

C. PCT 1601

June 25, 2020

Madam,
Sir,

Promulgation of modifications of the Administrative Instructions under the PCT and the PCT Receiving Office Guidelines

In accordance with Rule 89.2(b) of the Regulations under the Patent Cooperation Treaty (PCT), modifications of the Administrative Instructions under the PCT (“the Administrative Instructions”) and the PCT Receiving Office Guidelines (“the RO Guidelines”) are hereby promulgated with effect from July 1, 2020.

The promulgation follows consultation under Rule 89.2(b) of the Regulations under the PCT with your Office in its capacity as a receiving Office, an International Searching Authority, an International Preliminary Examining Authority, an Authority specified for supplementary search, and/or a designated or elected Office. The modifications are as proposed in Circular C. PCT 1596, dated April 17, 2020, except where further changes have been made as a result of the consultation, as indicated below (editorial and minor drafting changes are not specifically mentioned).

Modifications of the Administrative Instructions

A new Section 114 is added as proposed in Circular C. PCT 1596.

A new Annex G is added as proposed in Circular C. PCT 1596 except for a clarification in paragraph 18 to confirm that the International Bureau of the World Intellectual Property Organization (WIPO) will promptly inform beneficiary Offices of corrections to previously transmitted information, including when erroneous amounts have already been transferred.

Modifications of certain paragraphs of the RO Guidelines

Paragraph 12 and Annex A are deleted as proposed in Circular C. PCT 1596.

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New paragraphs 258A and 272A are added and paragraph 273 has been modified as proposed in Circular C. PCT 1596, except for one change each to paragraphs 258A and 272A following the consultation. Paragraph 258A includes a sentence to clarify that transmission of search fee information by a receiving Office is only mandatory when a different Office from the receiving Office acts as an International Searching Authority. Paragraph 272A has text inserted to include the possibility for a receiving Office to agree intervals other than the preceding month for transmitting lists to the International Bureau of the fees received, in line with paragraph 13 of the new Annex G to the Administrative Instructions.

Special Notes

With regard to Offices that already participate in the PCT Fee Transfer Service (formerly netting pilot) which provides for the transfer and netting of certain PCT fees, all arrangements in place on June 30, 2020 in the context of the pilot are deemed to be an agreement in accordance with Annex G of the Administrative Instructions. These Offices are not required to make any changes to the practices in place before July 1, 2020. Work to move towards use of the preferred new formats for exchanging fee information can proceed according to mutually agreed timetables.

As stated in section III of Circular C. PCT 1596, the amendments to Rule 96 and the modifications to the Administrative Instructions do not affect the processes in place in relation to applications filed at receiving Offices that have a special arrangement where the applicant pays international filing and search fees directly to the International Bureau and to the International Searching Authority, respectively, which will continue for the moment unaffected.

Availability of the modified Administrative Instructions and the RO Guidelines

The consolidated versions of the Administrative Instructions and the RO Guidelines as modified (*as in force from July 1, 2020*), incorporating both the modifications promulgated by the present Circular and those modifications promulgated by Circular C. PCT 1599, dated April 30, 2020, are available on the WIPO website at: www.wipo.int/pct/en/texts/ and www.wipo.int/pct/en/texts/gdlines.html, respectively.

Offices which need marked-up copies and/or electronic files of the Administrative Instructions or the RO Guidelines should contact the PCT Legal and User Relations Division at pct.legal@wipo.int.

Yours sincerely,



John Sandage
Deputy Director General