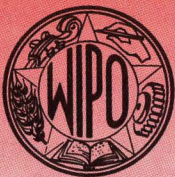


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Published by:  
The WORLD  
INTELLECTUAL  
PROPERTY  
ORGANIZATION  
1211 Geneva 20  
Switzerland

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WIPO Publication  
No. 115 (E)  
ISSN 1020-072 X

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# NEWSLETTER

SEPTEMBER 1994

No. 07/1994

## INFORMATION UPDATE

### Australia (fees)

As from 1 October 1994, there will be a change in certain fees payable to the Australian Patent Office. The fees payable to the Office in its capacity as receiving Office, International Searching Authority and International Preliminary Examining Authority are shown in Tables I(a), I(b) and II, on pages 5 to 7. The new amounts payable to the Office in its capacity as designated or elected Office are shown below:

#### For patent:

Filing fee:	AUD 280
Additional fee for each sheet (including drawings) in excess of 30:	AUD 12

#### For petty patent:

AUD 280

The Australian Patent Office has informed the International Bureau that the additional fee for each claim in excess of 10 should be deleted from the page containing the above fees in the *PCT Applicant's Guide*, Vol. II, National Chapter, Summary (AU).

### China (fees)

On 1 September 1994, there was a change in the fees payable to the Chinese Patent Office in its capacity as designated or elected Office. The new amounts are set out in the pink tear-out provisional sheet for the *PCT Applicant's Guide*, Vol. II, National Chapter, Summary (CN).

### Swaziland (effect of designation; receiving Office)

The designation of Swaziland (which will become bound by the PCT on 20 September 1994) in an international application will have the effect only of a designation of Swaziland for an ARIPO patent under the Harare Protocol; it will not be possible to designate Swaziland for a national patent. The competent receiving Office for nationals and residents of Swaziland will be ARIPO; international applications can also be filed by them with the International Bureau of WIPO.

### United States of America (fees)

The United States Patent and Trademark Office has now confirmed the new fees which

*[continued on page 2]*

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<i>Tear-out sheets: order form for PCT Newsletter binder; provisional sheets for the PCT Applicant's Guide, Vol. I, Annex C (US), D (US) and E (US) and Vol. II, National Chapter, Summary (CN) and (US)</i>	

## INFORMATION UPDATE

*[continued from page 1]*

were mentioned in last month's issue of the *PCT Newsletter* as being subject to confirmation. The new fees, payable to the United States Patent and Trademark Office in its capacity as receiving Office, International Searching Authority, International Preliminary Examining Authority, and designated or elected Office, will enter into force on 1 October 1994. They are shown in Tables I(a), I(b) and II, on pages 5 to 7, and are set out in the pink tear-out provisional sheets for the *PCT Applicant's Guide*, Vol. I, Annex C (US), D (US) and E (US) and Vol. II, National Chapter, Summary (US).

### European Patent Office (fees)

As from 5 October 1994, there will be a change in the amounts of the international search and preliminary examination fees payable to the EPO in Belgian and Luxembourg Francs (BEF/LUF), Pesetas (ESP) (search fee only), French Francs (FRF), Pounds Sterling (GBP), Drachma (GRD) (search fee only), Escudos (PTE) and Swedish Krona (SEK). The new fees are shown in Tables I(b) and II, on page 7.

### LINE SPACING IN INTERNATIONAL APPLICATIONS (*PCT Applicant's Guide: corrigendum*)

There is a typographical error in paragraph 125 of Vol. I of the *PCT Applicant's Guide*. The penultimate sentence erroneously says that the typing in the description in an international application must be

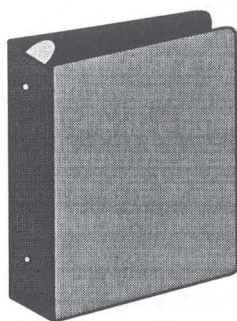
"1 spaced." The sentence should say that the typing must be "1 ½-spaced" (see PCT Rule 11.9(c)). The International Bureau apologizes for this error, which appeared when the *Guide* was updated and will be corrected in the next update.

## PRACTICAL ADVICE

### *Refusal of a request for rectification of an obvious error*

*Q: In response to my request under PCT Rule 91.1 for rectification of an obvious error in an international application, the Authority competent to authorize the rectification informed me that my request had been refused. Is there any action I can take now with a view to correction of the error later, during the national phase?*

**A:** There is no further action you can take to have the error corrected in the international phase. You may, however, request the International Bureau, in writing, to publish, together with the international application, the request for rectification, as submitted to and refused by the Authority concerned (see PCT Rule 91.1(f)). When the request for rectification is published, designated/elected Offices and third parties will thereby be informed that the international application contains an error and that there is a possibility that a request for a correction of that error may be made in the national phase. You may then pursue the matter further before each designated/elected Office under the provisions of the applicable national law. The importance of the publication of a request for rectification in pursuing a subse-



### **PCT NEWSLETTER BINDER**

*In response to requests from many subscribers, it has been decided to make available a binder for the storage of the PCT Newsletter. The binder is large enough to include issues published over a two-year period. The price of the binder, which covers production and mailing costs, is 11 Swiss Francs or 8 US Dollars. If you would like to order a binder, please fill in the tear-out form in the center of this issue and return it to the address indicated on the form as soon as possible.*

quent request for correction in the national phase is illustrated by Decisions J 6/91 - 3.1.1 and J 2/92- 3.1.1 of the EPO Legal Board of Appeal (see page 5). The practice applied by the designated/elected Offices for the rectification of errors is, in many cases, more favorable than that which is provided for by the PCT.

The request for publication of the refused request for rectification must be received by the International Bureau before the expiration of 17 months from the priority date or, if the technical preparations for international publication are completed later than that time limit, before the completion of the technical preparations. (The technical preparations for publication are normally completed 15 days before the actual publication date.) If you have requested early publication of the international application, the request for publication of the request for rectification must be received before the technical preparations for international publication have been completed, even if this is before the expiration of 17 months from the priority date.

A special fee is payable to the International Bureau for publishing a request for rectification under PCT Rule 91.1(f). The current fee is 50 Swiss francs plus 12 Swiss francs for each sheet in excess of one. The fee must also be submitted before the completion of the technical preparations for international publication.

#### ***Designation of PCT Contracting States which are not on the request form***

*Q: I am using the latest version of the printed request form, but the list of States in Box No. V is now out of date. How do I designate States which have become bound by the PCT since that version of the form was issued?*

**A:** For the designation, for the purposes of a ***national*** patent, of a State which has become bound by the PCT after the date appearing on the bottom of the second sheet of the request form (Form PCT/RO/101), the name of the State, preferably preceded by the two-letter country code, must be added to the form, together with an indication, where applicable, of whether a special kind of protection or

treatment is desired (for example, "utility model"). The dotted lines underneath the list of States in Box No. V were introduced into the request form for the purpose of adding any such States. If a State is added on one of the dotted lines, ***the check box preceding the mention of that State should be marked.*** If the check box is not marked, ambiguity can result as to whether the applicant intended to designate the State in question or whether the name of the State was simply added to a master version of the form for the convenience of those subsequently filling in copies of it. (Such additions are made by many patent attorneys and corporate applicants, as a matter of course, in order to avoid unintentional omission of designations.)

The designation, for the purposes of a ***regional*** patent, of a Contracting State of the Harare Protocol, the European Patent Convention or OAPI which becomes bound by the PCT after the date appearing on the bottom of the second sheet of the request form, will be automatic if the relevant regional patent check box has been marked. Such automatic coverage of new Contracting States follows from the wording "... and any other State which is a [Contracting State of the Harare Protocol/Contracting State of the European Patent Convention/member State of OAPI] and a Contracting State of the PCT" which appears in the current version of the form after the lists of States which can be designated for regional patents.

If you have doubts about the interpretation of any designations you make in the request in a particular international application, you are advised to check with the receiving Office with which you file, or have filed, the application. In any event, you should always carefully check the list of designations on Form PCT/IB/301 (Notification of receipt of record copy), which you receive from the International Bureau after filing. It is possible to correct any mistakes or omissions through the confirmation of "precautionary" designations under PCT Rule 4.9(b) and (c), provided the necessary steps are taken before the expiration of 15 months from the priority date (see *PCT Newsletter*, No. 03/1994, pages 2 to 3).

<b>PCT SEMINAR CALENDAR</b>		
<b>Dates</b>	<b>Location and nature of seminar WIPO speakers</b>	<b>Who to contact for further information</b>
<b>7 October 1994</b>	<b>Paris (FR)</b> 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
<b>11-12 October 1994</b>	<b>Beijing (CN)</b> 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
<b>17-18 October 1994</b>	<b>Hong Kong (HK)</b> 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
<b>3-4 November 1994</b>	<b>London (GB)</b> PCT seminar for patent lawyers and attorneys organized by Management Forum Ltd. WIPO speaker: Mr. Thomas	Management Forum Ltd Tel: (44-483) 57 00 99 Fax: (44-483) 364 24
<b>3-4 November 1994</b>	<b>Munich (DE)</b> 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
<b>17-18 November 1994</b>	<b>Chicago (US)</b> 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
<b>21-22 November 1994</b>	<b>San Francisco (US)</b> 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
<b>7-8 December 1994</b>	<b>London (GB)</b> Advanced PCT seminar for patent administrators and legal assistants organized by Management Forum Ltd. WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Management Forum Ltd Tel: (44-483) 57 00 99 Fax: (44-483) 364 24
<b>9 December 1994</b>	<b>London (GB)</b> Workshop for patent administrators and legal assistants organized by Management Forum Ltd. WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Management Forum Ltd Tel: (44-483) 57 00 99 Fax: (44-483) 364 24
<b>12 December 1994</b>	<b>Munich (DE)</b> PCT seminar for patent attorneys, organized by Forum Institut für Management GmbH WIPO speaker: Mr. Bartels	Forum Tel: (49-6221) 47 95 12 Fax: (49-6221) 41 16 27

## CORRECTION OF PRIORITY CLAIMS IN THE EPO REGIONAL PHASE

As indicated in the following headnotes relating to two separate cases, the European Patent Office Legal Board of Appeal has decided, in connection with the correction, under Rule 88 of the Implementing Regulations to the European Patent Convention, of international applications during the regional phase, that:

"In principle, in the absence of any special circumstances, a request for correction of a priority claim by the addition of a first priority should be made sufficiently early for a warning to be included in the publication of the application. An exception to this rule may be allowed if it is apparent on the face of the published application that a first or only priority may be missing or wrong or that the date of a first or only priority is wrong. In such a case, the public interest is safeguarded by the fact that it was apparent from the published application that a mistake may have been or has been made with respect to the priority date claimed."

(Decision J 6/91 - 3.1.1; *Official Journal of*

*the EPO (OJ EPO)*, No. 6/1994, page 349)

"I. Particulars of the priority declaration (date and file number pursuant to Rule 4.10(a) PCT) may be corrected even after publication of the international application without a warning provided that the interests of third parties are not adversely affected (see decisions J 4/82, *OJ EPO* 1982, 385, and J 3/82, *OJ EPO* 1983, 171).

"The interests of third parties are not adversely affected by a correction, if the mistake in the particulars of the priority declaration is apparent on the face of the published patent application ("*apparent discrepancy*").

"II. In cases where the applicant requested transmittal of the priority documents according to Rule 17.1(b) PCT in due time, a wrong document may be replaced, even after publication of the international application, if the request for transmittal erroneously indicated a wrong document number."

(Decision J 2/92 - 3.1.1; *OJ EPO*, No. 6/1994, page 375)

## 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. The footnotes are on page 7.

**Table I(a) – TRANSMITTAL, BASIC AND DESIGNATION FEES**  
(as at 1 September 1994, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	Basic fee <sup>1</sup> (CHF 762)	Supplement per sheet over 30 <sup>1</sup> (CHF 15)	Designation fee <sup>1,2</sup> (CHF 185)	Competent ISA(s) <sup>3</sup>
AM	AMD <sup>4</sup> —	USD 530	10	128	EP RU
AP	USD 70	USD 530	10	128	EP
AT	ATS 700	ATS 6,220	122	1,510	EP
AU	AUD 55 (from 01.10.94: 100)	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 <sup>4</sup> —	USD 530	10	128	EP RU
CA	CAD 200	CAD 696 (from 18.10.94: 792)	14 (16)	168 (192)	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
EE	EEK 1,500	EEK equiv of CHF 762	15	185	EP

[continued on page 6]

[continued from page 5]

Table I(a) – TRANSMITTAL, BASIC AND DESIGNATION FEES (continued)

(as at 1 September 1994, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>		Basic fee <sup>1</sup> (CHF 762)		Supplement per sheet over 30 <sup>1</sup> (CHF 15)	Designation fee <sup>1,2</sup> (CHF 185)	Competent ISA(s) <sup>3</sup>
EP <sup>5</sup>	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 <sup>4</sup>	—	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	See note 6
	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 CN EP
KG	KGS <sup>4</sup>	—	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 <sup>4</sup>	—	USD	530	10	128	EP RU
LR	USD	45	USD	530	10	128	AT AU CN EP SE
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 <sup>4</sup>	—	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	See note 7	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 <sup>4</sup>	—	USD	530	10	128	EP RU
TT	TTD <sup>4</sup>	—	USD	530	10	128	AT EP SE US
UA	UAK <sup>4</sup>	—	USD	530	10	128	EP RU
US	USD	200	USD	530	10	128	EP US
	(from 01.10.94:	210)					
UZ	USD <sup>4</sup>	—	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

Key to currency abbreviations for all fee tables:

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

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

ISA	Search fee <sup>1</sup>									
AT	ATS	2,200	CHF	285	KRW	161,000	USD	198		
AU	AUD	750	CHF	772	KRW	439,000	NZD	945	USD 537	
	<i>(from 01.10.94: AUD 800)</i>									
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	
	<i>(from 01.10.94: USD 1,537)</i>									
	<i>(from 05.10.94: BEF 50,300)</i>		<i>ESP 201,700</i>		<i>FRF 8,350</i>		<i>GBP 1,000</i>		<i>GRD 369,200</i>	
	<i>LUF 50,300</i>		<i>PTE 250,000</i>		<i>SEK 11,940</i>					
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 <sup>8</sup>	3,600 <sup>9</sup>	4,200 <sup>10</sup>	FIM	1,875 <sup>8</sup>	2,600 <sup>9</sup>	3,030 <sup>10</sup>		
	CHF	460 <sup>8</sup>	635 <sup>9</sup>	740 <sup>10</sup>	NOK	2,430 <sup>8</sup>	3,365 <sup>9</sup>	3,925 <sup>10</sup>		
	DKK	2,115 <sup>8</sup>	2,930 <sup>9</sup>	3,420 <sup>10</sup>	USD	320 <sup>8</sup>	442 <sup>9</sup>	515 <sup>10</sup>		
US	USD	620	(410 <sup>11</sup> )	CHF	890	(590 <sup>11</sup> )				
	<i>(from 01.10.94: USD 640 (420<sup>11</sup>))</i>									

**Table II – PRELIMINARY EXAMINATION FEES**  
(as at 1 September 1994, unless otherwise indicated)

IPEA	Preliminary examination fee <sup>12</sup>				Handling fee <sup>12</sup> (CHF 233)					
AT	ATS	2,200			ATS	1,902				
AU	AUD	400	<i>(from 01.10.94: AUD 450)</i>		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	
	<i>(from 05.10.94: BEF 62,900)</i>		<i>FRF 10,430</i>							
	<i>GBP 1,250</i>		<i>LUF 62,900</i>		<i>PTE 312,500</i>					
	<i>SEK 14,930)</i>									
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 <sup>13</sup> )	USD	162					
	<i>(from 01.10.94: USD 460 (690<sup>13</sup>))</i>									

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.

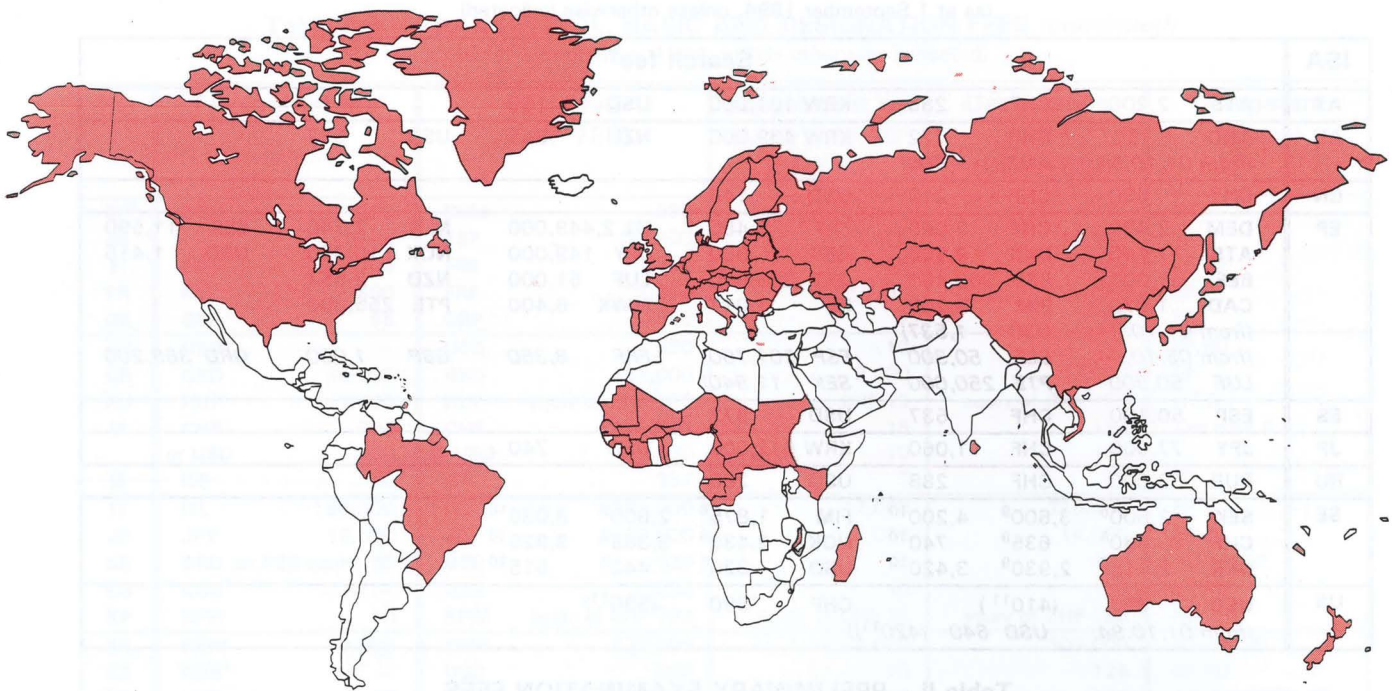
10 In all cases where 8 and 9 do not apply.

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 1 September 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**  
FI Finland  
HU Hungary  
LT Lithuania  
LV Latvia  
MD Republic of Moldova  
NO Norway  
PL Poland  
RO Romania  
RU Russian Federation  
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**  
MG Madagascar

### In Asia and the Pacific

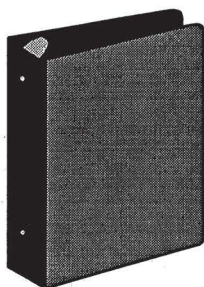
AM Armenia  
AU Australia  
CN China  
GE Georgia  
JP Japan  
KG Kyrgyzstan  
KP Democratic People's Republic of Korea  
KR Republic of Korea  
KZ Kazakhstan  
LK Sri Lanka  
MN Mongolia  
NZ New Zealand  
TJ Tajikistan  
UZ Uzbekistan  
VN Viet Nam

### **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.





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**C****Receiving Offices****C****US****UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)****US**

Competent receiving Office for nationals and residents of:	United States of America
Language in which international applications may be filed:	English
Number of copies required by the receiving Office:	1
Competent International Searching Authority:	United States Patent and Trademark Office or European Patent Office
Competent International Preliminary Examining Authority:	United States Patent and Trademark 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: US Dollar (USD)
Transmittal fee:	USD 210 *
Basic fee:	USD 530
Supplement per sheet over 30:	USD 10
Designation fee:	USD 128
Search fee:	See Annex D (United States Patent and Trademark Office or European Patent Office)
Fee for priority document (PCT Rule 17.1(b)):	USD 12
Is an agent required by the receiving Office?	No
Who can act as agent?	Patent attorneys and patent agents registered to practice before the USPTO. A list of registered patent attorneys and agents may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

\* Attention: this new amount is payable as from 1 October 1994

<b>D</b>	<b>International Searching Authorities</b>	<b>D</b>
<b>US</b>	<b>UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)</b>	<b>US</b>

Search fee (PCT Rule 16): <sup>1</sup>	US Dollar (USD) Swiss Franc (CHF)	640* (420)* 890 (590)
The amount in parentheses is payable when a corresponding prior US national application has been filed and the basic filing fee paid		
Additional search fee (PCT Rule 40.2): <sup>2</sup>	USD	180*
Fee for copies of documents cited in the international search report (PCT Rule 44.3): <sup>2</sup>	None; applicant receives, together with the international search report, a copy of each document cited therein	
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>	
Languages accepted for international search:	English	
Requirements concerning nucleotide and/or amino acid sequence listing:	A sequence listing must comply with WIPO Standard ST.23 (see PCT Gazette No. 20/1992, pages 8465 to 8485) and be presented in machine readable form as provided in Annex C of the PCT Administrative Instructions (see PCT Gazette No. 15/1992)	
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 US national applications	

\* **Attention: this new amount is payable as from 1 October 1994**

1. This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).

2. This fee is payable to the International Searching Authority and only in particular circumstances.

**E** **International Preliminary** **E**  
**Examining Authorities**  
**US** **UNITED STATES PATENT AND** **US**  
**TRADEMARK OFFICE (USPTO)**

Preliminary examination fee (PCT Rule 58): <sup>1</sup>	US Dollar (USD) (due on filing demand) The amount in parentheses is payable when the international search report was not established by the USPTO	460* (690) <sup>2*</sup>
Additional preliminary examination fee (PCT Rule 68.3): <sup>3</sup>	USD 140 (240) <sup>2*</sup> The amount in parentheses is payable when the international search report was not established by the USPTO	
Handling fee (PCT Rule 57.1): <sup>1</sup>	USD <sup>2</sup> 162 (due on filing demand)	
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	None; applicant receives, together with the international preliminary examination report, a copy of each additional document not cited in the international search report	
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1): <sup>3</sup>	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	
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 where the demand is considered as if it had not been submitted (PCT Rules 54.4(a), 57.4(c), 58.2(c) and 60.1(c)): refund of 100%  If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of the amount paid less a processing fee equivalent to the transmittal fee (see Annex C(US))	
Languages accepted for international preliminary examination:	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 US national applications	

\* **Attention: this new amount is payable as from 1 October 1994**

<sup>1</sup> This fee is payable to the International Preliminary Examining Authority.

<sup>2</sup> Current PCT related fees can be found in the Official Gazette of the United States Patent and Trademark Office.

<sup>3</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 490 Fee for priority claims, per claim: <sup>2</sup> CNY 80 Maintenance fee: <sup>3</sup> CNY 300 Examination fee: <sup>4</sup> CNY 1,200 For utility model: Application fee: <sup>2</sup> CNY 300 Fee for priority claims, per claim: <sup>2</sup> CNY 80
Exemptions, reductions or refunds of the national fee:	No application fee is payable if the international application has been filed with the Chinese Patent Office as receiving Office The examination fee is reduced to CNY 960 where an international search has been carried out by the Japanese Patent Office, the Swedish Patent Office or the European Patent 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 has been 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; where PCT Article 39(1) applies, it is due within 30 months from the priority date if that time limit expires later.
- 4 This fee is due within 3 years from the priority date.

**SUMMARY****Designated  
(or elected) Office****SUMMARY****CN****CHINESE PATENT OFFICE****CN**

[continued]

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Special requirements of the Office  
(PCT Rule 51<sup>bis</sup>):<sup>5</sup>

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

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

Instrument of assignment of the international application if the  
applicant has changed after the international filing date

Appointment of an agent

Translation must be furnished in two copies

Evidence concerning exceptions to lack of novelty if applicant  
claims such exceptions in respect of an international application

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Who can act as agent?

Any of the patent agencies designated by the Office. A list of  
patent agencies may be obtained from the Office.

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<sup>5</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.

## SUMMARY

Designated  
(or elected) Office

## SUMMARY

US

UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)

US

## 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>	English
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? <sup>2</sup>	A copy is required only if applicant has not received Form PCT/IB/308 and the USPTO has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2). No copy is required if the international application was filed with the USPTO as receiving Office. A copy of amendments of the claims filed under PCT Article 19 with the International Bureau is required under the conditions indicated in the previous paragraph.
National fee:	Currency: US Dollar (USD) Basic national fee (37 CFR 1.492(a)(1)-(5)): <sup>2</sup> - where an international preliminary examination fee has been paid on the international application to the USPTO: USD 660*(330) <sup>3*</sup> - where no international preliminary examination fee has been paid on the international application to the USPTO, but an international search fee has been paid for an international search by the USPTO: USD 730*(365) <sup>3*</sup> - where no international preliminary examination fee has been paid to and no international search report has been prepared by the USPTO: USD 980*(490) <sup>3*</sup>

\* **Attention: this new amount is payable as from 1 October 1994**

[continued on next page]

- 1 Must be furnished within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with in response to a notice sent to the applicant, provided that a processing fee is paid for furnishing the translation later.
- 2 Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).
- 3 The amount in parentheses is applicable in case of filing by a "small entity." In order to claim "small entity" status, a proper statement, signed by the "small entity", must be filed with the USPTO (see 37 CFR 1.9(f), 1.27 and PCT Applicant's Guide, Volume II, Annex US.V). Fees are subject to periodic change. Current PCT related fees can be found in the Official Gazette of the United States Patent and Trademark Office.

## SUMMARY

Designated  
(or elected) Office

## SUMMARY

US

UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)

US

[continued]

National fee [continued]:

Basic national fee (37 CFR 1.492(a)(1)-(5)) [continued]:

- where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office: USD 850\*(425)<sup>4\*</sup>
- where the international preliminary examination report prepared by the USPTO states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1) to (4) have been satisfied for all the claims presented in the application entering the national phase: USD 92\* (46)<sup>4\*</sup>
- Additional fee for each claim in independent form in excess of 3:<sup>5</sup> USD 76\* (38)<sup>4\*</sup>
- Additional fee for each claim, independent or dependent, in excess of 20:<sup>5</sup> USD 22 (11)<sup>4</sup>
- In addition, if the application contains a multiple dependent claim(s), per application:<sup>5</sup> USD 240\*(120)<sup>4\*</sup>
- Surcharge for filing oath or declaration after the expiration of the time limit applicable under PCT Article 22 or 39(1): USD 130 (65)<sup>4</sup>
- Processing fee for filing English language translation after the expiration of the time limit applicable under PCT Article 22 or 39(1): USD 130<sup>6</sup>

\* Attention: this new amount is payable as from 1 October 1994

Exemptions, reductions or refunds of the national fee:

Reductions of the national fees are indicated under the national fees listed above

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

Oath or declaration of the inventor<sup>7</sup>  
 Information disclosure statement is recommended<sup>8</sup>  
 Where applicable, a nucleotide and/or amino acid sequence listing and its machine readable form, as prescribed, including the required statement (see 37 CFR 1.821-1.825); a sequence listing complying with the requirements as stated in Annex D(US), Volume I, will also be acceptable

Who can act as agent?

Patent attorneys and patent agents registered to practice before the USPTO. A list of registered patent attorneys and agents may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

4 The amount in parentheses is applicable in case of filing by a "small entity." In order to claim "small entity" status, a proper statement, signed by the "small entity", must be filed with the USPTO (see 37 CFR 1.9(f), 1.27 and PCT Applicant's Guide, Volume II, Annex US.V). Current fees can be found in the Official Gazette of the United States Patent and Trademark Office.

5 If not paid with the basic national fee, the USPTO will invite the applicant to pay the fee within a time limit fixed in the invitation.

6 This fee is unaffected by small entity status.

7 Must be furnished within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with in response to a notice sent to the applicant, provided that a surcharge is paid for furnishing the oath or declaration later.

8 Should be filed within 3 months from performing the acts for entering the national phase.