

C. PCT 1631

October 26, 2021

Madam,
Sir,

Promulgation of modifications of the Administrative Instructions under the PCT and certain Forms annexed thereto

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 certain Forms annexed thereto (“the Forms”) are hereby promulgated with effect from January 1, 2022.

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 and Preliminary Examining Authority, an Authority specified for supplementary search, and/or a designated or elected Office and also with certain non-governmental organizations representing users of the PCT system. The modifications are as proposed in Circular C. PCT 1623, dated June 2, 2021, except where further changes have been made as a result of the consultation, as explained below (editorial and minor drafting changes are not specifically mentioned).

I. Modifications of the Administrative Instructions

Sections 102(h) and 705*bis* are modified as proposed in Circular C. PCT 1623.

Section 705*ter* is modified as proposed in Circular C. PCT 1623, except that the last sentence of paragraph (b) is deleted as a result of the consultation. It is considered that the flexibility proposed in that sentence is not necessary and, if there is a need in the future, the addition of any other electronic format for the purpose of this Section may be addressed by modifying the Administrative Instructions.

Sections 709 and 713(b) are modified as proposed in Circular C. PCT 1623.

In Annex F, new section 5.1*ter* is added as proposed in Circular C. PCT 1623, with a slight further change in the wording of the requirements for the transmission connection protocol

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following comments by several Offices. Section 6 is modified and an Editor's Note is added therein as proposed in Circular C. PCT 1623 (similar and relevant changes are also made in the Editor's Note in Section 703(b)(iv) and in the footnote 29 in the Appendix III to Annex F). The entry for "PCT-SAFE" is deleted from section 9 regarding the glossary.

II. Modifications of certain Forms annexed to the Administrative Instructions

Form PCT/RO/101 (Request) is modified as proposed in Circular C. PCT 1623, with some further slight wording changes made in the text in the "E-mail authorization" columns under Boxes No. II and IV (a phrase "if they provide such a service" is added before "to send notifications....." to make it explicit in the text itself that only those Offices which provide such a service will send notifications by e-mail) and in the Notes (in the second paragraph on page 2, the word "valid" is deleted to leave it to the receiving Office to decide how to follow up to an unsuccessfully transmitted document in accordance with Section 709(b)).

Forms PCT/IB/375 (Supplementary Search Request) and PCT/IPEA/401 (Demand) are modified as proposed in Circular C. PCT 1623, with similar further changes made as mentioned above.

Offices which use languages other than English, French and Spanish are requested to prepare the Forms needed by them in such other languages, with due regard to the provisions of Section 102 of the Administrative Instructions. The International Bureau of WIPO encourages Offices to make such translations available to the International Bureau of WIPO so that they can be accessed by all Offices from the WIPO website.

It is worth of mentioning that, as already explained in Circular C. PCT 1623, under the new Section 102(h)(ix), Offices may make necessary adaptations to the above Forms used in their online systems to suit their specific policy and technical needs, in relation to the relevant columns specifying the means of communication with the applicant (in Boxes No. II and IV for the Request Form and in Boxes No. II and III for the Supplementary Search Request Form and the Demand Form). For example, an Office may add an option for online retrieval if it provides for such a service, require or provide more technical details in this respect, or even remove the postal mail option based on the applicant's express or implicit consent that may have been given in the course of registration for the online filing service.

Availability of the modified Administrative Instructions and Forms

The consolidated versions of the Administrative Instructions and its Annex F as modified are available on the WIPO website at: www.wipo.int/pct/en/texts/, under the respective titles with an annotation "(as in force from January 1, 2022)".

The modified Forms are available on the WIPO website at: www.wipo.int/pct/en/forms/, under the title "Forms in force from January 1, 2022".

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

Yours sincerely,

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Patents and Technology Sector