

PCT

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COOPERATION
TREATY

NEWSLETTER

JULY 1994

No. 05/1994

NEW PCT CONTRACTING STATE

Swaziland (country code: SZ)

Swaziland deposited its instrument of accession to the PCT on 20 June 1994, and will become bound by the PCT on 20 September 1994. Therefore, in any international application filed on or after 20 September 1994, Swaziland may be designated and, because it is bound by Chapter II of the PCT, may also be elected. Furthermore, as from 20 September 1994, nationals and residents of Swaziland will be entitled to file international applications under the PCT. Since Swaziland is a member State of the African Regional Industrial Property Organization (ARIPO), a designation for an ARIPO patent, as from 20 September 1994, will also cover Swaziland.

EXTENSION OF EUROPEAN PATENTS TO LITHUANIA

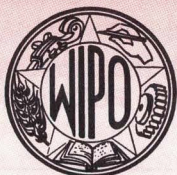
An agreement between the European Patent Organisation and Lithuania on the extension of the effects of European patent applications and patents to Lithuania entered into force on 5 July 1994, the same date on which Lithuania became bound by the PCT. Under that agreement, it is possible to obtain patent protection in Lithuania by requesting the extension of a European patent to that State. The extension procedure is also available, if the necessary requirements are met, via the PCT. The agreement with Lithuania is similar to that which entered into force on 1 March 1994 in respect of Slovenia.

Note that Lithuania (country code: LT) is not party to the European Patent Convention (EPC) and cannot itself be design-

nated for a European patent (EP). If protection is desired in Lithuania via the PCT, Lithuania must be designated for the purposes of a national patent, even where protection through the extension of a European patent is desired.

Where an international application contains *not only* a designation of Lithuania for a national patent *but also* a designation for a European patent of any EPC Contracting State, a request for extension of the European patent is automatically deemed to have been made (no special indication concerning the extension should be made in the PCT request). The applicant must then, within 21 months (Chapter I) or 31 months (Chapter II) from the priority date, enter the regional phase before the European Patent Office (EPO) and pay to the EPO the European extension fee for the extension of the European patent to Lithuania. The request for extension will be considered withdrawn if, upon entry into the regional phase

[continued on page 2]



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Tear-out sheets: provisional sheets for the PCT Applicant's Guide, Vol. I, Annex B1 (MG) and Vol. II, National Chapter Summary (MG)

[continued from page 1]

before the EPO, the European extension fee is not paid within the applicable time limit.

Upon completion of the European procedure, the EPO will transmit the European patent, if granted, to the Lithuanian Patent Office. That patent will have the effect of a national patent granted by the Lithuanian Patent Office, provided that, within three months from the publication by the EPO of the mention of grant of the European patent, a translation of the claims into Lithuanian is filed with, and the prescribed publication fee is paid to, the Lithuanian Patent Office. Renewal fees for the extended European patent will have to be paid to the Lithuanian Patent Office for the years following the year in which the mention of the grant of the European patent was published by the EPO.

The option of entering the national phase directly before the Lithuanian Patent Office within 21 or 31 months from the priority date, instead of proceeding with a request for the extension of a European patent to Lithuania, is also available for any international application containing the designation of Lithuania.

For further details, see the Official Journal of the EPO, No. 07/1994, page 527.

NEW PCT PUBLISHING SYSTEM

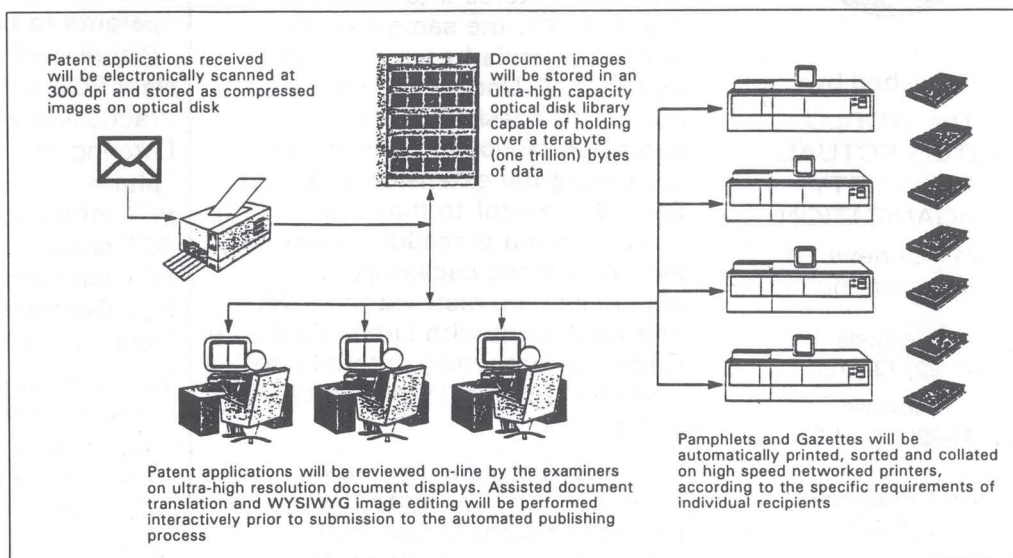
The ever-increasing growth in the number of applications filed under the PCT has resulted in the need for the International Bureau to install a more automated system for processing, storing and publishing international applications. The current system requires large amounts of on-site storage space for the files of international applications, and the publishing procedure is very labor intensive, being heavily reliant on photocopiers and physical cut-and-paste techniques.

The new PCT Document Imaging and Computer-Assisted Publishing System (DICAPS) is being introduced in different stages. The first stage of DICAPS, in the area of publishing, became operational for publications of the *PCT Gazette* and the published international applications from 9 June 1994 onwards. The abstract and bibliographic data relating to an international application are transferred digitally from an existing data base to DICAPS and are automatically formatted and inserted onto the appropriate page of the *PCT Gazette* and the front page of the published international application (the pamphlet). The drawing to be published with the abstract is scanned and then automatically zoomed and mounted electronically onto the appropriate page of the *PCT Gazette* and the front page of the pamphlet. At present, for the purposes of the pamphlet, the remaining pages of the international application are photocopied.

However, in the second stage of DICAPS, all pages of the international application will be published as scanned, and will be automatically printed, sorted and collated on high speed networked laser printers. In the second stage (which is expected to become operational towards the end of 1994), each page of an international application, when received by the International Bureau, will be scanned, indexed and stored on optical disks. The pages will be available for retrieval and viewing by operators in seconds on ultra-high resolution document display systems. Since it will no longer be necessary to wait for manual file retrieval, this will ensure quicker responses to enquiries from applicants and PCT authorities about specific international applications.

DICAPS will provide WIPO with the capacity to meet the anticipated growth in PCT applications for many years to come.

The PCT Document Imaging and Computer-Assisted Publishing System (DICAPS)



PRACTICAL ADVICE

This practical advice section features general questions which have been put to the staff of the PCT Legal Division and the PCT Administration Department of the International Bureau, and the answers which were given.

Missing application number in the priority claim

Q: I am going to file an international application and would like to claim the priority of an application which I filed earlier this month, on 3 June 1994. The Office with which I filed that earlier application has not yet informed me of the number of that application. Will the priority claim be valid if no application number is indicated? Can I add the number after having filed the international application as soon as I have been informed of it?

A: If the application number of the earlier application is not furnished in the request, it may be furnished by the applicant to the International Bureau or to the receiving Office, pursuant to PCT Rule 4.10(c), prior to the expiration of 16 months from the earliest priority date. Provided that the application number is furnished before that time limit expires, the number will be considered by all designated States to have been furnished in time and the publication of the international application will contain the number. If the application number of the earlier application is furnished after the expiration of the time limit but before completion of the technical preparations for international publication, an indication that the number was furnished late will appear in the published international application. The fact that the application number of a priority claim is furnished late or is not furnished in the international phase will have no adverse consequences in the national phase before those designated Offices which accept a later furnishing of the number.

Assignment of international applications during the international phase

Q: If an international application is filed by a resident or national of a PCT Contracting State which is bound by Chapter II of the PCT:

(1) Can the international application be assigned, during the international phase, to a person who is neither a resident nor a national of a PCT Contracting State?

(2) If the assignee is a resident or national of a PCT Contracting State, but that State is not bound by Chapter II of the PCT, will he be entitled to file a demand for international preliminary examination?

(3) If the original applicant, who is a resident or national of a PCT Contracting State bound by Chapter II, files a demand under Chapter II and then assigns the application to a person who is not a resident or national of a PCT Contracting State, or who is a resident or national of a PCT Contracting State not bound by Chapter II, are there any adverse consequences?

A: (1) A PCT application can be assigned at any time during the international phase, to anyone, including residents and nationals of non-PCT Contracting States. The requirement that the applicant must be a resident or national of a PCT Contracting State (PCT Article 9) must be complied with **on the international filing date**. Later changes have no influence on the validity of the international application, although there may be consequences for the availability of the international preliminary examination procedure under Chapter II (see the following paragraphs).

(2) An assignment to a resident or national of a non-PCT Contracting State may, however, have consequences for the right to file a demand for international preliminary examination under Chapter II if the demand is filed after the recording of the change of the person of the applicant under PCT Rule 92^{bis}. A demand may only be filed if the applicant (or at least one of the applicants, if there are more than one) is a resident or national of a PCT Contracting State bound by Chapter II (see PCT Article 31(2)(a) and Rules 54.1 and 54.2). If the new applicant is not a resident or national of a PCT Contracting State, or is a resident or national of a PCT Contracting State which is not bound by Chapter II, that person would not be entitled to file a demand for international preliminary examination under Chapter II.

(3) If the demand for international preliminary examination is filed before the recording of the change of the person of the applicant under PCT Rule 92^{bis}, a subsequent assignment of the international application will have no consequence on the validity of the demand, regardless of whom the international application is assigned to.

ENTERING THE NATIONAL PHASE IN MADAGASCAR

Following recent discussions between the International Bureau and the Industrial Property Office of Madagascar (OMAPI), further details are now available concerning the steps to be taken for entering the national phase before OMAPI. (See previous article in *PCT Newsletter* No.04/1994, page 2.)

The new patent legislation in Madagascar entered into force on 9 December 1993. The following information concerns all international applications designating Madagascar, whether they were filed before, on, or after the date of entry into force of the new legislation. For entering the national phase before the Office, applicants must fulfill the following requirements **before 9 December 1994**, unless the applicable time limit of 20 or 30 months from the priority date under PCT Article 22 or 39(1)(a) expires after that date:

(1) pay a filing fee of 150,000 Malagasy Francs;

(2) furnish, where required, a translation of the international application into French, the required contents of the translation being:

(i) under PCT Article 22: the description, the claims (if amended, only as amended, together with any statement under PCT Article 19), any text matter of drawings and the abstract;

(ii) under PCT Article 39(1)(a): the description, the claims, any text matter of drawings, the abstract (if any of those parts have been amended, only as amended by the annexes to the international preliminary examination report).

The Government of Madagascar is, following a proposal by the International Bureau, considering a possible extension of the transitory period for entering the national phase in Madagascar to a date later than 9 December 1994. Applicants are advised, nevertheless, to meet the 9 December 1994 deadline. Any extension of the deadline will be reported in the *PCT Newsletter*.

In order to assist the new Industrial Property Office of Madagascar in processing the backlog of international applications filed since 1978, applicants are invited also to furnish a copy of the international application (preferably as published) including a copy of the international search report and of the international preliminary examination report, if any.

Although the patent law provides that non-resident applicants must be represented by a local agent, the Office has, until further notice, waived this requirement. Therefore, applicants may, for the time being, communicate directly with the Office.

The new address and telephone number of OMAPI are as follows:

Office malgache de la propriété
industrielle (OMAPI)
B.P. 8237
Antananarivo 101, Madagascar
Tel: (261-2) 305 12
Fax: (261-2) 277 90

OMAPI accepts all kinds of documents by facsimile, provided that the original of the document is also furnished.

Payment of fees can be made by post office money order or by transfer to the bank account of OMAPI, No. 001/21010/038889 at the Bankin' ny Fampandrosoana ny Varota (BFV), Analakely, Antananarivo 101, Madagascar.

Further details are included on tear-out provisional sheets for the *PCT Applicant's Guide* in the center of this issue (see PCT information update, below).

PCT INFORMATION UPDATE

Japan (fees)

The transmittal fee payable to the Japanese Patent Office as receiving Office has changed. The new amount of the fee is shown in Table 1(a) on page 6. In addition, the fee for a priority document has changed to 1,500 Yen.

Madagascar (general information)

General information about Madagascar as a Contracting State, information of interest if Madagascar is designated (or elected) and a summary of requirements for entry into the national phase in Madagascar is set out in the pink tear-out provisional sheets for the *PCT Applicant's Guide*, Vol. I, Annex B1 (MG), and Vol. II, National Chapter, Summary (MG). (See also the article on this page.)

PCT Applicant's Guide update sheets

All issues of the *PCT Newsletter* which you have so far received have contained provisional update sheets (on pink paper, in tear-out format) for various annexes of the *PCT Applicant's Guide*. Subscribers to the *PCT Applicant's Guide* will shortly receive their half-yearly set of update sheets (dated July 1994). Pink provisional sheets obtained from **previous issues** of the *PCT Newsletter* should be removed from the *PCT Applicant's Guide* and replaced with the new update sheets.

However, the provisional sheets included in **this issue** supersede the corresponding sheets which will appear in the July update for the *PCT Applicant's Guide*, since they include information which was received after the update sheets were sent for printing.

PCT SEMINAR CALENDAR

Dates	Location and nature of seminar WIPO speakers	Who to contact for further information
19 September 1994	Buenos Aires (AR) PCT seminar jointly organized by WIPO and the Secretary for Industry of the Ministry of the Economy, Works, and Public Services of Argentina WIPO speakers: Mr. Rubio and Mr. Bryan	Dra. Norma Félix de Sturla Tel: (54-1) 343 26 56 Fax: (54-1) 343 26 56
20-21 September 1994 (originally scheduled for 12-13 July 1994 in Munich)	Chiemsee (DE) PCT colloquium for frequent users, organized by Forum Institut für Management GmbH WIPO speakers: Mr. Bartels and Mrs. Coeckelbergs	Forum Tel: (49-6221) 47 95 12 Fax: (49-6221) 41 16 27
22-23 September 1994 (originally scheduled for 14-15 July 1994 in Munich)	Chiemsee (DE) Advanced PCT seminar for patent administrators, organized by Forum Institut für Management GmbH WIPO speaker: Mrs. Coeckelbergs	Forum Tel: (49-6221) 47 95 12 Fax: (49-6221) 41 16 27
7 October 1994	Paris (FR) PCT seminar for patent attorneys, organized by Forum Institut für Management GmbH WIPO speaker: Ms. Boutillon	Forum Tel: (49-6221) 47 95 12 Fax: (49-6221) 41 16 27
11-12 October 1994	Beijing (CN) Advanced PCT seminar organized by the Chinese Patent Office WIPO speakers: Mr. Bartels, Mr. Wang, Mr. Thomas	Mr. Wu Xiangwen Tel: (86-1) 201 96 75 Fax: (86-1) 201 96 15
17-18 October 1994	Hong Kong (HK) Advanced PCT seminar organized by the Chinese Patent Office and China Patent Agent (H.K.) Ltd. WIPO speakers: Mr. Bartels, Mr. Wang, Mr. Thomas	Mrs. Shi Xiaomei Tel: (852) 828 46 31 Fax: (852) 827 10 18
17-18 November 1994	Chicago (US) Advanced PCT seminar for patent administrators organized by the John Marshall Law School WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Ms. Rosemary Knight Tel: (1-312) 987 14 20 Fax: (1-312) 427 71 28
21-22 November 1994	San Francisco (US) Advanced PCT seminar for patent administrators organized by Intellectual Property International WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Ms. Virginia H. Meyer Tel: (1-415) 289 74 71 Fax: (1-415) 331 60 68
7-8 December 1994	London (GB) Advanced PCT seminar for patent administrators and legal assistants organized by Management Forum Ltd. WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Mrs. Josephine Leak Tel: (44-483) 57 00 99 Fax: (44-483) 364 24
9 December 1994	London (GB) Workshop for patent administrators and legal assistants organized by Management Forum Ltd. WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Mrs. Josephine Leak Tel: (44-483) 57 00 99 Fax: (44-483) 364 24

PCT FEE TABLES

The following Tables show the amounts (including currencies) for the main PCT fees which are payable to the receiving Offices (ROs) and the International Preliminary Examining Authorities (IPEAs) during the international phase under Chapter I (Table I(a) and Table I(b)) and under Chapter II (Table II). Fees which are payable only in special circumstances are not shown; nor are details of reductions and refunds which may be available; such information can be found in the *PCT Applicant's Guide*, Volume I, Annexes C, D and E. Note that all amounts are subject to changes due to fee increases or fluctuations in exchange rates.

Table I(a) – TRANSMITTAL, BASIC AND DESIGNATION FEES
(as at 5 July 1994)

RO	Transmittal fee ¹	Basic fee ¹ (CHF 762)	Supplement per sheet over 30 ¹ (CHF 15)	Designation fee ^{1,2} (CHF 185)	Competent ISA(s) ³
AP	USD 70	USD 530	10	128	EP
AT	ATS 700	ATS 6,220	122	1,510	EP
AU	AUD 55	AUD 748	15	182	AU
BE	BEF 1,500	BEF 18,208	358	4,421	EP
BG	BGL 600	BGL equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP RU
BR	BRC 21,670	BRC equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	AT EP SE US
BY	RUR ⁴ —	USD 530	10	128	EP RU
CA	CAD 200	CAD 696	14	168	EP
CH	CHF 100	CHF 762	15	185	EP
CN	CNY 500	CNY equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	CN
CZ	CZK 1,200	CZK equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP
DE	DEM 150	DEM 883	17	214	EP
DK	DKK 1,500	DKK 3,440	70	840	EP SE
EP ⁵	DEM 200	DEM 883	17	214	EP
ES	None	ESP 76,300	1,500	18,500	EP
FI	FIM 700	FIM 3,200	65	780	EP SE
FR	FRF 400	FRF 3,010	60	730	EP
GB	GBP 55	GBP 352	7	85	EP
GE	USD ⁴ —	USD 530	10	128	EP RU
GR	GRD 30,000	GRD 131,000	3,000	32,000	EP
HU	HUF 1,000	HUF equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	AT RU
IB	CHF 300	CHF 762	15	185	<i>See note 6</i>
	or USD 200	or USD 530	10	128	
IE	IEP 60	IEP 357	7	87	EP
IT	ITL 60,000	ITL 884,000	17,000	215,000	EP
JP	JPY 18,000	JPY 59,000	1,000	14,000	EP JP
KE	USD (or KES equiv) 30	USD 530	10	128	AU EP
KG	KGS ⁴ —	USD 530	10	128	EP RU
KP	KPW 50	KPW equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	RU
KR	KRW 40,000	KRW 427,000	8,000	103,000	AT AU JP
KZ	RUR ⁴ —	USD 530	10	128	EP RU
LT	LTL equiv of USD 80	USD 530	10	128	EP RU
LU	LUF/BEF 1,000	LUF/BEF 18,208	358	4,421	EP
LV	LVL 40	USD 530	10	128	EP RU
MC	FRF 200	FRF 3,010	60	730	EP
MD	MDL ⁴ —	USD 530	10	128	EP RU
MN	None	MNT equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP RU
MW	MWK 8	MWK 2,350	46	570	EP
NL	NLG 110	NLG 1,000	20	240	EP
NO	NOK 500	NOK 3,940	80	960	EP SE
NZ	NZD 155	NZD 976	19	237	AU EP
PL	PLZ 1,500,000	PLZ equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP
PT	PTE 3,000	PTE 89,000	1,800	21,700	EP
RO	ROL 10,000	CHF 762	15	185	AT EP RU
RU	RUR 13,000	USD 530	10	128	EP RU
SD	SDP 50	SDP equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP
SE	SEK 600	SEK 4,355	85	1,060	EP SE
SI	SIT <i>See note 7</i>	SIT equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP
SK	SKK 1,200	SKK equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP
TJ	RUR ⁴ —	USD 530	10	128	EP RU
TT	TTD ⁴ —	USD 530	10	128	AT EP SE US
UA	UAK ⁴ —	USD 530	10	128	EP RU
US	USD 200	USD 530	10	128	EP US
UZ	USD ⁴ —	USD 530	10	128	EP RU
VN	USD 50	VND equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	AT AU EP RU SE

Table I(b) – SEARCH FEES
(as at 1 July 1994, unless otherwise indicated)

ISA	Search fee ¹											
AT	ATS	2,200	CHF	285	KRW	161,000	USD	198				
AU	AUD	750	CHF	772	KRW	439,000	NZD	945	USD	537		
CN	CNY	800	CHF	210	USD	146						
EP	DEM	2,400	CHF	2,060	FRF	8,480	ITL	2,449,000	NLG	2,740	SEK	11,590
	ATS	17,140	DKK	9,600	GBP	960	JPY	149,000	NOK	10,300	USD	1,415
	BEF	51,000	ESP	203,400	GRD	363,600	LUF	51,000	NZD	2,557		
	CAD	1,870	FIM	8,200	IEP	1,017	MWK	6,400	PTE	255,300		
ES	ESP	50,100	CHF	537	USD	373						
JP	JPY	77,000	CHF	1,060	KRW	612,000	USD	740				
RU	RUR	53,000	CHF	288	USD	200						
SE	SEK	2,600 ⁸	3,600 ⁹	4,200 ¹⁰	FIM	1,875 ⁸	2,600 ⁹	3,030 ¹⁰				
	CHF	460 ⁸	635 ⁹	740 ¹⁰	NOK*	2,290 ⁸	3,170 ⁹	3,695 ¹⁰				
	DKK	2,115 ⁸	2,930 ⁹	3,420 ¹⁰	USD	320 ⁸	442 ⁹	515 ¹⁰				
	* (from 01.08.94: NOK 2,430 ⁸ 3,365 ⁹ 3,925 ¹⁰)											
US	USD	620	(410 ¹¹)	CHF	890	(590 ¹¹)						

Table II – PRELIMINARY EXAMINATION FEES
(as at 1 July 1994)

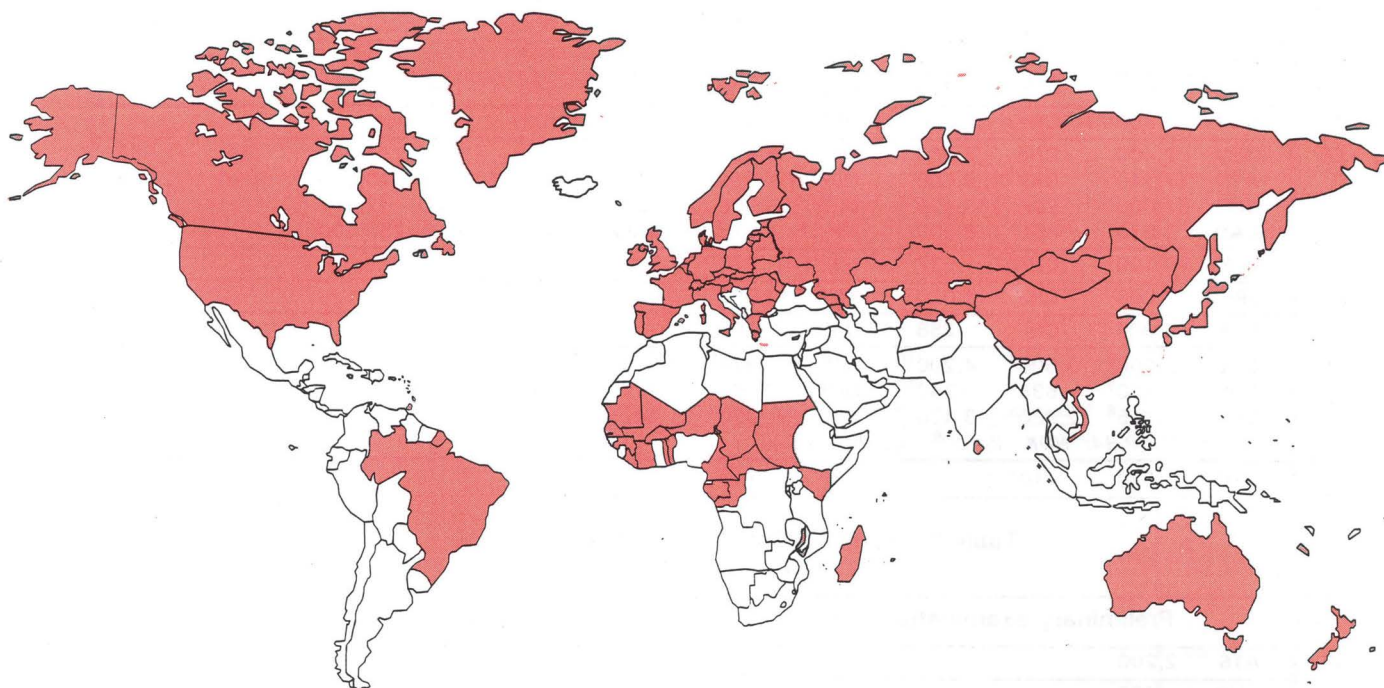
IPEA	Preliminary examination fee ¹²				Handling fee ¹² (CHF 233)							
AT	ATS	2,200			ATS	1,902						
AU	AUD	400			AUD	229						
CN	CNY	800			CNY equiv of CHF 233							
EP	DEM	3,000	FRF	10,600	NLG	3,430	DEM	270	FRF	920	NLG	305
	ATS	21,430	GBP	1,200	PTE	319,100	ATS	1,902	GBP	108	PTE	27,000
	BEF	63,700	IEP	1,271	SEK	14,490	BEF	5,568	IEP	109	SEK	1,330
	CHF	2,580	ITL	3,061,000			CHF	233	ITL	270,000		
DKK	12,000	LUF	63,700			DKK	1,050	LUF	5,568			
JP	JPY	28,000			JPY	18,000						
RU	RUR	26,000	USD	300	USD	162						
SE	SEK	3,200			SEK	1,330						
US	USD	450	(670 ¹³)		USD	162						

Key to currency abbreviations for all fee tables:

ATS	Schilling	DKK	Danish Krone	JPY	Yen	MNT	Tugrik	SDP	Sudanese Pound
AUD	Australian Dollar	ESP	Peseta	KES	Kenyan Shilling	MWK	Kwacha	SEK	Swedish Krona
BEF	Belgian Franc	FIM	Markka	KGS	Som	NLG	Guilder	SIT	Tolar
BGL	Lev	FRF	French Franc	KPW	Won	NOK	Norwegian Krone	SKK	Slovak Koruna
BRC	Cruzeiro Real	GBP	Pound Sterling	KRW	Won	NZD	New Zealand Dollar	TTD	Trinidad and Tobago Dollar
CAD	Canadian Dollar	GRD	Drachma	LTL	Lita	PLZ	Zloty	UAK	Karbovanets
CHF	Swiss Franc	HUF	Forint	LUF	Luxembourg Franc	PTE	Escudo	USD	US Dollar
CNY	Yuan Renminbi	IEP	Punt	LVL	Lat	ROL	Leu	VND	Dong
CZK	Czech Koruna	ITL	Lira	MDL	Moldovan Leu	RUR	Rouble		
DEM	Mark								

- 1 Payable to the receiving Office in the currency or one of the currencies prescribed by it.
- 2 The confirmation fee payable under PCT Rules 4.9(c) and 15.5 is 50% of the designation fee.
- 3 For the search fee payable to the receiving Office, consult the entry in Table I(b) for the competent International Searching Authority.
- 4 The amounts are not yet known. The Office or the agent should be consulted for the latest applicable schedule of fees.
- 5 Payments can also be made in ATS, BEF, CHF, DKK, ESP, FRF, GBP, GRD, IEP, ITL, LUF, NLG, PTE or SEK. For the amounts in the said currencies, reference should be made to the latest issue of the *Official Journal* of the EPO.
- 6 The competent International Searching Authority(ies) for an international application filed with the International Bureau as receiving Office is (are) the Authority(ies) which would have been competent if the international application had been filed with the receiving Office of, or acting for, the Contracting State of which the applicant (or any of the applicants) is a resident or national.
- 7 10% of the basic fee, supplement fee, designation fee and search fee.
- 8 If on an earlier application, the priority of which is claimed, a first office action has been issued by the Swedish Patent Office.
- 9 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 (Finland) or the Norwegian Patent Office.
- 10 In all cases where 8 and 9 do not apply.
- 11 Payable when a corresponding prior US national application has been filed and the basic national fee for that US application has been paid.
- 12 Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
- 13 Payable when the international search report was not established by the United States Patent and Trademark Office.

PCT CONTRACTING STATES AND TWO-LETTER CODES (73 on 5 July 1994)



In the Americas

BB Barbados
BR Brazil
CA Canada
TT Trinidad and
Tobago
US United States
of America

In Europe

EPO (EP)

AT Austria
BE Belgium
CH Switzerland
DE Germany
DK Denmark
ES Spain
FR France
GB United Kingdom
GR Greece
IE Ireland
IT Italy
LI Liechtenstein
LU Luxembourg
MC Monaco
NL Netherlands
PT Portugal
SE Sweden

Non-EPO

BG Bulgaria
BY Belarus
CZ Czech Republic
***EE Estonia (from
24 August 1994)***
FI Finland
HU Hungary
LT Lithuania
LV Latvia
MD Republic of
Moldova
NO Norway
PL Poland
RO Romania
RU Russian Federa-
tion
SI Slovenia
SK Slovakia
UA Ukraine

In Africa

ARIPO (AP)

KE Kenya
MW Malawi
SD Sudan
***SZ Swaziland (from
20 September 1994)***

OAPI (OA)

BF Burkina Faso
BJ Benin
CF Central African
Republic
CG Congo
CI Côte d'Ivoire
CM Cameroon
GA Gabon
GN Guinea
ML Mali
MR Mauritania
NE Niger
SN Senegal
TD Chad
TG Togo

Non-ARIPO or -OAPI

***LR Liberia (from
27 August 1994)***
MG Madagascar

In Asia and the Pacific

AM Armenia
AU Australia
CN China
GE Georgia
JP Japan
KG Kyrgyzstan
KP Democratic People's
Republic of Korea
KR Republic of Korea
KZ Kazakhstan
LK Sri Lanka
MN Mongolia
NZ New Zealand
TJ Tajikistan
UZ Uzbekistan
VN Viet Nam

Important:

This list includes all States that have adhered to the PCT by the date shown in the heading. Any States indicated in **bold italics** have adhered to the PCT but were not yet bound by the PCT on the date of issue of the latest version of the request form. Where a State has adhered to but is not yet bound by the PCT, the date on which it will become bound is shown in parentheses; it cannot be designated in international applications filed before that date. If the applicant wishes to designate any States which are bound by the PCT on the date on which the international application is filed but which are not listed in the request form, he must add them in Box No. V of the request form and mark the corresponding check-box.

Applicants should always use the latest versions of the request and demand forms. The latest version of the request form (PCT/RO/101) is dated 5 July 1994; that of the demand form (PCT/IPEA/401) is dated January 1994. The forms are reproduced in Annexes X and Y, respectively, of the *PCT Applicant's Guide*, Volume I. The request form can also be obtained from receiving Offices or the International Bureau. The demand form can also be obtained from International Preliminary Examining Authorities or the International Bureau.

B1**Information on Contracting States****B1****MG****MADAGASCAR****MG****General information**

Name of Office:	Office malgache de la propriété industrielle Industrial Property Office of Madagascar
Location:	Lot II T 62 B Mangasoavina, Antananarivo 101, Madagascar
Mailing address:	B.P. 8237, Antananarivo 101, Madagascar
Telephone:	(261-2) 305 12
Facsimile machine:	(261-2) 277 90
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
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 any other service which is recognized worldwide and is available in Madagascar
Competent receiving Office for nationals and residents of Madagascar:	International Bureau of WIPO (see Annex C)
Competent designated (or elected) Office if Madagascar is designated (or elected):	Industrial Property Office of Madagascar (see Volume II)
May Madagascar be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available:	Patents, certificates of addition
Provisions of the law of Madagascar concerning international-type search:	Article 51 of Ordinance No. 89-019 on the Protection of Industrial Property in Madagascar

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Information on Contracting States

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MADAGASCAR

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Provisional protection after international publication:

None

Information of interest if Madagascar is designated (or elected)

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

Must be in the request. If not already complied with within the time limit applicable under PCT Article 22 or 39(1)(a), the Industrial Property Office of Madagascar will invite the applicant to comply with the requirement within four 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

SUMMARY**Designated
(or elected) Office****SUMMARY****MG****INDUSTRIAL PROPERTY OFFICE OF
MADAGASCAR****MG****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 or 9 December 1994, whichever time limit expires later
	Under PCT Article 39(1):	30 months from the priority date or 9 December 1994, whichever time limit expires later
Translation of international application required into: ¹	French	
Required contents of the translation for the entry into the national phase: ¹	Under PCT Article 22:	Description, claims (if amended, only 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, but in order to facilitate procedures before the Office, and for international applications designating Madagascar and filed since 1978, applicants are invited to furnish a copy of the international application, as published, as well as a copy of the international search report and of the international preliminary examination report, if any	
National fee:	Currency:	Malagasy Franc (MGF)
	Filing fee: ²	MGF 150,000
	Annual fees: ³	
	– from the 3rd to the 5th year, per year:	MGF 75,000
	– from the 6th to the 10th year, per year:	MGF 100,000
	– from the 11th to the 15th year, per year:	MGF 150,000
	Fee for the extension of protection beyond the 15th year:	MGF 40,000

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- 1 Must be furnished within the time limit applicable under PCT Article 22 or 39(1), or before 9 December 1994 whichever time limit expires later.
- 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 filing fee within a time limit of four months after receipt of that invitation.
- 3 The fee for the third year is due within 24 months from the international filing date; where PCT Article 39(1) applies, it is due within 30 months from the priority date if that 30-month time limit expires later. Any annual fee for which the time limit has already expired or will expire before 9 December 1994 is due on 9 December 1994 at the latest, without a surcharge for late payment.

Provisional sheet issued with *PCT Newsletter* No. 05/1994 (July 1994)

This sheet replaces the sheet entitled "Industrial Property Office of Madagascar", dated "July 1994" included in the July 1994 set of update sheets for the PCT Applicant's Guide, Volume II

SUMMARY**Designated
(or elected) Office****SUMMARY****MG****INDUSTRIAL PROPERTY OFFICE OF
MADAGASCAR****MG**

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Exemptions, reductions or refunds of the national fee:

None

Special requirements of the Office (PCT Rule 51^{bis}):⁴

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

Declaration concerning the inventor and the right of the applicant to apply for a patent

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

Who can act as agent?

Any patent agent with the right to practice before the Office, resident in Madagascar

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 fixed in the invitation.