

C. PCT 1636

February 9, 2022

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 July 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 via Circular C. PCT 1627, dated August 10, 2021. After the issuance of that Circular, the proposed amendments to the Regulations under the PCT were adopted by the PCT Assembly at its fifty-third session held in Geneva on October 4 to 8, 2021 (see documents PCT/A/53/3 and PCT/A/53/4, paragraph 25). In the course of consideration of the comments provided by Offices, further consultations and discussions were also undertaken with interested Offices within the framework of the Sequence Listings Task Force under the Committee on WIPO Standards (CWS).

The modifications are as proposed in Circular C. PCT 1627, except where further changes have been made as a result of the consultations, as explained below (editorial and minor drafting changes are not specifically mentioned).

*I. Modifications of the Administrative Instructions*

Sections 204 and 207 are modified as proposed in Circular C. PCT 1627.

Section 208 is further modified to clarify that sequences and references to sequences may possibly be included in claims and drawings and shall also comply with Annex C.

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Sections 313, 332, 333, 335, 405, 513 and 610 are modified as proposed in Circular C. PCT 1627.

As a result of the consultations, Section 707(a-bis) is further modified to clarify that only sequence listings filed in XML format will be excluded from the calculation of the page fee portion of the international filing fee.

Annex C is replaced by the new Annex C as proposed in Circular C. PCT 1627, except for the following paragraphs:

Paragraph 8 is further changed to accommodate the possibility that sequences may also appear in claims or drawings. Some linguistic changes are also made in this paragraph and the heading of this part.

Certain terms in paragraph 11 are updated following the latest revision to WIPO Standard ST.26 made by the CWS on November 5, 2021 (“codes” to “symbols” in item (a), and “ORGANISM” to “organism” in item (c)).

The first sentence of paragraph 12 is further changed to avoid a possible misunderstanding that the language-dependent free text “must” be provided in more than one language in certain instances, which is not the case. The cross-reference at the end of this paragraph is also updated.

Some linguistic changes are further made in paragraphs 14, 15, 17, 18, 20 and 39 to provide more clarity and to avoid possible misunderstandings. In particular, the second sentence of paragraph 18 as previously proposed is merged into the last sentence of paragraph 17 with some textual adjustments as it fits better in the latter place.

Paragraph 23 is further modified to include some additional Sections in the references that may apply to sequence listings submitted after the international filing date.

The first sentence of paragraph 26 is further modified to clarify that the automatic acceptance of a sequence listing filed on the international filing date as part of the international application will only apply to such a sequence listing furnished in XML format compliant with WIPO Standard ST.26. A legal basis is provided at the end of this paragraph to clarify how the receiving Office will deal with any separate files disclosing sequences in formats not compliant with this Standard. Detailed procedures for Offices will be provided in the PCT Receiving Office Guidelines.

Paragraph 29 is further modified following the additional changes made in Section 707(a-bis), as explained above. Some linguistic improvements are also made therein to provide more clarity.

## *II. Modifications of certain Forms annexed to the Administrative Instructions*

All the Forms proposed to be modified or deleted are modified or deleted as proposed in Circular C. PCT 1627. Specifically, Forms PCT/RO/101, PCT/RO/151, PCT/ROIB/198, PCT/ROIB/199, PCT/ISA/201, PCT/ISA/202, PCT/ISA/203, PCT/ISA/210, PCT/ISA/225, PCT/ISA/237, PCT/IB/375, PCT/IB/399, PCT/IPEA/401, PCT/IPEA/408, PCT/IPEA/409, PCT/IPEA/441, PCT/SISA/501, PCT/SISA/502, PCT/SISA/504 and PCT/SISA/506 are modified, and Form PCT/ISA/233 is deleted, as proposed in Circular C. PCT 1627.

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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 the World Intellectual Property Organization (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.

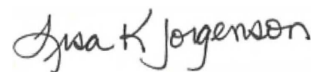
*Availability of the modified Administrative Instructions and Forms*

The modified Administrative Instructions (including the new Annex C) promulgated by the present Circular are available on the WIPO website at: [www.wipo.int/pct/en/texts/](http://www.wipo.int/pct/en/texts/), under the respective title with an annotation “(as in force from July 1, 2022)”. The consolidated version of the Administrative Instructions as in force from July 1, 2022 will be made available on the same webpage at a later stage after the completion of the consultation process in relation to the amendments to PCT Rule 82<sup>quater</sup> adopted by the PCT Assembly at the same session mentioned above.

The modified Forms are available on the WIPO website at: [www.wipo.int/pct/en/forms/](http://www.wipo.int/pct/en/forms/), under the title “Forms in force from July 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](mailto:pct.legal@wipo.int).

Yours sincerely,



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Patents and Technology Sector