2012, except where further changes have been made as a result of consultation, as indicated below (editorial and minor drafting changes are not specifically mentioned).

Modifications to the ROGLs

The modifications to paragraphs 75A, 75B, 91, 92, 93, 94, 95, 97, 98, 99, 121, 122A, 123, 129, 130, 131, 159 and 285 are as proposed by Circular PCT 1350.

As a result of the consultation, proposed paragraph 96 has been further modified.

Further proposed measure during a transitional period

As a result of the consultation, the proposed standardized text to be issued in Form PCT/RO/132 has been further amended to now read as follows:

/...

“The receiving Office wishes to call the attention of the applicant to the indications in Box No. II and/or III of the request form in respect of the above indicated international application.

In respect of [NAME OF APPLICANT] in Box No. [II][III] of the request, the applicant has been indicated as “applicant for the purposes of all designated States except the United States of America” and in respect of [NAME OF APPLICANT] in Box No. [II][III] of the request, the applicant/inventor has been indicated as “applicant for the purposes of the United States of America only”.

The applicant is herewith informed that, due to a change in the national law of the United States of America, as from 16 September 2012, it is no longer necessary in all cases to indicate the inventor(s) as applicant(s) for the purposes of the designation of that State. If the applicant(s) indicated as “applicant for the purposes of all designated States except the United States of America” is qualified to be an applicant under the U.S. law, the applicant may wish to consider submitting to the International Bureau within 30 months from the priority date a request under PCT Rule 92*bis* for the recording of a change, requesting that the applicant indicated in the request form as “applicant for the purposes of all designated States except the United States of America” be indicated as “applicant for the purposes of all designated States”, and that the applicant/inventor indicated in the request form as “applicant for the purposes of the United States only” be indicated as “inventor only”.

As proposed in the consultation circular PCT 1350, in cases where form PCT/RO/132 was not issued by the receiving Office, the International Bureau will send the applicant Form PCT/IB/345 with similar wording.

The International Bureau proposes that receiving Offices and the International Bureau follow this practice for a period of six months as from the date of promulgation, and once this period has passed the need for the practice will be reevaluated.

As a result of a comment made during the consultation, the International Bureau will also update Annex B to the ROGLs to reflect the implementation of the changes to the US national law.

Availability of Modified ROGLs

The consolidated version of modified ROGLs (*as in force from September 16, 2012*), including Annex B, is available from the WIPO website at:
www.wipo.int/pct/en/texts/pdf/ro_11.pdf.

Yours sincerely,



James Pooley
Deputy Director General