

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### CONTRACTING STATES

##### States party to the Patent Cooperation Treaty (PCT)

On December 10, 1992, Viet Nam deposited its instrument of accession to the Patent Cooperation Treaty (PCT). Viet Nam will become the 54th Contracting State of the PCT on **March 10, 1993**.

Consequently, as from March 10, 1993, nationals and residents of Viet Nam will be entitled to file international applications under the PCT. Furthermore, in any international application filed on or after March 10, 1993, Viet Nam may be designated and elected.

[Updating of PCT Gazette No. 01/1993, Annex A, page 5]

#### INFORMATION ON CONTRACTING STATES

##### Japan

The **Japanese Patent Office** has notified a change in its requirement as to the kinds of documents accepted to be filed by means of telecommunication, as follows:

Does the Office accept the filing  
of documents by means of  
telecommunication (PCT Rule 92.4)?

[No change]

Which kinds of documents  
may be so transmitted?

All kinds of documents except the translation  
to be furnished under PCT Article 22 or 39

[Updating of PCT Gazette No. 18/1992, Annex B1(JP), page 7680]

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### PATENT COOPERATION TREATY (PCT)

##### Effects of International Applications in the Czech Republic and the Slovak Republic

On December 18, 1992, the Czech Republic deposited a declaration the effect of which is that the PCT continues, as from January 1, 1993, to be applicable as far as the Czech Republic is concerned. On December 30, 1992, the Slovak Republic deposited a declaration the effect of which is that the PCT continues, as from January 1, 1993, to be applicable as far as the Slovak Republic is concerned.

Consequently, as from January 1, 1993, nationals and residents of the Czech Republic and nationals and residents of the Slovak Republic are entitled to file international applications under the PCT, and the Czech Republic and the Slovak Republic may be designated and elected in international applications filed on or after January 1, 1993.

A designation of Czechoslovakia is no longer possible in international applications filed on or after January 1, 1993.

The effects of an international application whose international filing date falls in the period starting on January 1, 1993, and ending on February 21, 1993, and which does not specifically designate the Czech Republic, may be extended to the Czech Republic under the provisions of Rule 32 of the Regulations under the PCT. The effects of an international application whose international filing date falls in the period starting on January 1, 1993, and ending on March 6, 1993, and which does not specifically designate the Slovak Republic, may be extended to the Slovak Republic under the provisions of that Rule. The applicant in respect of each international application concerned will receive a notification from the International Bureau of WIPO informing the applicant of the possibility to request such an extension and of the acts required to be performed under the provisions of Rule 32.

As regards any international application whose international filing date is prior to January 1, 1993, and in which Czechoslovakia is specifically designated, the "national filing effect" of any such application will, subject to the fulfilment of certain conditions, be recognized in the Czech Republic and in the Slovak Republic (provided that the international application had not lost its effect in Czechoslovakia by December 31, 1992).

Details concerning the applicable procedure under Rule 32 and concerning the conditions under which international applications designating Czechoslovakia will continue to have effect in the Czech Republic and in the Slovak Republic will be published in the next issue of the PCT Gazette.

#### CONTRACTING STATES

##### States party to the Patent Cooperation Treaty (PCT)

On December 21, 1992, Niger deposited its instrument of accession to the Patent Cooperation Treaty (PCT). Niger will become the 56th Contracting State of the PCT on **March 21, 1993**.

Consequently, as from March 21, 1993, nationals and residents of Niger will be entitled to file international applications under the PCT. Furthermore, in any international application filed on or after March 21, 1993, Niger may be designated and elected.

## INTERNATIONAL BUREAU

### Non-Working Days

For the purpose of computing time limits under PCT Rule 80.5\*, the days on which the International Bureau is not open for business are, for the period from February 1, 1993 to February 1, 1994, the following:

all Saturdays and Sundays and	September 9, 1993
April 9, 1993	December 24, 1993
April 12, 1993	December 27, 1993
May 20, 1993	December 30, 1993
May 31, 1993	December 31, 1993

It is important to note that the days indicated above concern **only the International Bureau** and not the national Offices and other international organizations.

## ANNOUNCEMENT ON THE PROTECTION OF INDUSTRIAL PROPERTY IN THE REPUBLIC OF BELARUS

Pending the enactment of the new legislation of the Republic of Belarus on patents, trademarks and industrial designs, the situation of industrial property protection in the said country is summarized below.

### I. Legal Basis

(1) Until the entry into force of the new legislative acts, the respective legal acts on industrial property of the former Soviet Union are applicable in the country by force of the decree on basic principles of the sovereignty of the people, adopted by the Supreme Soviet of the Republic of Belarus on December 14, 1991.

### II. Applications for Industrial Property Rights Filed with the State Patent Office of Belarus

(2) Pending the enactment of the new legislation on patents, trademarks and industrial designs, it is possible to file applications for the grant of patents for invention, for the grant of industrial design patents and for the registration of trademarks with the State Patent Office of the Republic of Belarus, which will provide each application with an official attestation indicating the date of receipt of the application; the date so accorded will, once the new legislation comes into effect, be regarded as the filing date of the application.

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\* Rule 80.5 Expiration on a Non-Working Day

"If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day on which such Office or organization is not open to the public for the purposes of the transaction of official business, or on which ordinary mail is not delivered in the locality in which such Office or organization is situated, the period shall expire on the next subsequent day on which neither of the said two circumstances exists."

(3) When the Republic of Belarus becomes party to the Patent Cooperation Treaty and the Madrid Agreement Concerning the International Registration of Marks, it will be possible to ask for protection in the country under those treaties. For the time being, however, the only way to ask for protection in Belarus is through direct filings with the State Patent Office of Belarus.

(4) Until the entry into force of the new legislative acts, the applications can be filed without the intermediary of representative, even if the applicant does not have his ordinary residence or principal place of business in the Republic of Belarus.

(5) The applications filed with the State Patent Office of Belarus will be kept in abeyance until the entry into force of the new legislative acts.

### **III. Applications for Industrial Property Rights Which Had Been Filed with Effect in the Soviet Union and Industrial Property Rights Which Were Effective in the Soviet Union**

(6) The new legislative acts will provide for the possibility of continuation of the procedure at the State Patent Office of Belarus with regard to the applications for industrial property rights which had been filed with effect in the Soviet Union and for the recognition in the Republic of Belarus of industrial property rights which were effective in the Soviet Union.

### **IV. Address of the State Patent Office**

State Patent Office of the Republic of Belarus  
66, pr. Skoriny  
Minsk 220072  
Belarus  
Tel.: (0172) 39 58 40  
Fax.: (0172) 39 50 53

Current account N. 069070544  
the Belarus Joint-Stock Commercial Bank  
ul. Melnikaite 2  
Minsk



## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### FEES PAYABLE UNDER THE PCT

##### Sweden

Pursuant to PCT Rules 15.2(d) and 57.2(e), new amounts in **Swedish Kroner (SEK)**, as specified below, have been established. The new amounts are applicable as from March 1, 1993.

Basic fee:	SEK	3,760
Supplement per sheet over 30:	SEK	70
Designation fee:	SEK	915
Handling fee:	SEK	1,150

[Updating of PCT Gazette No. 01/1993, Annex C(SE), page 139, and Annex E(SE), page 160]

#### RECEIVING OFFICES

The **Danish Patent Office** has notified the International Bureau of modifications of its requirements as to the languages in which international applications may be filed and specified the competent international searching authorities for international applications filed in any of those languages, as follows:

Language in which international application may be filed:	Danish, English, French or German
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Competent International Searching Authority:	Swedish Patent Office for international applications filed in Danish or English, or European Patent Office for international applications filed in English, French or German
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[Updating of PCT Gazette No. 01/1993, Annex C(DK), page 114]

#### ANNOUNCEMENT ON THE PROTECTION OF INDUSTRIAL PROPERTY IN THE CZECH REPUBLIC

In view of the fact that Czechoslovakia ceased to exist on December 31, 1992, and that the Czech Republic and the Slovak Republic became independent States on January 1, 1993, the situation of industrial property protection in the Czech Republic is summarized below.

##### I. Legal Basis

(1) The respective legal acts on the protection of industrial property of Czechoslovakia remain applicable in the Czech Republic.

##### II. Applications for Industrial Property Rights Filed with the Federal Office for Inventions of Czechoslovakia and Industrial Property Rights Granted by that Office

(2) Applications for industrial property rights filed with the Federal Office for Inventions of Czechoslovakia and industrial property rights granted by that Office maintain their legal effect in both the Czech Republic and the Slovak Republic, it being understood that the next fees which are to be paid must be paid, for protection in both the Czech Republic and the Slovak Republic, to both the Industrial Property Office of the Czech Republic and the Industrial Property Office of the Slovak Republic.

### III. International Treaties

(3) The Czech Republic has deposited, with effect on January 1, 1993, a declaration the effect of which is that all those treaties administered by WIPO to which Czechoslovakia was party continue to be applicable as far as the Czech Republic is concerned. Those treaties are: the Convention Establishing the World Intellectual Property Organization, the Paris Convention for the Protection of Industrial Property, the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, the Madrid Agreement Concerning the International Registration of Marks, the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, the Locarno Agreement Establishing an International Classification for Industrial Designs, the Patent Cooperation Treaty (PCT), the Strasbourg Agreement Concerning the International Patent Classification, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, the Berne Convention for the Protection of Literary and Artistic Works, and the Treaty on the International Registration of Audiovisual Works.

### IV. Effects in the Czech Republic of International Applications under the Patent Cooperation Treaty (PCT)

(4)(a) Pursuant to the deposit of the declaration of continuation referred to in paragraph (3), above, nationals and residents of the Czech Republic can file international applications, and the Czech Republic can be designated and elected in international applications filed, on or after January 1, 1993.

(b) Rules 32.1 and 32.2 of the Regulations under the PCT permit the extension of international applications to the Czech Republic.

(c) For the purpose of determining the status of international applications with respect to the Czech Republic, one has to distinguish between

(i) international applications specifically\* designating Czechoslovakia which were filed prior to January 1, 1993 (see (d), below);

(ii) international applications not specifically\* designating the Czech Republic--irrespective of the other designations they contain--filed between January 1, 1993, and February 21, 1993 (see (e) to (g), below);

(iii) international applications specifically\* designating the Czech Republic filed on or after January 1, 1993 (see (h), below).

(d) As regards any international application whose **international filing date is prior to January 1, 1993**, and in which **Czechoslovakia is specifically designated**, the "national filing effect" of any such application under Article 11(4) of the PCT will, pursuant to the deposit by the Czech Republic of its declaration of continuation, be recognized in the Czech Republic (provided that the international application had not lost its effect in Czechoslovakia by December 31, 1992). The conditions under which any such international application, or any patent resulting therefrom and granted by the Federal Office for Inventions of Czechoslovakia, may continue to have effect in the Czech Republic are the following:

(i) if a patent has been granted by the Federal Office for Inventions of Czechoslovakia on the basis of the international application, paragraph (2), above, is applicable;

(ii) if the applicant has entered the national phase before the Federal Office for Inventions of Czechoslovakia but a patent for invention has not been granted by that Office without the application having been rejected by it, paragraph (2), above, is applicable;

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\* In this announcement, an international application is regarded as "specifically" designating a State either if that State has been designated under Rule 4.9(a) of the Regulations under the PCT or if the designation of that State has been confirmed under Rule 4.9(c) of those Regulations.

(iii) if the applicant has not entered the national phase before the Federal Office for Inventions of Czechoslovakia and the time limit for entering the national phase had not expired on December 31, 1992, the applicant must, before the expiration of the applicable time limit under PCT Article 22 or 39(1), furnish to the Industrial Property Office of the Czech Republic a translation of the international application into the Czech language and pay the prescribed fee.

(e) As regards any international application whose international filing date is later than December 31, 1992, and earlier than February 22, 1993,\* and in which the Czech Republic is not specifically designated, its effects may be extended to the Czech Republic (irrespective of the other designations it contains) through the performance by the applicant of the following acts:

(i) filing with the International Bureau of the World Intellectual Property Organization (WIPO) a request for extension;

(ii) paying to the International Bureau of WIPO an extension fee of 185 Swiss francs, payable in Swiss francs.

(f) The applicant in respect of each and every international application referred to in (e), above, or his agent or common representative if there is one, will receive a written notification from the International Bureau of WIPO calling his attention to the fact that he can, by filing a written request for extension, extend the effects of the international application to the Czech Republic. The notification will, in particular, specify the modes of payment of the extension fee of 185 Swiss francs. The request for extension must contain the identification of the international application by its international application number. A form which may be used for the purpose of requesting the extension to the Czech Republic will be attached to the notification. The request for extension must be in English or French, and may be sent by telefax or telex. The request for extension and the corresponding payment must reach the International Bureau of WIPO before the expiration of three months from the date of the notification sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. It is recommended that applicants await the notification from the International Bureau of WIPO and use the form attached to it, but requests and payments may be made without waiting for the notification from the International Bureau of WIPO.

(g) If the conditions described in (e) and (f), above, are fulfilled, the Czech Republic will be considered as having been designated in the international application on its international filing date. For entering the national phase before the Industrial Property Office of the Czech Republic, the applicant must furnish to that Office a translation of the international application into the Czech language and pay the prescribed fee within three months from the date of the request for extension or, if it expires later, within the following time limit:

(i) before the expiration of 21 months from the priority date if the Czech Republic is not elected under Chapter II of the PCT within 19 months from the priority date;

(ii) before the expiration of 30 months from the priority date if the Czech Republic is elected under Chapter II of the PCT within 19 months from the priority date.

(h) As regards any international application whose international filing date is later than December 31, 1992, and in which the Czech Republic is specifically designated, the applicant, in order to enter the national phase before the Industrial Property Office of the Czech Republic, must furnish to that Office a translation of the international application into the Czech language and pay the prescribed fee to that Office within the following time limit:

(i) before the expiration of 21 months from the priority date if the Czech Republic is not elected under Chapter II of the PCT within 19 months from the priority date;

(ii) before the expiration of 30 months from the priority date if the Czech Republic is elected under Chapter II of the PCT within 19 months from the priority date.

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\* With the exception of any international application whose international filing date is later than December 31, 1992, and in which the Czech Republic is specifically designated: in such a case, the procedure described in (e) to (g) is not applicable, and the procedure described in (h) is applicable.

## V. Effects in the Czech Republic of International Registrations under the Madrid Agreement Concerning the International Registration of Marks

(5)(a) Pursuant to the deposit of the declaration of continuation referred to in paragraph (3), above, and pursuant to Rule 38 of the Regulations under the Madrid Agreement, any international registration with a territorial extension to Czechoslovakia effective from a date prior to January 1, 1993, may have effect in the Czech Republic subject to the following conditions:

(i) the filing with the International Bureau of the World Intellectual Property Organization (WIPO) of a request;

(ii) the payment to the International Bureau of WIPO of a fee, the amount of which is 62 Swiss francs per international registration.

(b) The owner of each and every international registration concerned, or his representative (if the owner has a representative whose name appears in the International Register), will receive a written notice from the International Bureau of WIPO calling his attention to the fact that he can, by filing a written request, obtain a continuation of the effect of the international registration in the Czech Republic. The notice will contain a request form (in French) and specify the modes of payment of the fee. The request must contain the identification of the international registration concerned by its international registration number. The request must be made in English or French, and may be sent by telefax or telex. The request and the corresponding payment must reach the International Bureau of WIPO before the expiration of six months from the date of the notice sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. Requests and payments may be made without waiting for the notice of the International Bureau of WIPO.

(c) If the conditions described above are fulfilled, the international registration concerned will, with respect to the Czech Republic, have effect as from the effective date of the territorial extension to Czechoslovakia and benefit from any priority validly claimed in regard to such extension.

(d) For each international registration which has no territorial extension to Czechoslovakia or whose international registration date is later than December 31, 1992, protection in the Czech Republic can only be obtained by filing, through the intermediary of the national Office of the country of the owner, a request for territorial extension under Rule 20 of the Regulations under the Madrid Agreement. It is to be noted that requests for territorial extension to the Czech Republic are possible at present.

## VI. New Applications for Industrial Property Rights

(6) Applications for industrial property rights filed from January 1, 1993, with the Industrial Property Office of the Czech Republic have no effect in the Slovak Republic. However, unless it is clear that the applicant does not seek protection in the Slovak Republic, the Industrial Property Office of the Czech Republic will, during a transitory period of a few months, invite the applicant to specify, within a time limit which will be fixed in the invitation, whether he wants to obtain protection in the Czech Republic only or both in the Czech Republic and in the Slovak Republic. In the latter case, the Industrial Property Office of the Czech Republic will transmit a copy of the application to the Industrial Property Office of the Slovak Republic and the filing date of the application with the Industrial Property Office of the Czech Republic will be recognized by the Industrial Property Office of the Slovak Republic.

(7) Applications requesting protection in the Czech Republic must be filed in the Czech language.

## VII. General Provisions

(8) The fees to be paid to the Industrial Property Office of the Czech Republic are of the same amount as the fees which were payable to the Office of Czechoslovakia before January 1, 1993.

(9) If an applicant does not have his ordinary residence or principal place of business in the Czech Republic, he must authorize a representative in the Czech Republic, and all applications to be filed with the Industrial Property Office of the Czech Republic must be filed through the intermediary of such a representative. The list of the persons who can act as representatives is available at the Industrial Property Office of the Czech Republic.



### VIII. Address of the Industrial Property Office of the Czech Republic

Industrial Property Office of the Czech Republic  
Revolucnı́ ulice 7  
11346 Prague 1  
Czech Republic  
Tel.: (2) 28 96 (operator service)  
Fax.: (2) 231 92 30  
Teleprinter: 123 109 FUV

### ANNOUNCEMENT ON THE PROTECTION OF INDUSTRIAL PROPERTY IN THE SLOVAK REPUBLIC

In view of the fact that Czechoslovakia ceased to exist on December 31, 1992, and that the Czech Republic and the Slovak Republic became independent States on January 1, 1993, the situation of industrial property protection in the Slovak Republic is summarized below.

#### I. Legal Basis

(1) Pending the enactment of new legislation, the respective legal acts on the protection of industrial property of Czechoslovakia remain applicable in the Slovak Republic.

#### II. Applications for Industrial Property Rights Filed with the Federal Office for Inventions of Czechoslovakia and Industrial Property Rights Granted by that Office

(2) Applications for industrial property rights filed with the Federal Office for Inventions of Czechoslovakia and industrial property rights granted by that Office maintain their legal effect in both the Czech Republic and the Slovak Republic, it being understood that the next fees which are to be paid must be paid, for protection in both the Czech Republic and the Slovak Republic, to both the Industrial Property Office of the Czech Republic and the Industrial Property Office of the Slovak Republic.

#### III. International Treaties

(3) The Slovak Republic has deposited with effect on January 1, 1993, a declaration the effect of which is that all those treaties administered by WIPO to which Czechoslovakia was party continue to be applicable as far as the Slovak Republic is concerned. Those treaties are: the Convention Establishing the World Intellectual Property Organization, the Paris Convention for the Protection of Industrial Property, the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, the Madrid Agreement Concerning the International Registration of Marks, the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, the Locarno Agreement Establishing an International Classification for Industrial Designs, the Patent Cooperation Treaty (PCT), the Strasbourg Agreement Concerning the International Patent Classification, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, the Berne Convention for the Protection of Literary and Artistic Works, and the Treaty on the International Registration of Audiovisual Works.

#### IV. Effects in the Slovak Republic of International Applications under the Patent Cooperation Treaty (PCT)

(4)(a) Pursuant to the deposit of the declaration of continuation referred to in paragraph (3), above, nationals and residents of the Slovak Republic can file international applications, and the Slovak Republic can be designated and elected in international applications filed, on or after January 1, 1993.

(b) Rules 32.1 and 32.2 of the Regulations under the PCT permit the extension of international applications to the Slovak Republic.

(c) For the purpose of determining the status of international applications with respect to the Slovak Republic, one has to distinguish between

(i) international applications specifically\* designating Czechoslovakia which were filed prior to January 1, 1993 (see (d), below);

(ii) international applications not specifically\* designating the Slovak Republic--irrespective of the other designations they contain--filed between January 1, 1993, and March 6, 1993 (see (e) to (g), below);

(iii) international applications specifically\* designating the Slovak Republic filed on or after January 1, 1993 (see (h), below).

(d) As regards any international application whose **international filing date is prior to January 1, 1993**, and in which **Czechoslovakia** is specifically **designated**, the "national filing effect" of any such application under Article 11(4) of the PCT will, pursuant to the deposit by the Slovak Republic of its declaration of continuation, be recognized in the Slovak Republic (provided that the international application had not lost its effect in Czechoslovakia by December 31, 1992). The conditions under which any such international application, or any patent resulting therefrom and granted by the Federal Office for Inventions of Czechoslovakia, may continue to have effect in the Slovak Republic are the following:

(i) if a patent has been granted by the Federal Office for Inventions of Czechoslovakia on the basis of the international application, paragraph (2), above, is applicable;

(ii) if the applicant has entered the national phase before the Federal Office for Inventions of Czechoslovakia but a patent for invention has not been granted by that Office without the application having been rejected by it, paragraph (2), above, is applicable;

(iii) if the applicant has not entered the national phase before the Federal Office for Inventions of Czechoslovakia and the time limit for entering the national phase had not expired on December 31, 1992, the applicant must, before the expiration of the applicable time limit under PCT Article 22 or 39(1), furnish to the Industrial Property Office of the Slovak Republic a translation of the international application into the Slovak language and pay the prescribed fee.

(e) As regards any international application whose **international filing date is later than December 31, 1992, and earlier than March 7, 1993,\*\*** and in which the **Slovak Republic is not specifically designated**, its effects may be extended to the Slovak Republic (irrespective of the other designations it contains) through the performance by the applicant of the following acts:

(i) filing with the International Bureau of the World Intellectual Property Organization (WIPO) a request for extension;

(ii) paying to the International Bureau of WIPO an extension fee of 185 Swiss francs, payable in Swiss francs.

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\* In this announcement, an international application is regarded as "specifically" designating a State either if that State has been designated under Rule 4.9(a) of the Regulations under the PCT or if the designation of that State has been confirmed under Rule 4.9(c) of those Regulations.

\*\* With the exception of any international application whose international filing date is later than December 31, 1992, and in which the Slovak Republic is specifically designated: in such a case, the procedure described in (e) to (g) is not applicable, and the procedure described in (h) is applicable.

(f) The applicant in respect of each and every international application referred to in (e), above, or his agent or common representative if there is one, will receive a written notification from the International Bureau of WIPO calling his attention to the fact that he can, by filing a written request for extension, extend the effects of the international application to the Slovak Republic. The notification will, in particular, specify the modes of payment of the extension fee of 185 Swiss francs. The request for extension must contain the identification of the international application by its international application number. A form which may be used for the purpose of requesting the extension to the Slovak Republic will be attached to the notification. The request for extension must be in English or French, and may be sent by telefax or telex. The request for extension and the corresponding payment must reach the International Bureau of WIPO before the expiration of three months from the date of the notification sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. It is recommended that applicants await the notification from the International Bureau of WIPO and use the form attached to it, but requests and payments may be made without waiting for the notification from the International Bureau of WIPO.

(g) If the conditions described in (e) and (f), above, are fulfilled, the Slovak Republic will be considered as having been designated in the international application on its international filing date. For entering the national phase before the Industrial Property Office of the Slovak Republic, the applicant must furnish to that Office a translation of the international application into the Slovak language and pay the prescribed fee within three months from the date of the request for extension or, if it expires later, within the following time limit:

(i) before the expiration of 21 months from the priority date if the Slovak Republic is not elected under Chapter II of the PCT within 19 months from the priority date;

(ii) before the expiration of 30 months from the priority date if the Slovak Republic is elected under Chapter II of the PCT within 19 months from the priority date.

(h) As regards any international application whose **international filing date is later than December 31, 1992**, and in which the **Slovak Republic** is specifically designated, the applicant, in order to enter the national phase before the Industrial Property Office of the Slovak Republic, must furnish to that Office a translation of the international application into the Slovak language and pay the prescribed fee to that Office within the following time limit:

(i) before the expiration of 21 months from the priority date if the Slovak Republic is not elected under Chapter II of the PCT within 19 months from the priority date;

(ii) before the expiration of 30 months from the priority date if the Slovak Republic is elected under Chapter II of the PCT within 19 months from the priority date.

#### **V. Effects in the Slovak Republic of International Registrations under the Madrid Agreement Concerning the International Registration of Marks**

(5)(a) Pursuant to the deposit of the declaration of continuation referred to in paragraph (3), above, and pursuant to Rule 38 of the Regulations under the Madrid Agreement, any international registration with a territorial extension to Czechoslovakia effective from a date prior to January 1, 1993, may have effect in the Slovak Republic subject to the following conditions:

(i) the filing with the International Bureau of the World Intellectual Property Organization (WIPO) of a request;

(ii) the payment to the International Bureau of WIPO of a fee, the amount of which is 62 Swiss francs per international registration.



(b) The owner of each and every international registration concerned, or his representative (if the owner has a representative whose name appears in the International Register), will receive a written notice from the International Bureau of WIPO calling his attention to the fact that he can, by filing a written request, obtain a continuation of the effect of the international registration in the Slovak Republic. The notice will contain a request form (in French) and specify the modes of payment of the fee. The request must contain the identification of the international registration concerned by its international registration number. The request must be made in English or French, and may be sent by telefax or telex. The request and the corresponding payment must reach the International Bureau of WIPO before the expiration of six months from the date of the notice sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. Requests and payments may be made without waiting for the notice of the International Bureau of WIPO.

(c) If the conditions described above are fulfilled, the international registration concerned will, with respect to the Slovak Republic, have effect as from the effective date of the territorial extension to Czechoslovakia and benefit from any priority validly claimed in regard to such extension.

(d) For each international registration which has no territorial extension to Czechoslovakia or whose international registration date is later than December 31, 1992, protection in the Slovak Republic can only be obtained by filing, through the intermediary of the national Office of the country of the owner, a request for territorial extension under Rule 20 of the Regulations under the Madrid Agreement. It is to be noted that requests for territorial extension to the Slovak Republic are possible at present.

#### **VI. New Applications for Industrial Property Rights**

(6) From January 1, 1993, it is possible to file applications for industrial property rights with the Industrial Property Office of the Slovak Republic. Applications filed with the Industrial Property Office of the Czech Republic have no effect in the Slovak Republic. However, the following procedure will apply, during a transitory period of a few months, to applications filed with the Industrial Property Office of the Czech Republic: unless it is clear that the applicant does not seek protection in the Slovak Republic, the Industrial Property Office of the Czech Republic will invite the applicant to specify, within a time limit which will be fixed in the invitation, whether he wants to obtain protection in the Czech Republic only or both in the Czech Republic and in the Slovak Republic. In the latter case, the Industrial Property Office of the Czech Republic will transmit a copy of the application to the Industrial Property Office of the Slovak Republic and the filing date of the application with the Industrial Property Office of the Czech Republic will be recognized by the Industrial Property Office of the Slovak Republic.

(7) Applications requesting protection in the Slovak Republic must be filed in the Slovak language.

#### **VII. General Provisions**

(8) The fees to be paid to the Industrial Property Office of the Slovak Republic are of the same amount as the fees which were payable to the Office of Czechoslovakia before January 1, 1993.

(9) If an applicant does not have his ordinary residence or principal place of business in the Slovak Republic, he must authorize a representative in the Slovak Republic, and all applications to be filed with the Industrial Property Office of the Slovak Republic must be filed through the intermediary of such a representative. The list of the persons who can act as representatives is available at the Industrial Property Office of the Slovak Republic.

#### **VIII. Address of the Industrial Property Office of the Slovak Republic**

Industrial Property Office of the Slovak Republic  
Nám. Slobody 29  
81312 Bratislava  
Slovakia  
Tel.: (7) 33 00 57  
Fax.: (7) 31 44 61

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### **The Patent Cooperation Treaty (PCT) in 1992**

The World Intellectual Property Organization (WIPO), Geneva, announces the main events which occurred in 1992 in relation to the Patent Cooperation Treaty (PCT) and the results of operations under that treaty in that year.

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1. Since 1978, the PCT system has offered inventors and industry an advantageous route for obtaining patent protection internationally. By filing one "international" application under the PCT, protection for an invention can be sought simultaneously in each of a large number of countries.
2. The steep growth in recent years in the number of international applications filed under the PCT continued during 1992, despite the adverse economic situation affecting most countries. In that year, the International Bureau of WIPO received 25,917 international applications filed worldwide, which represents an increase over 1991 of 16.50%. These 25,917 international applications had, in the PCT Contracting States, the effect of about 660,000 national applications.
3. During 1992, Ireland, Portugal, New Zealand and Ukraine became PCT Contracting States.

*Ireland* became bound by the PCT and the European Patent Convention (EPC) with effect from August 1, 1992. Any designation of Ireland in an international application has the effect of an indication of the wish to obtain a European patent for Ireland.

*Portugal*, which was already bound by the EPC, became a PCT Contracting State with effect from November 24, 1992. Portugal can be designated for a national or a European patent. As of the entry into force of the PCT for Portugal, all States party to the EPC were also party to the PCT.

*New Zealand* became bound by the PCT with effect from December 1, 1992.

*Ukraine* became bound by the PCT upon the filing of a declaration of continuation of the PCT with effect from December 25, 1991, as a successor State to the former Soviet Union.

4. With effect from January 1, 1993, the Czech Republic and the Slovak Republic became bound by the PCT by virtue of declarations of continuation of the PCT as successor States of Czechoslovakia, a PCT Contracting State, which ceased to exist on December 31, 1992.

5. With these changes the number of PCT Contracting States became 54.

6. The 54 States party to the PCT on January 1, 1993, are the following:

*In Africa:* Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Madagascar, Malawi, Mali, Mauritania, Senegal, Sudan, Togo

*In the Americas:* Barbados, Brazil, Canada, United States of America

*In Asia and the Pacific:* Australia, Democratic People's Republic of Korea, Japan, Mongolia, New Zealand, Republic of Korea, Sri Lanka

*In Europe:* Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovak Republic, Spain, Sweden, Switzerland, Ukraine, United Kingdom.

7. In December 1992, Viet Nam and Niger deposited instruments of accession to the PCT.

*Viet Nam* will become bound by the PCT with effect from March 10, 1993.

*Niger*, which is a member State of the African Intellectual Property Organization (OAPI), will become bound by the PCT with effect from March 21, 1993. Any designation of Niger in an international application will be considered as a designation of Niger for the purposes of obtaining an OAPI patent. As of the entry into force of the PCT for Niger, all States party to OAPI will also be party to the PCT.

8. An important event in 1992 was the entry into force, on July 1, 1992, of extensively revised Regulations which make the use of the PCT system simpler and safer.

9. **Summary of the procedure under the PCT.** The system of patent cooperation under the PCT means that, by filing only one international application, the PCT applicant can obtain the effect of regular national filings in all the States listed in the preceding paragraphs, without initially having to furnish a translation of the application or to pay national fees. The national patent granting procedure and the related high expenses are postponed by up to 18 months in the majority of cases.

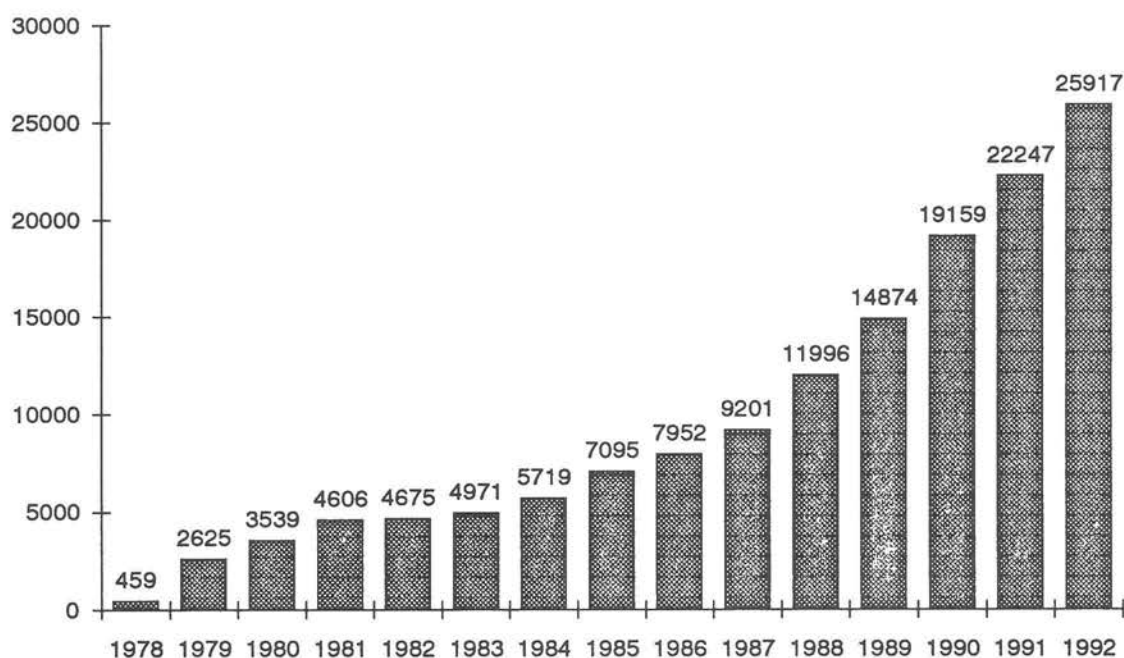
10. Each international application is subjected to an international search carried out by one of the major patent offices of the world which establishes an international search report setting out the relevant prior art. That report is received by the applicant around the 16th month counted from the priority date.

11. If the applicant so wishes, he may request that the international application be subjected to an international preliminary examination carried out by one of those offices and obtain a report whether the claimed invention fulfils the main patentability criteria. That report is received by the applicant around the 28th month counted from the priority date.

12. With the international search report, and, where requested, the international preliminary examination report, the applicant is in a much better position to decide whether to initiate the national patent granting procedure before the various patent offices. It is only if the applicant is convinced, in the light of such reports, that it is worthwhile to seek patent protection in the various countries, that he will have to pay the national fees, the cost of translations and professional fees for patent agents abroad. This need not be done until 8 or 18 months later than under the traditional system (when the PCT is not used) depending on whether there is only an international search report or also an international preliminary examination report.

13. *Statistics.* As already indicated the number of international applications received by the International Bureau in 1992 amounted to 25,917 (1991: 22,247). The corresponding numbers in each calendar year since the beginning of PCT operations are as follows:

### Number of international applications received since 1978



14. In 1992, the average number of Contracting States designated per international application was 25.50 (1991: 22.84). The average number of designation fees payable per international application was 10.25 (1991: 9.29). This difference is due both to the fact that, in the case of the designation of several countries for a regional (European or OAPI) patent, only one designation fee is to be paid, and to the fact that any designation beyond ten is free of charge. The difference also reflects the fact that applicants eliminate, for various reasons, some of the originally made designations—made at no cost at the time of filing—by the time they pay the designation fees. In 1992, a European patent was sought in 24,695 international applications, which represents 95% (1991: 21,241 = 95.47%) of the total. The percentage of applications containing more than ten designations was 26.74% (1991: 23.37%).

15. The following table shows the country of origin of international applications received by the International Bureau in 1992, and the corresponding percentages, as compared with 1991:

<i>Country of origin<sup>1</sup></i>	<i>Number of applications</i>		<i>Percentage</i>	
	1992	(1991)	1992	(1991)
AT Austria	238	(171)	0.92	(0.77)
AU Australia	687	(599)	2.65	(2.69)
BE Belgium	121	(135)	0.47	(0.61)
BG Bulgaria	9	(3)	0.03	(0.01)
BR Brazil	20	(29)	0.08	(0.13)
CA Canada	555	(472)	2.14	(2.12)
CH Switzerland <sup>2</sup>	431	(412)	1.66	(1.85)
CS Czechoslovakia	38	(2)	0.15	(0.01)
DE Germany	3,104	(2,867)	11.98	(12.89)
DK Denmark	400	(414)	1.54	(1.86)
ES Spain	102	(85)	0.39	(0.38)
FI Finland	362	(400)	1.40	(1.80)
FR France	1,274	(1,094)	4.92	(4.92)
GB United Kingdom <sup>3</sup>	2,618	(2,486)	10.10	(11.17)
GR Greece	21	(18)	0.08	(0.08)
HU Hungary	53	(54)	0.20	(0.24)
IE Ireland	31	(-)	0.12	(-)
IT Italy	399	(284)	1.54	(1.28)
JP Japan	1,717	(1,815)	6.62	(8.16)
KP Democratic People's Republic of Korea	0	(2)	0.00	(0.01)
KR Republic of Korea	74	(34)	0.29	(0.15)
LK Sri Lanka	1	(0)	<0.01	(0.00)
LU Luxembourg	17	(12)	0.07	(0.05)
MC Monaco	1	(0)	<0.01	(0.00)
NL Netherlands	318	(321)	1.23	(1.44)
NO Norway	204	(170)	0.79	(0.76)
NZ New Zealand	2	(-)	<0.01	(-)
PL Poland	14	(15)	0.05	(0.07)
PT Portugal	1	(-)	<0.01	(-)
RO Romania	8	(2)	0.03	(0.01)
RU Russian Federation	287	(366) <sup>4</sup>	1.11	(1.65) <sup>4</sup>
SE Sweden	941	(949)	3.63	(4.27)
US United States of America	11,869	(9,036)	45.80	(40.62)
<b>TOTAL</b>	<b>25,917</b>	<b>(22,247)</b>	<b>100.00</b>	<b>(100.00)</b>

<sup>1</sup> 2,956 (= 11.41%) of the international applications received were filed with the European Patent Office (EPO); they are included in the figures concerning the member State of the EPO of which the applicant is a national or a resident.

<sup>2</sup> Includes figures for Liechtenstein, since the national Office of Switzerland also acts for nationals and residents of Liechtenstein.

<sup>3</sup> Includes figures for Hong Kong and the Isle of Man, since the national Office of the United Kingdom also acts for residents of Hong Kong and the Isle of Man.

<sup>4</sup> Refers to international applications filed by nationals and residents of the former Soviet Union before December 25, 1991.

16. A copy of every international application is sent to the competent International Searching Authority for carrying out the international search. The number of such international applications sent to each International Searching Authority in 1992 was as follows:

<i>International Searching Authority</i>	<i>Number of applications</i>		<i>Percentage</i>	
	1992	(1991)	1992	(1991)
AT Austria	129	(99)	0.50	(0.45)
AU Australia	689	(597)	2.66	(2.68)
EP European Patent Office	13,851	(11,560)	53.44	(51.96)
JP Japan	1,639	(1,754)	6.32	(7.88)
RU Russian Federation	286	(371)	1.10	(1.67)
SE Sweden	1,837	(1,862)	7.09	(8.37)
US United States of America	7,486	(6,004)	28.88	(26.99)
<b>TOTAL</b>	<b>25,917</b>	<b>(22,247)</b>	<b>100.00</b>	<b>(100.00)</b>

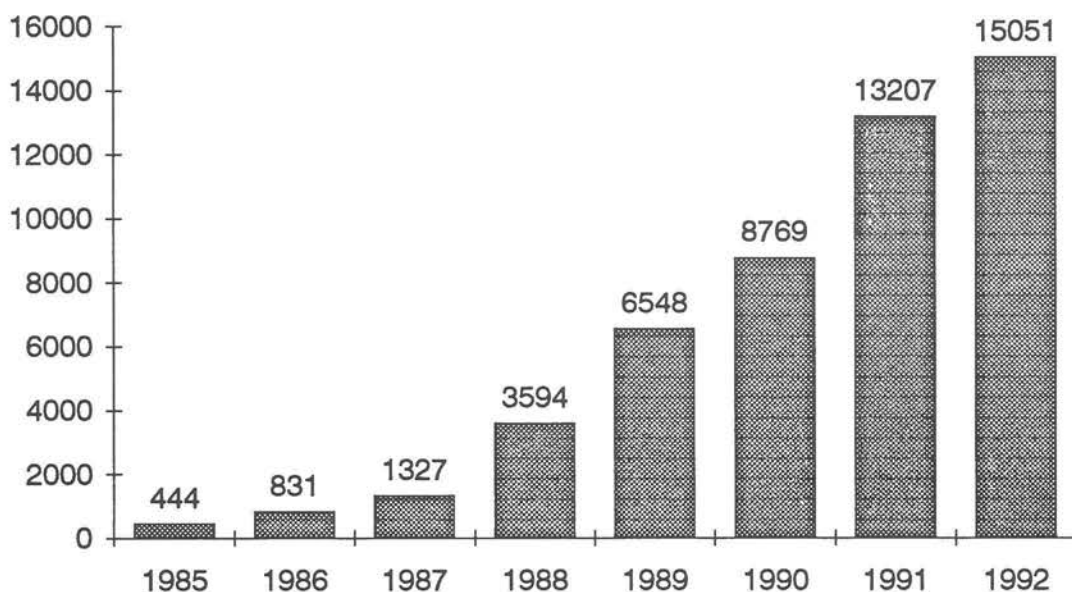
17. The international applications received in 1992 by the International Bureau were filed in the following languages:

<i>Language of filing</i>	<i>Number of applications</i>		<i>Percentage</i>	
	1992	(1991)	1992	(1991)
Danish	140	(142)	0.54	(0.64)
Dutch	93	(104)	0.36	(0.47)
English	17,960	(14,562)	69.30	(65.45)
Finnish	150	(176)	0.58	(0.79)
French	1,342	(1,185)	5.18	(5.33)
German	3,571	(3,272)	13.78	(14.71)
Japanese	1,640	(1,753)	6.33	(7.88)
Norwegian	100	(102)	0.38	(0.46)
Russian	287	(366)	1.11	(1.64)
Spanish	94	(82)	0.36	(0.37)
Swedish	540	(503)	2.08	(2.26)
<b>TOTAL</b>	<b>25,917</b>	<b>(22,247)</b>	<b>100.00</b>	<b>(100.00)</b>



18. The number of demands for international preliminary examination under Chapter II of the PCT in 1992 amounted to 15,051, which represents an increase over 1991 of 13.96%. The corresponding numbers of demands in each calendar year since 1985 were as follows:

#### Number of demands filed worldwide



19. These 15,051 demands were filed with the Offices indicated below, which act as International Preliminary Examining Authorities:

<i>International Preliminary Examining Authority</i>	<i>Number of demands</i>		<i>Percentage</i>	
	1992	(1991)	1992	(1991)
AT Austria	51	(35)	0.34	(0.26)
AU Australia	540	(460)	3.59	(3.48)
EP European Patent Office	6,088	(4,778)	40.44	(36.18)
GB United Kingdom	2,023	(1,722)	13.44	(13.04)
JP Japan	337	(268)	2.24	(2.03)
RU Russian Federation	25	(21)	0.17	(0.16)
SE Sweden	1,251	(969)	8.31	(7.34)
US United States of America	4,736	(4,954)	31.47	(37.51)
<b>TOTAL</b>	<b>15,051</b>	<b>(13,207)</b>	<b>100.00</b>	<b>(100.00)</b>

20. The growth of 13.96% in the number of demands for international preliminary examination in 1992 compared to 1991 can be attributed to the fact that most of the Contracting States can now be elected for international preliminary examination and that applicants are more and more aware of the advantages of the procedure under Chapter II of the PCT which provides an opinion whether the invention meets the PCT criteria for patentability and which postpones by ten more months the beginning of the national or regional procedures.

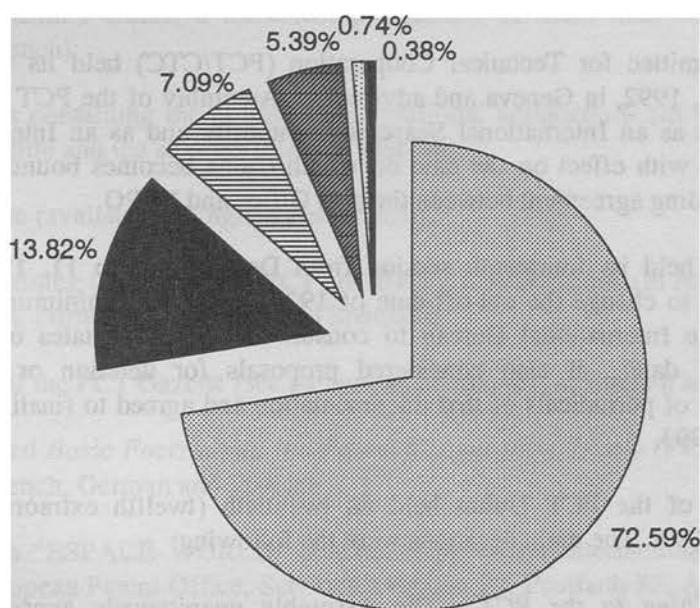


21. **Publications under the PCT.** The fortnightly publication of the PCT Gazette, in separate English and French editions, was continued throughout 1992. In addition to a substantial volume of information of a general character, the PCT Gazette included entries relating to the 22,971 (1991: 20,178) international applications which were published in the form of PCT pamphlets (in English, French, German, Japanese, Russian or Spanish, depending on the language of filing) on the same day as the relevant issue of the PCT Gazette.

22. The numbers of international applications published in 1992 as pamphlets in each of the above-mentioned languages were as follows:

Language of publication	Number of applications		Percentage	
	1992	(1991)	1992	(1991)
English	16,675	(14,066)	72.59	(69.71)
French	1,237	(1,077)	5.39	(5.34)
German	3,174	(3,079)	13.82	(15.26)
Japanese	1,628	(1,620)	7.09	(8.03)
Russian	170	(278)	0.74	(1.38)
Spanish	87	(58)	0.38	(0.28)
<b>TOTAL</b>	<b>22,971</b>	<b>(20,178)</b>	<b>100.00</b>	<b>(100.00)</b>

**Languages of publication of international applications in 1992**



23. Several special issues of the PCT Gazette were published, containing, as indicated below:
- consolidated information of a general character (No. 01/1992 and No. 18/1992);
  - the Administrative Instructions as in force from July 1, 1992 (No. 15/1992);
  - the PCT Receiving Office Guidelines as in force from July 1, 1992 (No. 16/1992);
  - the PCT Search Guidelines as modified on the basis of the amended Regulations (No. 30/1992);
  - certain WIPO Standards of particular interest to PCT applicants (No. 20/1992).
24. The International Bureau continued, in cooperation with the European Patent Office, the production of CD-ROMs "ESPACE WORLD," each disk containing the full text and the drawings of about 500 published international applications as well as the corresponding bibliographic data in coded, searchable form. All international applications published since 1990 are available in CD-ROM format (a total of 127 CD-ROMs).
25. The PCT Applicant's Guide, an indispensable handbook for the users of the PCT system, was completely revised in 1992. It takes into account the amendments to the PCT Regulations which entered into force in July 1992 and all the experience gained since its former editions.
26. *Meetings.* The Meeting of International Authorities (MIA) held its second session from March 9 to 13, 1992, in Geneva and agreed on a revision of the PCT Search Guidelines and PCT Preliminary Examination Guidelines and on modifications of the Administrative Instructions under the PCT of interest to the International Searching and International Preliminary Examining Authorities, as well as modifications to the Demand Form and the Forms for use by the International Searching and International Preliminary Examining Authorities.
27. The PCT Committee for Technical Cooperation (PCT/CTC) held its thirteenth session on September 22 and 23, 1992, in Geneva and advised the Assembly of the PCT Union to appoint the Chinese Patent Office as an International Searching Authority and as an International Preliminary Examining Authority, with effect on the date on which China becomes bound by the PCT, and to approve the corresponding agreement between the said Office and WIPO.
28. The PCT/CTC held its fourteenth session from December 7 to 11, 1992, in Geneva, and considered a proposal to change the cut-off date of 1920 of the PCT minimum documentation and decided to request the International Bureau to consult the member States on the desirability of changing that cut-off date; it also considered proposals for deletion or addition of various publications to the list of periodicals of that documentation and agreed to finalize a revised list at its next session in June 1993.
29. The Assembly of the PCT Union held its twentieth (twelfth extraordinary) session from September 21 to 29, 1992. The main decisions were the following:
- *Accession of China to the PCT.* The Assembly unanimously approved the text of the Agreement between the Chinese Patent Office and WIPO relating to the functioning of that Office as International Searching and Preliminary Examining Authority and appointed the Chinese Patent Office as a PCT Authority with effect on the date on which China becomes bound by the PCT. In addition, the Assembly adopted, with effect on the same date, amendments of the PCT Regulations which enable the use of the Chinese language in the filing, publication and other processing of international applications under the PCT.

- *International Search and International Preliminary Examination of International Applications Filed in Spanish.* The Assembly unanimously adopted amendments to the PCT Regulations which enable international preliminary examination, on the basis of a translation furnished by the applicant, of international applications filed and published in a language which is not a working language of the International Preliminary Examining Authority. These amendments will apply, initially, to international applications filed in Spanish, although they are not limited in their operation to applications filed in that language. The amendments are particularly designed to facilitate the accession of Spanish-speaking countries to the PCT, including Chapter II. The amendments entered into force on January 1, 1993.
  - *Extension of the Effects of International Applications to Certain Newly Independent States.* The Assembly adopted new Rules 32.1 and 32.2 which provide a special procedure for extending the effects of certain international applications to any newly independent State whose territory was formerly part of a PCT Contracting State which has subsequently ceased to exist, and which deposits a declaration of continuation the effect of which is that the PCT is applied by that newly independent State. These new Rules entered into force on October 1, 1992. (They concern so far Ukraine, the Czech Republic and the Slovak Republic.)
30. In 1992, officials of the International Bureau participated in numerous meetings exclusively devoted to the use and advantages of the PCT in Austria, Brazil, China, Denmark, France, Germany, Ireland, Italy, Japan, Mexico, the Netherlands, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States of America.
31. **Ordering of PCT Publications.** PCT publications may be purchased from WIPO, Publications Sales and Distribution Unit, Post Office Box 18, 1211 Geneva 20, Switzerland, Facsimile No. (41 22) 733 54 28, in particular:
- the PCT Applicant's Guide, a loose-leaf publication of more than 600 pages (available in English and French);
  - PCT pamphlets containing the published international applications (in various languages, but containing the title and the abstract (also) in English);
  - the PCT Gazette (available in English and French);
  - brochures containing the text of the PCT and the PCT Regulations (in Arabic, English, French, German, Italian, Portuguese, Russian and Spanish);
  - special issues of the PCT Gazette (see paragraph 23, above) (in English and French).
32. A leaflet entitled *Basic Facts about the Patent Cooperation Treaty (PCT)* is available free of charge in English, French, German and Spanish.
33. The CD-ROMs "SPACE WORLD" containing published international applications may be ordered from the European Patent Office, Schottenfeldgasse 29, Postfach 82, A-1072 Vienna, Austria (see paragraph 24, above).

**FEES PAYABLE UNDER THE PCT****Norway**

Pursuant to PCT Rule 16.1(d), a new amount in **Norwegian Kroner (NOK)**, as indicated below, has been established for the search fee for an international search by the European Patent Office. The new amount is applicable as from March 15, 1993.

Search fee (international search  
by the European Patent Office):                      NOK 10,300

[Updating of PCT Gazette No. 01/1993, Annex D(EP), page 147]

**DEPOSITS OF MICROORGANISMS  
LIST OF DEPOSITARY INSTITUTIONS****Japan**

Pursuant to PCT Rule 13bis.7(b), the **Japanese Patent Office** has notified the International Bureau of a change in the name of the depositary institution listed as "Fermentation Research Institute (FRI)" in Annex L, published in PCT Gazette No. 01/1993 on page 171, as follows:

"National Institute of Bioscience and Human-Technology"

[Updating of PCT Gazette No. 01/1993, Annex L, page 171]

**Corrigendum**

The telephone and facsimile numbers of the **State Patent Office of the Republic of Belarus**, published in PCT Gazette No. 03/1993, on page 1269, should be corrected as follows:

Tel: (0172) 39 50 53, 39 58 40

Fax: (0172) 39 41 30

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### STATISTICS RELATING TO RECORD COPIES RECEIVED BY THE INTERNATIONAL BUREAU IN 1992

##### GUIDANCE NOTE CONCERNING STATISTICS

Certain codes are used in the statistical tables to indicate the identity of receiving Offices and of designated States. These codes have, pursuant to Section 115 of the Administrative Instructions, been taken from WIPO Standard ST.3\*. The codes and the States to which they refer are set out at the foot of this note.

In the case of receiving Offices, the codes indicate the Contracting State of the Patent Cooperation Treaty (PCT) for which the receiving Office acts, except in the case of the European Patent Office which acts (as well as the respective national industrial property offices) as receiving Office for the Contracting States of the PCT which are also party to the European Patent Convention. In the statistical table relating to the designations of States, the figures shown relate to the indications as to designations contained in the record copies as received by the International Bureau of WIPO and notified by it to the designated Offices. Against the code of each designated State, the abbreviations "NAT" and/or "EPO" are indicated. The abbreviations mean that the figures shown in the table for the designated State relate to national patents ("NAT") and/or European patents ("EPO").

AT Austria	LK Sri Lanka
AU Australia	LU Luxembourg
BB Barbados	MC Monaco
BE Belgium	MG Madagascar
BG Bulgaria	MN Mongolia
BR Brazil	MW Malawi
CA Canada	NL Netherlands
CH Switzerland	NO Norway
CS Czechoslovakia	NZ New Zealand
DE Germany	PL Poland
DK Denmark	PT Portugal
ES Spain	RO Romania
FI Finland	RU Russian Federation
FR France	SD Sudan
GB United Kingdom	SE Sweden
GR Greece	SU+ Soviet Union
HU Hungary	UA Ukraine
IE Ireland	US United States of America
IT Italy	
JP Japan	EP European Patent Office (EPO)
KP Democratic People's Republic of Korea	OA African Intellectual Property Organization (OAPI)
KR Republic of Korea	

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\* Published on pages 8371 to 8379 of PCT Gazette No. 20/1992.

+ Relates to the Patent Office of the former Soviet Union as receiving Office and to the former Soviet Union as designated State.

## DESIGNATIONS OF STATES BROKEN DOWN ACCORDING TO RECEIVING OFFICES

(From 1 January 1992 to 31 December 1992)

Designated States		Receiving Offices																
		AT	AU	BE	BG	BR	CA	CH	CS	DE	DK	ES	FI	FR	GB	GR	HU	IE
AT	EPO	179	666	53	9	19	545	242	36	1043	382	92	347	1059	2359	16	49	28
	NAT	42	380	10	2	3	230	34	7	63	197	37	137	44	693	3	7	17
AU	NAT	80	636	26	3	7	422	95	13	262	287	59	217	394	1561	10	33	25
BB	NAT	48	383	16	1	4	285	36	5	78	209	44	111	108	784	3	10	15
BE	EPO	176	666	53	9	19	545	242	36	1044	382	93	347	1061	2358	16	49	28
BG	NAT	57	388	18	1	6	300	46	12	124	235	48	136	139	825	9	17	19
BR	NAT	70	435	25	5	4	338	82	12	227	253	55	151	242	997	11	24	19
CA	NAT	114	636	36	4	14	401	137	22	426	313	68	254	772	1732	10	37	26
CH	EPO	177	666	53	9	19	545	242	36	1043	382	92	347	1059	2360	16	49	28
	NAT	42	379	10	3	3	227	35	7	60	197	38	133	47	693	2	7	16
CS	NAT	87	368	20	3	4	294	63	4	178	249	34	146	181	827	8	28	18
DE	EPO	179	666	53	9	19	545	242	36	1043	382	92	347	1062	2361	16	49	28
	NAT	45	397	15	3	4	247	40	10	73	197	39	172	51	718	3	6	18
DK	EPO	176	666	53	9	19	545	242	36	1042	381	92	347	1058	2358	16	49	28
	NAT	41	380	10	2	4	231	34	7	58	194	38	140	45	693	2	5	17
ES	EPO	176	665	53	9	19	545	242	36	1042	382	92	347	1060	2359	16	49	28
	NAT	41	377	10	3	4	229	32	6	61	199	19	136	44	695	2	5	17
FI	NAT	76	399	26	5	7	333	76	14	204	297	58	161	274	1050	9	25	21
FR	EPO	179	666	53	9	19	545	242	36	1043	382	93	347	1059	2361	16	48	28
GB	EPO	179	666	53	9	19	545	242	36	1044	382	92	347	1063	2354	16	49	28
	NAT	41	423	10	3	4	251	33	6	66	198	39	190	54	1093	2	7	17
GR	EPO	176	666	53	9	19	545	242	36	1041	382	92	347	1058	2359	15	49	28
HU	NAT	88	396	21	3	6	312	74	18	215	249	51	153	228	932	11	9	19
IE	EPO	61	257	23	5	7	204	85	13	388	115	20	105	230	865	4	19	28
IT	EPO	177	666	53	9	19	545	242	36	1043	382	93	347	1062	2360	16	49	28
JP	NAT	147	629	38	9	16	512	211	26	940	347	69	308	983	2175	14	43	27
KP	NAT	53	388	20	2	5	307	42	9	107	220	48	125	127	817	4	11	16
KR	NAT	70	489	23	8	9	368	87	12	338	292	48	174	346	1238	12	31	20
LK	NAT	51	387	17	1	4	285	38	9	80	209	44	113	113	791	4	13	16
LU	EPO	176	666	53	9	19	545	242	36	1043	382	92	347	1056	2359	16	49	28
	NAT	41	376	10	1	3	224	34	4	56	196	35	124	45	689	2	4	17
MC	EPO	174	666	53	9	19	545	242	36	1041	372	92	344	1022	2358	16	49	28
	NAT									1	4			6	2			
MG	NAT	49	385	16	1	3	284	36	6	81	209	44	111	109	803	4	12	13
MN	NAT	37	357	15		3	259	25	4	45	198	27	107	97	675	4	5	15
MW	NAT	48	385	16	1	3	282	36	6	81	209	44	111	108	782	3	12	16
NL	EPO	177	666	53	9	19	545	242	36	1044	382	92	347	1062	2360	16	49	28
	NAT	41	380	10	1	3	233	32	5	58	197	37	142	43	692	2	5	17
NO	NAT	77	406	23	6	6	338	78	14	192	283	57	246	309	1096	10	23	22
NZ	NAT	3	14	1			8		1	1			2		38		1	
PL	NAT	71	392	21	2	5	303	62	17	177	257	49	152	184	893	11	24	18
PT	EPO	17	35	3			34	17	5	57	7	4	18		143		2	4
	NAT	1	15	1			7	1	1		2	1	3		30			
RO	NAT	61	393	20	3	5	301	52	10	126	239	49	137	150	847	8	17	18
RU	NAT	72	393	25	8	6	329	90	19	271	244	49	182	249	947	13	29	18
SD	NAT	49	383	16	1	4	282	36	7	84	209	45	112	108	780	5	12	14
SE	EPO	177	666	53	9	19	545	242	36	1042	382	92	347	1060	2359	16	49	28
	NAT	40	385	10	3	3	231	32	7	61	198	38	162	49	696	3	8	17
SU*	NAT	9	17	2			8	3	1	13	19	7	9	38	38		3	
UA	NAT	3	29	2			6	6	1	8	7		2		36		4	
US	NAT	169	658	52	6	20	219	238	30	1013	329	74	330	1110	2280	16	44	28
OA*	NAT	624	4966	234	26	52	3536	533	130	1040	2665	572	1391	2041	10140	78	130	195
Sub-Total National		1964	12838	591	94	172	8886	1956	332	5828	7142	1392	4978	6797	29638	200	521	556
Sub-Total European		2556	9615	768	131	273	7868	3490	522	15043	5459	1315	4889	15031	34033	227	706	424
Total of Designations		5144	27419	1593	251	497	20290	5979	984	21911	15266	3279	11258	23869	73811	505	1357	1175

\* The figures appearing on this line correspond to the total number of designations of the following countries for which OAPI acts as designated Office: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Senegal and Togo.

+ Refers to the Patent Office of the former Soviet Union as receiving Office and to the former Soviet Union as designated State.



## DESIGNATIONS OF STATES BROKEN DOWN ACCORDING TO RECEIVING OFFICES

(From 1 January 1992 to 31 December 1992)

Receiving Offices																Total of Designations	Designated States	
IT	JP	KR	LK	LU	NL	NO	NZ	PL	PT	RO	RU	SE	SU+	US	EP		EPO	NAT
167	1228	58	1	1	214	195	2	14		6	185	902	60	11326	2854	24337	EPO	AT
45	20	9		1	61	115	1	7		2	14	308	7	1798	229	4523	NAT	
110	363	41	1	1	129	151	2	9	1	3	75	564	22	6906	1019	13527	NAT	AU
83	41	10		1	94	113	1			2	21	351	3	2618	397	5875	NAT	BB
167	1237	57	1	1	215	195	2	14		6	185	902	60	11334	2855	24355	EPO	BE
93	51	16		1	98	119	1	5		3	54	363	17	2753	502	6456	NAT	BG
108	117	28		1	109	144	1	7	1	3	70	443	17	4114	857	8970	NAT	BR
123	648	46	1	1	175	174	1	9	1	3	130	696	35	9687	1575	18307	NAT	CA
167	1256	57	1	1	214	195	2	14		6	185	902	60	11335	2855	24373	EPO	CH
45	22	9		1	61	116	1	6		2	13	310	6	1824	224	4539	NAT	
88	54	11		1	107	120	1	4		3	50	374	7	2514	790	6636	NAT	CS
167	1494	60	1	1	215	195	2	14		8	185	902	60	11369	2861	24663	EPO	DE
49	104	13			64	126	1	7		2	42	348	10	2131	262	5197	NAT	
167	1214	57	1	1	214	195	2	14		6	185	902	60	11326	2852	24313	EPO	DK
45	24	6			60	124	1	6		2	9	317	6	1885	227	4613	NAT	
167	1232	57	1	1	214	195	2	14		7	185	902	60	11344	2857	24358	EPO	ES
45	23	11			61	120	1	6		2	16	308	5	1858	226	4562	NAT	
98	112	15		1	115	155	1	7		3	70	642	23	3786	859	8922	NAT	FI
167	1458	64	1	1	215	195	2	14		8	185	902	60	11375	2864	24637	EPO	FR
167	1467	60	1	1	214	195	2	14		7	185	902	60	11362	2862	24623	EPO	GB
45	56	13			60	123	2	6		2	24	336	7	2125	234	5470	NAT	
167	1202	55	1	1	214	195	2	14		6	185	902	60	11321	2852	24294	EPO	GR
103	92	18		1	106	124	1	9		4	65	407	17	3189	880	7801	NAT	HU
65	472	26		1	64	70	2	4		1	59	297	1	3501	1072	8064	EPO	IE
167	1354	62	1	1	215	195	2	14		7	185	902	60	11361	2864	24517	EPO	IT
158	609	72	1	1	207	170	2	9	1	7	186	804	51	10921	2566	22259	NAT	JP
91	3	10		1	99	124	1	4		2	26	359	3	2697	441	6162	NAT	KP
114	872	6		1	137	143	1	9		3	112	455	42	5869	1194	12523	NAT	KR
85	42	11		1	97	116	1			2	21	351	4	2613	398	5917	NAT	LK
167	1206	55	1	1	214	195	2	14		6	185	902	60	11316	2850	24292	EPO	LU
45	18	6			60	115	1	5		2	8	304	2	1751	224	4402	NAT	
166	1195	55	1	1	211	195	2	14		6	185	894	15	10385	2846	23237	EPO	MC
1					1					2		2	2	199	1	219	NAT	
83	39	10		1	94	113	1	3		2	21	350	4	2595	398	5880	NAT	MG
72	37	9		1	94	106	1	1		2	21	313	1	2064	317	4912	NAT	MN
83	39	10		1	94	113	1	1		2	21	350	3	2591	396	5848	NAT	MW
167	1278	57	1	1	215	195	2	14		6	185	902	60	11330	2860	24400	EPO	NL
45	26	9			61	120	1	6		2	13	309	3	1851	225	4569	NAT	
100	115	20			111	139	1	8		2	43	609	15	3900	794	9043	NAT	NO
2	10				10	1						6		13	14	125	NAT	NZ
101	54	10		1	110	130	1	3		3	55	401	11	2854	754	7126	NAT	PL
10	83	2			16	2				1	10	36		96	170	772	EPO	PT
2	1				11							16		11	9	112	NAT	
93	54	15		1	101	120	1	5			40	363	11	2864	533	6637	NAT	RO
110	114	36		1	100	141	1	8		3	48	400	2	3107	880	7895	NAT	RU
83	39	11		1	96	115	1			2	25	351	3	2606	400	5880	NAT	SD
167	1258	58	1	1	214	195	2	14		6	185	902	60	11341	2858	24384	EPO	SE
48	28	10		1	60	123	1	5		2	13	319	8	1895	226	4682	NAT	
10	2				11	1						34	10	509	24	768	NAT	SU
1	10				2	10						31		94	18	270	NAT	UA
167	1634	65	1	1	210	183	2	12	1	8	196	837	52	1592	2639	14216	NAT	US
1105	559	169			1248	1417	13	39		26	338	4199	65	33579	5278	76388	NAT	OA*
2574	5473	556	4	23	3045	3927	35	167	5	80	1502	12731	409	99784	20732	234843	Sub-Total National	
2412	18634	840	14	15	3062	2816	32	200		93	2659	12953	796	161422	41232	349619	Sub-Total European	
6091	24666	1565	18	38	7355	8160	80	406	5	199	4499	29883	1270	294785	67242	660850	Total of Designations	



RECORD COPIES RECEIVED BROKEN DOWN  
ACCORDING TO RECEIVING OFFICES AND LANGUAGES OF FILING

(From 1 January 1992 to 31 December 1992)

Receiving Offices	Languages of Filing											Total Number of Record Copies Received
	Danish	Dutch	English	Finnish	French	German	Japanese	Norwegian	Russian	Spanish	Swedish	
AT						186						186
AU			687									687
BE		3	14		38							55
BG			9									9
BR			20									20
CA			547		8							555
CH					48	207						255
CS			21			17						38
DE						1089						1089
DK	140		249									389
ES										94		94
FI			201	150							11	362
FR					1191							1191
GB			2424									2424
GR			18									18
HU			41			12						53
IE			28									28
IT			166		4							170
JP			87				1630					1717
KR			64				10					74
LK			1									1
LU					1							1
NL		90	141		2	3						236
NO			104						100			204
NZ			2									2
PL			11			3						14
PT					1							1
RO			4		4							8
RU									220			220
SE			395								529	924
SU+									67			67
US			11869									11869
EP			857		45	2054						2956
<b>Total Number of Record Copies Received</b>	140	93	17960	150	1342	3571	1640	100	287	94	540	25917

Note: During the period reported upon in this table, the International Bureau received no record copies from the Patent Offices of Democratic People's Republic of Korea, Madagascar, Malawi, Monaco, Mongolia, Sudan and Ukraine acting as receiving Offices. Neither did the International Bureau receive any international application in its capacity of a receiving Office acting for Barbados, Russian Federation and OAPI.

+ Refers to international applications filed by nationals and residents of the former Soviet Union before December 25, 1991.

**INTERNATIONAL SEARCHING AUTHORITIES  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITIES**

**Agreement between the Federal Minister for Economic Affairs of the Republic of Austria and the World Intellectual Property Organization\***

**Amendment to Annex C**

The President of the Austrian Patent Office has notified the International Bureau, pursuant to Article 11(3)(ii) of the Agreement, of an amendment to Annex C of the Agreement. The new amounts of fees are applicable as from April 1, 1993. The amended Annex reads as follows:

**"ANNEX C**

**FEES AND CHARGES FOR INTERNATIONAL SEARCH  
AND PRELIMINARY EXAMINATION**

**Part I: Schedule of Fees and Charges**

Kind of fee or charge	Amount Schilling
Search fee (Rule 16.1(a))	2,200
Additional fee (Rule 40.2(a))	2,200
Preliminary examination fee (Rule 58.1(b))	2,200
Additional fee (Rule 68.3(a))	2,200
Cost of copies (Rules 44.3(b), 71.2(b) and 94.1)	8 per page

**Part II: [No change]"**

\* Published in PCT Gazette No. 26/1987, pages 4557 to 4562, No. 03/1991, page 835, and No. 19/1992, page 8367.

**FEES PAYABLE UNDER THE PCT**

**Belgium**

The Industrial Property Office of Belgium has notified new amounts of a fee in Belgian francs (BEF), payable to it as receiving Office, as specified below:

Fee for priority document: BEF 90 in fee stamps, plus BEF 15 per page, plus BEF 100 as a fee for certification

[Updating of PCT Gazette No. 01/1993, Annex C (BE), page 107]

**United States of America**

Pursuant to PCT Rules 15.2(d), 16.1(d) and 57.2(e), new amounts of fees in US Dollars (USD), as specified below, have been established. The new amounts are applicable as from May 1, 1993.

Basic fee:	USD 530
Supplement per sheet over 30:	USD 10
Designation fee:	USD 128
Handling fee:	USD 162
Search fee (international search by the European Patent Office)	USD 1,512

[Updating of PCT Gazette No. 01/1993, Annex C(US), page 142, Annex D(EP), page 147 and Annex E(US), page 161]

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### FEES PAYABLE UNDER THE PCT

##### Denmark, Norway and States for which the International Bureau acts as receiving Office

Pursuant to PCT Rule 16.1(c), new amounts in **Danish Kroner (DKK)**, **Norwegian Kroner (NOK)** and **Swiss Francs (CHF)**, as specified below, have been established for the search fee for an international search by the Swedish Patent Office. The new amounts are applicable as from April 1, 1993.

Search fee (international search by the Swedish Patent Office):	DKK	NOK	CHF
(i) if on an earlier application, the priority of which is claimed, a first office action has been issued by the Swedish Patent Office:	2,350	2,500	535
(ii) if on an earlier application, the priority of which is claimed, a first office action has been issued by the Danish Patent Office, the National Board of Patents and Registration of Finland or the Norwegian Patent Office:	3,250	3,450	740
(iii) in all other cases:	3,800	4,000	865

[Updating of PCT Gazette No. 01/1993, Annex D(SE), page 151]

##### New Zealand

Pursuant to PCT Rule 15.2(d), new amounts in **New Zealand Dollars (NZD)**, as specified below, have been established. The new amounts are applicable as from May 18, 1993.

Basic fee:	NZD 976
Supplement per sheet over 30:	NZD 19
Designation fee:	NZD 237

[Updating of PCT Gazette No. 01/1993, Annex C(NZ), page 133]

**FEES PAYABLE UNDER THE PCT (Cont'd)****European Patent Organization**

The European Patent Office has notified new equivalent amounts in Swedish Kroner (SEK), Italian Lira (ITL) and Irish Pounds (IEP) of fees payable to it, as specified in the revised table below. The new amounts are applicable as from April 1, 1993.

	DEM	GBP	FRF	CHF	NLG	SEK	BEF LUF	ITL	ATS	ESP	GRD	DKK	PTE	IEP
Transmittal fee:	200	86	690	190	230	940	4,200	192,000	1,430	15,200	27,400	790	18,700	85
Fee for priority document PCT Rule 17.1(b):	60	26	210	60	70	280	1,300	58,000	430	4,500	8,200	240	5,600	25
Search fee (for an international search):	2,400	1,030	8,230	2,220	2,740	11,270	50,200	2,308,000	17,140	181,800	328,800	9,500	224,300	1,017
Preliminary examination fee:	3,000	1,288	10,290	2,780	3,430	14,080	62,800	2,885,000	21,430	-	-	11,870	280,400	1,271
Protest fee:	2,000	858	6,860	1,850	2,290	9,390	41,900	1,923,000	14,290	151,500	274,000	7,910	186,900	847
Fee for copies (per A4 page):	1.30	0.60	4.50	1.20	1.50	6.10	25	1,300	9.30	100	180	5.10	120	0.60
National fee:	600	258	2,060	560	690	2,820	12,600	577,000	4,290	45,500	82,200	2,370	56,100	254
Search fee (for a European patent):	1,900	815	6,520	1,760	2,170	8,920	39,800	1,827,000	13,570	143,900	260,300	7,520	177,600	805
European designation fee:	350	150	1,200	320	400	1,640	7,300	337,000	2,500	26,500	47,900	1,390	32,700	148
Claims fee:	80	34	270	70	90	380	1,700	77,000	570	6,100	11,000	320	7,500	34
Examination fee:	2,800	1,202	9,610	2,590	3,200	13,150	58,600	2,692,000	20,000	212,100	383,600	11,080	261,700	1,186
Renewal fee for the third year:	750	322	2,570	690	860	3,520	15,700	721,000	5,360	56,800	102,700	2,970	70,100	318

[Updating of PCT Gazette No. 01/1993, Annex D(EP), page 147, Annex E(EP), pages 155 and 156, and No. 32/1992, the table published on page 15236]

**SECTION IV****NOTICES AND INFORMATION OF A GENERAL CHARACTER**

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**FEES PAYABLE UNDER THE PCT****Finland, New Zealand**

Pursuant to PCT Rule 16.1(d), new amounts in **Finnish Marks (FIM)** and **New Zealand Dollars (NZD)**, as specified below, have been established for the search fee for an international search by the European Patent Office. The new amounts are applicable as from May 1, 1993.

Search fee (international search  
by the European Patent Office): FIM 8,700 NZD 2,780

[Updating of PCT Gazette No. 01/1993, Annex D(EP), page 147]

**INFORMATION ON CONTRACTING STATES****Finland**

The **National Board of Patents and Registration of Finland** has notified the International Bureau of modifications of its national law relating to utility models and types of protection available, as follows:

Types of protection available: Patents, utility models (a utility model may be sought instead of or in addition to a patent)

[Updating of PCT Gazette No. 01/1993, Annex B1(FI), page 36]

**Ukraine**

**Amendment  
to the Announcement on the Provisional Regulation Concerning  
Patent Protection in Ukraine**

The **Ukraine Patent Office** has notified the International Bureau that the time limit for registration and entry into the national phase in respect of Ukraine of earlier national and international applications filed, and of industrial property titles of protection granted, for the territory of the former Soviet Union, and other corresponding actions in respect of applications, patents for inventions and inventors' certificates, to be done under the "Provisional Regulation on Legal Protection of Objects of Industry Property and Rationalization Proposals in Ukraine" (see PCT Gazette No. 32/1992, pages 15237 to 15240) has been extended by six months from March 18 to September 18, 1993.

[Updating of information published on pages 15237 to 15240 of PCT Gazette No. 32/1992]

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### FEES PAYABLE UNDER THE PCT

##### International Bureau, Republic of Korea

Pursuant to PCT Rule 16.1(c), new amounts in **Swiss Francs (CHF)** and in **Won (KRW)**, as specified below, have been established for the search fee for international search by the **Austrian Patent Office**. The new amounts are applicable as from April 1, 1993.

Search fee (international search by the Austrian Patent Office):	CHF 285	KRW 161,000
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[Updating of PCT Gazette No. 01/1993, Annex D(AT), page 145]

##### Japan

Pursuant to PCT Rules 15.2(d), 16.1(d) and 57.2(e), new amounts in **Yen (JPY)**, as specified below, have been established. The new amounts are applicable as from June 15, 1993.

Basic fee:	JPY	59,000
Supplement per sheet over 30:	JPY	1,000
Designation fee:	JPY	14,000
Handling fee:	JPY	18,000
Search fee (international search by the European Patent Office):	JPY	170,000

[Updating of PCT Gazette No. 01/1993, Annex C(JP), page 124, D(EP), page 147, and Annex E(JP), page 158]

##### Republic of Korea

Pursuant to PCT Rules 15.2(d) and 16.1(d), new amounts in **Won (KRW)**, as specified below, have been established. The new amounts are applicable as from June 15, 1993.

Basic fee:	KRW	427,000
Supplement per sheet over 30:	KRW	8,000
Designation fee:	KRW	103,000
Search fee:		
- international search by the Australian Patent Office:	KRW	334,000
- international search by the Japanese Patent Office:	KRW	450,000

[Updating of PCT Gazette No. 01/1993, Annex C(KR), page 126, Annex D(AU), page 146, and Annex D(JP), page 149]

#### INFORMATION ON CONTRACTING STATES

##### RECEIVING OFFICES

##### DESIGNATED(OR ELECTED) OFFICES

##### Viet Nam

General information on **Viet Nam** as a new Contracting State, as well as information on the requirements of the **National Office on Inventions of Viet Nam** as receiving Office and designated (or elected) Office is given in "Annex B1 (VN)", "Annex C(VN)" and "Summary(VN)" which are published on the following pages.

**B1 Information on Contracting States****B1****VN****VIET NAM****VN****General information**

Name of Office:	National Office on Inventions
Location:	96-98 Nguyen Trai Road, Dong Da, Hanoi
Mailing address:	P.O. Box 432, Hanoi
Telephone:	(844) 24 30 69, 24 37 93, 24 34 25
Facsimile machine:	—
Teleprinter:	411326 NOI VT
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes, provided that the delivery service is DHL or Federal Express
Competent receiving Office for nationals and residents of Viet Nam:	National Office on Inventions (see Annex C)
Competent designated (or elected) Office if Viet Nam is designated (or elected):	National Office on Inventions (see Volume II)
May Viet Nam be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available:	Patents, utility models
Provisions of the law of Viet Nam concerning international-type search:	None
Provisional protection after international publication:	None

[continued on next page]



**B1** **Information on Contracting States** **B1****VN** **VIET NAM** **VN**

[continued]

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**Information of interest if Viet Nam is designated (or elected)**

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Time when the name and address of the inventor must be given if Viet Nam is designated:

Must be in the request. If the data concerning the inventor are missing at the expiry of the time limit applicable under PCT Article 22 or 39(1)(a), the National Office on Inventions will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of invitation.

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Does the Office disregard the priority claim if the priority document was not submitted within 16 months from the priority date under PCT Rule 17.1?

No

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Are there special provisions concerning the deposit of microorganisms?

No

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**C** **Receiving Offices** **C**

**VN** **NATIONAL OFFICE ON INVENTIONS** **VN**

**(VIET NAM)**

Competent receiving Office for nationals and residents of:	Viet Nam
Language in which international applications may be filed:	English or Russian
Number of copies required by the receiving Office:	3
Competent International Searching Authority:	Australian Patent Office, Austrian Patent Office, Swedish Patent Office or European Patent Office for international applications filed in English, or Russian Patent Office for international applications filed in English or Russian
Competent International Preliminary Examining Authority:	Australian Patent Office, Austrian Patent Office, Swedish Patent Office or European Patent Office <sup>1</sup> for international applications filed in English, or Russian Patent Office for international applications filed in English or Russian
Fees payable to the receiving Office:	Currency: US Dollars (USD) and Vietnamese Dong (VND)
Transmittal fee:	USD 50
Basic fee:	Equivalent in VND of Swiss Francs 762
Supplement per sheet over 30:	Equivalent in VND of Swiss Francs 15
Designation fee:	Equivalent in VND of Swiss Francs 185
Search fee:	Equivalent in VND of the search fee payable to the International Searching Authority chosen by the applicant: see Annex D (Australian Patent Office, Austrian Patent Office, Swedish Patent Office, Russian Patent Office or European Patent Office <sup>2</sup> )
Fee for priority document (PCT Rule 17.1(b)):	USD 30
Is an agent required by the receiving Office?	No, if applicant resides in Viet Nam Yes, if he is a non-resident
Who can act as agent?	Any attorney with the right to practice before the Office

<sup>1</sup> The European Patent Office is competent only if the international search report has been established by the European Patent Office.

<sup>2</sup> Equivalent in USD of the amount in Deutsche Mark indicated in Annex D.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****VN****NATIONAL OFFICE ON INVENTIONS  
(VIET NAM)****VN****Summary of requirements for entry into the national phase**

Time limits applicable for the entry into the national phase:

Under PCT Article 22: 21 months from the priority date  
 Under PCT Article 39(1): 31 months from the priority date

Translation of international application required into:<sup>1</sup>

Vietnamese

Required contents of the translation for the entry into the national phase:<sup>1</sup>

Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract  
 Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts amended, both as originally filed and as amended by the annexes to the international preliminary examination report)

Is a copy of the international application required?

No

National fee:<sup>2</sup>

Currency: US Dollars (USD)

For patent:

Filing fee: USD 100  
 Additional fee for each sheet in excess of 5: USD 2.50  
 Fee for claiming priority: USD 50

For utility model:

Filing fee: USD 75

Exemptions, reductions or refunds of the national fee:

None

[continued on next page]

- 1 Must be furnished within the time limit applicable under PCT Article 22 or 39(1). If not complied with within the time limit applicable under PCT Article 22 or 39(1), the translation may be filed within two months from the expiration of that time limit, provided that the additional fee for late furnishing of the translation has been paid.
- 2 If not already paid within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to pay the national fee within two months from the date of invitation.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****VN****NATIONAL OFFICE ON INVENTIONS  
(VIET NAM)****VN**

[continued]

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 Special requirements of the Office  
(PCT Rule 51<sup>bis</sup>).<sup>3</sup>

Name and address of the inventor if they have not been furnished in the "Request" part of the international application

Instrument of assignment where the applicant is not the inventor

Instrument of assignment of the priority rights where the applicants are not identical

Appointment of an agent if applicant is not resident in Viet Nam

Translation of the international application to be furnished in three copies

Translation into Vietnamese of the priority document to be furnished in one copy

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 Who can act as agent?

Any attorney with the right to practice before the Office

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<sup>3</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit which will be fixed in the invitation.

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### FEES PAYABLE UNDER THE PCT

##### Canada

Pursuant to PCT Rule 16.1(d), a new amount in **Canadian Dollars (CAD)**, as specified below, has been established for the search fee for an international search by the European Patent Office. The new amount is applicable as from July 1, 1993.

Search fee (international search  
by the European Patent Office): CAD 1,870

[Updating of PCT Gazette No. 01/1993, Annex D(EP), page 147]

#### RECEIVING OFFICES

##### Malawi

The **Ministry of Justice, Department of the Registrar General of Malawi** has notified the International Bureau that the European Patent Office is a competent International Preliminary Examining Authority for international applications filed with it. Accordingly, as from June 1, 1993, the competent International Preliminary Examining Authority will be as follows:

Competent International  
Preliminary Examining Authority: European Patent Office

[Updating of PCT Gazette No. 01/1993, Annex C(MW), page 130]

**Announcement on the Protection of  
Industrial Property in Kazakhstan**

The situation of industrial property protection in Kazakhstan is summarized below.

**I. Legislation**

(1) On August 5, 1992, the Patent Law of Kazakhstan entered into force. This Law deals with preliminary patents and patents for inventions, preliminary patents and patents for industrial designs and patents for utility models.

(2) The Law on Trade Marks, Service Marks and Appellations of Origin of Kazakhstan was adopted on January 18, 1993. The said Law entered into force on February 23, 1993.

(3) The National Patent Office of Kazakhstan was established on June 23, 1992. It is under the supervision of the Cabinet of Ministers.

**II. Membership in Treaties**

(4) The Government of Kazakhstan deposited on February 16, 1993, a declaration to the effect that the Convention Establishing the World Intellectual Property Organization, the Paris Convention for the Protection of Industrial Property, the Madrid Agreement Concerning the International Registration of Marks and the Patent Cooperation Treaty continue to be applicable to Kazakhstan.

**III. Applications for Industrial Property Rights Filed with the National Patent Office of Kazakhstan**

(5) Applications for the grant of patents for inventions, patents for industrial designs and patents for utility models and applications for the registration of marks and appellations of origin have been able to be filed with the National Patent Office of Kazakhstan since August 27, 1992.

**IV. Industrial Property Rights Granted by the Patent Office of the Soviet Union**

(6) A patent for invention or inventor's certificate, an industrial design patent or industrial design certificate, or a trademark certificate, which was issued by the Patent Office of the Soviet Union may be registered by the National Patent Office of Kazakhstan at the request of the owner. Upon registration, such industrial property rights will be considered as having the same effects as a patent for invention, industrial design patent or trademark certificate issued by the National Patent Office of Kazakhstan. The duration is 20 years from the filing date of the application in the case of a patent for invention, 10 years from the filing date of the application in the case of an industrial design patent with the right to extend the term by 5 years, and 10 years from the filing date of the request for registration in the case of a trademark certificate. The filing date and any priority date of the application will be maintained. The request for registration by the National Patent Office of Kazakhstan must be filed before December 1, 1993, in the case of inventions and industrial designs, and before November 1, 1993, in the case of trademarks. It must be accompanied by the original or a copy, certified by a notary or any other competent authority, of the patent or certificate issued by the Patent Office of the Soviet Union and evidence that the prescribed fees have been paid to the National Patent Office of Kazakhstan.

**V. Applications for Industrial Property Rights Filed With the Patent Office of the Soviet Union or With the Patent Office of the Russian Federation Before October 14, 1992**

(7) The applicant of an application for a patent for invention or an inventor's certificate, for an industrial design patent or an industrial design certificate or for a trademark certificate which had been filed with the Patent Office of the Soviet Union or with the Patent Office of the Russian Federation before October 14, 1992, may request the National Patent Office of Kazakhstan before December 1, 1993, in the case of an application for a patent for invention or an inventor's certificate, or for an industrial design patent or certificate, and before November 1, 1993, in the case of an application for a trademark certificate, that the said application be further processed according to the Kazakh legislation. The request for further processing by the National Patent Office of Kazakhstan must be accompanied



by a copy of the said application, including a copy of the request part of the said application showing the filing date as sent back to the applicant by the Patent Office of the Soviet Union or by the Patent Office of the Russian Federation, by a declaration that the said application is, to the best knowledge of the applicant, still pending before the Patent Office of the Russian Federation, and by an application filed according to the Kazakh legislation.

(8) If the applicant has received from the Patent Office of the Soviet Union or from the Patent Office of the Russian Federation in respect of an application filed before October 14, 1992, a decision on grant of protection, the request needs only to be accompanied by a copy, certified by a notary or any other competent authority, of the said decision, as well as, in the case of inventions, by the description, any drawings and the claims on which the decision is based and an abstract of the invention or, in the case of industrial designs, by five photographs, one of which must be certified by a notary or any other competent authority, and any drawings. The filing date and any priority date of the application filed with the Patent Office of the Soviet Union or the Patent Office of the Russian Federation will be maintained.

#### **VI. Effects in Kazakhstan of International Applications under the Patent Cooperation Treaty (PCT)**

(9)(a) On February 16, 1993, Kazakhstan deposited a declaration of continuation the effect of which is that the Patent Cooperation Treaty (PCT) is applied by Kazakhstan. Nationals and residents of Kazakhstan can therefore file international applications, and Kazakhstan can be designated and elected in international applications filed, from that date.

(b) On September 29, 1992, the Assembly of the PCT Union adopted, with effect on October 1, 1992, new Rules 32.1 and 32.2 of the Regulations under the PCT, concerning the extension of international applications to certain successor States.

(c) For the purpose of determining the status of international applications with respect to Kazakhstan, one has to distinguish between

(i) international applications designating the Soviet Union which were filed before December 25, 1991 (see (d), below);

(ii) international applications--irrespective of the designations they contain--which were filed between December 25, 1991, and April 16, 1993 (see (e) to (g), below);

(iii) international applications specifically\* designating Kazakhstan filed on or after February 16, 1993 (see (h), below).

(d) As regards any international application whose international filing date is before December 25, 1991, and in which the Soviet Union has been designated, the "national filing effect" of any such application under Article 11(4) of the PCT will, pursuant to the deposit by Kazakhstan of its declaration of continuation, be recognized in Kazakhstan. The conditions under which any such international application, or any patent or inventor's certificate resulting therefrom and granted by the Patent Office of the Soviet Union or by the Patent Office of the Russian Federation, may continue to have effect in Kazakhstan are the following:

(i) if a patent for invention or an inventor's certificate has been granted by the Patent Office of the Soviet Union or by the Patent Office of the Russian Federation on the basis of the international application, the conditions referred to in paragraph (6), above, are applicable;

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\* In this announcement, an international application is regarded as "specifically" designating Kazakhstan either if Kazakhstan has been designated under Rule 4.9(a) of the Regulations under the PCT or if the designation of Kazakhstan has been confirmed under Rule 4.9(c) of those Regulations.

(ii) if the applicant has entered the national phase before the Patent Office of the Soviet Union or the Patent Office of the Russian Federation but a patent for invention or an inventor's certificate has not been granted by any of those Offices, the conditions referred to in paragraph (7), above, are applicable, provided that the applicant must, before December 1, 1993, file with the National Patent Office of Kazakhstan a request that the international application be further processed according to the Kazakh legislation; the request must be accompanied by a copy of the Russian translation of the international application submitted to the Patent Office of the Soviet Union or the Patent Office of the Russian Federation and a declaration that the application is still pending before the Patent Office of the Russian Federation; however, where a decision to grant a patent has issued, only the requirements referred to in paragraph (8), above, apply;

(iii) if the applicant has not entered the national phase before the Patent Office of the Soviet Union or the Patent Office of the Russian Federation and the time limit for entering the national phase had not expired on December 24, 1991, the applicant must, before December 1, 1993, or, if Kazakhstan is elected under Chapter II of the PCT within 19 months from the priority date, before December 1, 1993, or the expiration of 31 months from the priority date whichever is later, furnish to the National Patent Office of Kazakhstan a translation of the international application into Kazakh or Russian and evidence that the prescribed fee (see paragraph (12), below) has been paid to the latter Office.

(e) As regards any international application whose international filing date is later than December 24, 1991, and earlier than April 17, 1993,\* its effects may be extended to Kazakhstan (irrespective of the designations it contains) through the performance by the applicant of the following acts:

(i) filing with the International Bureau of the World Intellectual Property Organization (WIPO) a request for extension;

(ii) paying to the International Bureau of WIPO an extension fee of 185 Swiss francs, payable in Swiss francs.

(f) The applicant in respect of each and every international application referred to in (e), above, or his agent or common representative if there is one, will receive a written notification from the International Bureau of WIPO calling his attention to the fact that he can, by filing a written request for extension, extend the effects of the international application to Kazakhstan. The notification will, in particular, specify the modes of payment of the extension fee of 185 Swiss francs. The request for extension must contain the identification of the international application by its international application number. A form which may be used for the purpose of requesting the extension to Kazakhstan will be attached to the notification. The request for extension must be in English or French, and may be sent by telefax or telex. The request for extension and the corresponding payment must reach the International Bureau of WIPO before the expiration of three months from the date of the notification sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. It is recommended that applicants await the notification from the International Bureau of WIPO and use the form attached to it, but requests and payments may be made without waiting for the notification from the International Bureau of WIPO.

(g) If the conditions described in (e) and (f), above, are fulfilled, Kazakhstan will be considered as having been designated in the international application on its international filing date. For entering the national phase before the National Patent Office of Kazakhstan, the applicant must furnish, within the following time limit, to that Office both a translation of the international application into Kazakh or Russian and evidence that the prescribed fee (see paragraph (12), below) was paid:

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\* With the exception of any such international application whose international filing date is on or after February 16, 1993, and in which Kazakhstan is specifically designated: in such a case, the procedure described in (e) to (g) is not applicable, and the procedure described in (h) applies. It should be noted that Kazakhstan can be specifically designated only in those international applications filed on or after February 16, 1993.

(i) before December 1, 1993, or the expiration of 21 months from the priority date, whichever is later, if Kazakhstan is not elected under Chapter II of the PCT before the expiration of 19 months from the priority date and item (iii) does not apply;

(ii) before December 1, 1993 or the expiration of 31 months from the priority date, whichever is later, if Kazakhstan is elected under Chapter II of the PCT before the expiration of 19 months from the priority date;

(iii) before December 1, 1993, or the expiration of 31 months from the priority date, whichever is later, if a request for extension to Kazakhstan is made after, but the demand was made before, the expiration of 19 months from the priority date, and a later election of Kazakhstan is made together with the request for extension or within three months from the date of the request for extension.

(h) As regards any international application whose international filing date is on or after February 16, 1993, and in which Kazakhstan is specifically designated, the applicant, in order to enter the national phase before the National Patent Office of Kazakhstan, must furnish, within the following time limit, to that Office both a translation of the international application into Kazakh or Russian and evidence that the prescribed fee (see paragraph (12), below) has been paid to the said Office:

(i) before the expiration of 21 months from the priority date if Kazakhstan is not elected under Chapter II of the PCT within 19 months from the priority date;

(ii) before the expiration of 31 months from the priority date if Kazakhstan is elected under Chapter II of the PCT within 19 months from the priority date.

#### **VII. Effects in Kazakhstan of International Registrations under the Madrid Agreement Concerning the International Registration of Marks**

(10)(a) On February 16, 1993, Kazakhstan deposited a declaration of continuation the effect of which is that the Madrid Agreement Concerning the International Registration of Marks is applied by Kazakhstan.

(b) On September 29, 1992, the Assembly of the Madrid Union adopted, with effect on October 1, 1992, a new Rule 38 in the Regulations under the Madrid Agreement, concerning the effect of international registrations in certain successor States.

(c) Pursuant to the deposit of the declaration of continuation and to the decision of the Assembly, certain international registrations may have effect in Kazakhstan subject to the conditions described below. Those international registrations are those which have a territorial extension to the Soviet Union effective from a date prior to December 25, 1991.

(d) The conditions referred to above are the following:

(i) the filing with the International Bureau of the World Intellectual Property Organization (WIPO) of a request;

(ii) the payment to the International Bureau of WIPO of a fee, the amount of which is 62 Swiss francs per international registration.

(e) The owner of each and every international registration concerned, or his representative (if the owner has a representative whose name appears in the International Register), will receive a written notice from the International Bureau of WIPO calling his attention to the fact that he can, by filing a written request, obtain the continuation of the effect of the international registration in Kazakhstan. The notice will, in particular, specify the modes of payment of the fee. The request must contain the identification of the international registration concerned by its international registration number. A form (in French) will be attached to the notice and may be used. The request must be in English or French, and may be sent by telefax or telex. The request and the corresponding payment must reach the International Bureau of WIPO before the expiration of six months from the date of the notice sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. Requests and payments may be made without waiting for the notice of the International Bureau of WIPO.

(f) If the conditions described above are fulfilled, the international registration concerned will, with respect to Kazakhstan, have effect as from the effective date of the territorial extension to the Soviet Union and benefit from any priority validly claimed in regard to such extension.

(g) For each international registration which has a territorial extension to the Russian Federation effective from a date prior to April 17, 1993, the owner may request the National Patent Office of Kazakhstan before November 1, 1993, that the said registration be processed as an application under the Kazakh legislation. The request must be accompanied by an extract from the International Register established by the International Bureau of WIPO, by a declaration that, to the best knowledge of the owner, the international registration still has effect in the Russian Federation, and by an application filed according to the Kazakh legislation.

(h) For each international registration not covered by (c) or (g), above, namely, for each international registration which has no territorial extension to the Soviet Union or to the Russian Federation or whose international registration date is later than April 16, 1993, protection in Kazakhstan can only be obtained by filing, through the intermediary of the national Office of the country of the owner, a request for territorial extension under Rule 20 of the Regulations under the Madrid Agreement. It is to be noted that requests for territorial extension to Kazakhstan are possible at present.

#### **VIII. Procedural Provisions**

(11) If an applicant does not have his ordinary residence or principal place of business in Kazakhstan, he must authorize a representative in Kazakhstan, and all requests, applications and other documents must be filed through the intermediary of such a representative.

(12) The list of the persons who can act as representatives and the official fees applicable to the procedures referred to under paragraphs (5), (6), (7), (8), (9) and (10)(g) are available from the National Patent Office of Kazakhstan.

(13) The request part of any application referred to under paragraph (5), above, any request referred to under paragraphs (6), (7), (9)(d)(ii) and (10)(g), above, and any declaration referred to under paragraphs (7), (9)(d)(ii) and (10)(g), above, must be filed in Kazakh or Russian. Other parts of any application referred to under paragraph (5), above, may be presented in other languages, provided that a translation into Kazakh or Russian is presented within two months from the filing date.

(14) If an applicant, due to circumstances beyond his control, was unable to observe a time limit applicable under paragraph (6), (7), (9)(d), (10)(g) or (13), above, the time limit may, upon request, be extended by two months by the National Patent Office of Kazakhstan.

#### **IX. Address of the National Patent Office of Kazakhstan**

National Patent Office  
Ablai-khan avenue 93/95  
480091 Alma-Ata  
Kazakhstan  
Telex: (064) 251244 orlan su

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### DESIGNATED (OR ELECTED) OFFICES

##### Poland

The **Polish Patent Office** has informed the International Bureau of an additional special requirement concerning the procedure before it as designated (or elected) Office, as follows:

Special requirement of the Office (PCT Rule 51bis):	Appointment of an agent if applicant is not resident in Poland
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[Updating of PCT Gazette No. 01/1993, Summary (PL), page 204]

#### INTERNATIONAL PRELIMINARY EXAMINING AUTHORITIES

##### United Kingdom

The **United Kingdom Patent Office** has informed the International Bureau that, pursuant to the Protocol on Centralisation to the European Patent Convention, that Office will cease to be an International Preliminary Examining Authority in respect of demands for international preliminary examination made on or after June 1, 1993.

The Office will carry out the international preliminary examination on any demand made on or before May 28, 1993, for the international preliminary examination of an international application filed with it as receiving Office, the Office being closed for business under the PCT from May 29 to 31, 1993, inclusive.

The United Kingdom Patent Office has also informed the International Bureau that the European Patent Office will thereafter be competent International Preliminary Examining Authority for international applications filed with the United Kingdom Patent Office.

[Updating of PCT Gazette No. 01/1993, Annex C(GB), page 119, Annex C(WO), page 143, and Annex E(GB), page 157]

#### FEES PAYABLE UNDER THE PCT

##### Australia

Pursuant to PCT Rules 15.2(d) and 57.2(e), new amounts of fees in **Australian Dollars (AUD)**, as specified below, have been established. The new amounts are applicable as from May 20, 1993.

Basic fee:	AUD	731
Supplement per sheet over 30:	AUD	14
Designation fee:	AUD	178
Handling fee:	AUD	224

[Updating of PCT Gazette No. 01/1993, Annex C(AU), page 106 and Annex E(AU), page 154]



**Announcement on the Situation of the Protection of Industrial Property  
in the Russian Federation After Adoption of New Legislation**

The situation of industrial property protection in the Russian Federation is summarized below.

**I. Legislation**

(1) On October 14, 1992, the Patent Law (which deals with both patents for inventions and patents for industrial designs) and, on October 17, 1992, the Law on Trademarks, Service Marks and Appellations of Origin, entered into force.

(2) According to the Implementing Resolutions of the Supreme Soviet of the Russian Federation of September 23, 1992, all earlier granted industrial property rights of the Soviet Union are automatically valid in the territory of the Russian Federation, without any formality being required to be fulfilled.

(3) The same Resolutions provide for transitional measures concerning applications for industrial property rights filed, and certain industrial property rights granted, for the Soviet Union. Those transitional measures are summarized below.

**II. Applications for Industrial Property Rights Filed With the Patent Office of the Soviet Union or the Patent Office of the Russian Federation (Rospatent) Before the Entry into Force of the Patent Law of the Russian Federation and the Law of the Russian Federation on Trademarks, Service Marks and Appellations of Origin**

(4) Applicants wishing to maintain the effect of their applications for the grant of inventors' certificates or patents for inventions, or of certificates or patents for industrial designs, filed before October 14, 1992, with the Patent Office of the Soviet Union or the Patent Office of the Russian Federation (Rospatent), must, if the processing of such applications had not been completed and the protection documents had not been issued by the said date, request that, on the basis of the earlier applications, patents for inventions or for industrial designs of the Russian Federation be granted with the same priority as the earlier applications.

The request must be filed with **Rospatent before June 30, 1993.**

Requests in respect of applications for the grant of inventors' certificates or certificates for industrial designs of the Soviet Union must be signed by the applicants, by the authors and by the persons in whose name the grant of patents of the Russian Federation is sought.

Requests in respect of applications for the grant of patents for inventions or industrial designs of the Soviet Union must be signed by the applicants.

Requests for the grant of patents of the Russian Federation need not be filed in the cases where, under the applications filed before October 14, 1992, the grant of patents of the Russian Federation has been sought.

(5) Applicants wishing to maintain the effect of their applications for the registration of trademarks and service marks filed before October 17, 1992, with the Patent Office of the Soviet Union or the Patent Office of the Russian Federation (Rospatent), must, if the processing of the relevant applications had not been completed and the certificates of registration had not been issued by the said date, request that, on the basis of the earlier applications, trademarks or service marks be registered in the Russian Federation with the same priority as the earlier applications.



The request must be filed with **Rospatent before June 30, 1993.**

The request must be signed by the applicants.

Requests need not be filed in the cases where, under applications filed before October 17, 1992, the registration in the Russian Federation of trademarks or service marks has been sought.

### **III. Conversion of Certain Industrial Property Rights Granted for the Territory of the Soviet Union**

(6) Inventors' certificates or patents issued in the name of the USSR State Invention Foundation for which the term of 20 years from the filing date had not expired, and certificates for industrial designs for which the term of 15 years from the filing date had not expired, may be discontinued and patents of the Russian Federation simultaneously granted for the remaining term upon the joint request of the applicants and the authors and against payment to Rospatent of the prescribed fees for the issue of the patent and its maintenance during the first year.

### **IV. International Applications Under the Patent Cooperation Treaty (PCT) and International Registrations Under the Madrid Agreement Concerning the International Registration of Marks**

(7) International applications filed under the **Patent Cooperation Treaty (PCT)** designating the Soviet Union are considered to be applications designating the Russian Federation and will, like all international applications designating the Russian Federation, automatically be processed as such under the new Patent Law. Where the acts for entering the national phase have been complied with within the applicable time limit under PCT Articles 22 or 39(1), no action needs to be taken by applicants to confirm the continuation of these applications. Where the said time limit has not yet expired, the applicant must, within that time limit, perform before Rospatent the following acts: pay the national fee and furnish, where applicable, a Russian translation of the application. Furthermore, a patent attorney registered to practice before Rospatent must be appointed by non-residents and, where the applicant is not the inventor, an instrument of assignment must be submitted.

(8) International registrations of marks effected under the **Madrid Agreement Concerning the International Registration of Marks** with an effective date of territorial extension to the Soviet Union prior to December 24, 1991, are automatically valid in the territory of the Russian Federation, subject to any refusal or other termination of the effect of the territorial extension. No action needs to be taken by the holders of such international registrations to confirm their validity.

### **Announcement on the Protection of Industrial Property in the Republic of Georgia**

The situation of industrial property protection in Georgia is summarized below.

#### **I. Legislation**

(1) On May 1, 1992, the Regulation on Inventions (Decree No. 302), the Regulation on Trademarks (Decree No. 304) and the Regulation on Industrial Designs (Decree No. 303) entered into force. On the same date, the Georgian Patent Office was established.

#### **II. Applications for Industrial Property Rights Filed With the Georgian Patent Office**

(2) Since May 1, 1992, it has been possible to file applications for the grant of patents for invention, for the grant of patents for utility models, for the grant of industrial design patents and for the registration of trademarks with the Georgian Patent Office.

(3) When Georgia becomes party to the Patent Cooperation Treaty (PCT) and the Madrid Agreement Concerning the International Registration of Marks, it will be possible to seek protection in the country under those treaties. For the time being, however, the only way to seek protection in Georgia is through direct filings with the Georgian Patent Office.

(4) If an applicant is not a national of Georgia and has no permanent domicile in the territory of Georgia, he must conduct his affairs with the Georgian Patent Office through the intermediary of patent attorneys registered in the Georgian Patent Office. The list of the persons who can act as representatives is available from the Georgian Patent Office and from the International Bureau of WIPO.

### **III. Applications for Industrial Property Rights Previously Filed With the Patent Office of the Soviet Union or With the Patent Office of the Russian Federation With the Express or Implied Intention of Obtaining Protection Also in Georgia, and Industrial Property Rights Granted by the Patent Office of the Soviet Union**

(5) An applicant of an application for a patent for invention, for an inventor's certificate, for an industrial design patent or certificate or for a trademark certificate filed before February 1, 1992, with the Patent Office of the Soviet Union or before May 1, 1992, with the Patent Office of the Russian Federation with the express or implied intention of obtaining protection also in Georgia and claiming priority (including Convention priority) may file with the Georgian Patent Office before August 1, 1993, a request for the grant of a patent for invention, industrial design patent or trademark certificate, provided that:

(i) a copy of the pending application with an official indication of the date of receipt of the application by the Patent Office of the Soviet Union or the Patent Office of the Russian Federation is enclosed;

(ii) the prescribed fee is paid.

The request is considered equivalent to an application filed with the Georgian Patent Office.

(6) The owner of a patent for invention, an inventor's certificate, an industrial design patent or certificate or a trademark certificate granted by the Patent Office of the Soviet Union may file with the Georgian Patent Office before August 1, 1993, a request for the grant of a patent or trademark certificate, provided that:

(i) at the time the request is made, in the case of inventions, 20 years and, in the case of industrial designs, 15 years have not yet expired from the filing date of the application with the Patent Office of the Soviet Union and the patent or certificate concerned was still valid on May 1, 1992;

(ii) in the case of patents for invention or inventors' certificates, a copy of the Soviet patent or inventor's certificate and a copy of the description of the invention is enclosed; where the grant was decided but not effectively made, a copy of the decision of the Patent Office of the Soviet Union that the Soviet patent or certificate should be granted, together with a copy of the description of the invention, must be enclosed;

(iii) in the case of trademarks, a copy of the trademark certificate is enclosed and the certificate was still in force on May 1, 1992;

(iv) the prescribed fee is paid.

(7) Applications for trademark registration and trademarks for which requests are filed with the Georgian Patent Office under paragraphs (5) and (6), above, are subject to examination after acceptance of the request.

(8) The term of a trademark registration effected by the Georgian Patent Office under paragraphs (5) to (7), above, is 10 years, counted from the date of filing of the request with the Georgian Patent Office, with the possibility of renewal.

**IV. Filing Under the Patent Cooperation Treaty and Under the Madrid Agreement With the Designation of the Soviet Union or the Russian Federation With the Express or Implied Intention of Obtaining Protection Also in Georgia**

(9) Paragraph (5), above, also applies in the case of a patent application designating the Soviet Union or the Russian Federation filed under the Patent Cooperation Treaty (PCT). However, for the purpose referred to in paragraph (5)(i), above, the Georgian Patent Office will accept, as evidence of filing of an international application designating the Soviet Union or the Russian Federation, a copy of the Notice informing the applicant of the communication of the international application (Form PCT/IB/308) issued by the International Bureau of WIPO. In addition, a copy of any translation into Russian furnished to the Patent Office of the Soviet Union or the Russian Federation must be submitted.

(10) Paragraph (6), above, also applies to international trademark registrations effected under the Madrid Agreement Concerning the International Registration of Marks, provided that the effects of the international registration had not been refused or invalidated in the Soviet Union or the Russian Federation prior to May 1, 1992.

**V. Address of the Patent Office**

Georgian Patent Office (Sakpatenti)  
47 Kostava St.  
Tbilisi 380079  
Georgia

Tel.: (78832) 364 113, 364 496, 988 427  
Telex: 212148 HALLO SU (Ministry for Science and Technology)  
Fax.: (78832) 988 497.

**SECTION IV****NOTICES AND INFORMATION OF A GENERAL CHARACTER**

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**FEES PAYABLE UNDER THE PCT****Norway**

The **Norwegian Patent Office** has notified new amounts of fees in **Norwegian Kroner (NOK)** payable to it as receiving and designated (or elected) Office, as follows:

Transmittal fee:	NOK 500
Fee for priority document:	NOK 300
National fee:	
Basic fee:	NOK 1,500
Claim fee for each claim in excess of ten:	NOK 350
Additional fee for late furnishing of translation or copy:	NOK 800
Annual fees for the first three years:	NOK 1,650

[Updating of PCT Gazette No. 01/1993, Annex C(NO), page 132, and Summary (NO), page 200]

**Portugal**

The **National Institute of Industrial Property of Portugal** has notified new amounts of fees in **Portuguese Escudo (PTE)** payable to it as receiving and designated (or elected) Office, as follows:

Transmittal fee:	PTE 3,000
Fee for priority document:	PTE 4,500
National fees for patents and utility models:	
Filing fee:	PTE 6,000
Publication fee:	PTE 7,500
Fee for submission of each application or document:	PTE 600

[Updating of PCT Gazette No. 01/1993, Annex C(PT), page 135, and Summary (PT), page 206]

**INFORMATION ON CONTRACTING STATES****Finland**

The **National Board of Patents and Registration of Finland** has notified changes in its telephone and facsimile machine numbers as follows:

Telephone: (0) 693 95 00  
Facsimile machine: (0) 693 95 328

[Updating of PCT Gazette No. 01/1993, Annex B1(FR), page 36]

**Norway**

The **Norwegian Patent Office** has notified changes in its telephone and facsimile machine numbers, as follows:

Telephone: (02) 22 38 73 00  
Facsimile machine: (02) 22 38 73 01

[Updating of PCT Gazette No. 01/1993, Annex B1(NO), page 74]

**Spain**

The **Industrial Property Office of Spain** has notified a change in its name, as follows:

Name of Office: Spanish Patent and Trademark Office

[Updating of PCT Gazette No. 01/1993, Annex B1(ES), page 34]

**SECTION IV****NOTICES AND INFORMATION OF A GENERAL CHARACTER**

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**FEES PAYABLE UNDER THE PCT****France**

The **National Institute of Industrial Property of France** has notified a new amount of a fee in **French Francs (FRF)**, payable to it as receiving Office, as follows:

Fee for priority document: FRF 100

[Updating of PCT Gazette No. 01/1993, Annex C(FR), page 118]

**Greece**

The **Industrial Property Office of Greece** has notified new amounts of fees in **Greek Drachma (GRD)**, payable to it as receiving Office, as follows:

Transmittal fee: GRD 23,500

Fee for priority document: GRD 7,500

[Updating of PCT Gazette No. 01/1993, Annex C(GR), page 120]

**Republic of Korea**

The **Korean Industrial Property Office** has notified new amounts of fees in **Won (KRW)**, payable to it as designated (or elected) Office, as follows:

National filing fee:

For patent: KRW 18,000

For utility model: KRW 12,000

[Updating of PCT Gazette No. 01/1993, Summary (KR), page 194]

**Spain**

The **Spanish Patent Office** has notified new amounts of fees in **Peseta (ESP)**, payable to it as designated Office, as follows:

National filing fee:

For patent: ESP 7,950

For utility model: ESP 7,950

[Updating of PCT Gazette No. 01/1993, Summary (ES), page 185]



## INFORMATION ON CONTRACTING STATES

### Barbados

The **Corporate Affairs and Industrial Property Office of Barbados** has notified changes in its name, location and mailing address, as well as facsimile machine number, as follows:

Name of Office:	Corporate Affairs and Intellectual Property Office
Location and mailing address:	Director of Intellectual Property Geddes Grant Complex Whitepark Road, Bridgetown
Facsimile machine:	(809) 437 30 72

[Updating of PCT Gazette No. 01/1993, Annex B1(BB), page 10]

### Denmark

The **Danish Patent Office** has notified a change in its requirement as to the kinds of documents accepted to be filed by means of telecommunication, as follows:

Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	[No change]
Which kinds of documents may be so transmitted?	[No change]
Must the original of the document be furnished in all cases?	No, only upon invitation

[Updating of PCT Gazette No. 01/1993, Annex B1(DK), page 32]

### Ireland

The **Irish Patents Office** has notified changes in its telephone and facsimile machine numbers, as follows:

Telephone:	(1) 661 41 44
Facsimile machine:	(1) 676 04 16

[Updating of PCT Gazette No. 01/1993, Annex B1(IE), page 48]

### Poland

The **Polish Patent Office** has notified a change in its teleprinter address, as follows:

Teleprinter:	813492 CPIZL PL
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[Updating of PCT Gazette No. 01/1993, Annex B1(PL), page 78]

**United States of America**

The **United States Patent and Trademark Office** has notified a change in its telephone number, as well as in its requirement as to the time when the name and address of the inventor must be given, as follows:

Telephone:	(703) 305 32 57
Time when the name and address of the inventor must be given if the United States of America is designated:	The name and address of the inventor/applicant must be given in the request upon filing

[Updating of PCT Gazette No. 01/1993, Annex B1(US), page 97]

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### INTERNATIONAL SEARCHING AUTHORITIES INTERNATIONAL PRELIMINARY EXAMINING AUTHORITIES

Agreement between the Government of Australia and  
the World Intellectual Property Organization\*

#### Amendment to Annex C

The Australian Patent Office has notified the International Bureau, pursuant to Article 11(3) of the Agreement, of amendments to Annex C of the Agreement. The new amounts of fees are applicable as from July 1, 1993. The amended Annex reads as follows:

#### "ANNEX C

#### FEES AND CHARGES FOR INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION

#### Part I: Schedule of Fees and Charges

Kind of fee or charge	Amount Australian Dollars
Search fee (Rule 16.1(a)):	750
Additional fee (Rule 40.2(a)):	750
Preliminary examination fee (Rule 58.1(b)):	400
Additional fee (Rule 68.3(a)):	400
Providing copies of cited documents (Rules 44.3(b) and 71.2(b)):	15 per document

#### Part II: [No change]"

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\* Published in PCT Gazette No. 26/1987, pages 4551 to 4556, No. 13/1988, page 2839, No. 12/1989, page 3164, No. 03/1990, page 669, No. 09/1991, page 3500, No. 13/1992, page 6468, and No. 25/1992, page 11299.

**FEES PAYABLE UNDER THE PCT****Australia**

The Australian Patent Office has notified new amounts of fees in Australian Dollars (AUD), as specified below. The new amounts are applicable as from July 1, 1993.

Transmittal fee:	AUD	55
Search fee:	AUD	750
Additional search fee:	AUD	750
Preliminary examination fee:	AUD	400
Additional preliminary examination fee:	AUD	400
National fee:		
Filing fee for patent:	AUD	195
Additional fee for each sheet (including drawings) in excess of 30:	AUD	14
Additional fee for each claim in excess of 10:	[No change]	
Filing fee for petty patent:	AUD	165

[Updating of PCT Gazette No. 01/1993, Annex C(AU), page 106, Annex D(AU), page 146, Annex E(AU), page 154, and Summary (AU), page 174]

**Brazil**

The National Institute of Industrial Property of Brazil has notified new amounts of fees in Cruzeiro (BRC), as follows:

Transmittal fee:	BRC	1,197,260
Fee for priority document:	BRC	162,090
National fee:		
For patent:		
Filing fee:	BRC	549,830
First annual fee:	BRC	735,630
For utility model:		
Filing fee:	BRC	549,830
First annual fee:	BRC	448,720

[Updating of PCT Gazette No. 01/1993, Annex C(BR), page 109, and Summary (BR), page 177]

**Poland**

The Polish Patent Office has notified new amounts of fees in Zloty (PLZ), as specified below. The new amounts are applicable as from May 6, 1993.

Transmittal fee:	PLZ	1,500,000
Fee for priority document:	PLZ	250,000
National fee for patent or utility model:		
- where international preliminary examination has been carried out:	PLZ	1,000,000
- where no international preliminary examination has been carried out:	PLZ	2,000,000
Fee for priority claims, per priority:	PLZ	200,000

[Updating of PCT Gazette No. 01/1993, Annex C(PL), page 134 and Summary (PL), page 204]

**Romania**

The **State Office for Inventions and Trademarks of Romania** has notified new amounts of fees in **Leu (ROL)**, as follows:

Transmittal fee:	ROL 10,000
Fee for priority document:	ROL 1,000 plus ROL 25 per page of the description, claims and drawings

[Updating of PCT Gazette No. 01/1993, Annex C(RO), page 136]

**Spain**

Pursuant to PCT Rule 15.2(d), new amounts of fees in **Peseta (ESP)**, as specified below, have been established. The new amounts are applicable as from August 24, 1993.

Basic fee:	ESP 66,000
Supplement per sheet over 30:	ESP 1,000
Designation fee:	ESP 16,000

[Updating of PCT Gazette No. 01/1993, Annex C(ES), page 116]

**United States of America**

The **United States Patent and Trademark Office** has notified new amounts of a fee in **US Dollars (USD)**, as follows:

Fee for copies of documents contained in the file of the international application (PCT Rule 94.1):	USD 3 per copy of US patent USD 25 per copy of non-US patent document See 37 CFR 1.19 for other document supply fees
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[Updating of PCT Gazette No. 01/1993, Annex E(US), page 161]

**INFORMATION ON CONTRACTING STATES****Brazil**

The **National Institute of Industrial Property of Brazil** has notified changes in its location and mailing address as well as in its facsimile machine number, as follows:

Location and mailing address:	Praça Maua No. 7, 10º andar, Rio de Janeiro, R.J., Brazil
Facsimile machine:	(021) 233 07 85 for DIRPA/PCT

[Updating of PCT Gazette No. 01/1993, Annex B1(BR), page 18]

### Bulgaria

The **Institute of Inventions and Rationalizations of Bulgaria** has notified changes in its name, the types of protection available in Bulgaria, provisions of the law concerning the international-type search, in its requirements as to the provisional protection after the international publication and the time when the name and address of the inventor must be given, as follows:

Name of Office:	Bulgarian Patent Office
Types of protection available:	Patents, utility models (a utility model may be sought instead of a patent)
Provisions of the law of Bulgaria concerning international-type search:	Article 68(2) of the Bulgarian Patent Law
Provisional protection after international publication:	The international application made available to the public shall obtain temporary protection, under paragraphs (1) and (2) of PCT Article 29, as from the day on which the issue of the Official Gazette of the Bulgarian Patent Office has come out, containing the announcement of the publication of the Bulgarian translation of the international application
Time when the name and address of the inventor must be given if Bulgaria is designated:	May be in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Bulgarian Patent Office will invite the applicant to comply with the requirement within three months from the invitation.

[Updating of PCT Gazette No. 01/1993, Annex B1(BG), pages 15 and 16]

### Germany

The **German Patent Office** has notified a change in its location and mailing address, applicable as from July 1, 1993, as follows:

Location and mailing address:	Zweibrückenstrasse 12 D-80331 München, Germany
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[Updating of PCT Gazette No. 01/1993, Annex B1(DE), page 20]

### Italy

The **Central Patent Office of Italy** has notified changes in its name and its teleprinter address, as follows:

Name of Office:	Italian Patent and Trademark Office
Teleprinter:	62050 UCB I

[Updating of PCT Gazette No. 01/1993, Annex B1(IT), page 49]



**Monaco**

The **Directorate of Commerce, Industry and Industrial Property of Monaco** has notified changes in its telephone and facsimile machine numbers, as follows:

Telephone: (93) 15 80 00, 15 88 67

Facsimile machine: (92) 05 75 20

[Updating of PCT Gazette No. 01/1993, Annex B1(MC), page 63]

**Republic of Korea**

The **Korean Industrial Property Office** has notified changes in its telephone number and in its requirements as to the acceptance of documents filed by means of telecommunication, as follows:

Telephone: (02) 568 60 79

Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)? Yes, by facsimile machine

Which kinds of documents may be so transmitted? All kinds of documents except the translation to be furnished under PCT Article 22 or 39

Must the original of the document be furnished in all cases? [No change]

[Updating of PCT Gazette No. 01/1993, Annex B1 (KR), page 55]

**Romania**

The **State Office for Inventions and Trademarks of Romania** has notified changes in its telephone and facsimile machine numbers, its requirements as to acceptance of evidence of mailing documents by delivery services other than the postal authorities, provisional protection after the international publication, the time when the name and address of the inventor must be given and its special provisions concerning the deposit of microorganisms, as follows:

Telephone: 614 92 56, 615 90 66

Facsimile machine: 312 38 19

Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)? Yes

Provisional protection after international publication: The applicant may, from the date of publication in the Romanian language of the international application, claim from any person who uses the subject of the application, although he knew or should have known that the invention used by him was the subject of the published application, compensation appropriate to the circumstances (see Articles 23, 35(1), 59(3) and (4) of the Law 64/1991 on Inventions)

**Romania (cont'd)**

Time when the name and address of the inventor must be given if Romania is designated:

May be in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1)(a), the State Office for Inventions and Trademarks will invite the applicant to comply with the requirement within 15 months from the date of entry into the national phase

Are there special provisions concerning the deposit of microorganisms?

No, but practically the Office recognizes deposits with depositary institutions situated in Romania or having acquired the status of international depositary authority and accessible to any interested natural or legal person

[Updating of PCT Gazette No. 01/1993, Annex B1 (RO), pages 82 and 83]

**INFORMATION ON INTERGOVERNMENTAL ORGANIZATIONS****European Patent Organisation**

The **European Patent Office** has notified changes in the location and mailing address of its headquarters at Munich and the Filing Office at Berlin, as specified below. The changes are applicable as from July 1, 1993.

Location:	Headquarters at Munich:	Filing Office at Berlin:
	Erhardtstr. 27 D-80331 Munich Germany	Gitschiner Str. 103 D-10969 Berlin Germany
Mailing address:	D-80298 Munich Germany	D-10958 Berlin Germany

[Updating of PCT Gazette No. 01/1993, Annex B2 (EP), page 99]

**RECEIVING OFFICES  
DESIGNATED (OR ELECTED) OFFICES****Bulgaria**

The **Bulgarian Patent Office** has notified changes in its requirement as to who can act before it as agent as well as in its special requirements as designated (or elected) Office, as follows:

Who can act as agent?	Any patent attorney registered to practice before the Office
Special requirements of the Office (PCT Rule 51bis):	Declaration concerning inventorship
	Appointment of an agent if the applicant is not resident in Bulgaria
	Translation must be furnished in two copies

[Updating of PCT Gazette No. 01/1993, Annex C (BG), page 108 and Summary (BG), page 176]

**Poland**

The **Polish Patent Office** has notified changes in its requirement as to who can act before it as agent as well as in its special requirements as designated (or elected) Office, as follows:

Who can act as agent?	Any patent attorney resident in Poland
Special requirements of the Office (PCT Rule 51bis):	Statement justifying the applicant's right to the patent if he is not the inventor Statement justifying the applicant's priority right, where the applicants are not identical Appointment of an agent if applicant is not resident in Poland Translation of priority document into Polish if it is not in English, French, German or Russian Translation of the international application to be furnished in three copies

[Updating of PCT Gazette No. 01/1993, Annex C(PL), page 134, and Summary (PL), page 204]

**Romania**

The **State Office for Inventions and Trademarks of Romania** has notified its additional special requirement as designated (or elected) Office, as follows:

Special requirement of the Office (PCT Rule 51bis):	Instrument of assignment, where the applicant is not the inventor
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[Updating of PCT Gazette No. 01/1993, Summary (RO), page 207]

**DEPOSITS OF MICROORGANISMS  
LIST OF DEPOSITARY INSTITUTIONS**

**Bulgaria**

Pursuant to PCT Rule 13bis.7(b), the **Bulgarian Patent Office** has notified the International Bureau of a change in the address of the depositary institution listed as "National Bank for Industrial Microorganisms and Cell Cultures (NBIMCC)" in Annex L, published in PCT Gazette No. 01/1993, as follows:

"National Bank for Industrial Microorganisms and  
Cell Cultures (NBIMCC)  
125 Tzarigradsko shosse bd, 2  
1113 Sofia, Bulgaria"

[Updating of PCT Gazette No. 01/1993, Annex L, page 171]

**Republic of Korea**

Pursuant to PCT Rule 13bis.7(b), the **Korean Industrial Property Office** has notified the International Bureau of changes in the address of the depositary institution listed as "Korean Collection for Type Cultures (KCTC)" in Annex L, published in PCT Gazette No. 01/1993 on page 171, as follows:

"Korean Collection for Type Cultures (KCTC)  
Genetic Engineering Research Institute  
Korea Institut of Science and Technology  
Oun-dong, Yusong-ku  
Taejon 305-333, Republic of Korea"

[Updating of PCT Gazette No. 01/1993, Annex L, page 171]

### **Announcement on the Protection of Industrial Property in Belarus**

The situation of industrial property protection in Belarus is summarized below.

#### **I. Legislation**

(1) On February 5, 1993, the Law on Patents for Inventions, the Law on Patents for Industrial Designs and the Law on Trademarks and Service Marks of Belarus and the respective Parliamentary Decrees putting the said laws into effect were adopted and entered into force.

#### **II. Membership in Treaties**

(2) The Government of Belarus deposited on April 14, 1993, a declaration to the effect that the Paris Convention for the Protection of Industrial Property, the Madrid Agreement Concerning the International Registration of Marks and the Patent Cooperation Treaty continue to be applicable to Belarus. Belarus was already party to the Convention Establishing the World Intellectual Property Organization.

#### **III. Industrial Property Rights Granted by the Patent Office of the Soviet Union**

(3) A patent for invention, an industrial design patent or a trademark certificate, which was issued by the Patent Office of the Soviet Union may be registered by the State Patent Office of Belarus at the request of the owner. Upon registration, such industrial property rights will be considered as having the same effects as a patent for invention, industrial design patent or trademark certificate issued by the State Patent Office of Belarus. The duration is 20 years from the filing date of the application with the Patent Office of the Soviet Union in the case of a patent for invention, 15 years from the filing date of the application with the Patent Office of the Soviet Union in the case of an industrial design patent, and 10 years from the filing date of the request for registration by the State Patent Office of Belarus in the case of a trademark certificate, the latter request to be filed before the expiry of the 10-year term from the filing date of the application with the Patent Office of the Soviet Union. The filing date and any priority date of the application with the Patent Office of the Soviet Union will be maintained.

(4) As regards inventors' certificates and industrial design certificates granted by the Patent Office of the Soviet Union in relation to which a 20-year term in the case of inventions, or a 15-year term in the case of industrial designs, both counted from the filing date of the application, has not expired, the State Patent Office of Belarus will grant for the remaining term a Belarusian patent for invention or industrial design patent upon the joint request of the applicant and the inventor (inventors). Failing the agreement between the applicant and the inventor (inventors), no patent will be granted.

(5) The request for registration by the State Patent Office of Belarus must be filed before February 5, 1994, in the case of inventions and industrial designs, and before October 5, 1993, in the case of trademarks. It must be accompanied by the original or a copy, certified by the patent owner, or the applicant, or the patent attorney, of the patent or certificate issued by the Patent Office of the Soviet Union, and also by a copy of the document attesting that the fee for the preceding term has been paid.

(6) Any inventor's certificate which is not exchanged for a patent for invention will enjoy the legal status which had been applicable to the invention in question in the Soviet Union before July 1, 1991.

**IV. Applications for Industrial Property Rights Filed with the Patent Office of the Soviet Union or with the Patent Office of the Russian Federation Before February 5, 1993**

(7) The applicant of an application for a patent for invention or an inventor's certificate, or of an application for an industrial design patent or an industrial design certificate, which had been filed with the Patent Office of the Soviet Union or with the Patent Office of the Russian Federation before February 5, 1993, and in respect of which a decision to grant has been taken, may request the State Patent Office of Belarus to issue a Belarusian patent for invention or industrial design patent. The request must be filed before August 5, 1993\*.

(8) The applicant of an application for a patent for invention or an inventor's certificate, of an application for an industrial design patent or an industrial design certificate, or of an application for a trademark certificate, which had been filed with the Patent Office of the Soviet Union or with the Patent Office of the Russian Federation before February 5, 1993, and the processing of which has not been completed and in respect of which patents or certificates have not been granted, may request the State Patent Office of Belarus before August 5, 1993\*, that the said application be further processed according to the Belarusian legislation and that the priority date of the said application be maintained, provided that the request is filed before the expiry of 27 months from the filing date of the first application in the case of inventions, and before the expiry of 21 months from the filing date of the first application in the case of industrial designs and trademarks.

**V. Applications for Industrial Property Rights Filed, Before April 14, 1993, with the Industrial Property Offices of States Party to the Paris Convention for the Protection of Industrial Property**

(9) The State Patent Office of Belarus will recognize the priority date of a first application filed in a State party to the Paris Convention, provided that, in the case of inventions, the request for the grant of a Belarusian patent based on the said application is filed with the State Patent Office of Belarus before the expiry of 27 months from the filing date of the first application or, in the case of industrial designs and trademarks, the request for the grant of a Belarusian industrial design patent, or for the grant of a Belarusian trademark certificate, based on the said application, is filed with the State Patent Office of Belarus before the expiry of 21 months from the filing date of the first application.

**VI. Effects in Belarus of International Applications under the Patent Cooperation Treaty (PCT)**

(10)(a) As mentioned in paragraph (2), above, on April 14, 1993, Belarus deposited a declaration of continuation, the effect of which is that the Patent Cooperation Treaty (PCT) is applied by Belarus. Nationals and residents of Belarus can therefore file international applications, and Belarus can be designated and elected in international applications filed, from that date.

(b) Rules 32.1 and 32.2 of the Regulations under the PCT allow the extension of international applications to certain successor States.

(c) For the purpose of determining the status of international applications with respect to Belarus, one has to distinguish between

- (i) international applications designating the Soviet Union which were filed before December 25, 1991 (see (d), below);
- (ii) international applications--irrespective of the designations they contain--which were filed between December 25, 1991, and June 22, 1993 (see (e) to (g), below);
- (iii) international applications specifically\*\* designating Belarus filed on or after April 14, 1993 (see (h), below).

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\* This time limit applies at the date of preparation of this announcement but is under further consideration and may be replaced by a later date.

\*\* In this announcement, an international application is regarded as "specifically" designating Belarus either if Belarus has been designated under Rule 4.9(a) of the Regulations under the PCT or if the designation of Belarus has been confirmed under Rule 4.9(c) of those Regulations.



(d) As regards any international application whose international filing date is before December 25, 1991, and in which the Soviet Union has been designated, the "national filing effect" of any such application under Article 11(4) of the PCT will, pursuant to the deposit by Belarus of its declaration of continuation, be recognized in Belarus. The conditions under which any such international application, or any patent or inventor's certificate resulting therefrom and granted by the Patent Office of the Soviet Union or by the Patent Office of the Russian Federation, may continue to have effect in Belarus are the following:

- (i) if a patent for invention or an inventor's certificate has been granted by the Patent Office of the Soviet Union or by the Patent Office of the Russian Federation on the basis of the international application, the conditions referred to in paragraphs (3) to (6), above, are applicable;
- (ii) if the applicant has entered the national phase before the Patent Office of the Soviet Union or the Patent Office of the Russian Federation but a patent for invention or an inventor's certificate has not been granted by either of those Offices, the conditions referred to in paragraphs (7) and (8), above, are applicable, provided that the applicant, before August 5, 1993\*, files with the State Patent Office of Belarus a request that the international application be further processed according to the Belarusian legislation; the request must be accompanied by a copy of the Russian translation of the international application submitted to the Patent Office of the Soviet Union or the Patent Office of the Russian Federation and a declaration that the application is still pending before the Patent Office of the Russian Federation, except where a decision to grant a patent has been made, in which case only the requirements referred to in paragraph (7), above, apply;
- (iii) if the applicant has not entered the national phase before the Patent Office of the Soviet Union or the Patent Office of the Russian Federation and the time limit for entering the national phase had not expired on December 24, 1991, the applicant must furnish to the State Patent Office of Belarus, within the following time limit, a translation of the international application into Belarusian or Russian and evidence that the prescribed fee (see paragraph (13), below) has been paid to the latter Office:
  - before August 5, 1993\*, or before the expiration of 21 months from the priority date, whichever is later, if Belarus is not elected under Chapter II of the PCT within 19 months from the priority date;
  - before August 5, 1993\*, or before the expiration of 31 months from the priority date, whichever is later, if Belarus is elected under Chapter II of the PCT within 19 months from the priority date.

(e) As regards any international application whose international filing date is later than December 24, 1991, and not later than June 22, 1993\*\*, its effects may be extended to Belarus (irrespective of the designations it contains) through the performance by the applicant of the following acts:

- (i) filing with the International Bureau of the World Intellectual Property Organization (WIPO) a request for extension;
- (ii) paying to the International Bureau of WIPO an extension fee of 185 Swiss francs, payable only in Swiss francs.

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\* This time limit applies at the date of preparation of this announcement but is under further consideration and may be replaced by a later date.

\* With the exception of any such international application whose international filing date is on or after April 14, 1993, and in which Belarus is specifically designated: in such a case, the procedure described in (e) to (g) is not applicable, and the procedure described in (h) applies. It should be noted that Belarus can be specifically designated only in those international applications filed on or after April 14, 1993.



(f) The applicant in respect of each and every international application referred to in (e), above, or his agent or common representative if there is one, will receive a written notification from the International Bureau of WIPO drawing his attention to the fact that he can, by filing a written request for extension, extend the effects of the international application to Belarus. The notification will, in particular, specify the modes of payment of the extension fee of 185 Swiss francs. The request for extension must contain the identification of the international application by its international application number. A form which may be used for the purpose of requesting the extension to Belarus will be attached to the notification. The request for extension must be in English or French, and may be sent by telefax or telex. The request for extension and the corresponding payment must reach the International Bureau of WIPO before the expiration of three months from the date of the notification sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. It is recommended that applicants await the notification from the International Bureau of WIPO and use the form attached to it, but requests and payments may be made prior to receipt of the notification from the International Bureau of WIPO.

(g) If the conditions described in (e) and (f), above, are fulfilled, Belarus will be considered as having been designated in the international application on its international filing date. In order to enter the national phase before the State Patent Office of Belarus, the applicant must furnish to that Office, within the following time limit, both a translation of the international application into Belarusian or Russian and evidence that the prescribed fee (see paragraph (13), below) has been paid:

- (i) before August 5, 1993\*, or before the expiration of 21 months from the priority date, whichever is later, if Belarus is not elected under Chapter II of the PCT within 19 months from the priority date and item (iii) does not apply;
- (ii) before August 5, 1993\*, or before the expiration of 31 months from the priority date, whichever is later, if Belarus is elected under Chapter II of the PCT within 19 months from the priority date;
- (iii) before August 5, 1993\*, or before the expiration of 31 months from the priority date, whichever is later, if a request for extension to Belarus is made after, but the demand for international preliminary examination was made before, the expiration of 19 months from the priority date, and a later election of Belarus is made together with the request for extension or within three months from the date of the request for extension.

(h) As regards any international application whose international filing date is on or after April 14, 1993, and in which Belarus is specifically designated, the applicant, in order to enter the national phase before the State Patent Office of Belarus, must furnish to that Office, within the following time limit, both a translation of the international application into Belarusian or Russian and evidence that the prescribed fee (see paragraph (13), below) has been paid to the said Office:

- (i) before the expiration of 21 months from the priority date if Belarus is not elected under Chapter II of the PCT within 19 months from the priority date;
- (ii) before the expiration of 31 months from the priority date if Belarus is elected under Chapter II of the PCT within 19 months from the priority date.

## **VII. Effects in Belarus of International Registrations under the Madrid Agreement Concerning the International Registration of Marks**

(11)(a) As mentioned in paragraph (2), above, on April 14, 1993, Belarus deposited a declaration of continuation, the effect of which is that the Madrid Agreement Concerning the International Registration of Marks is applied by Belarus.

(b) Pursuant to the deposit of the declaration of continuation and to Rule 38 of the Regulations under the Madrid Agreement, certain international registrations may have effect in Belarus subject to the conditions described below. The international registrations are those which have a territorial extension to the Soviet Union effective from a date prior to December 25, 1991.

\* This time limit applies at the date of preparation of this announcement but is under further consideration and may be replaced by a later date.

(c) The conditions referred to above are the following:

- (i) the filing with the International Bureau of the World Intellectual Property Organization (WIPO) of a request;
- (ii) the payment to the International Bureau of WIPO of a fee, the amount of which is 62 Swiss francs per international registration.

(d) The owner of each and every international registration concerned, or his representative (if the owner has a representative whose name appears in the International Register), will receive a written notice from the International Bureau of WIPO drawing his attention to the fact that he can, by filing a written request, obtain the continuation of the effect of the international registration in Belarus. The notice will, in particular, specify the modes of payment of the fee. The request must contain the identification of the international registration concerned by its international registration number. A form (in French) will be attached to the notice and may be used. The request must be in English or French, and may be sent by telefax or telex. The request and the corresponding payment must reach the International Bureau of WIPO before the expiration of six months from the date of the notice sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. Requests and payments may be made prior to receipt of the notice of the International Bureau of WIPO.

(e) If the conditions described above are fulfilled, the international registration concerned will, with respect to Belarus, have effect as of the effective date of the territorial extension to the Soviet Union and will benefit from any priority validly claimed with regard to such extension.

(f) For each international registration which has a territorial extension to the Russian Federation effective as of a date between December 25, 1991, and April 14, 1993, the owner may request the State Patent Office of Belarus, before August 5, 1993\*, that the said registration be processed as an application under the Belarusian legislation. The request must be accompanied by an extract from the International Register established by the International Bureau of WIPO, by a declaration that, to the best knowledge of the owner, the international registration still has effect in the Russian Federation, and by an application filed according to the Belarusian legislation.

(g) For each international registration not covered by (b) or (f), above, namely, for each international registration which has no territorial extension to the Soviet Union or to the Russian Federation or whose international registration date is later than April 14, 1993, protection in Belarus can only be obtained by filing, through the intermediary of the national Office of the country of the owner, a request for territorial extension under Rule 20 of the Regulations under the Madrid Agreement. It is to be noted that requests for territorial extension to Belarus are possible at present.

#### **VIII. Procedural Provisions**

(12) If an applicant does not have his ordinary residence or principal place of business in Belarus, he must authorize a representative in Belarus, and all requests, applications and other documents must be filed through the intermediary of such a representative.

(13) The official fees applicable to the procedures referred to under paragraphs (3), (4), (5), (7), (8), (10) and (11)(f) are available from the State Patent Office of Belarus.

(14) Any request referred to under paragraphs (3), (4), (5), (7), (8), (10)(d)(ii) and (11)(f), above, and any declaration referred to under paragraphs (10)(d)(ii) and (11)(f), above, must be filed in Belarusian or Russian.

#### **IX. Address of the Patent Office of Belarus**

State Patent Office of Belarus  
66, pr. Skoriny  
Minsk 220072, Belarus  
Tel.: (70172) 395 840  
Fax.: (70172) 394 130

\* This time limit applies at the date of preparation of this announcement but is under further consideration and may be replaced by a later date.

**Announcement on the Provisional Regulation  
Concerning the Legal Protection of  
Industrial Property in Ukraine**

The President of Ukraine, by his Decree of September 18, 1992, approved the Provisional Regulation on Legal Protection of Objects of Industrial Property and Rationalization Proposals in Ukraine ("Regulation"). The Regulation entered into force on September 18, 1992.

The situation of industrial property protection in Ukraine, as resulting in particular from the transitional provisions of the Regulation, is summarized below.

**I. The Transitional Provisions Concerning Priority and, in Respect of Applications for Patents for Inventions, the Carrying Out of Examination**

(1) Any priority claimed within **nine** months from the entry into force of the Regulation, i.e., until June 18, 1993, on the basis of the first filing in a State party to the Paris Convention for the Protection of Industrial Property, will be recognized even if it is claimed after 12 months from the first filing in the case of patents for inventions, or six months from the first filing in the case of industrial designs or trademarks, provided that it is claimed not later than 30 months from the first filing in the case of patents for inventions, or not later than 24 months from the first filing in the case of industrial designs and trademarks.

(2) The applicant or any other person may submit to the State Patent Office of Ukraine within five years from the filing date a request for the substantive examination of an application for a patent for invention. The request must be accompanied by a search report established by an International Searching Authority under the Patent Cooperation Treaty (PCT) or an organization registered with the State Patent Office of Ukraine as a Searching Authority, or by evidence that an action to grant a patent has been taken by a Patent Office which has a substantive examination system for granting patents.

**II. Applications for Industrial Property Rights Filed With the Patent Office of the Soviet Union**

(3) An applicant of an application for a patent for invention or for an inventor's certificate filed with the Patent Office of the Soviet Union prior to December 25, 1991, may request the State Patent Office of Ukraine within 12 months from the date of entry into force of the Regulation, i.e., until September 18, 1993, that the said application be further processed according to the Regulation. An applicant of an application for an industrial design patent or certificate or for a trademark certificate filed with the Patent Office of the Soviet Union prior to December 25, 1991, may request the State Patent Office of Ukraine within nine months from the date of entry into force of the Regulation, i.e., until June 18, 1993, that the said application be further processed according to the Regulation. The request must be accompanied by a copy of the said application, including a copy of the request showing the filing date as sent back by the Patent Office of the Soviet Union to the applicant, and by any available evidence showing that the said application still had effect on December 24, 1991. The filing date and any priority date of the said application will be maintained.

### III. Industrial Property Rights Granted by the Patent Office of the Soviet Union

(4) Patents for inventions, industrial design patents and trademark certificates registered in the corresponding State Register of the Soviet Union prior to December 25, 1991, will, after their registration by the State Patent Office of Ukraine at the request of the owner and upon furnishing of a document for payment of the prescribed fee (see paragraph (11), below), be considered as having the same effects for the remaining period of their validity as a patent for invention, industrial design patent or trademark certificate granted in accordance with the Regulation by the State Patent Office of Ukraine. The duration of the said validity is 20 years from the filing date of the application in the case of a patent for invention, 15 years from the filing date of the application in the case of an industrial design patent and, in the case of a trademark certificate, 10 years from the filing date of the application (if the period of validity of the certificate had not yet been extended by December 24, 1991) or from the date of the request for extension of the period of validity (if the period of validity of the certificate had already been extended by December 24, 1991). The request for a re-registration of a patent for invention must be filed within 12 months from the date of entry into force of the Regulation, i.e., until September 18, 1993. The request for a re-registration of an industrial design patent or trademark certificate must be filed within nine months from the date of entry into force of the Regulation, i.e., until June 18, 1993. Any request must be accompanied by a copy of the patent or certificate granted by the Patent Office of the Soviet Union.

(5) As regards inventors' certificates and industrial design certificates registered in the corresponding State Register prior to December 25, 1991, in relation to which a 20-year term in the case of inventions, or a 15-year term in the case of industrial designs, both counted from the filing date of the application, has not expired before the entry into force of the Regulation, i.e., prior to September 18, 1992, the State Patent Office of Ukraine will grant, at the request of the inventor (inventors) and with the consent of the applicant, a Ukrainian patent to the inventor himself, or to any other physical or legal person, with their consent, indicated in the request, or to the Ukrainian Inventions Foundation. In the case of inventions, if the said request is not made within the period of one year after the entry into force of the Regulation, i.e., until September 18, 1993, inventors' certificates granted by the Patent Office of the Soviet Union shall be exchanged for Ukrainian patents granted to the Ukrainian Inventions Foundation. Any Ukrainian patent to which this paragraph applies will be valid until the expiration of 20 years from the filing date of the application in the case of inventions, and 10 years from the filing date of the application, with an opportunity of subsequent extension, upon request of the owner, but not longer than for another five-year period in the case of industrial designs.

### IV. Effects in Ukraine of International Applications Under the Patent Cooperation Treaty (PCT)

(6) (a) On September 21, 1992, Ukraine deposited a declaration of continuation the effect of which is that the Patent Cooperation Treaty (PCT) is applied by Ukraine. Nationals and residents of Ukraine can therefore file international applications, and Ukraine can be designated and elected in international applications filed, from that date.

(b) On September 29, 1992, the Assembly of the PCT Union adopted, with effect on October 1, 1992, new Rules 32.1 and 32.2 in the Regulations under the PCT, concerning the extension of international applications to certain successor States.

(c) For the purpose of determining the status of international applications with respect to Ukraine, one has to distinguish between

- (i) international applications designating the Soviet Union which were filed prior to December 25, 1991 (see (d), below);
- (ii) international applications--irrespective of the designations they contain--which were filed between December 25, 1991, and November 23, 1992 (see (e) to (g), below);
- (iii) international applications designating Ukraine filed on or after September 21, 1992 (see (h), below).



(d) As regards any international application whose international filing date is prior to December 25, 1991, and in which the Soviet Union has been designated, the "national filing effect" of any such application under Article 11(4) of the PCT will, pursuant to the deposit by Ukraine of its declaration of continuation, be recognized in Ukraine (provided that the international application had not lost its effect in the Soviet Union by December 24, 1991). The conditions under which any such international application, or any patent or inventor's certificate resulting therefrom and granted by the Patent Office of the Soviet Union, may continue to have effect in Ukraine are the following:

- (i) if a patent for invention or an inventor's certificate has been granted by the Patent Office of the Soviet Union on the basis of the international application, the conditions described in paragraphs (4) and (5), above, are applicable;
- (ii) if the applicant has entered the national phase before the Patent Office of the Soviet Union but a patent for invention or an inventor's certificate had not been granted by the Patent Office of the Soviet Union without the application having been rejected by that Office, the applicant must, until September 18, 1993,
  - furnish to the State Patent Office of Ukraine a copy of the Russian translation submitted to the Patent Office of the Soviet Union and any available evidence showing that the application still had effect on December 24, 1991,
  - file the request referred to in paragraph (3), above, with the State Patent Office of Ukraine, and
  - furnish to the State Patent Office of Ukraine a document for payment of the prescribed fee (see paragraph (11), below);
- (iii) if the applicant has not entered the national phase before the Patent Office of the Soviet Union and the time limit for entering the national phase before that Office had not expired on December 24, 1991, the applicant must furnish to the State Patent Office of Ukraine a translation of the international application into Ukrainian or Russian and a document of payment of the prescribed fee (see paragraph (11), below) until September 18, 1993, or within the following time limit if that time limit expires after September 18, 1993:
  - before the expiration of 21 months from the priority date if Ukraine is not elected under Chapter II of the PCT within 19 months from the priority date;
  - before the expiration of 31 months from the priority date if Ukraine is elected under Chapter II of the PCT within 19 months from the priority date.

(e) As regards any international application whose international filing date is later than December 24, 1991, and earlier than November 24, 1992\*, its effects may be extended to Ukraine (irrespective of the designations it contains) through the performance by the applicant of the following acts:

- (i) filing with the International Bureau of the World Intellectual Property Organization (WIPO) a request for extension;
- (ii) paying to the International Bureau of WIPO an extension fee of 185 Swiss francs, payable in Swiss francs.

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\* With the exception of any such international application whose international filing date is later than September 21, 1992, and in which Ukraine has been designated under Rule 4.9(a) of the Regulations under the PCT: in such a case, the procedure described in (e) to (g) is not applicable, and the procedure described in (h) is applicable. It should be noted that only those international applications filed on or after September 21, 1992, can specifically designate Ukraine.

(f) The applicant in respect of each and every international application referred to in (e), above, or his agent or common representative if there is one, will receive a written notification from the International Bureau of WIPO calling his attention to the fact that he can, by filing a written request for extension, extend the effects of the international application to Ukraine. The notification will, in particular, specify the modes of payment of the extension fee of 185 Swiss francs. The request for extension must contain the identification of the international application by its international application number. A form which may be used for the purpose of requesting the extension to Ukraine will be attached to the notification. The request for extension must be in English or French, and may be sent by telefax or telex. The request for extension and the corresponding payment must reach the International Bureau of WIPO before the expiration of three months from the date of the notification sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. It is recommended that applicants await the notification from the International Bureau of WIPO and use the form attached to it, but requests and payments may be made without waiting for the notification from the International Bureau of WIPO.

(g) If the conditions described in (e) and (f), above, are fulfilled, Ukraine will be considered as having been designated in the international application on its international filing date. For entering the national phase before the State Patent Office of Ukraine, the applicant must furnish to that Office a translation of the international application into Ukrainian or Russian and a document of payment of the prescribed fee (see paragraph (11), below), within the following time limit:

- (i) until December 31, 1993, or the expiration of 21 months from the priority date, whichever is later, if Ukraine is not elected under Chapter II of the PCT before the expiration of 19 months from the priority date and item (iii) does not apply;
- (ii) until December 31, 1993, or the expiration of 31 months from the priority date, whichever is later, if Ukraine is elected under Chapter II of the PCT before the expiration of 19 months from the priority date;
- (iii) until December 31, 1993, or the expiration of 31 months from the priority date, whichever is later, if a request for extension to Ukraine is made after, but the demand for international preliminary examination was made before, the expiration of 19 months from the priority date, and a later election of Ukraine is made together with the request for extension or within three months from the date of the request for extension.

(h) As regards any international application whose international filing date is later than September 20, 1992, and in which Ukraine has been designated, the applicant, in order to enter the national phase before the State Patent Office of Ukraine, must furnish to that Office a translation of the international application into Ukrainian or Russian and a document for payment of the prescribed fee (see paragraph (11), below) to that Office within the following time limits:

- (i) before the expiration of 21 months from the priority date if Ukraine is not elected under Chapter II of the PCT within 19 months from the priority date;
- (ii) before the expiration of 31 months from the priority date if Ukraine is elected under Chapter II of the PCT within 19 months from the priority date.

#### **V. Effects in Ukraine of International Registrations Under the Madrid Agreement Concerning the International Registration of Marks**

(7) (a) On September 21, 1992, Ukraine deposited a declaration of continuation the effect of which is that the Madrid Agreement Concerning the International Registration of Marks is applied by Ukraine.

(b) On September 29, 1992, the Assembly of the Madrid Union adopted, with effect on October 1, 1992, a new Rule 38 in the Regulations under the Madrid Agreement, concerning the effect of international registrations in certain successor States.

(c) Pursuant to the deposit of the declaration of continuation and to the decision of the Assembly, certain international registrations may have effect in Ukraine subject to the conditions described below. Those international registrations are those which have a territorial extension to the Soviet Union effective from a date prior to December 25, 1991.



(d) The conditions referred to above are the following:

- (i) the filing with the International Bureau of (WIPO) of a request;
- (ii) the payment to the International Bureau of WIPO of a fee, the amount of which is 62 Swiss francs per international registration.

(e) The owner of each and every international registration concerned, or his representative (if the owner has a representative whose name appears in the International Register), will receive a written notice from the International Bureau of WIPO calling his attention to the fact that he can, by filing a written request, continue the effect of the international registration to Ukraine. The notice will, in particular, specify the modes of payment of the fee. The request must contain the identification of the international registration concerned by its international registration number. A form (in French) will be attached to the notice and may be used. The request must be in English or French, and may be sent by telefax or telex. The request and the corresponding payment must reach the International Bureau of WIPO before the expiration of six months from the date of the notice sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. Requests and payments may be made without waiting for the notice of the International Bureau of WIPO.

(f) If the conditions described above are fulfilled, the international registration concerned will, with respect to Ukraine, have effect as from the effective date of the territorial extension to the Soviet Union and benefit from any priority validly claimed in regard to such extension.

(g) For each international registration which has no territorial extension to the Soviet Union or whose international registration date is later than December 24, 1991, protection in Ukraine can only be obtained by filing, through the intermediary of the national Office of the country of the owner, a request for territorial extension under Rule 20 of the Regulations under the Madrid Agreement. It is to be noted that requests for territorial extension to Ukraine are possible at present.

## **VI. Prior User Right**

(8) Enterprises, organizations and institutions which have already started to use inventions or industrial designs for which protection can be obtained according to paragraph (5), above, prior to the entry into force of the Regulation, i.e., prior to September 18, 1992, will have the right to a continued use of such inventions and industrial designs, but without increasing the volume of their utilization.

## **VII. New Applications**

(9) From the date of entry into force of the Regulation, i.e., from September 18, 1992, onwards, applications for patents for inventions, for industrial design patents and for trademark certificates can be filed with the State Patent Office of Ukraine. The request as a part of the application must be filed in Ukrainian and be accompanied on the filing date by the prescribed fees. Other parts of the application may be presented in Ukrainian or Russian. They may also be presented in English, French or German, provided that a translation into Ukrainian is presented upon request of the State Patent Office of Ukraine.

## **VIII. Procedural Provisions**

(10) If an applicant does not have his ordinary residence or principal place of business in Ukraine, he must authorize a representative in Ukraine, and all applications and requests referred to in the present announcement must be filed through the intermediary of such a representative. The list of the persons who can act as representatives is available at the State Patent Office of Ukraine.

(11) The amounts of the fees which are referred to as "prescribed fees" in the present announcement as well as the kind of document which constitutes a "document for payment of the prescribed fee" will be published in a separate announcement.

**IX. Address of the Patent Office**

State Patent Office of Ukraine  
8 Lvov Square  
254655 Kiev 53 GSP  
Ukraine

Tel.: (7044) 212 50 82  
Fax.: (7044) 212 34 49

For trademark and patent registrations, Receiving Office:

State Patent Office of Ukraine  
Patent Examination Center (NDCPE)  
26, bulvar Lesi Ukrainki  
252133 Kiev 133  
Ukraine

Tel.: (7044) 295 85 88, 295 61 97  
Fax.: (7044) 295 63 00.

**INFORMATION ON CONTRACTING STATES  
RECEIVING OFFICES  
DESIGNATED (OR ELECTED) OFFICES****Belarus, Kazakhstan**

General information on **Belarus** and **Kazakhstan** as new Contracting States, as well as information on the requirements of the **Belarus Patent Office** and the **Kazakhstan Patent Office** as receiving Offices and designated (or elected) Offices is given in "Annex B1(BY)", "Annex C(BY)", "Summary (BY)", "Annex B1(KZ)", "Annex C(KZ)" and "Summary (KZ)" which are published on the following pages.

**ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT****ANNEX F - FORMS****Modification of Forms PCT/RO/101 (Request) and PCT/IPEA/401 (Demand)**

The Request Form and Demand Form have been modified consequent to the accession by **Niger** and **Viet Nam** to the PCT, as well as the continuation of the membership in the PCT of **Belarus** and **Kazakhstan** as successor States of the Soviet Union. The modifications also take into account some changes in the national legislation of certain PCT member States. The modifications concern the "second sheet" of the Request, pages 2 and 3 of the Notes to the Request as well as the "supplemental sheet" of the Demand. The modified sheets are dated "July 1993." The modifications take effect on July 1, 1993. All the other sheets of the Forms, although not modified, are also dated "July 1993" for the convenience of the users.

The modified "second sheet" of the Request, pages 2 and 3 of the Notes to the Request and the supplemental sheet" of the Demand are reproduced on pages 8217 to 8220, below (all not paginated so as to enable convenient reproduction).

Only the updated versions should be used for international applications filed after July 1, 1993. Copies can be obtained free of charge from the receiving Offices.

**B1** Information on Contracting States**B1****BY****BELARUS****BY****General information**

Name of Office:	Gosudarstvennoe patentnoe vedomstvo Respubliki Belarus Belarus Patent Office
Location and mailing address:	66, pr. F. Skoriny, Minsk 220072, Belarus
Telephone:	(0172) 39 50 53 (0172) 39 41 31
Facsimile machine:	(0172) 39 41 30
Teleprinter:	—
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission, if the transmitted document is an international application or a replacement sheet containing corrections or amendments of an international application. No, only upon invitation in the case of other documents.
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes, provided that the delivery service is DHL or Federal Express
Competent receiving Office for nationals and residents of Belarus:	Belarus Patent Office (see Annex C)
Competent designated (or elected) Office if Belarus is designated (or elected):	Belarus Patent Office (see Volume II)
May Belarus be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available:	Patents
Provisions of the law of Belarus concerning international-type search:	None
Provisional protection after international publication:	After international publication, the furnishing of a translation into Russian or, if the international application was filed in Russian, of a copy of the application as filed, gives the applicant provisional protection in the sense that he, upon grant of the patent, is entitled to damages. See Articles 13(3) and 27(1) of the Belarus Patent Law.

[continued on next page]

<b>B1</b>	<b>Information on Contracting States</b>	<b>B1</b>
<b>BY</b>	<b>BELARUS</b>	<b>BY</b>
	[continued]	

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**Information of interest if Belarus is designated (or elected)**

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Time when the name and address of the inventor must be given if Belarus is designated:	Must be in the request. If the data concerning the inventor are missing at the expiry of the time limit under PCT Article 22 or 39(1)(a), the Belarus Patent Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.
Does the Office disregard the priority claim if the priority document was not submitted within 16 months from the priority date under PCT Rule 17.1?	No
Are there special provisions concerning the deposit of microorganisms?	No

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**C** **Receiving Offices** **C**  
**BY** **BELARUS PATENT OFFICE** **BY**

Competent receiving Office for nationals and residents of:	Belarus
Language in which international applications may be filed:	Russian or English
Number of copies required by the receiving Office:	3
Competent International Searching Authority:	Russian Patent Office or European Patent Office
Competent International Preliminary Examining Authority:	Russian Patent Office or European Patent Office for international applications for which the European Patent Office has established the international search report
Fees payable to the receiving Office:	Currency: Rouble (RUR) <sup>1</sup>
Transmittal fee:	RUR <sup>1</sup> ...
Basic fee:	Equivalent in RUR of Swiss Francs 762
Supplement per sheet over 30:	Equivalent in RUR of Swiss Francs 15
Designation fee:	Equivalent in RUR of Swiss Francs 185
Search fee:	See Annex D (Russian Patent Office or European Patent Office)
Fee for priority document (PCT Rule 17.1(b)):	RUR <sup>1</sup> ...
Is an agent required by the receiving Office?	No, if applicant resides in Belarus Yes, if he is a non-resident
Who can act as agent?	Any patent attorney registered to practice before the Office

<sup>1</sup> The amounts of fees in roubles are not yet known. They will be fixed in the near future and will be subject to periodical revision. The Office or the agent should be consulted for the latest applicable schedule of fees.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****BY****BELARUS PATENT OFFICE****BY****Summary of requirements for entry into the national phase**

Time limits applicable for the entry into the national phase:	Under PCT Article 22: 21 months from the priority date Under PCT Article 39(1): 31 months from the priority date
Translation of international application required into: <sup>1</sup>	Russian
Required contents of the translation for the entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended together with any statement under PCT Article 19), any text matter of drawings Under PCT Article 39(1): Description, claims, any text matter of drawings (if any of those parts amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: US Dollar (USD) Filing fee: USD 200 Fee for priority claims, per priority: USD 100 Examination fee: USD 1,000
Exemptions, reductions or refunds of the national fee:	The examination fee is reduced by 30% where an international search report has been established, and by 60% where an international preliminary examination report has been established
Special requirements of the Office (PCT Rule 51 <sup>bis</sup> ): <sup>2</sup>	Appointment of an agent if applicant is not resident in Belarus
Who can act as agent?	Any patent attorney registered to practice before the Office

<sup>1</sup> Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

<sup>2</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.



**B1 Information on Contracting States****B1****KZ****KAZAKHSTAN****KZ****General information**

Name of Office:	Kazakh Patent Office
Location and mailing address:	Ablai-khan Avenue 93/95, 480091 Almaty, Kazakhstan
Telephone:	(8 327) 62 44 69 (the secretary of the chairman) (8 327) 43 23 41 (application registration department)
Facsimile machine:	—
Teleprinter:	(064) 25 12 44 ORLAN SU
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by teleprinter
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission, if the transmitted document is an international application or a replacement sheet containing corrections or amendments of an international application. No, only upon invitation in the case of other documents.
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes, provided that the delivery service is DHL
Competent receiving Office for nationals and residents of Kazakhstan:	Kazakh Patent Office (see Annex C)
Competent designated (or elected) Office if Kazakhstan is designated (or elected):	Kazakh Patent Office (see Volume II)
May Kazakhstan be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available:	Patents, utility models
Provisions of the law of Kazakhstan concerning international-type search:	None
Provisional protection after international publication:	None

[continued on next page]

<b>B1</b>	<b>Information on Contracting States</b>	<b>B1</b>
<b>KZ</b>	<b>KAZAKHSTAN</b>	<b>KZ</b>
	[continued]	

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**Information of interest if Kazakhstan is designated (or elected)**

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Time when the name and address of the inventor must be given if Kazakhstan is designated:	Must be in the request. If the data concerning the inventor are missing at the expiry of the time limit under PCT Article 22 or 39(1)(a), the Kazakh Patent Office will invite the applicant to comply with the requirement within a time limit of one month from the date of receipt of the invitation.
Does the Office disregard the priority claim if the priority document was not submitted within 16 months from the priority date under PCT Rule 17.1?	No
Are there special provisions concerning the deposit of microorganisms?	Yes (see Annex L)

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**C****Receiving Offices****C****KZ****KAZAKH PATENT OFFICE****KZ**

Competent receiving Office for nationals and residents of:	Kazakhstan
Language in which international applications may be filed:	Russian or English
Number of copies required by the receiving Office:	3
Competent International Searching Authority:	Russian Patent Office or European Patent Office
Competent International Preliminary Examining Authority:	Russian Patent Office or European Patent Office for international applications for which the European Patent Office has established the international search report
Fees payable to the receiving Office:	Currency: Rouble (RUR) <sup>1</sup>
Transmittal fee:	RUR <sup>1</sup> ...
Basic fee:	Equivalent in RUR of Swiss Francs 762
Supplement per sheet over 30:	Equivalent in RUR of Swiss Francs 15
Designation fee:	Equivalent in RUR of Swiss Francs 185
Search fee:	See Annex D (Russian Patent Office or European Patent Office)
Fee for priority document (PCT Rule 17.1(b)):	RUR <sup>1</sup> ...
Is an agent required by the receiving Office?	No, if applicant resides in Kazakhstan Yes, if he is a non-resident
Who can act as agent?	Any industrial property agent registered to practice before the Office

<sup>1</sup> The amounts of fees in roubles are not yet known. They will be fixed in the near future and will be subject to periodical revision. The Office or the agent should be consulted for the latest applicable schedule of fees.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****KZ****KAZAKH PATENT OFFICE****KZ****Summary of requirements for entry into the national phase**

Time limits applicable for the entry into the national phase:	Under PCT Article 22: 21 months from the priority date Under PCT Article 39(1): 31 months from the priority date
Translation of international application required into: <sup>1</sup>	Russian or Kazakh
Required contents of the translation for the entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: US Dollar (USD) Filing fee: <sup>2</sup> USD 100 Examination fee: <sup>3</sup> USD 400 Annual fee for the third year: USD 100
Exemptions, reductions or refunds of the national fee:	The examination fee is reduced by 15% where an international search report or an international preliminary examination report has been established
Special requirements of the Office (PCT Rule 51 <sup>bis</sup> ): <sup>4</sup>	Inventor's declaration Instrument of assignment where the applicant is not the inventor Instrument of assignment of the priority application where the applicants are not identical Appointment of an agent if applicant is not resident in Kazakhstan
Who can act as agent?	Any industrial property agent registered to practice before the Office

1 Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

2 Must be paid within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with within two months from the expiration of that time limit, provided that a surcharge of 20% is paid.

3 A written request for examination must be made and the examination fee paid within four years from the date of filing.

4 If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.

**Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE**

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:  agent  common representative

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)* Telephone No. \_\_\_\_\_

Fascimile No. \_\_\_\_\_

Teleprinter No. \_\_\_\_\_

Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

**Box No.V DESIGNATION OF STATES**

The following designations are hereby made under Rule 4.9(a) *(mark the applicable check-boxes; at least one must be marked):*

**Regional Patent**

**EP European Patent:** AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, DE Germany, DK Denmark, ES Spain, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT

**OA OAPI Patent:** Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Niger, Senegal, Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT *(if other kind of protection or treatment desired, specify on dotted line)* .....

**National Patent** *(if other kind of protection or treatment desired, specify on dotted line):*

<input type="checkbox"/> AT Austria .....	<input type="checkbox"/> MN Mongolia .....
<input type="checkbox"/> AU Australia .....	<input type="checkbox"/> MW Malawi .....
<input type="checkbox"/> BB Barbados	<input type="checkbox"/> NL Netherlands
<input type="checkbox"/> BG Bulgaria .....	<input type="checkbox"/> NO Norway
<input type="checkbox"/> BR Brazil .....	<input type="checkbox"/> NZ New Zealand .....
<input type="checkbox"/> BY Belarus	<input type="checkbox"/> PL Poland .....
<input type="checkbox"/> CA Canada	<input type="checkbox"/> PT Portugal .....
<input type="checkbox"/> CH and LI Switzerland and Liechtenstein	<input type="checkbox"/> RO Romania
<input type="checkbox"/> CZ Czech Republic .....	<input type="checkbox"/> RU Russian Federation .....
<input type="checkbox"/> DE Germany .....	<input type="checkbox"/> SD Sudan
<input type="checkbox"/> DK Denmark .....	<input type="checkbox"/> SE Sweden
<input type="checkbox"/> ES Spain .....	<input type="checkbox"/> SK Slovakia .....
<input type="checkbox"/> FI Finland .....	<input type="checkbox"/> UA Ukraine
<input type="checkbox"/> GB United Kingdom	<input type="checkbox"/> US United States of America .....
<input type="checkbox"/> HU Hungary .....	.....
<input type="checkbox"/> JP Japan .....	<input type="checkbox"/> VN Viet Nam .....
<input type="checkbox"/> KP Democratic People's Republic of Korea .....	.....
<input type="checkbox"/> KR Republic of Korea .....	.....
<input type="checkbox"/> KZ Kazakhstan .....	<input type="checkbox"/> .....
<input type="checkbox"/> LK Sri Lanka	<input type="checkbox"/> .....
<input type="checkbox"/> LU Luxembourg .....	<input type="checkbox"/> .....
<input type="checkbox"/> MG Madagascar	<input type="checkbox"/> .....

Check-boxes reserved for designating States (for the purposes of a national patent) which have become party to the PCT after issuance of this sheet:

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**In addition to the designations made above, the applicant also makes under Rule 4.9(b) all designations which would be permitted under the PCT except the designation(s) of \_\_\_\_\_.**

The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. *(Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.)*

For the indication of the designated States for which a person is applicant, mark the applicable check-box (only one for each person). The check-box "the States indicated in the Supplemental Box" must be marked where none of the other three check-boxes fits the circumstances; in such a case, the name of the person must be repeated in the Supplemental Box with an indication of the States for which that person is applicant (see item 1(ii) in that Box).

**Naming of Inventor** (Rule 4.1(a)(v) and (c)(i)): The inventor's name and address must be indicated where the national law of at least one of the designated States requires that the name of the inventor be furnished at the time of filing; for details see the PCT Applicant's Guide, Volume I, Annexes B1 and B2. It is strongly recommended to always name the inventor.

**Different Inventors for Different Designated States** (Rule 4.6(c)): Different persons may be indicated as inventors for different designated States (e.g., where, in this respect, the requirements of the national laws of the designated States are not the same); in such a case, the Supplemental Box must be used (see item 1(iii) in that Box). In the absence of any indication, it will be assumed that the inventor(s) named is (are) inventor(s) for all designated States.

#### BOX No. IV

**Agent or Common Representative** (Rules 4.7, 4.8, 90.1 and 90.2 and Section 108): Mark the applicable check-box in order to indicate whether the person named is (or has been) appointed as "agent" or "common representative" (the "common representative" must be one of the applicants). For the manner in which name(s) and address(es) (including names of States) must be indicated, see the notes to Boxes Nos. II and III. Where several agents are listed, the agent to whom correspondence should be addressed is to be listed first. If there are two or more applicants but no common agent is appointed to represent all of them, one of the applicants who is a national or resident of a PCT Contracting State may be appointed by the other applicants as their common representative. If this is not done, the applicant first named in the request who is entitled to file an international application with the receiving Office concerned will automatically be considered to be the common representative.

**Manner of Appointment of Agent or Common Representative** (Rules 90.4 and 90.5 and Section 106): Any such appointment may be made by designating the agent(s) or the common representative in the request or in one or more separate powers of attorney. Each applicant must sign either the request or a separate power of attorney. Where the international application is filed with reference to a general power of attorney, a copy thereof must be attached to the request. Any applicant who did not sign the general power of attorney must sign either the request or a separate power of attorney.

**Address for Correspondence** (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. IV will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II or III, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence

to be sent to a different address in such a case, that address may be indicated in Box No. IV instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. IV must be marked (that is, the last check-box must not be marked if either of the check-boxes "agent" or "common representative" in Box No. IV has been marked).

#### BOX No. V

**Designation of States** (Rules 4.1(a)(iv) and 4.9(a)): The Contracting States in which protection is desired must be designated under Rule 4.9(a) in the request by marking the applicable check-boxes. At least one check-box effecting a specific designation must be marked. *While the general rule is that designations cannot be added after the filing of the international application, it is possible and usual to make a precautionary designation under Rule 4.9(b) covering all other designations which would, as at the international filing date, be permitted under the PCT—see below: Precautionary Designation of States Subject to Confirmation.*

**European patent (EP):** Note that **Belgium, France, Greece, Ireland, Italy and Monaco**, can only be designated for the purposes of a European patent and not for the purposes of national protection.

If a European patent is desired for only some of the Contracting States of the European Patent Convention, the names of those States for which no European patent is desired may be deleted by striking them out. However, it is recommended that the applicant always designate all possible Contracting States of the European Patent Convention. A decision to proceed with only some of those designations need not be made until entry into the European regional phase before the European Patent Office, at which stage the European designation fees must be paid to that Office.

Where a European patent is desired, only one PCT designation fee must be paid for the EP designation, independently of how many States are designated for a European patent.

Where any of the States party to the European Patent Convention and the PCT are designated both for the purposes of a European patent and for the purposes of national protection, the applicant must pay one designation fee in respect of the European patent and as many designation fees as there are national patents or other titles of protection sought (Rule 15.1(ii) and Section 210).

**OAPI patent (OA):** The designation of States members of OAPI and party to the PCT can only be made for the purposes of an OAPI patent (no national protection is available); furthermore, it is not possible to designate only some of them.

**Choice of Certain Kinds of Protection or Treatment** (Rules 4.12 to 4.14 and Section 202): Where, in any country where it is possible, a national title other than a patent is desired, write after the name of that country on the dotted line the name of the title; that is, "petty patent" (available in Australia), "utility model" (available in Brazil, Bulgaria, the Czech Republic, Denmark, Finland, Germany, Hungary, Japan, Kazakhstan, Poland, Portugal, the Republic of Korea, the Russian Federation, Slovakia, Spain, Viet Nam, OAPI) or "inventor's certificate" (available in the Democratic People's Republic of Korea, Mongolia). Where, in the Czech Republic, Denmark, Finland, Germany or Slovakia (the only countries in which this possibility exists), in addition to a patent, a utility model is also desired, write after the name of that country "and utility model".



Where, in respect of any country where it is possible, it is desired that the international application be treated as an application for a certain title "of addition" or as an application for a "continuation" or a "continuation-in-part", write after the name of that country the appropriate words; that is, "patent of addition" (available in Australia, Austria, Germany, Malawi, Mongolia, New Zealand, Spain), "certificate of addition" (available in Luxembourg, OAPI), "inventor's certificate of addition" (available in Mongolia), "continuation" or "continuation-in-part" (both available in the United States of America). If any of these indications is used, also indicate in the "Supplemental Box" the State for which such treatment is desired, the number of the parent title or parent application, and the date of grant of the parent title or the date of filing of the parent application, as the case may be (see item 1(v) in that Box).

If, in Box No. V, the check-boxes for making designations are marked with consecutive Arabic numerals, those indications will be taken to express the applicant's *choice of the order of the designations*; if another form of marking is used, the order will be taken as that in which the marked check-boxes appear on the form. This order will only have any significance if the amount received for the designation fees is insufficient to cover all the designations and remains insufficient after the applicant has been invited to pay the balance due; in that case, the amount received will be applied in payment of the fees for the designations following the said order (Rule 16bis.1(c) and Section 321).

For the designation, for the purposes of a national patent, of a State which has become party to the PCT after the date appearing on the bottom of the second sheet of the request form, the name of the State, preferably preceded by the two-letter country code, must be given together with an indication, where applicable, whether a special kind of protection or treatment is desired.

**Precautionary Designation of States Subject to Confirmation** (Rules 4.9(b) and (c) and 15.5): For the applicant's safeguard, the lower part of Box No. V contains a statement indicating the applicant's wish to make, in addition to the specific designations made by marking the check-boxes in the upper part of Box No. V (at least one such designation must be made), a precautionary designation of all other PCT Contracting States which are not specifically designated.

If the applicant does not wish to avail himself of this safeguard and does not want to make any such precautionary designations, the statement must be crossed out.

If the applicant wishes to expressly exclude a certain State from such precautionary designation so that the international application does not have any effect in that State, the name or two-letter country code of that State should be indicated in the space provided. In no other case is it necessary to make use of this possibility.

If, after filing the international application, the applicant notices that there are any omissions and/or mistakes among the specific designations made, it will be possible to rectify the situation by confirming the precautionary designations concerned. The confirmation of any precautionary designation is possible before the expiration of 15 months from the (earliest) priority date indicated in Box No. VI or, where no priority is claimed, the international filing date. To effect such confirmation, the applicant must file with the receiving Office a written notice specifying the name of each State the designation

of which is confirmed (with, where applicable, an indication of the kind of treatment or protection desired) and pay to the receiving Office, for each such designation, a designation fee (even where ten designation fees have already been paid) together with a confirmation fee corresponding to 50% of the designation fee.

The receiving Office will not send to the applicant any reminder or invitation to confirm precautionary designations.

If no precautionary designation is to be confirmed, no action is required by the applicant, and the precautionary designations will then be automatically regarded as withdrawn by the applicant at the expiration of 15 months from the priority date.

## BOX No. VI

**Priority Claim** (Rule 4.10): If the priority of an earlier application is claimed, the declaration containing the priority claim must be made in the request.

The request must indicate the *country* in which the earlier application from which priority is claimed was filed (or, where the earlier application is a regional or an international application, at least one country for which it was filed), the *date* on which it was filed and the *number* it was assigned. If the country and the date are not indicated, the priority claim will, for the purposes of the procedure under the Treaty, be considered not to have been made.

If the earlier application is a regional or an international application, the Office with which that application was filed must also be indicated.

If the application number of the earlier application is not indicated in the request but is furnished by the applicant to the receiving Office or to the International Bureau prior to the expiration of the 16th month from the priority date, it is considered by all designated States to have been furnished in time.

**Certified Copy of Earlier Application (Priority Document)** (Rule 17.1): The priority document must be submitted to the receiving Office or to the International Bureau before the expiration of 16 months from the priority date or, where an early start of the national phase is requested, not later than at the time such request is made.

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request may be made by marking the applicable check-box and by identifying the document. *Attention:* where such a request is made, the applicant must pay to the receiving Office the applicable *fee for priority document*, otherwise, the request will be considered not to have been made.

**Dates** (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year—in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals for each of the number of the day, the number of the month and the last two numbers of the year, in that order and separated by periods, e.g., "05 March 1992 (05.03.92)".

**Supplemental Box No. V ELECTION OF STATES**

*This Supplemental Box is to be used only if the check-box "(ii)" in Box No. V is marked.  
If this Supplemental Box is not used, do not include this sheet in the demand.*

The following designated States are hereby elected :

**Regional Patent**

- EP European Patent:** AT Austria, BE Belgium, DE Germany, DK Denmark, FR France, GB United Kingdom, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT (including Chapter II thereof)
- OA OAPI Patent:** Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Niger, Senegal, Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (including Chapter II thereof)

**National Patent**

- |   |  |
|---|--|
| <input type="checkbox"/> AT Austria                               | <input type="checkbox"/> NL Netherlands              |
| <input type="checkbox"/> AU Australia                             | <input type="checkbox"/> NO Norway                   |
| <input type="checkbox"/> BB Barbados                              | <input type="checkbox"/> NZ New Zealand              |
| <input type="checkbox"/> BG Bulgaria                              | <input type="checkbox"/> PL Poland                   |
| <input type="checkbox"/> BR Brazil                                | <input type="checkbox"/> PT Portugal                 |
| <input type="checkbox"/> BY Belarus                               | <input type="checkbox"/> RO Romania                  |
| <input type="checkbox"/> CA Canada                                | <input type="checkbox"/> RU Russian Federation       |
| <input type="checkbox"/> CZ Czech Republic                        | <input type="checkbox"/> SD Sudan                    |
| <input type="checkbox"/> DE Germany                               | <input type="checkbox"/> SE Sweden                   |
| <input type="checkbox"/> DK Denmark                               | <input type="checkbox"/> SK Slovakia                 |
| <input type="checkbox"/> FI Finland                               | <input type="checkbox"/> UA Ukraine                  |
| <input type="checkbox"/> GB United Kingdom                        | <input type="checkbox"/> US United States of America |
| <input type="checkbox"/> HU Hungary                               | <input type="checkbox"/> VN Viet Nam                 |
| <input type="checkbox"/> JP Japan                                 |  |
| <input type="checkbox"/> KP Democratic People's Republic of Korea |  |
| <input type="checkbox"/> KR Republic of Korea                     |  |
| <input type="checkbox"/> KZ Kazakhstan                            |  |
| <input type="checkbox"/> LK Sri Lanka                             |  |
| <input type="checkbox"/> LU Luxembourg                            |  |
| <input type="checkbox"/> MG Madagascar                            |  |
| <input type="checkbox"/> MN Mongolia                              |  |
| <input type="checkbox"/> MW Malawi                                |  |

Check-boxes reserved for electing States (for the purposes of a national patent) which have become party to the PCT (including Chapter II thereof) or bound by Chapter II of the PCT after issuance of this sheet:

- .....
- .....
- .....
- .....

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### CONTRACTING STATES

##### States Party to the Patent Cooperation Treaty (PCT)

On June 7, 1993, **Latvia** deposited its instrument of accession to the Patent Cooperation Treaty. Latvia will become the 59th Contracting State of the PCT on **September 7, 1993**.

Consequently, as from September 7, 1993, nationals and residents of Latvia will be entitled to file international applications under the PCT. Furthermore, in any international application filed on or after September 7, 1993, Latvia may be designated and elected.

[Updating of PCT Gazette No. 01/1993, Annex A, page 5]

#### FEES PAYABLE UNDER THE PCT

##### New Zealand, Republic of Korea, International Bureau

Pursuant to PCT Rule 16.1(d), new amounts in **New Zealand Dollars (NZD)**, **Won (KRW)** and **Swiss Francs (CHF)**, as specified below, have been established for the search fee for an international search by the Australian Patent Office. The new amounts are applicable as from July 1, 1993.

Search fee (international search by the Australian Patent Office):	NZD 945	KRW 439,000	CHF 772
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[Updating of PCT Gazette No. 01/1993, Annex D(AU), page 146]

#### INFORMATION ON CONTRACTING STATES

##### Viet Nam

The **National Office on Inventions of Viet Nam** has notified its facsimile machine number, as follows:

Facsimile machine: (844) 24 40 02

[Updating of PCT Gazette No. 10/1993, Annex B1(VN), page 5106]

**RECEIVING OFFICES  
DESIGNATED (OR ELECTED) OFFICES**

**Democratic People's Republic of Korea**

The **Invention Office of the Democratic People's Republic of Korea** has notified a change in its requirement as to who can act before it as agent, as follows:

Who can act as agent?	Pyongyang Patent and Trademark Agency Sungri St. 3-7, Chungguyok P.O. Box 6, Pyongyang Central Democratic People's Republic of Korea Teleprinter: 36057 PPTA KP Facsimile machine: (8502) 814410 Telephone: 36557
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[Updating of PCT Gazette No. 01/1993, Annex C (KP), page 125, and Summary (KP),page 193]

**United Kingdom**

The **United Kingdom Patent Office** has notified a change in its requirement concerning the contents of the translation of the international application for the entry into the national phase, as follows:

Required contents of the translation for the entry into the national phase:	Under PCT Article 22: Description, claims, (if amended, both as originally filed and as amended), any text matter of drawings.  Under PCT Article 39(1): Description, claims, any text matter of drawings (if any of those parts amended, both as originally filed and as amended, including any amendment under PCT Article 19 and also any amendment annexed to the international preliminary examination report).
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[Updating of PCT Gazette No. 01/1993, Summary (GB), page 187]

**SECTION IV****NOTICES AND INFORMATION OF A GENERAL CHARACTER**

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**FEES PAYABLE UNDER THE PCT****Finland**

Pursuant to PCT Rule 16.1(d), a new amount in **Finnish Marks (FIM)**, as specified below, has been established for the search fee for an international search by the European Patent Office. The new amount is applicable as from August 23, 1993.

Search fee  
(international search by the  
European Patent Office): FIM 8,130

[Updating of PCT Gazette No. 17/1993, Annex D(EP), page 8997]

**Ireland**

Pursuant to PCT Rules 15.2(d) and 57.2(e), new amounts of fees in **Irish Pounds (IEP)**, as specified below, have been established. The new amounts are applicable as from September 22, 1993.

Basic fee: IEP 357  
Supplement per sheet over 30: IEP 7  
Designation fee: IEP 87  
Handling fee: IEP 109

[Updating of PCT Gazette No. 17/1993, Annex C(IE), page 8970 and Annex E(EP), page 9005].

**Japan**

Pursuant to PCT Rule 16.1(d), a new amount in **Yen (JPY)**, as specified below, has been established for the search fee for an international search by the European Patent Office. The new amount is applicable as from September 22, 1993.

Search fee  
(international search by the  
European Patent Office) JPY 149,000

[Updating of PCT Gazette No. 17/1993, Annex D(EP), page 8997]

**Republic of Korea**

Pursuant to PCT Rule 16.1(d), a new amount in **Won (KRW)**, as specified below, has been established for the search fee for an international search by the Australian Patent Office. The new amount is applicable as from July 1, 1993.

Search fee  
(international search by the  
Australian Patent Office): KRW 439,000

[Updating of PCT Gazette No. 17/1993, Annex D(AU), page 8996]

**WAIVER OF RIGHTS TO COMMUNICATION UNDER ARTICLE 20****United States of America**

The **United States Patent and Trademark Office** has notified the International Bureau of the withdrawal of its waiver with respect to communications under Article 20 of those international applications filed with the United States Patent and Trademark Office in its capacity as receiving Office.

[See PCT Gazette No. 03/1978, page 198]



## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### Corrigendum

The fee for priority document of the **Polish Patent Office**, published in PCT Gazette No. 15/1993, on page 8192 and in Annex C(PL) of PCT Gazette No. 17/1993, on page 8983, should be corrected as follows:

Fee for priority document:           PLZ 200,000

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### FEES PAYABLE UNDER THE PCT

##### United States of America

Pursuant to PCT Rule 16.1(d), a new amount in **US Dollars (USD)**, as indicated below, has been established for the search fee for an international search by the European Patent Office. The new amount is applicable as from October 1, 1993.

Search fee (international search by the European Patent Office):	USD 1,415
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[Updating of PCT Gazette No. 17/1993, Annex D(EP), page 8997]

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### FEES PAYABLE UNDER THE PCT

##### New Zealand

Pursuant to PCT Rule 16.1(d), a new amount in **New Zealand Dollars (NZD)**, as indicated below, has been established for the search fee for an international search by the European Patent Office. The new amount is applicable as from November 1, 1993.

Search fee  
(international search by the  
European Patent Office):

NZD 2,557

[Updating of PCT Gazette No. 17/1993, Annex D(EP), page 8997]

#### DEPOSITS OF MICROORGANISMS LIST OF DEPOSITARY INSTITUTIONS

##### Slovakia

Pursuant to PCT Rule 13bis.7(b), the **Industrial Property Office of Slovakia** has notified the International Bureau of a change in the name of the depositary institution listed as "Slovak Collection of Yeasts (SCY)" in Annex L, published in PCT Gazette No. 17/1993, as follows:

"Culture Collection of Yeasts (CCY)  
Dúbravská cesta 9  
84238 Bratislava  
Slovakia"

[Updating of PCT Gazette No. 17/1993, Annex L, page 9020]

## SECTION IV

## NOTICES AND INFORMATION OF A GENERAL CHARACTER

## INFORMATION ON CONTRACTING STATES

## Uzbekistan

On August 18, 1993, Uzbekistan deposited a declaration the effect of which is that the PCT, including Chapter II, is applied by Uzbekistan.

Consequently, as from August 18, 1993, nationals and residents of Uzbekistan are entitled to file international applications under the PCT. Furthermore, in any international application filed on or after August 18, 1993, Uzbekistan (country code: UZ) may be designated and elected.

Applicants are, under the PCT Regulations, afforded the possibility of requesting the extension of the effects of international applications filed on or after December 25, 1991 (the date on which the Soviet Union ceased to exist) to States which have made a declaration of continuation. PCT Rule 32 will allow the extension to Uzbekistan of international applications filed between December 25, 1991, and October 18, 1993.

The applicant in respect of each international application concerned, or his agent, will receive a notification from the International Bureau of WIPO, informing him about the possibility and the applicable conditions for extending the effects of his international application to Uzbekistan.

## FEES PAYABLE UNDER THE PCT

## European Patent Organization

The European Patent Office has notified new equivalent amounts in Pounds Sterling (GBP), French Francs (FRF), Swiss Francs (CHF), Swedish Kroners (SEK), Belgian/Luxembourg Francs (BEF/LUF), Spanish Pesetas (ESP), Greek Drachmas (GRD), Danish Kroners (DKK) and Portuguese Escudos (PTE) of fees payable to it, as specified in the revised table below. The new amounts are applicable as from October 1, 1993.

	DEM	GBP	FRF	CHF	NLG	SEK	BEF LUF	ITL	ATS	ESP	GRD	DKK	PTE	IEP
Transmittal fee:	200	80	710	180	230	970	4,300	192,000	1,430	16,900	29,000	800	21,300	85
Fee for priority document PCT Rule 17.1(b):	60	24	210	50	70	290	1,300	58,000	430	5,100	8,700	240	6,400	25
Search fee (for an international search):	2,400	960	8,480	2,160	2,740	11,590	51,600	2,308,000	17,140	203,400	347,800	9,600	255,300	1,017
Preliminary examination fee:	3,000	1,200	10,600	2,700	3,430	14,490	64,500	2,885,000	21,430	-	-	12,000	319,100	1,271
Protest fee:	2,000	800	7,070	1,800	2,290	9,660	43,000	1,923,000	14,290	169,500	289,900	8,000	212,800	847
Fee for copies (per A4 page):	1.30	0.50	4.60	1.20	1.50	6.30	30	1,300	9.30	110	190	5.20	140	0.60
National fee:	600	240	2,120	540	690	2,900	12,900	577,000	4,290	50,800	87,000	2,400	63,800	254
Search fee (for a European patent):	1,900	760	6,710	1,710	2,170	9,180	40,900	1,827,000	13,570	161,000	275,400	7,600	202,100	805
European designation fee:	350	140	1,240	320	400	1,690	7,500	337,000	2,500	29,700	50,700	1,400	37,200	148
Claims fee:	80	32	280	70	90	390	1,700	77,000	570	6,800	11,600	320	8,500	34
Examination fee:	2,800	1,120	9,890	2,520	3,200	13,530	60,200	2,692,000	20,000	237,300	405,800	11,200	297,900	1,186
Renewal fee for the third year:	750	300	2,650	680	860	3,620	16,100	721,000	5,360	63,600	108,700	3,000	79,800	318

[Updating of PCT Gazette No. 17/1993, Annex D(EP), page 8997, and Annex E(EP), pages 9005 and 9006, and No. 08/1993, the table published on page 3798]

**SECTION IV****NOTICES AND INFORMATION OF A GENERAL CHARACTER**

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**FEES PAYABLE UNDER THE PCT****Republic of Korea**

Pursuant to PCT Rule 16.1(d), a new amount in **Won (KRW)**, as specified below, has been established for the search fee for an international search by the Japanese Patent Office. The new amount is applicable as from September 15, 1993.

Search fee (international search by the Japanese Patent Office):	KRW 543,000
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[Updating of PCT Gazette No. 17/1993, Annex D(JP), page 8999]

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### CONTRACTING STATES

##### States party to the Patent Cooperation Treaty (PCT)

On October 1, 1993, **China** deposited its instrument of accession to the Patent Cooperation Treaty (PCT), including Chapter II. China will become the 61st Contracting State of the PCT on **January 1, 1994**.

Consequently, as from January 1, 1994, nationals and residents of China will be entitled to file international applications under the PCT. Furthermore, in any international application filed on or after January 1, 1994, China (country code CN) may be designated and elected.

[Updating of PCT Gazette No. 17/1993, Annex A, page 8845]



## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### MEETINGS OF THE INTERNATIONAL PATENT COOPERATION UNION (PCT UNION) ASSEMBLY

Twenty-first Session (9th Ordinary)  
(Geneva, September 20-29, 1993)

#### Note\*

The Assembly of the International Patent Cooperation Union (PCT Union) held its twenty-first session in Geneva from September 20 to 29, 1993, in conjunction with the 24th series of meetings of the Governing Bodies of the World Intellectual Property Organization (WIPO) and the Unions administered by WIPO.

#### Amendments to the Regulations under the PCT

1. The International Bureau as Alternative Receiving Office

The Assembly adopted amendments to the PCT Regulations which enable the International Bureau to act as alternative receiving Office, thus giving applicants from all PCT Contracting States the option of filing international applications with the International Bureau as an alternative to filing with competent national (including regional) Offices as receiving Offices. The amendments were prepared to address two problems faced by PCT users, namely: (1) delay and/or inconvenience experienced as a result of administrative difficulties encountered by receiving Offices; and (2) the mistaken filing of an international application with an Office which, because of the residence or nationality of the applicant, is not competent to receive it. In response to the first problem, the Regulations as amended provide that applicants may choose to file their international applications with the International Bureau as alternative receiving Office, and in response to the second problem, the Regulations as amended provide that an international application filed by an applicant from a Contracting State with a non-competent receiving Office be date-stamped and forwarded by that Office, without loss of the initial filing date, to the International Bureau as competent receiving Office. The amendments involve Rules 4.1, 4.14*bis*, 18.1, 18.2, 19.1, 19.2, 19.4, 35.3, 54.1, 54.3, 59.1, 83.1*bis*, and 90.1.

2. Rectification of Obvious Errors

The Assembly noted the conclusions of the PCT Committee for Administrative and Legal Matters at its fifth session concerning obvious errors in documents, in particular, that a relaxation of the general conditions for rectification of obvious errors in Rule 91.1 was not agreed to, but that the Committee intended to consider further improvements in specific remedies, namely in relation to Rule 4.10(b) (correction of errors in priority claim). A minor amendment to the English text of Rule 91.1 is included in the amendments to the Regulations which are set out below.

3. Entry into Force

The text of the amended Rules is set out below and will enter into force on January 1, 1994.

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\* This Note was prepared by the International Bureau.

### **Appointment of the Spanish Patent and Trademark Office as International Searching Authority**

The Assembly appointed the Spanish Patent and Trademark Office as International Searching Authority with effect from September 22, 1993, approving the text of the agreement between the Spanish Patent and Trademark Office and WIPO which is set out below. The Office will act as an International Searching Authority for all international applications filed in the Spanish language with the receiving Office of, or acting for, any Contracting State where that Office has specified the Authority for that purpose. The Spanish Patent and Trademark Office will not function as an International Preliminary Examining Authority in view of the fact that Spain maintains a reservation under Article 64(1)(a) of the PCT to the effect that it is not bound by Chapter II. The willingness of the Spanish Patent and Trademark Office to serve as an International Searching Authority is particularly welcome since there has not been up to now any International Searching Authority which has declared itself prepared to carry out international searches in respect of international applications filed in Spanish without a need for translation. In addition to the benefits for Spanish applicants, it is hoped that this appointment will facilitate the accession of other Spanish-speaking countries to the PCT.

### **Cut-off Date of Minimum Documentation – PCT Rule 34**

The Assembly noted the conclusion of the PCT Committee for Technical Cooperation at its twentieth session that the cut-off date (1920) of the PCT minimum documentation as set out in Rule 34.1 should not be changed. It was noted that the majority of the members of that Committee, and particularly, all of the International Searching Authorities, preferred to maintain the cut-off date as at present.

### **Expenses of Delegations – PCT Rule 84.1**

The Assembly unanimously agreed to suspend the application of Rule 84.1 in relation to its own sessions and the sessions of the PCT Committee for Administrative and Legal Matters such that the travel and subsistence expenses of one delegate of each PCT Contracting State for the sessions of those bodies be paid from the budget of the PCT Union. The Assembly also agreed that the Director General would make proposals to end the suspension if it could not be continued at any time beyond 1995 because of the lack of sufficient funds.

### **PCT Fees**

A proposal to increase PCT fees did not find the majority required for its approval. It was, however, agreed that the Assembly could examine the possibility of a fee increase in an extraordinary session in 1994.

## REGULATIONS UNDER THE PATENT COOPERATION TREATY

## Text of Adopted Amendments

Rule 4The Request (Contents)4.1 Mandatory and Optional Contents; Signature

(a) [No change]

(b) The request shall, where applicable, contain:

(i) to (iv) [No change]

(v) a reference to a parent application or parent patent,

(vi) an indication of the applicant's choice of competent International Searching Authority.

(c) and (d) [No change]

4.2 to 4.14 [No change]

4.14bis Choice of International Searching Authority

If two or more International Searching Authorities are competent for the searching of the international application, the applicant shall indicate his choice of International Searching Authority in the request.

4.15 to 4.17 [No change]

Rule 18The Applicant18.1 Residence and Nationality\*

(a) Subject to the provisions of paragraphs (b) and (c), the question whether an applicant is a resident or national of the Contracting State of which he claims to be a resident or national shall depend on the national law of that State and shall be decided by the receiving Office.

(b) In any case,

(i) possession of a real and effective industrial or commercial establishment in a Contracting State shall be considered residence in that State, and

(ii) a legal entity constituted according to the national law of a Contracting State shall be considered a national of that State.

(c) Where the international application is filed with the International Bureau as receiving Office, the International Bureau shall, in the circumstances specified in the Administrative Instructions, request the national Office of, or acting for, the Contracting State concerned to decide the question referred to in paragraph (a). The International Bureau shall inform the applicant of any such request. The applicant shall have an opportunity to submit arguments directly to the national Office. The national Office shall decide the said question promptly.

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\* The title has been amended to read "Residence and Nationality" instead of "Residence."

18.2 [Deleted]

18.3 and 18.4 [No change]

Rule 19

The Competent Receiving Office

19.1 Where to File

(a) Subject to the provisions of paragraph (b), the international application shall be filed, at the option of the applicant,

(i) with the national Office of or acting for the Contracting State of which the applicant is a resident,

(ii) with the national Office of or acting for the Contracting State of which the applicant is a national, or

(iii) irrespective of the Contracting State of which the applicant is a resident or national, with the International Bureau.

(b) and (c) [No change]

19.2 Two or More Applicants

If there are two or more applicants:

(i) the requirements of Rule 19.1 shall be considered to be met if the national Office with which the international application is filed is the national Office of or acting for a Contracting State of which at least one of the applicants is a resident or national;

(ii) the international application may be filed with the International Bureau under Rule 19.1(a)(iii) if at least one of the applicants is a resident or national of a Contracting State.

19.3 [No change]

19.4 Transmittal to the International Bureau as Receiving Office

(a) Where an international application is filed with a national Office which acts as a receiving Office under the Treaty by an applicant who is a resident or national of a Contracting State, but that national Office is not competent under Rule 19.1 or 19.2 to receive that international application, that international application shall, subject to paragraph (b), be considered to have been received by that Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii).

(b) Where, pursuant to paragraph (a), an international application is received by a national Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii), that national Office shall, unless prescriptions concerning national security prevent the international application from being so transmitted, promptly transmit it to the International Bureau. Such transmittal may be subjected by the national Office to the payment of a fee, for its own benefit, equal to the transmittal fee charged by that Office under Rule 14. The international application so transmitted shall be considered to have been received by the International Bureau as receiving Office under Rule 19.1(a)(iii) on the date of receipt of the international application by that national Office.



Rule 35The Competent International Searching Authority

35.1 and 35.2 [No change]

35.3 When the International Bureau Is Receiving Office Under Rule 19.1(a)(iii)

(a) Where the international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), an International Searching Authority shall be competent for the searching of that international application if it would have been competent had that international application been filed with a receiving Office competent under Rule 19.1(a)(i) or (ii), (b) or (c) or Rule 19.2(i).

(b) Where two or more International Searching Authorities are competent under paragraph (a), the choice shall be left to the applicant.

(c) Rules 35.1 and 35.2 shall not apply to the International Bureau as receiving Office under Rule 19.1(a)(iii).

Rule 54The Applicant Entitled to Make a Demand54.1 Residence and Nationality

(a) Subject to the provisions of paragraph (b), the residence or nationality of the applicant shall, for the purposes of Article 31(2), be determined according to Rule 18.1(a) and (b).

(b) The International Preliminary Examining Authority shall, in the circumstances specified in the Administrative Instructions, request the receiving Office or, where the international application was filed with the International Bureau as receiving Office, the national Office of, or acting for, the Contracting State concerned to decide the question whether the applicant is a resident or national of the Contracting State of which he claims to be a resident or national. The International Preliminary Examining Authority shall inform the applicant of any such request. The applicant shall have an opportunity to submit arguments directly to the Office concerned. The Office concerned shall decide the said question promptly.

54.2 [No change]

54.3 International Applications Filed with the International Bureau as Receiving Office

Where the international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), the International Bureau shall, for the purposes of Article 31(2)(a), be considered to be acting for the Contracting State of which the applicant is a resident or national.

54.4 [No change]

Rule 59The Competent International Preliminary Examining Authority59.1 Demands Under Article 31(2)(a)

(a) For demands made under Article 31(2)(a), each receiving Office of or acting for a Contracting State bound by the provisions of Chapter II shall, in accordance with the terms of the applicable agreement referred to in Article 32(2) and (3), inform the International Bureau which International Preliminary Examining Authority is or which International Preliminary Examining Authorities are competent for the international preliminary examination of international applications filed with it. The International Bureau shall promptly publish such information. Where several International Preliminary Examining Authorities are competent, the provisions of Rule 35.2 shall apply mutatis mutandis.

(b) Where the international application was filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), Rule 35.3(a) and (b) shall apply mutatis mutandis. Paragraph (a) of this Rule shall not apply to the International Bureau as receiving Office under Rule 19.1(a)(iii).

59.2 [No change]

Rule 83Right to Practice Before International Authorities

83.1 [No change]

83.1bis Where the International Bureau Is the Receiving Office

(a) Any person who has the right to practice before the national Office of, or acting for, a Contracting State of which the applicant or, if there are two or more applicants, any of the applicants is a resident or national shall be entitled to practice in respect of the international application before the International Bureau in its capacity as receiving Office under Rule 19.1(a)(iii).

(b) Any person having the right to practice before the International Bureau in its capacity as receiving Office in respect of an international application shall be entitled to practice in respect of that application before the International Bureau in any other capacity and before the competent International Searching Authority and competent International Preliminary Examining Authority.

83.2 [No change]

Rule 90Agents and Common Representatives90.1 Appointment as Agent

(a) A person having the right to practice before the national Office with which the international application is filed or, where the international application is filed with the International Bureau, having the right to practice in respect of the international application before the International Bureau as receiving Office may be appointed by the applicant as his agent to represent him before\* the receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority.

(b) and (c) [No change]

(d) An agent appointed under paragraph (a) may, unless otherwise indicated in the document appointing him, appoint one or more sub-agents to represent the applicant as the applicant's agent:

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\* The amendment consists in deleting, before the words "the receiving Office," the words "that Office acting as."

[Rule 90.1(d), continued]

(i) before the receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office with which the international application was filed or to practice in respect of the international application before the International Bureau as receiving Office, as the case may be;

(ii) [No change]

90.2 to 90.6 [No change]



Rule 91Obvious Errors in Documents91.1 Rectification

(a) to (d) [No change]

(e) No rectification shall be made except with the express authorization:

(i) and (ii) [No change]

(iii) of the International Preliminary Examining Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority,<sup>+</sup>

(iv) [No change]

(f) to (g-quater) [No change]

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<sup>+</sup> The amendment, which consists in deleting, at the end of the item, the word "and," is to the English text only.

## INTERNATIONAL SEARCHING AUTHORITIES

AGREEMENT between  
the SPANISH PATENT AND TRADEMARK OFFICE  
and the WORLD INTELLECTUAL PROPERTY ORGANIZATION  
in relation to the functioning of the SPANISH PATENT AND TRADEMARK OFFICE  
as an International Searching Authority under the Patent Cooperation Treaty

The Spanish Patent and Trademark Office and the World Intellectual Property Organization hereby agree as follows:

Article 1

Terms and Expressions Used in the Agreement

- (1) For the purposes of this Agreement:
- (a) "Treaty" means the Patent Cooperation Treaty;
  - (b) "Regulations" means the Regulations under the Treaty;
  - (c) "Administrative Instructions" means the Administrative Instructions under the Treaty;
  - (d) "Article" (except where a specific reference is made to an Article of this Agreement) means an Article of the Treaty;
  - (e) "Rule" means a Rule of the Regulations;
  - (f) "Contracting State" means a State party to the Treaty;
  - (g) "Authority" means the Spanish Patent and Trademark Office.

(2) All other terms and expressions used in this Agreement which are also used in the Treaty, the Regulations or the Administrative Instructions have, for the purposes of this Agreement, the same meaning as in the Treaty, the Regulations and the Administrative Instructions.

## Article 2

### Basic Obligations

(1) The Authority shall carry out international search in accordance with, and perform such other functions of an International Searching Authority as are provided under the Treaty, the Regulations, the Administrative Instructions and this Agreement. In carrying out international search, the Authority shall be guided by the Guidelines for International Search to Be Carried Out under the Patent Cooperation Treaty. The Authority shall apply and observe all the common rules of international search.

(2) The Authority and the International Bureau shall, having regard to their respective functions under the Treaty, the Regulations, the Administrative Instructions and this Agreement, render, to the extent possible, mutual assistance in the performance of their functions thereunder.

(3) The Authority undertakes to comply with the conditions laid down in Rule 36.1(i) within three years from the entry into force of this Agreement.

## Article 3

### Competence of Authority

The Authority shall act as an International Searching Authority for all international applications filed in the Spanish language with the receiving Office of, or acting for, any Contracting State where that Office has specified the Authority for that purpose.

## Article 4

### Subject Matter Not Required to Be Searched

The Authority shall not be obliged to search, by virtue of Article 17(2)(a)(i), any international application to the extent that it considers that the international application relates to subject matter set forth in Rule 39.1, with the exception of the subject matter specified in Annex A of this Agreement.

## Article 5

### Fees and Charges

(1) A schedule of all fees of the Authority, and all other charges which the Authority is entitled to make, in relation to its function as an International Searching Authority, is set out in Annex B of this Agreement.

(2) The Authority shall, under the conditions and to the extent set out in Annex B of this Agreement, refund the whole or part of the search fee paid where an international search report can be wholly or partly based on the results of an earlier search made by the Authority (Rules 16.3 and 41.1) or where the international application is withdrawn or considered withdrawn before the start of the international search.

#### Article 6

##### Classification

For the purposes of Rule 43.3(a), the Authority shall indicate solely the International Patent Classification.

#### Article 7

##### Languages of Correspondence Used by the Authority

For the purposes of correspondence, including forms, other than with the International Bureau, the Authority shall use the Spanish language.

#### Article 8

##### International-Type Search

The Authority shall carry out international-type searches to the extent decided by it.

#### Article 9

##### Entry Into Force of the Agreement

This Agreement shall enter into force upon approval by the Assembly of the International Patent Cooperation Union and subsequent signature.

#### Article 10

##### Duration and Renewability of the Agreement

This Agreement shall remain in force until December 31, 1997. Latest in January 1997, the parties to this Agreement shall start negotiations for its renewal.

#### Article 11

##### Amendment

(1) Without prejudice to paragraphs (2) and (3), amendments may, subject to approval by the Assembly of the International Patent Cooperation Union, be made to this Agreement by agreement between the parties hereto; they shall take effect on the date agreed upon by them.

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

(3) The Authority may, by notice in writing given to the Director General of the World Intellectual Property Organization, amend the schedule of fees and other charges contained in Annex B of this Agreement.

(4) Any amendment notified under paragraph (3) shall take effect on the date specified by the Authority, provided that for any increase of fees or other charges contained in Annex B that date is at least one month later than the date on which the notification is received by the International Bureau.

Article 12

Termination of the Agreement

(1) This Agreement shall terminate before December 31, 1997:

(i) if the Authority gives the Director General of the World Intellectual Property Organization written notice to terminate this Agreement; or

(ii) if the Director General of the World Intellectual Property Organization gives the Authority written notice to terminate this Agreement.

(2) The termination of this Agreement under paragraph (1) shall take effect one year after receipt of the notice by the other party, unless a longer period is specified in such notice or unless both parties agree on a shorter period.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

DONE at Geneva, this 22nd day of September, 1993, in two originals in the English and Spanish languages, each text being equally authentic.

For the Authority by:  
  
(signed) Julio Delicado Montero-Ríos  
Director General  
Spanish Patent and Trademark Office

For the World Intellectual Property Organization by:  
  
(signed) A. Bogsch  
Director General

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**FEES PAYABLE UNDER THE PCT****Sweden**

Pursuant to PCT Rules 15.2(c) and 57.2(e), new amounts of fees in **Swedish Kroner (SEK)**, as specified below, have been established. The new amounts are applicable as from January 1, 1994.

Basic fee:	SEK	4,355
Supplement per sheet over 30:	SEK	85
Designation fee:	SEK	1,060
Handling fee:	SEK	1,330

[Updating of PCT Gazette No. 17/1993, Annex C(SE), page 8988, and Annex E(SE), page 9009].



## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### FEES PAYABLE UNDER THE PCT

##### Australia

Pursuant to PCT Rules 15.2(d) and 57.2(e), new amounts of fees in **Australian Dollars (AUD)**, as specified below, have been established. The new amounts are applicable as from January 1, 1994.

Basic fee:	AUD	835
Supplement per sheet over 30:	AUD	16
Designation fee:	AUD	203
Handling fee:	AUD	255

[Updating of PCT Gazette No. 17/1993, Annex C(AU), page 8953, and Annex E(AU), page 9004]

##### Denmark, Finland, Norway and other States for which the Swedish Patent Office acts as International Searching Authority

Pursuant to PCT Rule 16.1(c), new amounts in **Danish Kroner (DKK)**, **Finnish Markka (FIM)**, **Norwegian Kroner (NOK)** and **Swiss Francs (CHF)**, as specified below, have been established for the search fee for an international search by the Swedish Patent Office. The new amounts are applicable as from December 1, 1993.

	DKK	FIM	NOK	CHF
Search fee (international search by the Swedish Patent Office):				
(i) if on an earlier application, the priority of which is claimed, a first office action has been issued by the Swedish Patent Office:	2,115	1,875	2,290	460
(ii) if on an earlier application, the priority of which is claimed, a first office action has been issued by the Danish Patent Office, the National Board of Patents and Registration of Finland or the Norwegian Patent Office:	2,930	2,600	3,170	635
(iii) in all other cases:	3,420	3,030	3,695	740

[Updating of PCT Gazette No. 17/1993, Annex D(SE), page 9001]

##### Finland

Pursuant to PCT Rules 15.2(d), 16.1(d) and 57.2(e), new amounts of fees in **Finnish Markka (FIM)**, as specified below, have been established. The new amounts are applicable as from January 1, 1994.

Basic fee:	FIM	3,200
Supplement per sheet over 30:	FIM	65
Designation fee:	FIM	780
Search fee (international search by the European Patent Office):	FIM	8,700

[Updating of PCT Gazette No. 17/1993, Annex C(FI), page 8965 and Annex D(EP), page 8997]

### **Announcement on the Protection of Industrial Property in Uzbekistan**

The situation of industrial property protection in Uzbekistan is summarized below.

#### **I. Legislation**

(1) The State Patent Office of Uzbekistan was established on October 1, 1992.

(2) The Government of Uzbekistan adopted, on September 15, 1992, a Decree on the provisional protection of industrial property rights. On June 2, 1993, the Law on Trademarks and Service Marks of Uzbekistan entered into force.

#### **II. Membership in Treaties**

(3) On May 5, 1993, Uzbekistan deposited a declaration of continued application of the Convention Establishing the World Intellectual Property Organization (WIPO). The Government of Uzbekistan deposited on August 18, 1993, a declaration to the effect that the Paris Convention for the Protection of Industrial Property, the Madrid Agreement Concerning the International Registration of Marks and the Patent Cooperation Treaty (PCT) continue to be applicable to Uzbekistan.

#### **III. Applications for Industrial Property Rights Filed with the Uzbek State Patent Office**

(4) Applications for the grant of patents for inventions, patents for utility models, patents for industrial designs and for the registration of marks may be filed with the Uzbek State Patent Office in order to establish a filing or priority date.

#### **IV. Industrial Property Rights Granted by the Patent Office of the Soviet Union**

(5) The owner of a patent for invention, an inventor's certificate or an industrial design patent or certificate granted by the Patent Office of the Soviet Union may file with the Uzbek State Patent Office, before January 1, 1994, a request for the grant of a patent, provided that:

(i) at the time the request is made, in the case of inventions, 20 years and, in the case of industrial designs, 15 years have not yet expired from the filing date of the application with the Patent Office of the Soviet Union and that the patent or certificate concerned was still valid on October 1, 1992;

(ii) in the case of patents for invention or inventors' certificates, a copy of the Soviet patent or inventor's certificate and a copy of the description of the invention certified by a notary or other competent authority is enclosed; where the grant was decided but not effectively made, a copy of the decision of the Patent Office of the Soviet Union that the Soviet patent or certificate should be granted, together with a copy of the description of the invention, must be enclosed;

(iii) the prescribed fee is paid.

(6) The owner of a trademark certificate granted or renewed by the Patent Office of the Soviet Union may file with the Uzbek State Patent Office, before January 1, 1994, a request for the grant of a trademark certificate, provided that:

(i) on December 24, 1991, 10 years had not expired from the filing date of the application for a trademark certificate nor from the date of renewal of the registration with the Patent Office of the Soviet Union;

(ii) the prescribed fee is paid.

**V. Applications for Industrial Property Rights Filed With the Patent Office of the Soviet Union or With the Patent Office of the Russian Federation Before October 1, 1992**

(7) An applicant of an application for a patent for invention, for an inventor's certificate, for an industrial design patent or certificate or for a trademark certificate filed, before February 1, 1992, with the Patent Office of the Soviet Union, or before October 1, 1992, with the Patent Office of the Russian Federation with the express or implied intention of obtaining protection also in Uzbekistan and claiming priority (including Convention priority), may file with the Uzbek State Patent Office, before January 1, 1994, a request for the grant of a patent for invention, industrial design patent or trademark certificate, provided that:

(i) a copy of the pending application, certified by a notary or other competent authority, with an official indication of the date of receipt of the application by the Patent Office of the Soviet Union or the Patent Office of the Russian Federation is enclosed;

(ii) the prescribed fee is paid.

The request is considered equivalent to an application filed with the Uzbek State Patent Office and shall have the benefit of the filing date or priority date of the application referred to above.

**VI. Effects in Uzbekistan of International Applications under the Patent Cooperation Treaty (PCT)**

(8) (a) On August 18, 1993, Uzbekistan deposited a declaration of continuation the effect of which is that the Patent Cooperation Treaty (PCT) is applied by Uzbekistan. Nationals and residents of Uzbekistan can therefore file international applications, and Uzbekistan can be designated and elected in international applications filed from that date.

(b) On September 29, 1992, the Assembly of the PCT Union adopted, with effect on October 1, 1992, new Rules 32.1 and 32.2 of the Regulations under the PCT, concerning the extension of international applications to certain successor States.

(c) For the purposes of determining the status of international applications with respect to Uzbekistan, one has to distinguish between

(i) international applications designating the Soviet Union which were filed before December 25, 1991 (see (d), below);

(ii) international applications--irrespective of the designations they contain--which were filed between December 25, 1991, and October 18, 1993 (see (e) to (g), below);

(iii) international applications specifically\* designating Uzbekistan filed on or after August 18, 1993 (see (h), below).

(d) As regards any international application whose international filing date is before December 25, 1991, and in which the Soviet Union has been designated, the "national filing effect" of any such application under Article 11(4) of the PCT will, pursuant to the deposit by Uzbekistan of its declaration of continuation, be recognized in Uzbekistan. The conditions under which any such international application, or any patent or inventor's certificate resulting therefrom and granted by the Patent Office of the Soviet Union or by the Patent Office of the Russian Federation, may continue to have effect in Uzbekistan are the following:

(i) if a patent for invention or an inventor's certificate has been granted by the Patent Office of the Soviet Union or by the Patent Office of the Russian Federation on the basis of the international application, the conditions referred to in paragraph (5), above, are applicable;

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\* In this announcement, an international application is regarded as "specifically" designating Uzbekistan either if Uzbekistan has been designated under Rule 4.9(a) of the Regulations under the PCT or if the designation of Uzbekistan has been confirmed under Rule 4.9(c) of those Regulations.

(ii) if the applicant has entered the national phase before the Patent Office of the Soviet Union or the Patent Office of the Russian Federation but a patent for invention or an inventor's certificate has not been granted by either of those Offices, the conditions referred to in paragraph (7), above, are applicable, provided that the applicant file, before January 1, 1994, with the State Patent Office of Uzbekistan, a request to the effect that the international application be further processed according to Uzbek legislation; the request must be accompanied by a copy of the Russian translation of the international application submitted to the Patent Office of the Soviet Union or the Patent Office of the Russian Federation as well as a declaration that the application is still pending before the Patent Office of the Russian Federation; however, where a decision to grant a patent has been issued, only the requirements referred to in paragraph (7), above, apply;

(iii) if the applicant has not entered the national phase before the Patent Office of the Soviet Union or the Patent Office of the Russian Federation and if the time limit for entering the national phase had not expired on December 24, 1991, the applicant must, before January 1, 1994, or, if Uzbekistan is elected under Chapter II of the PCT within 19 months from the priority date, before January 1, 1994, or before the expiration of 31 months from the priority date, whichever is later, furnish to the Uzbek State Patent Office a translation of the international application into Uzbek or Russian and evidence that the prescribed fee (see paragraph (13), below) has been paid to the latter Office.

(e) As regards any international application whose international filing date is later than December 24, 1991, and earlier than October 19, 1993,\* its effects may be extended to Uzbekistan (irrespective of the designations it contains) through the performance by the applicant of the following acts:

(i) filing a request for extension with the International Bureau of the World Intellectual Property Organization (WIPO);

(ii) paying to the International Bureau of WIPO an extension fee of 185 Swiss francs, payable in Swiss francs.

(f) The applicant in respect of each and every international application referred to in (e), above, or his agent or common representative if there is one, will receive a written notification from the International Bureau of WIPO drawing his attention to the fact that he can, by filing a written request for extension, extend the effects of the international application to Uzbekistan. The notification will, in particular, specify the modes of payment of the extension fee of 185 Swiss francs. The request for extension must contain the identification of the international application by its international application number. A form which may be used for the purpose of requesting extension to Uzbekistan will be attached to the notification. The request for extension must be in English or French, and may be sent by telefax or telex. The request for extension and the corresponding payment must reach the International Bureau of WIPO before the expiration of three months from the date of the notification sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. It is recommended that applicants await the notification from the International Bureau of WIPO and use the form attached to it, although requests and payments may be made without waiting for the notification from the International Bureau of WIPO.

(g) If the conditions described in (e) and (f), above, are fulfilled, Uzbekistan will be considered as having been designated in the international application on its international filing date. For entering the national phase before the Uzbek State Patent Office, the applicant must furnish to that Office, within the following time limit, both a translation of the international application into Uzbek or Russian and evidence that the prescribed fee (see paragraph (13), below) has been paid:

(i) before January 1, 1994, or before the expiration of 21 months from the priority date, whichever is later, if Uzbekistan is not elected under Chapter II of the PCT before the expiration of 19 months from the priority date and if item (iii) does not apply;

(ii) before January 1, 1994, or before the expiration of 31 months from the priority date, whichever is later, if Uzbekistan is elected under Chapter II of the PCT before the expiration of 19 months from the priority date;

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\* With the exception of any such international application whose international filing date is on or after August 18, 1993, and in which Uzbekistan is specifically designated: in such a case, the procedure described in (e) to (g) is not applicable, and the procedure described in (h) applies. It should be noted that Uzbekistan can be specifically designated only in those international applications filed on or after August 18, 1993.

(iii) before January 1, 1994, or before the expiration of 31 months from the priority date, whichever is later, if a request for extension to Uzbekistan is made after, but the demand was made before, the expiration of 19 months from the priority date, and if a later election of Uzbekistan is made together with the request for extension or within three months from the date of request for extension.

(h) As regards any international application whose international filing date is on or after August 18, 1993, and in which Uzbekistan is specifically designated, the applicant, in order to enter the national phase before the Uzbek State Patent Office, must furnish to that Office, within the following time limit, both a translation of the international application into Uzbek or Russian and evidence that the prescribed fee (see paragraph (13), below) has been paid to the said Office:

(i) before the expiration of 21 months from the priority date if Uzbekistan is not elected under Chapter II of the PCT within 19 months from the priority date;

(ii) before the expiration of 31 months from the priority date if Uzbekistan is elected under Chapter II of the PCT within 19 months from the priority date.

## **VII. Effects in Uzbekistan of International Registrations under the Madrid Agreement Concerning the International Registration of Marks**

(9) (a) On August 18, 1993, Uzbekistan deposited a declaration of continuation the effect of which is that the Madrid Agreement Concerning the International Registration of Marks is applied by Uzbekistan.

(b) On September 29, 1992, the Assembly of the Madrid Union adopted, with effect on October 1, 1992, a new Rule 38 of the Regulations under the Madrid Agreement, concerning the effect of international registrations in certain successor States.

(c) Pursuant to the deposit of the declaration of continuation and to the decision of the Assembly, certain international registrations may have effect in Uzbekistan, subject to the conditions described below. The international registrations concerned are those which have a territorial extension to the Soviet Union effective from a date prior to September 1, 1991.

(d) The conditions referred to above are the following:

(i) the filing of a request with the International Bureau of the WIPO;

(ii) the payment to the International Bureau of WIPO of a fee, the amount of which is 62 Swiss francs per international registration.

(e) The owner of each and every international registration concerned, or his representative (if the owner has a representative whose name appears in the International Register), will receive a written notice from the International Bureau of WIPO calling his attention to the fact that he can, by filing a written request, obtain the continuation of the effect of the international registration in Uzbekistan. The notice will, in particular, specify the modes of payment of the fee. The request must contain the identification of the international registration concerned by means of its international registration number. A form (in French) will be attached to the notice and may be used. The request must be in English or French, and may be sent by telefax or telex. The request and the corresponding payment must reach the International Bureau of WIPO before the expiration of six months from the date of the notice sent by the International Bureau of WIPO; if either the request or the fee is received later, the request will be refused. Requests and payments may be made without waiting for the notice of the International Bureau of WIPO.

(f) If the conditions described above are fulfilled, the international registration concerned will, with respect to Uzbekistan, have effect as from the effective date of the territorial extension to the Soviet Union and will benefit from any priority validly claimed with regard to such extension.

(10) For each international registration which has a territorial extension to the Russian Federation effective from a date prior to August 18, 1993, the owner may request the Uzbek State Patent Office, before January 1, 1994, that the said registration be processed as an application under Uzbek legislation. The request must be accompanied by an extract from the International Register established by the International Bureau of WIPO, by a declaration that, to the best knowledge of the owner, the international registration still has effect in the Russian Federation, and by an application filed according to Uzbek legislation.



(11) For each international registration not covered by (9)(c) or (10), above, protection in Uzbekistan under the Madrid Agreement can only be obtained by filing, through the intermediary of the national Office of the country of the owner, a request for territorial extension under Rule 20 of the Regulations under the Madrid Agreement. It is to be noted that requests for territorial extension to Uzbekistan are possible at present.

### VIII. Procedural Provisions

(12) If an applicant does not have his ordinary residence or principal place of business in Uzbekistan, he must authorize a representative in Uzbekistan, and all requests, applications and other documents must be filed through the intermediary of such a representative.

(13) The list of persons who can act as representatives and the official fees applicable to the procedures referred to under paragraphs (4), (5), (6), (7), (8) and (10) are available from the Uzbek State Patent Office.

(14) The request part of any application must be filed in Uzbek or Russian. Other parts of any application may be presented in other languages, provided that a translation into Uzbek or Russian is presented within two months from the filing date.

### IX. Address of the Patent Office

Uzbek State Patent Office  
2a, Fuchik Street  
Tashkent 700047

Tel.: (0073712) 33 45 56  
33 48 56

Telex: (064) 11 65 09 dedal su.



## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### ADMINISTRATIVE INSTRUCTIONS UNDER THE PATENT COOPERATION TREATY (PCT)

#### MODIFICATION

The Director General of the World Intellectual Property Organization has modified the Administrative Instructions under the PCT, after consultation with the interested Offices and Authorities, pursuant to Rule 89.2 of the PCT Regulations, as set out below. The modifications mainly resulted from consultations with the International Authorities under the PCT. The modifications to Sections 429, 430 and Annex E are necessary as a result of the entry into force of Rule 32 of the PCT Regulations (Extension of Effects of International Application to Certain Successor States). The modifications to Sections 311, 325, 331, 401 and 417(b) improve and standardize the procedures for marking replacement sheets. Other modifications concern certain matters relating to Chapter II of the PCT.

The modified Sections and Annex will come into effect on January 1, 1994. The present text of the Administrative Instructions is set out in a Special Issue of the PCT Gazette, No. 15/1992, Section IV, pages 7016 to 7083.

#### Section 311

##### Renumbering in the Case of Deletion, Substitution or Addition of Sheets of the International Application

- (a) [No change]
- (b) The sheets of the international application shall be provisionally renumbered in the following manner:
- (i) [No change]
- (ii) when one or more sheets are added, each sheet shall be identified by the number of the preceding sheet followed by a slant and then by another Arabic numeral such that the additional sheets are numbered consecutively, starting always with number one for the first sheet added after an unchanged sheet (e.g., 10/1, 15/1, 15/2, 15/3, etc.); when later additions of sheets to an existing series of added sheets are necessary, an extra numeral shall be used for identifying the further additions (e.g., 15/1, 15/1/1, 15/1/2, 15/2, etc.).
- (iii) [Deleted]
- (c) In the cases mentioned in paragraph (b), it is recommended that the receiving Office should write, below the number of the last sheet, the total number of the sheets of the international application followed by the words "TOTAL OF SHEETS" or their equivalent in the language of publication of the international application. It is further recommended that, at the bottom of any last sheet added, the words "LAST ADDED SHEET" or their equivalent in the language of publication of the international application should be inserted.

**Section 325****Corrections of Defects under Rule 26.4(a), Rectifications of Obvious Errors under Rules 4.10(b) and 91.1, and Corrections under Rule 9.2**

(a) Where the receiving Office receives a correction of defects under Rule 26.4(a), makes a correction of an obvious error under Rule 4.10(b) or authorizes a rectification of an obvious error under Rule 91.1, it shall:

(i) [No change]

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words “SUBSTITUTE SHEET (RULE 26)” (where the replacement sheet contains a correction of defects under Rule 26) or “RECTIFIED SHEET” (where the replacement sheet contains the rectification of an obvious error) or their equivalent in the language of publication of the international application;

(iii) to (vi) [No change]

(b) [No change]

(c) Where the receiving Office receives corrections aimed at complying with Rule 9.1, paragraphs (a) and (b) shall apply *mutatis mutandis*, provided that, where a sheet is marked as indicated in paragraph (a)(ii), the words “SUBSTITUTE SHEET (RULE 9.2)” shall be used.

**Section 331****Receipt of Confirmation Copy**

Where, subject to Rule 92.4, the receiving Office receives an international application by facsimile machine transmission and subsequently receives the original of that international application, it shall mark such original with the words “CONFIRMATION COPY” or their equivalent in the language of publication of the international application on the bottom of the first page of the request and on the first page of the description. The marking under Section 325 is not required in such a case. The international application as received by facsimile machine transmission shall constitute the record copy. The confirmation copy shall be transmitted to the International Bureau in addition to the record copy.

**Section 401****Marking of the Sheets of the Record Copy**

(a) [No change]

(b) If the receiving Office has failed to mark any sheet as provided in Sections 311 and 325, the marking which has not been made may be inserted by the International Bureau.

**Section 417****Processing of Amendments under Article 19**

(a) [No change]

(b) The International Bureau shall mark, in the upper right-hand corner of each replacement sheet submitted under Rule 46.5(a), the international application number, the date on which that sheet was received under Rule 46.1 and, in the middle of the bottom margin, the words “AMENDED SHEET (ARTICLE 19).” It shall keep in its files any replaced sheet, the letter accompanying the replacement sheet or sheets, and any letter referred to in the last sentence of Rule 46.5(a).

(c) [No change]

(d) If, at the time when the demand is received by the International Bureau, the international search report has been established and no amendments under Article 19 have been made, the International Bureau shall inform the International Preliminary Examining Authority accordingly.

**Section 423****Cancellation of Designations and Elections**

(a) [No change]

(b) The International Bureau shall cancel *ex officio*:

(i) the election, in the demand or in a notice effecting a later election, of any State which is not a designated State;

(ii) the election, in the demand, of any State not bound by Chapter II of the Treaty, if the International Preliminary Examining Authority has failed to do so;

(iii) the election, in a notice effecting a later election, of any State not bound by Chapter II of the Treaty.

(c) The International Bureau shall enclose the cancelled election within square brackets, draw a line between the square brackets while still leaving the election legible, enter, in the margin, the words “CANCELLED EX OFFICIO BY IB” or their equivalent in French, and notify the applicant and, if the election is in the demand, the International Preliminary Examining Authority accordingly.

**Section 429****Notice of Extension**

Where a request for extension of the effects of an international application to a successor State, made in accordance with Rule 32.1(c), is received by the International Bureau after technical preparations for international publication have been completed, a notice of this fact shall be published in the Gazette.

### Section 430

#### Notification of Designations under Rule 32 (Extensions)

Where the request for extension is made under Rule 32.1(c), the International Bureau shall promptly, but not before the international publication of the international application, effect the communication under Article 20 to the designated Office concerned, notify that Office under Rule 47.1(a<sup>bis</sup>), and notify it of the date of the receipt of the request for extension.

### Section 501

#### Corrections Submitted to the International Searching Authority Concerning Expressions, etc., Not To Be Used in the International Application

Where the International Searching Authority receives corrections aimed at complying with Rule 9.1, Section 511 shall apply *mutatis mutandis*, provided that, where a sheet is marked as indicated in Section 511(a)(ii), the words “SUBSTITUTE SHEET (RULE 9.2)” shall be used.

### Section 503

#### Method of Identifying Documents Cited in the International Search Report

Identification of any document cited in the international search report referred to in Rule 43.5(b) shall be made by indicating the following elements in the order in which they are listed:

- (a) and (b) [No change]
- (c) *In the case of an article published in a periodical or other serial publication:*
  - (i) the title of the periodical or other serial publication (abbreviations conforming to generally recognized international practice may be used);
  - (ii) [No change]
  - (iii) where necessary for identification of the publication, the place of publication (where only the location of the publisher appears in the periodical or other serial publication, then that location shall be indicated as the place of publication);
  - (iv) the author and the title (where appropriate, abbreviated or truncated) of the article and the number of the page both on which the article starts and ends; and
  - (v) [No change]

*The following examples illustrate the citation of an article published in a periodical or other serial publication according to paragraph (c), above, in both full and abbreviated forms:*

[No change to full citation example]

IBM Tech. Discl. Bull., Vol. 17, No. 5, October 1974, J.G. Drop,  
“Integrated Circuit Personalization at the Module Level,” pages 1344  
and 1345.

*[End of examples]*

- (d) [No change]

**Section 508****Manner of Indicating the Claims to Which the Documents  
Cited in the International Search Report Are Relevant**

(a) [No change]

(b) Where different categories apply to the same document cited in an international search report in respect of different claims or groups of claims, each relevant claim or group of claims shall be listed separately opposite each indicated category of relevance. Each category and each relevant claim or group of claims may be separated by a line.

[No change to example and preamble thereto]

**Section 511****Rectifications of Obvious Errors under Rule 91.1**

(a) Where the International Searching Authority authorizes a rectification under Rule 91.1, it shall:

(i) [No change]

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words “RECTIFIED SHEET (RULE 91)” or their equivalent in the language of publication of the international application as well as an indication of the International Searching Authority as provided for in Section 107(b);

(iii) to (v) [No change]

(b) [No change]

**Section 514****Authorized Officer**

The officer of the International Searching Authority responsible for the international search report, as referred to in Rule 43.8, means the person who actually performed the search work and prepared the search report or another person who was responsible for supervising the search.

**Section 602****Processing of Amendments by the International Preliminary Examining Authority**

(a) The International Preliminary Examining Authority shall:

(i) [No change]

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words “AMENDED SHEET” or their equivalent in the language of the demand as well as an indication of the International Preliminary Examining Authority as provided for in Section 107(b);

(iii) to (v) [No change]

[Section 602, continued]

(b) Section 311(b)(ii) relating to the numbering of replacement sheets shall apply when one or more sheets are added under Rule 66.8(a).

(c) and (d) [No change]

#### Section 606

##### Cancellation of Elections

The International Preliminary Examining Authority shall, if the election is in the demand, cancel *ex officio* the election of any State which is not bound by Chapter II of the Treaty, shall enclose that election within square brackets, shall draw a line between the square brackets while still leaving the election legible and shall enter, in the margin, the words "CANCELLED EX OFFICIO BY IPEA" or their equivalent in the language of the demand, and shall notify the applicant accordingly.

#### Section 607

##### Rectifications of Obvious Errors under Rule 91.1

Where the International Preliminary Examining Authority authorizes a rectification of an obvious error under Rule 91.1, Rule 70.16 and Section 602(a) and (b) shall apply *mutatis mutandis*, provided that, where a sheet is marked as indicated in Section 602, the words "RECTIFIED SHEET (RULE 91)" shall be used.

#### Section 612

##### Authorized Officer

The officer of the International Preliminary Examining Authority responsible for the international preliminary examination report, as referred to in Rule 70.14, means the person who actually performed the examination work and prepared the international preliminary examination report or another person who was responsible for supervising the examination.

#### ANNEX E

##### INFORMATION TO BE PUBLISHED IN THE GAZETTE UNDER RULE 86.1(v)

1. to 14. [No change]

15. The dates defining the period referred to in Rule 32.1(b) during which the international application, whose effects may be extended to a successor State under Rule 32.1, must have been filed.

[End of text of modified Administrative Instructions]

**FEES PAYABLE UNDER THE PCT****Denmark**

The **Danish Patent Office** has notified new amounts of fees in **Danish Kroner (DKK)** payable to it as receiving and designated (or elected) Office, as specified below:

Fee for priority document:	DKK 300 plus DKK 4 per page
National basic fee:	DKK 3,000

[Updating of PCT Gazette No. 17/1993, Annex C(DK), page 8962, and Summary (DK), page 9032]

**Greece**

Pursuant to PCT Rule 15.2(d), new amounts in **Greek Drachma (GRD)**, as specified below, have been established. The new amounts are applicable as from January 25, 1994.

Basic fee:	GRD 131,000
Supplement per sheet over 30:	GRD 3,000
Designation fee:	GRD 32,000

[Updating of PCT Gazette No. 17/1993, Annex C(GR), page 8968]

**Malawi**

Pursuant to PCT Rule 15.2(d), new amounts in **Malawi Kwacha (MWK)**, as specified below, have been established. The new amounts are applicable as from January 25, 1994.

Basic fee:	MWK 2,350
Supplement per sheet over 30:	MWK 46
Designation fee:	MWK 570

[Updating of PCT Gazette No. 17/1993, Annex C(MW), page 8979]

**INFORMATION ON CONTRACTING STATES****Czech Republic**

The **Industrial Property Office of the Czech Republic** has notified changes in its telephone number (operator service), as follows:

Telephone: (42-2) 481 28 32 (operator service)

[Updating of PCT Gazette No. 17/1993, Annex B1(CZ), page 8870]



**INFORMATION ON CONTRACTING STATES (Cont'd)****Germany**

The **German Patent Office** has notified changes in its location and mailing address, as follows:

Location: Zweibrückenstrasse 12, 80331 München, Germany

Mailing address: 80297 München, Germany

[Updating of PCT Gazette No. 17/1993, Annex BI(DE), page 8872]

**Slovakia**

The **Industrial Property Office of Slovakia** has notified a change in its telephone number, as follows:

Telephone: (42-7) 49 85 33

[Updating of PCT Gazette No. 17/1993, Annex B1(SK), page 8935]

**Switzerland**

The **Swiss Federal Intellectual Property Office** has notified changes in its telephone and facsimile machine numbers, as follows:

Telephone: (41-31) 322 49 21, 322 48 28

Facsimile machine: (41-31) 322 48 95 (Groups 2 and 3)

[Updating of PCT Gazette No. 17/1993, Annex B1(CH), page 8866]

**Viet Nam**

The **National Office on Inventions of Viet Nam** has notified changes in its name, as well as in its telephone and facsimile machine numbers, as follows:

Name of Office: National Office of Industrial Property

Telephone: (84-4) 58 30 69, 58 37 93, 58 34 25

Facsimile machine: (84-4) 58 40 02

[Updating of PCT Gazette No. 17/1993, Annex B1(VN), page 8944]

**DEPOSITS OF MICROORGANISMS  
INSTITUTIONS WITH WHICH DEPOSITS MAY BE MADE**

**Republic of Korea**

Pursuant to PCT Rule 13bis.7(b), the **Korean Industrial Property Office** has notified the International Bureau of the depository institution with which deposits of microorganisms may be made for the purposes of patent procedure before that Office as follows:

“Korean Cell Line Research Foundation (KCLRF)\*  
Seoul National University College of Medicine  
28 Yungon-dong, Chongno-gu  
Seoul 110-799  
Republic of Korea”

[Updating of PCT Gazette No. 17/1993, Annex L, page 9020]

**United Kingdom**

Pursuant to PCT Rule 13bis.7(b), the **United Kingdom Patent Office** has notified the International Bureau of changes in the addresses of the depository institutions listed as “Culture Collection of Algae and Protozoa (CCAP)” and “National Collection of Yeast Cultures (NCYC)” in Annex L, published in PCT Gazette No. 17/1993, as follows:

“Culture Collection of Algae and Protozoa (CCAP)  
Freshwater Biological Association  
Windermere Laboratory  
The Ferry House  
Far Sawrey  
Ambleside, Cumbria LA22 0LP  
United Kingdom  
and  
Scottish Marine Biological Association  
Dunstaffnage Marine Research Laboratory  
P.O. Box 3  
Oban, Argyll PA34 4AD  
United Kingdom”

“National Collection of Yeast Cultures (NCYC)  
AFRC Institute of Food Research  
Norwich Laboratory  
Colney Lane  
Norwich NR4 7AU  
United Kingdom”

[Updating of PCT Gazette No. 17/1993, Annex L, pages 9019 and 9021]

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\* This depository institution has acquired the status of international depository authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

## SECTION IV

### NOTICES AND INFORMATION OF A GENERAL CHARACTER

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#### PCT SEARCH GUIDELINES

#### AMENDMENT

After consultation with the International Searching Authorities, the PCT Search Guidelines have been amended, as set out below. The amendments resulted from proposals made by International Searching Authorities. Paragraph 3.5 of Chapter III and paragraphs 11 and 12 of Chapter VII have been amended in order to clarify the circumstances in which inventions should be subjected to search even when no additional fees have been paid. The amendments to paragraph 3.9 of Chapter III and paragraph 2.8 of Chapter IV clarify that no special search should be made for certain well-known features. Some other amendments incorporate cross references.

The amended Chapters will come into effect on January 1, 1994. The present text of the PCT Search Guidelines is set out in a Special Issue of the PCT Gazette, No. 30/1992, Section IV, pages 14025 to 14072.

#### CHAPTER III

#### CHARACTERISTICS OF THE INTERNATIONAL SEARCH

#### 3. Orientation and subject of the international search

3.1 to 3.4 [No change]

3.5 Except in the circumstances referred to in paragraphs 11 and 12 of Chapter VII, claims that are deemed to relate to inventions for which no fees have been paid should be excluded from the international search (see Chapter VII).

3.6 to 3.8 [No change]

3.9 However, where the novelty or inventive step of the main claim is questioned, it may be necessary for assessing the inventive step of a dependent claim to establish whether the features of the dependent claim as such are novel by searching one or more additional classification units. No special search should be made for features that are so well-known that documentary evidence seems to be unnecessary; however, if a handbook or other document showing that a feature is generally known can be found rapidly, it should be cited. When the dependent claim adds a further feature (rather than providing more detail of an element figuring already in the main claim), the dependent claim in effect constitutes a combination claim and should be dealt with accordingly (see paragraph 3.10 of this Chapter).

3.10 to 3.15 [No change]

## CHAPTER IV

### SEARCH PROCEDURE AND STRATEGY

#### 2. Search strategy

2.1 to 2.7 [No change]

2.8 Reasons of economy dictate that the search examiner use his judgment to end his search when the probability of discovering further relevant prior art becomes very low in relation to the effort needed. The international search may also be stopped when documents have been found clearly demonstrating lack of novelty in the entire subject matter of the claimed invention and its elaborations in the description, apart from features the application of which would not involve an inventive step and which are so well-known in the field under consideration that documentary evidence seems to be unnecessary.

## CHAPTER VII

### UNITY OF INVENTION

1. The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (Rule 13.1). The basic test to be applied in determining whether or not there is unity of invention is set out in Rules 13.2 to 13.4. The details concerning the application of those provisions are contained in Section 206 and Annex B to the Administrative Instructions. If the International Searching Authority considers that the international application does not comply with the requirement of unity of invention, it must search and draw up the international search report for those parts of the international application which relate to the invention (or group of inventions forming unity) first mentioned in the claims and those parts of the international application which relate to inventions for which additional fees have been paid (but see paragraphs 11 and 12 of this Chapter).

2. The International Searching Authority will inform the applicant of the lack of unity of invention by a communication, preceding the issuance of the international search report, which will contain an invitation to pay additional fees (Form PCT/ISA/206; see the filled-in sample in Annex B to these Guidelines). This invitation must specify the reasons (see paragraph 2a of this Chapter) for which the international application is not considered as complying with the requirement of unity of invention, identify the separate inventions and indicate the amount to be paid. If preferred, the said invitation may be already accompanied by a notification of the result of a partial international search drawn up for those parts of the international application which relate to what is to be considered as the “first” invention. See the sample of a filled-in form in Annex B to these Guidelines. The result of the partial international search will be very useful for the applicant in deciding whether additional search fees should be paid so that further parts of the international application would be subjected to the international search. The invention(s) or group(s) of inventions, other than the one first mentioned in the claims, will be searched, subject to paragraphs 11 and 12 of this Chapter, only if the applicant pays the additional fees. Since these payments must take place within a period to be set by the International Searching Authority so as to enable the observation of the time limit for establishing the international search report set by Rule 42, the International Searching Authority should endeavor to ensure that international searches be made as early as possible. The International Searching Authority shall finally draw up the international search report on those parts of the international application which relate to inventions in respect of which the search fee and any additional search fee have been paid. The international search report identifies the separate inventions or groups of inventions forming unity and indicates those parts of the international application for which a search had been made. If no additional search fee has been paid, the international search report will contain only the references relating to the invention first mentioned in the claims.

2a. to 10. [No change]

[Chapter VII, continued]

11. Reasons of economy may make it advisable for the search examiner, while making the search for the main invention, to search at the same time, despite the non-payment of additional fees, one or more additional inventions in the classification units consulted for the main invention if this takes little or no additional search effort. The international search for such additional inventions will then have to be completed in any further classification units which may be relevant, when the additional search fees have been paid. This situation may occur when the lack of unity of invention is found either “*a priori*” or “*a posteriori*.”

12. Occasionally in cases of lack of unity of invention, especially in an “*a posteriori*” situation, the search examiner will be able to make a complete international search for more than one invention with negligible additional work, in particular, when the inventions are conceptually very close. In those cases, the search examiner may decide to complete the international search for the additional invention(s) together with that for the invention first mentioned. All results should then be included in the international search report without inviting the applicant to pay an additional search fee in respect of the additional inventions searched but stating objection to lack of unity of invention. Such statement should only be made, however, where the lack of unity is beyond doubt.

13. [No change]

## INFORMATION ON CONTRACTING STATES

### Kazakhstan

The Kazakh Patent Office has notified a change in its teleprinter address, as follows:

Teleprinter: 251293 OMEGA

[Updating of PCT Gazette No. 17/1993, Annex B1(KZ), page 8899]

### Spain

The Spanish Patent and Trademark Office has notified changes in its facsimile machine number and teleprinter address, as follows:

Facsimile machine: (34-1) 457 22 80

Teleprinter: 47020 OEPM E

[Updating of PCT Gazette No. 17/1993, Annex B1(ES), page 8876]

### Sri Lanka

The Registry on Patents and Trade Marks of Sri Lanka has notified a change in its location and mailing address, as follows:

Location and mailing address: “Samagam Medura”, 3rd Floor, 400, D.R. Wijewardane Mawatha, Colombo 10, Sri Lanka

[Updating of PCT Gazette No. 17/1993, Annex B1(LK), page 8903]

## INFORMATION ON INTERGOVERNMENTAL ORGANIZATIONS

### International Bureau of WIPO

Following the decisions taken by the Assembly of the International Patent Cooperation Union and the corresponding amendments to the PCT Regulations adopted at its twenty-first session held in Geneva from September 20 to 29, 1993, the International Bureau of WIPO will, as from January 1, 1994, act as alternative receiving Office for applicants from all PCT Contracting States (see PCT Gazette No. 26/1993, page 14215).

Information concerning the International Bureau as receiving Office is included in “Annex B2(IB)” and “Annex C(IB)” which are published on the following pages. Further information relating to the functioning of the International Bureau as alternative receiving Office will be published in one of the next issues of the PCT Gazette and with the “January 1994” update for the PCT Applicant’s Guide.

## ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

### ANNEX F – FORMS

#### Modification of Forms PCT/RO/101 (Request) and PCT/IPEA/401 (Demand)

The Request Form and Demand Form have been modified consequent to the accession by China and Latvia to the PCT, as well as the declaration of continued application of the PCT by Uzbekistan as a successor State of the Soviet Union. Other modifications take into account the amendment of PCT Rules 4.1(iv) and 4.14*bis*, as well as some changes in the national legislation of certain PCT Contracting States. The modifications of the Request concern the “second” and “last” sheets and the Notes to the Request. The modification of the Demand concerns all sheets (with the exception of the “supplemental sheet” which has been deleted), the Notes relating to the Demand, the Fee Calculation Sheet relating to the Demand and the Notes relating thereto. The first sheet of the Demand provides now for the possibility to indicate, where two or more International Preliminary Examining Authorities (IPEA) are competent, the name of the IPEA chosen by the applicant. The deletion of the “supplemental sheet” of the Demand is the result of a revision of the content of Box No. V, Election of States, which simplifies further the filling in of the Demand and provides for an additional safeguard for applicants.

All modified sheets are dated “January 1994”. The modifications take effect on January 1, 1994. All sheets not modified remain dated “July 1993”.

The modified “second” and “last” sheets of the Request, the Notes to the Request, the Demand, the Notes relating to the Demand, the Fee Calculation Sheet relating to the Demand and the Notes relating thereto, are reproduced on pages 16343 to 16356, below (all not paginated so as to enable convenient reproduction).

**B2** **Information on Intergovernmental** **B2**  
**Organizations**

**IB<sup>1</sup>** **INTERNATIONAL BUREAU OF THE WORLD** **IB<sup>1</sup>**  
**INTELLECTUAL PROPERTY ORGANIZATION**

**General Information**

Name of Office:	International Bureau of WIPO
Location:	34, chemin des Colombettes, Geneva, Switzerland
Mailing address:	P.O Box 18, 1211 Geneva 20, Switzerland
Telephone:	(41-22) 730 91 11
Facsimile machine:	(41-22) 740 14 35 (Groups 2 and 3) (for all PCT matters except those relating to the receiving Office) (41-22) 910 06 10 (Groups 3 and 4) (for receiving Office purposes only)
Teleprinter:	412 912 OMPI CH
Does the International Bureau accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine and teleprinter
Which kinds of documents may be so transmitted?	All kinds of documents; international applications or replacement sheets containing corrections or amendments may be transmitted only by facsimile machine
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission, if the transmitted document is an international application or a replacement sheet containing corrections or amendments of an international application. No, only upon invitation in the case of other documents.
Would the International Bureau accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes
Competent receiving Office for nationals and residents of:	All PCT Contracting States (see Annex C (International Bureau))

[continued on next page]

<sup>1</sup> This code is used where the International Bureau acts as receiving Office (see Annex C). Code "WO" continues to be used for the purposes of international publication under the PCT.



**B2** **Information on Intergovernmental** **B2**  
**Organizations**

**IB** **INTERNATIONAL BUREAU OF THE WORLD** **IB**  
**INTELLECTUAL PROPERTY ORGANIZATION**

[continued]

Fees and charges payable to the International Bureau in particular circumstances:

Currency: Swiss Franc (CHF)

Fee covering the preparation and mailing to the applicant of a certified copy of an international application filed with the International Bureau as receiving Office (PCT Rule 20.9):

Surface mail: CHF 50  
Airmail: CHF 60

Special fee for early publication, upon request by the applicant, where the international search report or the declaration referred to in PCT Article 17(2)(a) is not available for publication with the international application (PCT Rule 48.4(a)):

CHF 200

Fee covering the cost of preparing and mailing to a designated Office a copy of an international application on request of the applicant (PCT Rule 31.1(b)):

Surface mail: CHF 35  
Airmail: CHF 45

Fee covering the cost of preparing and mailing a copy of a priority document (PCT Rule 17.2(c)):

Surface mail: CHF 35  
Airmail: CHF 45

Special fee for publication of a request for rectification under PCT Rule 91.1(f):

CHF 50  
plus CHF 12 for each  
sheet in excess of one

Charge covering the cost of furnishing copies of any document in the file (PCT Rule 94.1) or of copies of a translation of an international application (PCT Rule 95.1(b)):

Surface mail: CHF 5  
plus CHF 1 per page  
Airmail: CHF 15  
plus CHF 1 per page  
Facsimile: CHF 4 per page

**C** **Receiving Offices** **C**

**IB** **INTERNATIONAL BUREAU OF THE WORLD** **IB**

**INTELLECTUAL PROPERTY ORGANIZATION**

Competent receiving Office for nationals and residents of: <sup>1</sup>	All PCT Contracting States <sup>2</sup>
Language in which international applications may be filed:	Chinese, English, French, German, Japanese, Russian or Spanish, depending on the language(s) accepted for international search by the competent International Searching Authority (see Annex D)
Number of copies required by the receiving Office:	1
Competent International Searching Authority:	<p>Any International Searching Authority(ies) which would have been competent if the international application had been filed with the receiving Office of, or acting for, the PCT Contracting State of which the applicant (or, if there is more than one applicant, at least one of the applicants) is a national or resident (see Annexes B1 and B2 for the competent receiving Offices, Annex C for the competent International Searching Authorities, and below for the States listed in footnote 2)</p> <p>For nationals and residents of Barbados: Austrian Patent Office, Swedish Patent Office, United States Patent and Trademark Office or European Patent Office</p> <p>For nationals and residents of Sri Lanka: Australian Patent Office, Swedish Patent Office or European Patent Office</p> <p>For nationals and residents of Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Niger, Senegal and Togo: Austrian Patent Office, Swedish Patent Office, Russian Patent Office or European Patent Office</p>

[continued on next page]

<sup>1</sup> Applicants may file with the International Bureau only if the national security provisions allow filing of patent applications abroad. Compliance with such provisions is the applicant's responsibility and will not be checked by the International Bureau.

<sup>2</sup> The International Bureau acts as alternative receiving Office under Rule 19.1(a)(iii) for applicants from all PCT Contracting States with the exception of the following States for which the International Bureau is, under Rule 19.1(b), the only competent receiving Office: Barbados, Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Niger, Senegal, Sri Lanka and Togo.

**C** **C**  
**Receiving Offices**  
**IB** **IB**  
**INTERNATIONAL BUREAU OF THE WORLD**  
**INTELLECTUAL PROPERTY ORGANIZATION**

[continued]

Competent International Preliminary  
Examining Authority:

Any International Preliminary Examining Authority(ies) which would have been competent if the international application had been filed with the receiving Office of, or acting for, the PCT Contracting State of which the applicant (or, if there is more than one applicant, at least one of the applicants) is a national or resident (see Annexes B1 and B2 for the competent receiving Offices, Annex C for the competent International Preliminary Examining Authorities, and below for the States listed in footnote 2)

For nationals and residents of Barbados: Austrian Patent Office, Swedish Patent Office, United States Patent and Trademark Office<sup>3</sup> or European Patent Office<sup>4</sup>

For nationals and residents of Sri Lanka: Australian Patent Office, Swedish Patent Office or European Patent Office<sup>5</sup>

For nationals and residents of Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Niger, Senegal and Togo: Austrian Patent Office, Swedish Patent Office, Russian Patent Office or European Patent Office<sup>4</sup>

Fees payable to the receiving Office:

Currency: Swiss Franc (CHF) and US Dollar (USD)

Transmittal fee:

CHF 300 or USD 200

Basic fee:

CHF 762 or USD 530

Supplement per sheet over 30:

CHF 15 or USD 10

Designation fee:

CHF 185 or USD 128

Search fee:

For the corresponding amounts see Annex D

Fee for priority document:

See Annex B2(IB)

Is an agent required by  
the receiving Office?

No

Who can act as agent?

Any person who has the right to practice before the national Office of, or acting for, a Contracting State of which the applicant or, if there are two or more applicants, any of the applicants is a resident or national

<sup>3</sup> The United States Patent and Trademark Office is competent only if the international search report has been established by that Office.

<sup>4</sup> The European Patent Office is competent only if the international search report has been established by the European Patent Office, the Austrian Patent Office or the Swedish Patent Office.

<sup>5</sup> The European Patent Office is competent only if the international search report has been established by the European Patent Office or the Swedish Patent Office.

**Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE**

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:  agent  common representative

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

Telephone No.

Fascimile No.

Teleprinter No.

Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

**Box No.V DESIGNATION OF STATES**

The following designations are hereby made under Rule 4.9(a) *(mark the applicable check-boxes; at least one must be marked):*

**Regional Patent**

- EP European Patent:** AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, DE Germany, DK Denmark, ES Spain, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- OA OAPI Patent:** Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Niger, Senegal, Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT *(if other kind of protection or treatment desired, specify on dotted line)* .....

**National Patent** *(if other kind of protection or treatment desired, specify on dotted line):*

- |   |  |
|---|--|
| <input type="checkbox"/> AT Austria .....                               | <input type="checkbox"/> LV Latvia                         |
| <input type="checkbox"/> AU Australia .....                             | <input type="checkbox"/> MG Madagascar                     |
| <input type="checkbox"/> BB Barbados                                    | <input type="checkbox"/> MN Mongolia                       |
| <input type="checkbox"/> BG Bulgaria .....                              | <input type="checkbox"/> MW Malawi .....                   |
| <input type="checkbox"/> BR Brazil .....                                | <input type="checkbox"/> NL Netherlands                    |
| <input type="checkbox"/> BY Belarus                                     | <input type="checkbox"/> NO Norway                         |
| <input type="checkbox"/> CA Canada                                      | <input type="checkbox"/> NZ New Zealand .....              |
| <input type="checkbox"/> CH and LI Switzerland and Liechtenstein        | <input type="checkbox"/> PL Poland .....                   |
| <input type="checkbox"/> CN China .....                                 | <input type="checkbox"/> PT Portugal .....                 |
| <input type="checkbox"/> CZ Czech Republic .....                        | <input type="checkbox"/> RO Romania                        |
| <input type="checkbox"/> DE Germany .....                               | <input type="checkbox"/> RU Russian Federation .....       |
| <input type="checkbox"/> DK Denmark .....                               | <input type="checkbox"/> SD Sudan                          |
| <input type="checkbox"/> ES Spain .....                                 | <input type="checkbox"/> SE Sweden                         |
| <input type="checkbox"/> FI Finland .....                               | <input type="checkbox"/> SK Slovakia .....                 |
| <input type="checkbox"/> GB United Kingdom                              | <input type="checkbox"/> UA Ukraine                        |
| <input type="checkbox"/> HU Hungary .....                               | <input type="checkbox"/> US United States of America ..... |
| <input type="checkbox"/> JP Japan .....                                 | <input type="checkbox"/> UZ Uzbekistan .....               |
| <input type="checkbox"/> KP Democratic People's Republic of Korea ..... | <input type="checkbox"/> VN Viet Nam .....                 |
| <input type="checkbox"/> KR Republic of Korea .....                     |  |
| <input type="checkbox"/> KZ Kazakhstan .....                            |  |
| <input type="checkbox"/> LK Sri Lanka                                   |  |
| <input type="checkbox"/> LU Luxembourg .....                            |  |

Check-boxes reserved for designating States (for the purposes of a national patent) which have become party to the PCT after issuance of this sheet:

- .....
- .....

In addition to the designations made above, the applicant also makes under Rule 4.9(b) all designations which would be permitted under the PCT except the designation(s) of \_\_\_\_\_ . The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. *(Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.)*

<b>Box No. VI PRIORITY CLAIM</b>		Further priority claims are indicated in the Supplemental Box <input type="checkbox"/>	
The priority of the following earlier application(s) is hereby claimed:			
Country <i>(in which, or for which, the application was filed)</i>	Filing Date <i>(day/month/year)</i>	Application No.	Office of filing <i>(only for regional or international application)</i>
item (1)			
item (2)			
item (3)			
<p>Mark the following check-box if the certified copy of the earlier application is to be issued by the Office which for the purposes of the present international application is the receiving Office (a fee may be required):</p> <input type="checkbox"/> The receiving Office is hereby requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) identified above as item(s) : _____			
<b>Box No. VII INTERNATIONAL SEARCHING AUTHORITY</b>			
<p><b>Choice of International Searching Authority (ISA)</b> <i>(If two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):</i> ISA / _____</p> <p><b>Earlier search</b> <i>Fill in where a search (international, international-type or other) by the International Searching Authority has already been carried out or requested and the Authority is now requested to base the international search, to the extent possible, on the results of that earlier search. Identify such search or request either by reference to the relevant application (or the translation thereof) or by reference to the search request:</i></p> <p>Country (or regional Office): _____ Date (day/month/year): _____ Number: _____</p>			
<b>Box No. VIII CHECK LIST</b>			
<p>This international application contains the following number of sheets:</p> <p>1. request : sheets</p> <p>2. description : sheets</p> <p>3. claims : sheets</p> <p>4. abstract : sheets</p> <p>5. drawings : sheets</p> <p style="text-align: right;"><b>Total</b> : sheets</p>		<p>This international application is accompanied by the item(s) marked below:</p> <p>1. <input type="checkbox"/> separate signed power of attorney</p> <p>2. <input type="checkbox"/> copy of general power of attorney</p> <p>3. <input type="checkbox"/> statement explaining lack of signature</p> <p>4. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s):</p> <p>5. <input type="checkbox"/> fee calculation sheet</p> <p>6. <input type="checkbox"/> separate indications concerning deposited microorganisms</p> <p>7. <input type="checkbox"/> nucleotide and/or amino acid sequence listing (diskette)</p> <p>8. <input type="checkbox"/> other (specify):</p>	
Figure No. _____ of the drawings (if any) should accompany the abstract when it is published.			
<b>Box No. IX SIGNATURE OF APPLICANT OR AGENT</b>			
Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).			

For receiving Office use only	
<p>1. Date of actual receipt of the purported international application:</p> <p>3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:</p> <p>4. Date of timely receipt of the required corrections under PCT Article 11(2):</p> <p>5. International Searching Authority specified by the applicant: ISA / _____</p>	<p>2. Drawings:</p> <p><input type="checkbox"/> received:</p> <p><input type="checkbox"/> not received:</p> <p>6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid</p>

For International Bureau use only
Date of receipt of the record copy by the International Bureau:



## NOTES TO THE REQUEST FORM (PCT/RO/101)

These Notes are intended to facilitate the filling in of the request form. For more detailed information, see the **PCT Applicant's Guide**, a publication of WIPO. The Notes are based on the requirements of the Patent Cooperation Treaty (PCT), the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the request form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

Please use a typewriter; check-boxes may be marked by hand with black ink (Rule 11.9(a) and (b)).

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### WHERE TO FILE THE INTERNATIONAL APPLICATION

The international application (request, description, claims, abstract and drawings, if any) must be filed with a competent receiving Office (Article 11(1)(i))—that is, subject to any applicable prescriptions concerning national security, at the choice of the applicant, either:

(i) the receiving Office of, or acting for, a PCT Contracting State of which the applicant or, if there are two or more applicants, at least one of them, is a resident or national (Rule 19.1(a)(i) or (ii)), or

(ii) the International Bureau of WIPO in Geneva, Switzerland, if the applicant or, if there are two or more applicants, at least one of the applicants is a resident or national of any PCT Contracting State (Rule 19.1(a)(iii)).

### APPLICANT'S OR AGENT'S FILE REFERENCE

A **file reference** may be indicated, if desired. It should not exceed 12 characters. Characters in excess of 12 may be disregarded. (Rule 11.6(f) and Section 109).

### BOX No. I

**Title of Invention** (Rules 4.3 and 5.1(a)): The title must be short (preferably two to seven words when in English or translated into English) and precise. It must be identical with the title heading the description.

### BOXES Nos. II AND III

**General:** At least one of the applicants named must be a resident or national of a PCT Contracting State for which the receiving Office acts (Articles 9 and 11(1)(i) and Rules 18 and 19). If the international application is filed with the International Bureau under Rule 19.1(a)(iii), at least one of the applicants must be a resident or national of any PCT Contracting State.

If the United States of America is designated, all of the inventors must be named as applicants (as well as inventors) for the purposes of that designation (see "Different Applicants for Different Designated States", below).

**Indication whether a Person is Applicant and/or Inventor** (Rules 4.5(a) and 4.6(a) and (b)):

**Check-box "This person is also inventor"** (Box No. II): Mark this check-box if the applicant named is also the inventor or one of the inventors; do not mark this check-box if the applicant is a legal entity.

**Check-box "applicant and inventor"** (Box No. III): Mark this check-box if the person named is both applicant and inventor; do not mark this check-box if the person is a legal entity.

**Check-box "applicant only"** (Box No. III): Mark this check-box if the person named is a legal entity or if the person named is not also inventor.

**Check-box "inventor only"** (Box No. III): Mark this check-box if the person named is inventor but not also applicant; do not mark this check-box if the person is a legal entity.

In Box No. III, one of the three check-boxes must always be marked for each person named.

A person must not be named more than once in Boxes Nos. II and III, even where that person is both applicant and inventor.

**Names and Addresses** (Rule 4.4): The family name (preferably in capital letters) must be indicated before the given name(s). Titles and academic degrees must be omitted. Names of legal entities must be indicated by their full official designations.

The address must be indicated in such a way that it allows prompt postal delivery; it must consist of all the relevant administrative units (up to and including the indication of the house number, if any), the postal code (if any), and the name of the country.

Only one address may be indicated per person. For the indication of a special "address for correspondence", see the notes to Box No. IV.

**Telephone, Facsimile and/or Teleprinter Numbers** should be indicated for the person named in Box No. II in order to allow rapid communication with the applicant. Any such number should include the applicable country and area codes.

**Nationality** (Rules 4.5(a) and (b) and 18.1): For each applicant, the nationality must be indicated by the name of the State (i.e., country) of which the person is a national. A legal entity constituted according to the national law of a State is considered a national of that State. The indication of the nationality is not required where a person is inventor only.

**Residence** (Rules 4.5(a) and (c) and 18.1): Each applicant's State (i.e., country) of residence must be indicated. If the State of residence is not indicated, it will be assumed to be the same as the State indicated in the address. Possession of a real and effective industrial or commercial establishment in a State is considered residence in that State. The indication of the residence is not required where a person is inventor only.

**Names of States** (Section 115): For the indication of names of States, the two-letter country codes appearing in WIPO Standard ST.3 and in the PCT Applicant's Guide, Annex K, may be used.

**Different Applicants for Different Designated States** (Rules 4.5(d), 18.3 and 19.2): It is possible to indicate different applicants for the purposes of different designated States. At least one of all the applicants named must be a national or resident of a PCT Contracting State for which the receiving Office acts, irrespective of the designated State(s) for the purposes of which that applicant is named. *Where the United*

*States of America is one of the designated States, all of the inventors must be named as applicants for the United States of America and the check-box "This person is also inventor" (in Box No. II) or "applicant and inventor" (in Box No. III) must be marked.*

For the indication of the designated States for which a person is applicant, mark the applicable check-box (only one for each person). The check-box "the States indicated in the Supplemental Box" must be marked where none of the other three check-boxes fits the circumstances; in such a case, the name of the person must be repeated in the Supplemental Box with an indication of the States for which that person is applicant (see item 1(ii) in that Box).

**Naming of Inventor** (Rule 4.1(a)(v) and (c)(i)): The inventor's name and address must be indicated where the national law of at least one of the designated States requires that the name of the inventor be furnished at the time of filing; for details see the PCT Applicant's Guide, Volume I, Annexes B1 and B2. It is strongly recommended to always name the inventor.

**Different Inventors for Different Designated States** (Rule 4.6(c)): Different persons may be indicated as inventors for different designated States (e.g., where, in this respect, the requirements of the national laws of the designated States are not the same); in such a case, the Supplemental Box must be used (see item 1(iii) in that Box). In the absence of any indication, it will be assumed that the inventor(s) named is (are) inventor(s) for all designated States.

#### BOX No. IV

**Who Can Act as Agent** (Article 49 and Rule 83.1bis): For each of the receiving Offices, information as to who can act as agent is given in the PCT Applicant's Guide, Volume I, Annex C.

**Agent or Common Representative** (Rules 4.7, 4.8, 90.1 and 90.2 and Section 108): Mark the applicable check-box in order to indicate whether the person named is (or has been) appointed as "agent" or "common representative" (the "common representative" must be one of the applicants). For the manner in which name(s) and address(es) (including names of States) must be indicated, see the notes to Boxes Nos. II and III. Where several agents are listed, the agent to whom correspondence should be addressed is to be listed first. If there are two or more applicants but no common agent is appointed to represent all of them, one of the applicants who is a national or resident of a PCT Contracting State may be appointed by the other applicants as their common representative. If this is not done, the applicant first named in the request who is entitled to file an international application with the receiving Office concerned will automatically be considered to be the common representative.

**Manner of Appointment of Agent or Common Representative** (Rules 90.4 and 90.5 and Section 106): Any such appointment may be made by designating the agent(s) or the common representative in the request or in one or more separate powers of attorney. Each applicant must sign either the request or a separate power of attorney. Where the international application is filed with reference to a general power of attorney, a copy thereof must be attached to the request. Any applicant who did not sign the general power of attorney must sign either the request or a separate power of attorney.

**Address for Correspondence** (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. IV will be used.

*Notes to the request form (PCT/RO/101) (January 1994)*

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II or III, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address may be indicated in Box No. IV instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. IV must be marked (that is, the last check-box must not be marked if either of the check-boxes "agent" or "common representative" in Box No. IV has been marked).

#### BOX No. V

**Designation of States** (Rules 4.1(a)(iv) and 4.9(a)): The Contracting States in which protection is desired must be designated under Rule 4.9(a) in the request by marking the applicable check-boxes. At least one check-box effecting a specific designation must be marked. *While the general rule is that designations cannot be added after the filing of the international application, it is possible and usual to make a precautionary designation under Rule 4.9(b) covering all other designations which would, as at the international filing date, be permitted under the PCT—see below: Precautionary Designation of States Subject to Confirmation.*

**European Patent (EP):** Note that **Belgium, France, Greece, Ireland, Italy and Monaco** can only be designated for the purposes of a European patent and not for the purposes of national protection:

If a European patent is desired for only some of the Contracting States of the European Patent Convention, the names of those States for which no European patent is desired may be deleted by striking them out. However, it is recommended that the applicant always designate all possible Contracting States of the European Patent Convention. A decision to proceed with only some of those designations need not be made until entry into the European regional phase before the European Patent Office, at which stage the European designation fees must be paid to that Office.

Where a European patent is desired, only one PCT designation fee must be paid for the EP designation, independently of how many States are designated for a European patent.

Where any of the States party to the European Patent Convention and the PCT are designated both for the purposes of a European patent and for the purposes of national protection, the applicant must pay one designation fee in respect of the European patent and as many designation fees as there are national patents or other titles of protection sought (Rule 15.1(ii) and Section 210).

**OAPI Patent (OA):** The designation of States members of OAPI and party to the PCT can only be made for the purposes of an OAPI patent (no national protection is available); furthermore, it is not possible to designate only some of them.

**Choice of Certain Kinds of Protection or Treatment** (Rules 4.12 to 4.14 and Section 202): Where, in any country where it is possible, a national title other than a patent is desired, write after the name of that country on the dotted line the name of the title; that is, "petty patent" (available in Australia), "utility model" (available in Brazil, Bulgaria, China, the Czech Republic, Denmark, Finland, Germany, Hungary, Japan, Kazakhstan, Poland, Portugal, the Republic of Korea, the Russian Federation, Slovakia, Spain, Uzbekistan, Viet Nam, OAPI) or "inventor's certificate" (available in the Democratic People's Republic of Korea). Where, in the Czech Republic, Denmark, Finland, Germany or Slovakia (the only countries in



which this possibility exists), in addition to a patent, a utility model is also desired, write after the name of that country "and utility model".

Where, in respect of any country where it is possible, it is desired that the international application be treated as an application for a certain title "of addition" or as an application for a "continuation" or a "continuation-in-part", write after the name of that country the appropriate words; that is, "patent of addition" (available in Australia, Austria, Germany, Malawi, New Zealand, Spain), "certificate of addition" (available in Luxembourg, OAPI), "continuation" or "continuation-in-part" (both available in the United States of America). If any of these indications is used, also indicate in the "Supplemental Box" the State for which such treatment is desired, the number of the parent title or parent application, and the date of grant of the parent title or the date of filing of the parent application, as the case may be (see item 1(v) in that Box).

If, in Box No. V, the check-boxes for making designations are marked with consecutive Arabic numerals, those indications will be taken to express the applicant's *choice of the order of the designations*; if another form of marking is used, the order will be taken as that in which the marked check-boxes appear on the form. This order will only have any significance if the amount received for the designation fees is insufficient to cover all the designations and remains insufficient after the applicant has been invited to pay the balance due; in that case, the amount received will be applied in payment of the fees for the designations following the said order (Rule 16bis.1(c) and Section 321).

For the designation, for the purposes of a national patent, of a State which has become party to the PCT after the date appearing on the bottom of the second sheet of the request form, the name of the State, preferably preceded by the two-letter country code, must be given together with an indication, where applicable, whether a special kind of protection or treatment is desired.

**Precautionary Designation of States Subject to Confirmation** (Rules 4.9(b) and (c) and 15.5): For the applicant's safeguard, the lower part of Box No. V contains a statement indicating the applicant's wish to make, in addition to the specific designations made by marking the check-boxes in the upper part of Box No. V (at least one such designation must be made), a precautionary designation of all other PCT Contracting States which are not specifically designated.

If the applicant does not wish to avail himself of this safeguard and does not want to make any such precautionary designations, the statement must be crossed out.

If the applicant wishes to expressly exclude a certain State from such precautionary designation so that the international application does not have any effect in that State, the name or two-letter country code of that State should be indicated in the space provided. In no other case is it necessary to make use of this possibility.

If, after filing the international application, the applicant notices that there are any omissions and/or mistakes among the specific designations made, it will be possible to rectify the situation by confirming the precautionary designations concerned. The confirmation of any precautionary designation is possible before the expiration of 15 months from the (earliest) priority date indicated in Box No. VI or, where no priority is claimed, the international filing date. To effect such confirmation, the applicant must file with the receiving Office a written notice specifying the name of each State the designation of which is confirmed (with, where applicable, an indication of the kind of treatment or protection desired) and pay to the receiving Office, for each such designation, a designation fee (even where ten designation fees have already been paid)

together with a confirmation fee corresponding to 50% of the designation fee.

The receiving Office will not send to the applicant any reminder or invitation to confirm precautionary designations.

If no precautionary designation is to be confirmed, no action is required by the applicant, and the precautionary designations will then be automatically regarded as withdrawn by the applicant at the expiration of 15 months from the priority date.

## BOX No. VI

**Priority Claim** (Rule 4.10): If the priority of an earlier application is claimed, the declaration containing the priority claim must be made in the request.

The request must indicate the *country* in which the earlier application from which priority is claimed was filed (or, where the earlier application is a regional or an international application, at least one country for which it was filed), the *date* on which it was filed and the *number* it was assigned. If the country and the date are not indicated, the priority claim will, for the purposes of the procedure under the Treaty, be considered not to have been made.

If the earlier application is a regional or an international application, the Office with which that application was filed must also be indicated.

If the application number of the earlier application is not indicated in the request but is furnished by the applicant to the receiving Office or to the International Bureau prior to the expiration of the 16th month from the priority date, it is considered by all designated States to have been furnished in time.

**Certified Copy of Earlier Application (Priority Document)** (Rule 17.1): The priority document must be submitted to the receiving Office or to the International Bureau before the expiration of 16 months from the priority date or, where an early start of the national phase is requested, not later than at the time such request is made.

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request may be made by marking the applicable check-box and by identifying the document. *Attention:* where such a request is made, the applicant must pay to the receiving Office the applicable *fee for priority document*, otherwise, the request will be considered not to have been made.

**Dates** (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year—in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals for each of the number of the day, the number of the month and the last two numbers of the year, in that order and separated by periods, e.g., "05 March 1992 (05.03.92)".

## BOX No. VII

**Choice of International Searching Authority** (Rules 4.1(b)(vi) and 4.14bis): If there is more than one competent International Searching Authority (ISA) for carrying out the international search in relation to the international application—depending on the language in which that application is filed and the receiving Office with which it is filed—the name of the competent Authority chosen by the

applicant must be indicated in the space provided, either by its full name or two-letter code.

**Earlier Search** (Rules 4.11 and 41.1): The earlier search, if any, must be identified in such a manner that the ISA can retrieve the results easily. Where those results can be used, the ISA may refund the international search fee or a portion thereof.

#### BOX No. VIII

The number of sheets of the various parts of the international application must be given in the check list in Arabic numerals and the applicable check-boxes must be marked.

**Check-box No. 6: Separate Indications Concerning Deposited Microorganisms** (Rule 13*bis* and Section 209): Mark this check-box where a filled-in Form PCT/RO/134 or any separate sheet containing indications concerning deposited microorganisms is filed with the international application. This is not the case if Japan is designated; in that case, Form PCT/RO/134 or any other sheet containing the said indications must be included as one of the sheets of the description.

**Check-box No. 7: Nucleotide and/or Amino Acid Sequence Listing** (Rule 5.2): Where the description of the international application contains disclosure of a nucleotide and/or amino acid sequence, and a copy of the sequence listing is required in machine readable form by the ISA, the applicant may furnish the listing in machine readable form to the receiving Office with the international application. If this is the case, check-box No. 7 must be marked.

#### BOX No. IX

**Signature** (Rules 4.1(d), 4.15 and 90): The signature must be that of the applicant (if there are several applicants, all must sign); however, the signature may be that of the agent where a separate power of attorney appointing the agent, or a copy of a general power of attorney already in the possession of the receiving Office is furnished. If the power is not attached to the request, the receiving Office will invite the applicant to furnish it subsequently.

If the United States of America is designated and an inventor/applicant for that State refused to sign the request or could not be found or reached after diligent effort, a statement explaining the lack of signature may be furnished. It should be noted that this applies only where there are two or more applicants and the international application has been signed by the other applicant(s). The statement must satisfy the receiving Office. If such a statement is filed with the international application, check-box No. 3 in Box No. VIII should be marked.

#### SUPPLEMENTAL BOX

The cases in which the Supplemental Box may be used and the manner of making indications in it are explained at the top of that Box.

**Statement Concerning Non-Prejudicial Disclosures or Exceptions to Lack of Novelty:** Such a statement, unless contained in the description, may be given in this Box. It should comply with the national law applicable by the designated Office to which the statement is addressed.

#### GENERAL REMARKS

**Language of Correspondence** (Rule 92.2 and Section 104): Any letter from the applicant to the receiving Office must be in the same language as the international application to which it relates; however, the receiving office may authorize the use of another language.

Any letter from the applicant to the International Bureau must be in the same language as the international application if that language is English or French; otherwise, it must be in English or French, at the choice of the applicant.

Any letter from the applicant to the ISA or the International Preliminary Examining Authority (IPEA) must be in the same language as the international application to which it relates if this language is Chinese, English, French, German, Japanese, Russian or Spanish; otherwise, it must be in English. However, the ISA or the IPEA may authorize the use of another language.

**Arrangement of Elements and Numbering of Sheets of the International Application** (Rule 11.7 and Section 207): The elements of the international application must be placed in the following order: the request, the description, the claim(s), the abstract, the drawings (if any). All sheets constituting the international application must be numbered in consecutive Arabic numerals with three separate series of numbers: the first applying to the request, the second applying to the part consisting of the description, the claim(s) and the abstract, and the third applying to the drawings. The numbers must be placed at the top or bottom of the sheet, in the middle, but not in the margin which must remain blank. The number of each sheet of the drawings must consist of two Arabic numerals separated by an oblique stroke, the first being the sheet number and the second being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3).

**Indication of the Applicant's or Agent's File Reference on the Sheets of the Description, Claim(s), Abstract and Drawings (if any)** (Rule 11.6(f)): The file reference indicated on the request may also be indicated in the left-hand corner of the top margin, within 1.5 cm from the top of any sheet of the international application.

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ \_\_\_\_\_

# PCT

## CHAPTER II

### DEMAND

under Article 31 of the Patent Cooperation Treaty:  
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only		
Identification of IPEA	Date of receipt of DEMAND	
<b>Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION</b>		
Applicant's or agent's file reference		
International application No.	International filing date ( <i>day/month/year</i> )	(Earliest) Priority date ( <i>day/month/year</i> )
Title of invention		
<b>Box No. II APPLICANT(S)</b>		
Name and address: ( <i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i> )		Telephone No.:
		Facsimile No.:
		Teleprinter No.:
State ( <i>i.e. country</i> ) of nationality:		State ( <i>i.e. country</i> ) of residence:
Name and address: ( <i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i> )		
State ( <i>i.e. country</i> ) of nationality:		State ( <i>i.e. country</i> ) of residence:
Name and address: ( <i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i> )		
State ( <i>i.e. country</i> ) of nationality:		State ( <i>i.e. country</i> ) of residence:
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.		

## Continuation of Box No. II APPLICANT(S)

*If none of the following sub-boxes is used, this sheet is not to be included in the demand.*

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(i.e. country)* of nationality:

State *(i.e. country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(i.e. country)* of nationality:

State *(i.e. country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(i.e. country)* of nationality:

State *(i.e. country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(i.e. country)* of nationality:

State *(i.e. country)* of residence:

Further applicants are indicated on another continuation sheet.

**Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE**

The following person is  agent  common representative  
 and  has been appointed earlier and represents the applicant(s) also for international preliminary examination.  
 is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.  
 is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

Telephone No.:

Facsimile No.:

Teleprinter No.:

Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

**Box No. IV STATEMENT CONCERNING AMENDMENTS**

The applicant wishes the International Preliminary Examining Authority\*

- (i)  to start the international preliminary examination on the basis of the international application as originally filed.
- (ii)  to take into account the amendments under Article 34 of
  - the description (amendments attached).
  - the claims (amendments attached).
  - the drawings (amendments attached).
- (iii)  to take into account any amendments of the claims under Article 19 filed with the International Bureau (a copy is attached).
- (iv)  to disregard any amendments of the claims made under Article 19 and to consider them as reversed.
- (v)  to postpone the start of the international preliminary examination until the expiration of 20 months from the priority date unless that Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). *(This check-box may be marked only where the time limit under Article 19 has not yet expired.)*

\* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

**Box No. V ELECTION OF STATES**

The applicant hereby elects all eligible States *(that is, all States which have been designated and which are bound by Chapter II of the PCT)* except.....  
 .....  
 .....  
 .....  
*(If the applicant does not wish to elect certain eligible States, the name(s) or country code(s) of those States must be indicated above.)*



**Box No. VI CHECK LIST**

The demand is accompanied by the following documents for the purposes of international preliminary examination:

For International Preliminary Examining Authority use only

received                      not received

- |  |   |        |
|--|---|--------|
| 1. amendments under Article 34                     |   |        |
| description  | : | sheets |
| claims   | : | sheets |
| drawings   | : | sheets |
| 2. letter accompanying amendments under Article 34 | : | sheets |
| 3. copy of amendments under Article 19             | : | sheets |
| 4. copy of statement under Article 19              | : | sheets |
| 5. other ( <i>specify</i> ):                       | : | sheets |

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- |  |   |
|--|---|
| 1. <input type="checkbox"/> separate signed power of attorney      | 4. <input type="checkbox"/> fee calculation sheet     |
| 2. <input type="checkbox"/> copy of general power of attorney      | 5. <input type="checkbox"/> other ( <i>specify</i> ): |
| 3. <input type="checkbox"/> statement explaining lack of signature |   |

**Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**

*Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).*

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3.  The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.                       The applicant has been informed accordingly.

4.  The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5.

5.  Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA on:

## NOTES TO THE DEMAND FORM (PCT/IPEA/401)

These Notes are intended to facilitate the filling in of the demand form and to give some information concerning international preliminary examination under Chapter II of the Patent Cooperation Treaty (PCT). For more detailed information, see the **PCT Applicant's Guide**, a publication of WIPO. The Notes are based on the requirements of the PCT, the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the demand form and these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the Administrative Instructions, respectively.

Please use a typewriter; check-boxes may be marked by hand with dark ink (Rules 11.9(a) and (b) and 11.14).

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### IMPORTANT GENERAL INFORMATION

**Who May File a Demand?** (Article 31(2)(a) and Rule 54): A demand (for international preliminary examination) may only be filed by an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II of the PCT; furthermore, the international application must have been filed with a receiving Office of, or acting for, a State bound by Chapter II. Where there are two or more applicants (for the same or different elected States) at least one of them must qualify.

**Where Must the Demand Be Filed?** (Article 31(6)(a)): The demand must be filed with a competent International Preliminary Examining Authority (IPEA). The receiving Office with which the international application was filed will, upon request, give information about the competent IPEA (or see Annex C of Volume I of the PCT Applicant's Guide). If several IPEAs are competent, the applicant has the choice and the demand must be filed with (and the fees must be paid to) the IPEA chosen by the applicant. The IPEA chosen by the applicant may be identified, preferably by an indication of the name or two-letter code of the IPEA, at the top of the first sheet of the demand in the space provided for that purpose.

**When Must the Demand Be Filed?** (Article 39(1)): The demand must be filed before the expiration of *19 months from the priority date* in order to extend the time limit for entering the national phase of the PCT procedure from 20 to 30 months from the priority date. **Warning:** if the demand is filed later, the national phase will not be delayed in respect of the elected States and the applicant must enter the national phase before the expiration of the time limit applicable under Article 22 (which is usually 20 months from the priority date).

**In Which Language Must the Demand Be Filed?** (Rule 55.1): The demand must be filed in the language of the international application if that language is Chinese, English, French, German, Japanese or Russian; otherwise, the demand must be filed in English.

**In Which Language Must Amendments Be Filed?** (Rule 66.9): Amendments and letters relating thereto must be in the language of publication.

**What is the Language of Correspondence?** (Rule 92.2 and Section 104): Any letter from the applicant to the IPEA must be in the same language as the international application to which it relates. However, the IPEA may authorize the use of another language for letters which do not contain or relate to amendments of the international application. Any letter from the applicant to the International Bureau must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

**Which Fees Must Be Paid and When?** (Rules 57 and 58): At the time the demand is submitted, the applicant must pay the

preliminary examination fee and the handling fee. The Fee Calculation Sheet should be used for that purpose. For details concerning the payment of the fees, see the Notes to that Sheet.

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### BOX No. I

**Applicant's or Agent's File Reference:** A file reference may be indicated, if desired. It should not exceed 12 characters. Characters in excess of 12 may be disregarded (Section 109).

**Identification of the International Application** (Rule 53.6): The international application number must be indicated in Box No. I. Where the demand is filed at a time when the international application number has not yet been notified by the receiving Office, the name of that Office must be indicated instead of the international application number.

**International Filing Date and (Earliest) Priority Date** (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year—in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals for each of the number of the day, the number of the month and the last two numbers of the year, in that order, and separated by periods, e.g., "05 March 1992 (05.03.92)". Where the international application claims the priority of several earlier applications, the filing date of the earliest application whose priority is claimed must be indicated as the priority date.

**Title of the Invention:** If a new title has been established by the International Searching Authority, that title must be indicated in Box No. I.

### BOX No. II

**Applicant(s)** (Rule 53.4): All the applicants for the elected States must be indicated in the demand; an applicant named in the request (Form PCT/RO/101) for a State which is not elected need not be named in the demand. It should be noted that the persons named as "inventor only" in the request need not be named in the demand.

Make in Box No. II of the demand the required indications as appearing in Boxes Nos. II and III of the request. The Notes to the request apply *mutatis mutandis*. If there are two or more applicants for the States elected in the demand, give the required indications for each of them; if there are more than three applicants, make the required indications on the "Continuation Sheet".

If different applicants are indicated in the request for different designated States, indicate in Box No. II of the demand only the applicants for the States elected in Box No. V (no indication of the States for which a person is applicant need be made, because those indications have been made in the request).



**BOX No. III**

**Agent or Common Representative** (Rules 53.5, 90.1 and 90.2): Mark the applicable check-boxes to indicate *first* whether the person named in this Box is agent or common representative, *then* whether that person *has been appointed earlier* (i.e., during the procedure under Chapter I), or *is appointed in the demand* and any earlier appointment of another person is revoked, or *is appointed specifically for the procedure before the IPEA* (without revocation of any earlier appointment), in addition to the person(s) appointed earlier.

Where an additional person is appointed specifically for the procedure before the IPEA, all notifications issued by the IPEA will be addressed only to that additional person. A separate power of attorney must be filed with the IPEA, the International Bureau or the receiving Office, if the person appointed at the time the demand is filed (i.e., was not appointed earlier) signs the demand on behalf of the applicant (Rule 90.4).

**Address for Correspondence** (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. III will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address may be indicated in Box No. III instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. III must be marked (that is, the last check-box must not be marked if either of the check-boxes "agent" or "common representative" in Box No. III has been marked).

**BOX No. IV**

**Statement Concerning Amendments** (Rules 53.2(a)(v), 53.9, 62, 66.1 and 69.1): The international preliminary examination will start on the basis of the international application as filed or, if amendments have been filed, as amended. Mark the appropriate check-box(es) to enable the IPEA to determine when and on what basis it can start international preliminary examination.

**Mark check-box (i)** where the international preliminary examination should start on the basis of the international application as filed.

**Mark check-boxes (ii) and/or (iii)** where amendments are to be taken into account and submit *with the demand* a copy of amendments to the claims under Article 19 (Rule 53.9(a)(i)) and/or the amendments of the international application under Article 34 (Rule 53.9(c)), as the case may be. If a check-box is marked but the demand is not accompanied by the documents referred to, the start of international preliminary examination will be delayed until the IPEA receives them.

**Mark check-box (iv)** if amendments of the claims under Article 19 have been filed with the International Bureau during the Chapter I procedure, but the applicant does not want that

these amendments be taken into account for the purpose of international preliminary examination when the latter starts (Rule 53.9(a)(ii)).

**Mark check-box (v)** where the time limit for filing amendments of the claims under Article 19 has not expired at the time the demand is filed and the applicant wants to keep the option for the filing of such amendments open; the IPEA is thus requested to postpone the start of international preliminary examination (Rules 53.9(b) and 69.1(d)). It should be noted that the examination will start in any event after the expiration of 20 months from the priority date even where the time limit for filing amendments has not yet expired or no amendments have been received by the IPEA.

**If no check-box is marked**, refer to the footnote at the bottom of Box No. IV.

**BOX No. V**

**Election of States** (Rule 53.7): Only States which are bound by Chapter II of the PCT *and* which have been designated in the international application (i.e., States whose designations have been made under Rule 4.9(a), confirmed under Rule 4.9(c) or considered as having been made under Rule 32.2(a)(i)) can be elected. They are the "eligible States."

For the convenience and protection of applicants, the check-box in Box No. V has been pre-marked so that all eligible States are automatically elected. It is only where the applicant does not wish to elect certain eligible States that the name(s) or country codes(s) of those States must be indicated on the dotted line, after the word "except."

The indication in the demand of the kind of protection or treatment desired for any elected State is not required since it follows the indication made when designating that State in the international application. *Greece, Spain, Switzerland and Liechtenstein* are not eligible because they are not bound by Chapter II and cannot be elected; however, if they have been designated in the international application for a European patent together with at least one other Contracting State of the European Patent Convention bound by Chapter II, the time limit under Article 39(1) applies also with respect to those States if the other State has been elected before the expiration of 19 months from the priority date.

**BOX No. VI**

**Check List:** It is recommended that this Box be filled in carefully in order for the IPEA to determine as soon as possible whether it is in possession of the documents on the basis of which the applicant wishes international preliminary examination to start.

**BOX No. VII**

**Signature** (Rules 53.8, 90.3(a) and 90.4(a)): The demand must be signed by the applicant or by his agent; if there are two or more applicants, the common representative may sign the demand. If the demand is not signed by (all) the persons who are applicants for the elected States (a person who is applicant only for a State which is not elected need not sign the demand), a power of attorney signed by that (all those) applicant(s) must be filed with the IPEA, with the International Bureau or with the receiving Office unless the agent has previously been appointed.

# PCT

## FEE CALCULATION SHEET

### Annex to the Demand for international preliminary examination

International application No.	For International Preliminary Examining Authority use only								
Applicant's or agent's file reference									
Applicant	Date stamp of the IPEA								
<p><b>Calculation of prescribed fees</b></p> <p>1. Preliminary examination fee ..... <input style="width: 150px;" type="text"/> <span style="border: 1px solid black; padding: 2px 5px;">P</span></p> <p>2. Handling fee ..... <input style="width: 150px;" type="text"/> <span style="border: 1px solid black; padding: 2px 5px;">H</span></p> <p>3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box .....</p> <div style="border: 1px solid black; width: 150px; height: 20px; margin-left: 100px; text-align: center;">TOTAL</div>									
<p><b>Mode of Payment</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input type="checkbox"/> authorization to charge deposit account with the IPEA (see below)</td> <td style="width: 50%;"><input type="checkbox"/> cash</td> </tr> <tr> <td><input type="checkbox"/> cheque</td> <td><input type="checkbox"/> revenue stamps</td> </tr> <tr> <td><input type="checkbox"/> postal money order</td> <td><input type="checkbox"/> coupons</td> </tr> <tr> <td><input type="checkbox"/> bank draft</td> <td><input type="checkbox"/> other (specify):</td> </tr> </table>	<input type="checkbox"/> authorization to charge deposit account with the IPEA (see below)	<input type="checkbox"/> cash	<input type="checkbox"/> cheque	<input type="checkbox"/> revenue stamps	<input type="checkbox"/> postal money order	<input type="checkbox"/> coupons	<input type="checkbox"/> bank draft	<input type="checkbox"/> other (specify):	
<input type="checkbox"/> authorization to charge deposit account with the IPEA (see below)	<input type="checkbox"/> cash								
<input type="checkbox"/> cheque	<input type="checkbox"/> revenue stamps								
<input type="checkbox"/> postal money order	<input type="checkbox"/> coupons								
<input type="checkbox"/> bank draft	<input type="checkbox"/> other (specify):								
<p><b>Deposit Account Authorization</b> <i>(this mode of payment may not be available at all IPEAs)</i></p> <p>The IPEA/ _____ <input type="checkbox"/> is hereby authorized to charge the total fees indicated above to my deposit account.</p> <p><input type="checkbox"/> <i>(this check-box may be marked only if the conditions for deposit accounts of the IPEA so permit)</i> is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to my deposit account.</p>									
Deposit Account Number	Date (day/month/year)								
Signature _____									

**NOTES TO THE FEE CALCULATION SHEET  
(ANNEX TO FORM PCT/IPEA/401)**

The purpose of the fee calculation sheet is to help the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete, by entering the appropriate amounts in the boxes provided, and submit the fee calculation sheet at the time of filing of the demand. This will help the International Preliminary Examining Authority (IPEA) to verify the calculations and to identify any error in them.

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**CALCULATION OF PRESCRIBED FEES**

Two fees must be paid for international preliminary examination:

- (i) the preliminary examination fee for the benefit of the IPEA (Rule 58.1);
- (ii) the handling fee for the benefit of the International Bureau (Rule 57).

Both fees must be paid to the IPEA upon filing the demand in a currency acceptable to that Authority.

Information about the amount of those fees or about equivalent amounts in other currencies can be obtained from the IPEA or the receiving Office. This information is also published in Annex E of Volume I of the PCT Applicant's Guide and from time to time in Section IV of the PCT Gazette.

**Box P:** The amount of the preliminary examination fee must be entered in Box P.

**Box H:** The amount of the handling fee must be entered in Box H.

**Total Box:** The total of the amounts inserted in Boxes P and H is the amount which must be paid to the IPEA.

**MODE OF PAYMENT**

In order to help the IPEA identify the mode of payment of the prescribed fees, it is recommended to mark the applicable check-box(es).

**AUTHORIZATION TO CHARGE  
DEPOSIT ACCOUNT**

The applicant should check whether the IPEA allows the use of deposit accounts for payment of PCT fees. In addition, it is recommended that the applicant check what are the specific conditions applicable to the use of deposit accounts with the IPEA since not all IPEAs provide for the same services.

Finally, if the IPEA is not the same national Office or intergovernmental organization as that with which the international application was filed, the deposit account with the receiving Office cannot be charged for the purpose of paying the preliminary examination and handling fees due to the IPEA.

The IPEA will not charge fees to deposit accounts unless the deposit account authorization is signed and indicates the deposit account number.



**DEPOSITS OF MICROORGANISMS  
INSTITUTIONS WITH WHICH DEPOSITS MAY BE MADE**

**China**

Pursuant to PCT Rule 13*bis*.7(b), the **Chinese Patent Office** has notified the International Bureau of depositary institutions with which deposits of microorganisms may be made for the purposes of patent procedure before that Office, as follows:

“Center for General Microbiological Culture Collection (CGMCC)  
China Committee for Culture Collection of Microorganisms  
Beijing 100080  
China

China Center for Type Culture Collection (CCTCC)  
Luo Jia Shan  
Wuhan 430072  
China”

**INFORMATION ON CONTRACTING STATES  
RECEIVING OFFICES  
INTERNATIONAL SEARCHING AUTHORITIES  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITIES  
DESIGNATED (OR ELECTED) OFFICES**

**China, Latvia**

General information on **China** and **Latvia** as new Contracting States, and information on the requirements of the **Chinese Patent Office** and the **Latvian Patent Office** as receiving Offices and designated (or elected) Offices, as well as information on the requirements of the Chinese Patent Office as International Searching and Preliminary Examining Authority is given in “Annex B1(CN)”, “Annex C(CN)”, “Annex D(CN)”, “Annex E(CN)”, “Summary (CN)”, “Annex B1(LV)”, “Annex C(LV)” and “Summary (LV)” which are published on the following pages.

<b>B1</b>	<b>Information on Contracting States</b>	<b>B1</b>
<b>CN</b>	<b>CHINA</b>	<b>CN</b>

### General information

Name of Office:	Chinese Patent Office
Location and mailing address:	6 Xi Tu Cheng Road, Ji Men Bridge, Hai Dian District, Beijing, China
Telephone:	(86-1) 201 94 51
Facsimile machine:	(86-1) 201 94 51
Teleprinter:	–
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission, for the international application or replacement sheets containing corrections or amendments. For other documents, the Office will invite the furnishing of the original as needed.
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	No
Competent receiving Office for nationals and residents of China:	Chinese Patent Office or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Competent designated (or elected) Office if China is designated (or elected):	Chinese Patent Office (see Volume II)
May China be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available:	Patents, utility models
Provisions of the law of China concerning international-type search:	None
Provisional protection after international publication:	(1) International application published in Chinese: the applicant has the right provided under Article 13 of the Patent Law from the date of international publication  (2) International application published in language other than Chinese: the applicant has the right provided under Article 13 of the Patent Law from the date of publication in the Chinese Patent Gazette of a translation into Chinese of the international application submitted by the applicant to the Patent Office.

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<b>B1</b>	<b>Information on Contracting States</b>	<b>B1</b>
<b>CN</b>	<b>CHINA</b>	<b>CN</b>
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**Information of interest if China is designated (or elected)**

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Time when the name and address of the inventor must be given if China is designated:

May be in the request or may be furnished later. If not already in the request they may be furnished within 20 months (or 30 months where PCT Article 39(1)(a) applies) from the priority date. If not already furnished within that time limit the Chinese Patent Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

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Does the Office disregard the priority claim if the priority document was not submitted within 16 months from the priority date under PCT Rule 17.1?

No

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Are there special provisions concerning the deposit of microorganisms?

Yes (see Annex L)

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<b>C</b>	<b>Receiving Offices</b>	<b>C</b>
<b>CN</b>	<b>CHINESE PATENT OFFICE</b>	<b>CN</b>

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Competent receiving Office for nationals and residents of:	China
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Language in which international applications may be filed:	Chinese or English
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Number of copies required by the receiving Office:	1
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Competent International Searching Authority:	Chinese Patent Office
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Competent International Preliminary Examining Authority:	Chinese Patent Office
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Fees payable to the receiving Office:	Currency: Yuan Renminbi (CNY)
Transmittal fee:	500
Basic fee:	Equivalent in CNY of Swiss Francs 762
Supplement per sheet over 30:	Equivalent in CNY of Swiss Francs 15
Designation fee:	Equivalent in CNY of Swiss Francs 185
Search fee:	See Annex D (Chinese Patent Office)
Fee for priority document (PCT Rule 17.1(b)):	150

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Is an agent required by the receiving Office?	Yes
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Who can act as agent?	Patent agents authorized to practice before the Office. A list of authorized patent agents may be obtained from the Office.
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<b>D</b>	<b>International Searching Authorities</b>	<b>D</b>
<b>CN</b>	<b>CHINESE PATENT OFFICE</b>	<b>CN</b>

Search fee (PCT Rule 16): <sup>1</sup>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Yuan Renminbi (CNY)</td> <td style="text-align: right;">800</td> </tr> <tr> <td>Swiss Franc (CHF)</td> <td style="text-align: right;">210</td> </tr> <tr> <td>US Dollar (USD)</td> <td style="text-align: right;">146</td> </tr> </table>	Yuan Renminbi (CNY)	800	Swiss Franc (CHF)	210	US Dollar (USD)	146
Yuan Renminbi (CNY)	800						
Swiss Franc (CHF)	210						
US Dollar (USD)	146						
Additional search fee (PCT Rule 40.2): <sup>2</sup>	CNY 800						
Fee for copies of documents cited in the international search report (PCT Rule 44.3): <sup>2</sup>	CNY 2 per page						
Conditions for refund and amount of refund of the search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded</p> <p>Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%</p> <p>Where the Authority benefits from an earlier search to the full extent or to a substantially prevailing portion: refund of 75%</p>						
Languages accepted for international search:	Chinese or English						
Requirements concerning nucleotide and/or amino acid sequence listing:	Machine readable form not required						
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of subject matter which is searched in Chinese national applications						

<sup>1</sup> This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).

<sup>2</sup> This fee is payable to the International Searching Authority and only in particular circumstances.

<b>E</b>	<b>International Preliminary Examining Authorities</b>	<b>E</b>
<b>CN</b>	<b>CHINESE PATENT OFFICE</b>	<b>CN</b>

Preliminary examination fee (PCT Rule 58.3): <sup>1</sup>	Yuan Renminbi (CNY) 800 (due within one month from filing demand)
Additional preliminary examination fee (PCT Rule 68.3): <sup>2</sup>	CNY 800
Handling fee (PCT Rule 57.1): <sup>1</sup>	Equivalent in CNY of Swiss Francs 233 (due on filing demand)
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2): <sup>2</sup>	CNY 2 per page
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1):	CNY 2 per page
Conditions for refund and amount of refund of the preliminary examination fee:	Money paid by mistake, without cause, or in excess, will be refunded In the cases provided for under PCT Rule 58.3: refund of 100% If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of 100%
Languages accepted for international preliminary examination:	Chinese or English
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of subject matter which is examined in Chinese national applications

<sup>1</sup> This fee is payable to the International Preliminary Examining Authority.

<sup>2</sup> This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****CN****CHINESE PATENT OFFICE****CN****Summary of requirements for entry into the national phase**

Time limits applicable for the entry into the national phase:	Under PCT Article 22: 20 months from the priority date Under PCT Article 39(1): 30 months from the priority date
Translation of international application required into: <sup>1</sup>	Chinese
Required contents of the translation for the entry into the national phase: <sup>1</sup>	Under PCT Article 22: Request, description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Request, description, claims, any text matter of drawings, abstract (if any of those parts amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: Yuan Renminbi (CNY) For patent: Application fee: <sup>2</sup> CNY 340 Fee for priority claims, per claim: <sup>2</sup> CNY 50 Maintenance fee: <sup>3</sup> CNY 200 Examination fee: <sup>4</sup> CNY 800 Annual fee for the first three years, per year: <sup>5</sup> CNY 400 For utility model: Application fee: CNY 300 Fee for priority claims, per claim: CNY 50 Annual fee for the first three years, per year: CNY 200
Exemptions, reductions or refunds of the national fee:	No application fee is payable if the international application was filed with the Chinese Patent Office as receiving Office The examination fee is reduced by 50% where an international search has been carried out by the Chinese Patent Office No examination fee is payable if the international preliminary examination was carried out by the Chinese Patent Office

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- 1 Must be furnished within the time limit applicable under PCT Article 22 or 39(1).
- 2 This fee is due within the time limit applicable under PCT Article 22 or 39(1).
- 3 This fee is due within 25 months from the international filing date, or, where PCT Article 39(1) applies, before the expiration of that time limit.
- 4 This fee is due within 3 years from the priority date.
- 5 This fee is due within 2 months from the receipt of the notice of the grant of the patent.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****CN****CHINESE PATENT OFFICE****CN**

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Special requirements of the Office  
(PCT Rule 51<sup>bis</sup>):<sup>6</sup>

Name and address of the inventor if they have not been furnished in the "Request" part of the international application

Appointment of an agent

Assignment deed where the applicant is different from applicant having filed priority application

Translation must be furnished in two copies

Evidence concerning exceptions to lack of novelty if a demand for such exceptions to lack of novelty in respect of an international application is submitted

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Who can act as agent?

Patent agents authorized to practice before the Office. A list of authorized patent agents may be obtained from the Office.

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<sup>6</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<b>B1</b>	<b>Information on Contracting States</b>	<b>B1</b>
<b>LV</b>	<b>LATVIA</b>	<b>LV</b>

### General information

Name of Office:	Latvijas Republikas Patentu valde Latvian Patent Office
Location:	Citadeles 7, Riga
Mailing address:	Box 210, Riga, LV-1047
Telephone:	(371-2) 32 79 56
Facsimile machine:	(371-9) 34 89 82
Teleprinter:	–
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	Yes, by facsimile machine
Which kinds of documents may be so transmitted?	All kinds of documents
Must the original of the document be furnished in all cases?	Yes, within 14 days from the date of the transmission, if the transmitted document is an international application or a replacement sheet containing corrections or amendments of an international application.  No, only upon invitation in the case of other documents.
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes, provided that the delivery service is DHL, Express Mail Service or United Parcel Service
Competent receiving Office for nationals and residents of Latvia:	Latvian Patent Office or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Competent designated (or elected) Office if Latvia is designated (or elected):	Latvian Patent Office (see Volume II)
May Latvia be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available:	Patents
Provisions of the law of Latvia concerning international-type search:	None. However, for national applications applicants may request that an international-type search be carried out and such a search will be made by the Swedish Patent Office (according to the Cooperation Agreement between the Latvian Patent Office and the Swedish Patent Office) provided the application is submitted in English.

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**B1** Information on Contracting States **B1****LV** LATVIA **LV**

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Provisional protection after international publication:

After international publication, the furnishing of a translation into Latvian of the claims, abstract and text matter of the drawings of the international application gives the applicant provisional protection in the sense that he, upon grant of the patent, is entitled to reasonable compensation (see Articles 15(3), 31(5) and (7) of the Latvian Patent Law)

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**Information of interest if Latvia is designated (or elected)**

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Time when the name and address of the inventor must be given if Latvia is designated:

Must be in the request. If the data concerning the inventor are missing at the expiry of the time limit under PCT Article 22 or 39(1)(a), the Latvian Patent Office will invite the applicant to comply with the requirement within the time limit indicated in the invitation.

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Does the Office disregard the priority claim if the priority document was not submitted within 16 months from the priority date under PCT Rule 17.1?

No

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Are there special provisions concerning the deposit of microorganisms?

Yes (see Annex L)

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<b>C</b>	<b>Receiving Offices</b>	<b>C</b>
<b>LV</b>	<b>LATVIAN PATENT OFFICE</b>	<b>LV</b>

Competent receiving Office for nationals and residents of:	Latvia
Language in which international applications may be filed:	English, French, German or Russian
Number of copies required by the receiving Office:	3
Competent International Searching Authority:	European Patent Office for applications filed in English, French or German, or Russian Patent Office
Competent International Preliminary Examining Authority:	European Patent Office for international applications for which the European Patent Office has established the international search report, or Russian Patent Office
Fees payable to the receiving Office:	Currency: Lat (LVL) and US Dollar (USD)
Transmittal fee:	LVL 40
Basic fee:	USD 530
Supplement per sheet over 30:	USD 10
Designation fee:	USD 128
Search fee:	See Annex D (European Patent Office or Russian Patent Office)
Fee for priority document (PCT Rule 17.1(b)):	LVL 10
Is an agent required by the receiving Office?	No, if applicant resides in Latvia Yes, if he is a non-resident
Who can act as agent?	Any patent attorney registered to practice before the Office

**SUMMARY****Designated  
(or elected) Office****SUMMARY****LV****LATVIAN PATENT OFFICE****LV****Summary of requirements for entry into the national phase**

Time limits applicable for the entry into the national phase:	Under PCT Article 22: 21 months from the priority date Under PCT Article 39(1): 31 months from the priority date
Translation of international application required into: <sup>1</sup>	Latvian, English, French, German or Russian (claims, abstract and text matter of drawings must be in Latvian)
Required contents of the translation for the entry into the national phase: <sup>1</sup>	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: US Dollar (USD) Filing fee: <sup>2</sup> USD 75 Claim fee for each independent claim in excess of five: <sup>3</sup> USD 30
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <sup>bis</sup> ): <sup>3</sup>	Name and address of the inventor if they have not been furnished in the "Request" part of the international application Appointment of an agent if applicant is not resident in Latvia
Who can act as agent?	Any patent attorney registered to practice before the Office

<sup>1</sup> Must be furnished within two months from the expiration of the time limit applicable under PCT Article 22 or 39(1).

<sup>2</sup> Must be paid within the time limit applicable under PCT Article 22 or 39(1).

<sup>3</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.