

# PCT

PATENT  
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TREATY



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

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(41-22) 740 14 35

Internet:  
<http://www.wipo.int>

WIPO Publication  
No. 115 (E)

ISSN 1020-072 X

**1998 Subscriptions**  
CHF 60 or USD 50  
(airmail CHF 80 or  
USD 65)  
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# NEWSLETTER

May 1998

No. 05/1998

## AMENDMENTS OF THE REGULATIONS UNDER THE PCT AND CONSEQUENTIAL MODIFICATIONS OF OTHER PCT TEXTS

The text of the amendments of the Regulations under the PCT, adopted by the Assembly of the International Patent Cooperation Union (PCT Union) at its twenty-fourth (11th ordinary) session on 1 October 1997, is included as an insert in this issue and is followed by an outline of the more important amendments. The text which has been amended has been underlined.

Consolidated versions, in English and French, of the PCT Regulations, as in force from 1 July 1998, will be available in June from the Information Products Section at WIPO, in the form of the *Patent Cooperation Treaty and the Regulations under the PCT*. Arabic, German, Italian, Portuguese, Russian and Spanish versions will be published later.

The price of the publication is 18 Swiss francs by surface mail, 24 Swiss francs by airmail in Europe and 31 Swiss francs by airmail outside Europe. For residents of the United States of America, the price is 15 US dollars by surface mail and 26 US dollars by airmail. Orders, which should include the language which is required and WIPO Publication No. 274, should be sent to :

fax: (41-22) 740 18 12

e-mail:  
[publications.mail@wipo.int](mailto:publications.mail@wipo.int)

mailing address: see address,  
opposite

The consolidated version of the PCT Regulations, as in force from

1 July 1998, will also be available on WIPO's Internet site in July (see Internet address, opposite).

It is recalled that the majority of the changes deal with: the language in which international applications may be filed; priority claims and the furnishing of priority documents; the presentation of nucleotide and/or amino acid sequence listings; references to deposited biological material; the transmittal of a demand to the competent International Preliminary Examining

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<i>Inserts</i> : text of the amendments of the Regulations Under the PCT; brochure on the Bundesdruckerei CD-ROM containing information from the <i>PCT Gazette</i>	

[continued from cover page]

Authorities; the time limits for payment of certain fees and the introduction of a late payment fee for Chapter II fees; and additional cases in which international applications may be transmitted to the International Bureau as receiving Office.

As a consequence of the rule changes, corresponding modifications are being proposed by the International Bureau to the following texts and forms:

- (1) the *Administrative Instructions under the PCT*;
- (2) the request and demand forms, and many other forms relating, in particular, to the receiving Offices, the International Searching Authorities and the International Preliminary Examining Authorities;
- (3) the *PCT Receiving Office Guidelines*;
- (4) the *PCT Search Guidelines*; and
- (5) the *PCT Preliminary Examination Guidelines*.

#### PCT MATERIALS ON INTERNET

(<http://www.wipo.int>)

*PCT Gazette\**  
*PCT Newsletter* (Nos. 01/1997–05/1998)  
 PCT Information Line  
 Recent press releases/updates about the PCT\*  
 PCT seminar calendar\*

*Basic Facts about the PCT*

The PCT in 1997

About the Treaty

Text of the PCT

Text of the Regulations under the PCT

Status of ratifications\*

PCT Assembly documents (16 September–1 October 1997), including Report containing Rule changes

*PCT Applicant's Guide*

PCT request and demand forms

\*New or revised since last issue of the *PCT Newsletter*

#### PCT INFORMATION LINE

Telephone: (41–22) 338 83 38  
 Fax: (41–22) 338 83 39  
 E-mail: [pct.infoline@wipo.int](mailto:pct.infoline@wipo.int)

The proposals for the changes to the texts/forms indicated above have been submitted to the PCT receiving Offices, International Searching Authorities, International Preliminary Examining Authorities and/or designated Offices, for the purposes of the consultation generally provided for under PCT Rule 89. Modified texts/forms will then be promulgated by the Director General of WIPO. Corresponding changes will be reflected in the July 1998 update of the *PCT Applicant's Guide*.

#### PCT INFORMATION UPDATE

##### BY Belarus (telephone and fax numbers)

The telephone and fax numbers of the Belarus Patent Office have changed, as follows:

telephone: (375–172) 84 20 53  
 fax: (375–172) 84 11 30  
 (375–172) 84 06 68

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (BY))

##### CA Canada (telephone number and Internet address)

The telephone number and Internet address of the Canadian Patent Office have changed, as follows:

telephone: (1–819) 953 97 12  
 (PCT Office)

Internet: <http://cipo.gc.ca>

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (CA))

##### CH Switzerland (e-mail and Internet addresses)

The e-mail and Internet addresses of the Swiss Federal Intellectual Property Institute have changed, as follows:

e-mail: [spedition@ipi.ch](mailto:spedition@ipi.ch)

Internet:

<http://www.ipi.ch>  
<http://www.patent-info.com>  
<http://www.patent-info.org>  
<http://www.patent-info.net>  
<http://www.intellectual-property.net>

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (CH))

**CN China (name of Office)**

The name of the Chinese Patent Office has changed, as follows:

name of Office:

State Intellectual Property Office of the People's Republic of China

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (CN))

**CZ Czech Republic (e-mail address)**

The e-mail address of the Industrial Property Office of the Czech Republic has changed, as follows:

e-mail: posta@upv.cz

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (CZ))

**EE Estonia (fees)**

The amounts of the following fees, payable to the Estonian Patent Office as receiving Office, have changed:

transmittal fee: see Table I(a)

fee for priority document: EEK 250

The amounts of the following national fees, payable to that Office as designated and elected Office, have changed:

*for patent:*

basic fee: EEK 3,500

claim fee for each claim in excess of 10: [no change]

additional fee for late furnishing of translation or copy: EEK 700

annual fee for the first three years: EEK 1,800

*for utility model:*

filing fee: EEK 2,000

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (EE), and Vol. II/A, National Chapter, Summary (EE))

**ES Spain (telephone and fax numbers; Internet address)**

The telephone and fax numbers of the Spanish Patent and Trademark Office have changed, and an Internet address has been introduced, as follows:

telephone: (34-91) 349 53 00

fax: (34-91) 457 22 80  
(34-91) 349 53 04

Internet: <http://www.oepm.es>

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (ES))

**IE Ireland (e-mail address)**

The Irish Patents Office now has an e-mail address, as follows:

e-mail: patlib@entemp.irl.gov.ie

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (IE))

**IL Israel (telephone numbers)**

The telephone numbers of the Israel Patent Office have changed, as follows:

telephone: (972-2) 531 67 83  
(972-2) 531 85 50  
(972-2) 531 85 51

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (IL))

**SG Singapore (fax numbers)**

The Registry of Patents of Singapore now has an additional fax number, as follows:

fax: (65) 33 90 252 (general)  
(65) 33 99 230 (patents)

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (SG))

**YU Yugoslavia (fees)**

The amounts of the following fees, payable to the Federal Intellectual Property Office of Yugoslavia as receiving Office, have changed:

transmittal fee: see Table I(a)

fee for priority document: YUD 110

The amounts of the following national fees, payable to that Office as designated and elected Office, have changed:

*for patent:*

filing fee: YUD 220

claim fee for each claim in excess of 10: YUD 45

additional fee for late entry into the national phase: YUD 110

examination fee: YUD 1,320

publication fee: [unchanged]

annual fee for the first  
three years: YUD 220

*for petty patent:*

filing fee: YUD 180

additional fee for late  
entry into the national  
phase: YUD 90

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (YU), and Vol. II/C, National Chapter, Summary (YU))

#### **NOTE ABOUT JANUARY 1998 UPDATE OF THE PCT APPLICANT'S GUIDE**

The January 1998 set of update sheets for the *PCT Applicant's Guide* contained, *inter alia*, two yellow separation sheets for the national chapters of Indonesia (ID) and Zimbabwe (ZW) in Vols. II/B and II/C, respectively. Unfortunately, due to the way in which those sheets were packaged, some subscribers may have inadvertently thrown them away.

The two separation sheets concerned will be reissued with the July 1998 set of update sheets.

#### **PARIS CONVENTION ACCESSION**

##### **Mozambique (country code: MZ)**

On 9 April 1998, Mozambique deposited its instrument of accession to the Paris Convention for the Protection of Industrial Property. Mozambique will become bound by that Convention on 9 July 1998.

#### **PCT WHEEL—SPARE COPIES AVAILABLE**

There is still some stock remaining of the PCT Wheels which were inserted in *PCT Newsletter* No. 12/1996, covering priority dates from January 1996 to December 1997. The PCT Wheel, which was created by patent attorneys Davies Collison Cave in Melbourne, Australia, enables PCT users to quickly calculate the 18-month due date for international publication, as well as the time limits for submitting priority documents, filing a demand for international preliminary examination, and entering the national or regional phase under PCT Chapters I and II.

More Wheels are available on request, while stocks last, free of charge, from the Information Products Section at WIPO (see cover

page article on amendments for fax number and e-mail and mailing addresses).

#### **PRACTICAL ADVICE**

##### ***Death of the applicant/inventor during the international phase***

*Q: I have been acting as agent for a client who filed an international application, designating, amongst other States, the United States of America. My client, who was the sole applicant/inventor in the application, died recently. How should I proceed if her widower, who is her sole heir and unrestricted legal representative, wishes to proceed with the application?*

*A:* Since the deceased applicant was also the inventor, and the United States of America—which requires that the applicant be the inventor—is designated, the legal representative or the heir of the deceased applicant/inventor (that is, in this case, her widower) must be named as applicant for the purposes of the designation of the United States of America. A request under PCT Rule 92*bis*.1 should be made for the recording of a change in the person of the applicant, giving the following information: the widower's name, followed by an indication that he is the legal representative or heir of his deceased wife, for instance: "SMITH, John, legal representative of SMITH, Jane (deceased)," or "SMITH, John, heir of SMITH, Jane (deceased)," his residence, nationality and address, an indication that he is to be applicant for all designated States, and any other information normally included in Box No. II of the request form.

The name of the deceased applicant/inventor must remain in the request form, followed by an indication that she is deceased, for instance: "SMITH, Jane (deceased)," and the check box "inventor only" will be marked. No further indications are required concerning the inventor.

Note that if a demand for international preliminary examination has not already been filed, and the widower of the applicant/inventor is neither a resident nor a national of a PCT Contracting State which is bound by Chapter II, then, according to PCT Article 31(2)(a), he is not entitled to file a demand, even if his wife was so entitled.

If the widower of the applicant/inventor assigns his rights to the invention to a third party, what is said in the preceding paragraph would also apply to the assignee if that assignee decided to proceed with the application.

If you are to remain the agent for the international application, a new power of attorney signed by the legal representative/heir (or by the assignee) will be required.

Note that, although documentary evidence proving the right to the application is not required during the international phase, it may be required by any designated Office for the purposes of the national phase of processing.

For further details on how to proceed if the applicant or inventor dies, see *PCT Applicant's Guide*, Vol. I/A, paras. 356 to 359.

### TIME LIMITS FOR ENTERING THE NATIONAL PHASE

On page 7, an updated version of a table published in *PCT Newsletter* No. 05/1997, indicates, for each designated/elected Office, the time limits for entering the national (or regional) phase under Chapter I of the PCT (that is, where the Contracting State concerned has been designated but has not been elected under Chapter II of the PCT within 19 months from the priority date) and under Chapter II (that is, where the Contracting State concerned has been so elected within 19 months from the priority date).

The following States, which have become party to the PCT since the table was last published, are now included in the table: CY Cyprus (under EP), GM Gambia, GW Guinea-Bissau, HR Croatia and ID Indonesia.

<b>PCT SEMINAR CALENDAR</b>			
<b>Dates and Location</b>	<b>Language of seminar</b>	<b>Nature of seminar WIPO speakers (and others where known)</b>	<b>Organizer and contact numbers</b>
<b>15 May 1998 London (GB)</b>	English	Update on the PCT system for patent attorneys WIPO speaker: Mr. Bryan	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 53 64 24 E-mail: management_forum@psilink.co.uk
<b>25 May 1998 Stockholm (SE)</b>	English	PCT presentation in the framework of a course entitled "The Patent Cooperation Treaty and the European Patent Convention" WIPO speaker: Mr. Matthes	Swedish Patent and Registration Office (Mr. Bo Hallgren) Tel: (46-8) 782 25 00 Fax: (46-8) 783 01 63 E-mail: bo.hallgren@prv.se
<b>27-28 May 1998 (originally scheduled for 6-7 May 1998) Munich (DE)</b>	German	Basic PCT seminar for patent administrators WIPO speakers: Mr. Wolff and Mrs. Coeckelbergs	Forum Institut für Management GmbH Tel: (49-6221) 50 05 00 Fax: (49-6221) 50 05 55 E-mail: Management@Forum-Institut.de
<b>29 May 1998 (originally scheduled for 8 May 1998) Munich (DE)</b>	German	Basic PCT seminar for patent attorneys WIPO speakers: Mr. Wolff and Mrs. Coeckelbergs	Forum Institut für Management GmbH Tel: (49-6221) 50 05 00 Fax: (49-6221) 50 05 55 E-mail: Management@Forum-Institut.de
<b>4 June 1998 Paris (FR)</b>	French	Basic PCT seminar for patent administrators WIPO speaker: Mrs. Coeckelbergs	Institut national de la propriété industrielle (INPI) (Mrs. Christiane Sadrin) Tel: (33) 1 53 04 55 76 or (Mr. Jean-Pierre Cardon) Tel: (33) 1 53 04 52 70 Fax: (33) 1 42 93 63 52

[continued on next page]



<b>PCT SEMINAR CALENDAR [continued]</b>			
<b>Dates and Location</b>	<b>Language of seminar</b>	<b>Nature of seminar WIPO speakers (and others where known)</b>	<b>Organizer and contact numbers</b>
<b>10–11 June 1998 Buenos Aires (Argentina)</b>	Spanish	WIPO/OEPM/INPI Regional Seminar on the PCT for Latin American Countries WIPO speakers: Mr. Rubio and Mr. Toledo	Instituto Nacional de la Propiedad Industrial (Argentina), Relaciones Internacionales Tel: (54–1) 349 37 35 Fax: (54–1) 349 35 56
<b>16–17 June 1998 La Paz (Bolivia)</b>	Spanish	WIPO National Seminar on the PCT WIPO speakers: Mr. Graça Aranha and Mr. Toledo Other speaker: Mr. Gómez Maqueo (Gómez Maqueo y Asociados)	Oficina Nacional de Propiedad Industrial (Mrs. Keiko Shimojyo Osaki) Tel: (591–2) 37 20 46 Fax: (591–2) 37 20 47
<b>22–24 June 1998 Williamsburg, Virginia (US)</b>	English	Basic PCT seminar for patent attorneys	American Bar Association, Section of Intellectual Property Law (Ms. Kelly Siske) Tel: (1–312) 988 62 38 Fax: (1–312) 988 56 28 E-mail: intelprop@abanet.org
<b>25–26 June 1998 Prien am Chiemsee (DE)</b>	German	Basic PCT seminar for patent administrators <i>(previously indicated as an advanced PCT seminar)</i>	Forum Institut für Management GmbH Tel: (49–6221) 50 05 00 Fax: (49–6221) 50 05 55 E-mail: Management@Forum-Institut.de
<b>20–23 July 1998 Harare (ZW)</b>	English	Regional seminar on the PCT for ARIPO Member and Potential Member States	African Regional Industrial Property Organization (ARIPO) Tel: (263–4) 79 43 38 Fax: (263–4) 70 40 25
<b>3–4 August 1998 Costa Mesa, California (US)</b>	English	PCT seminar for patent attorneys	Orange County Patent Law Association (Mr. Stefan Kirchanski) Tel: (1–714) 751 88 00 Fax: (1–714) 751 88 08 E-Mail: skirchanski@gj.com
<b>6–7 August 1998 San Francisco (US)</b>	English	Advanced PCT seminar for patent attorneys	Intellectual Property International (Ms. Virginia H. Meyer) Tel: (1–415) 289 74 71 Fax: (1–415) 331 60 68 E-mail: VHMeyerEsq@aol.com
<b>10–12 (a.m.) August 1998 Washington, D.C. (US)</b>	English	PCT seminar for patent attorneys “Basic Patent Cooperation Treaty Practice”	Patent Resources Group, Inc. Tel: (1–804) 296 39 00 Fax: (1–804) 296 39 99
<b>12 (p.m.) –14 August 1998 Washington, D.C. (US)</b>	English	PCT seminar for patent attorneys “Advanced Patent Cooperation Treaty Practice”	Patent Resources Group, Inc. Tel: (1–804) 296 39 00 Fax: (1–804) 296 39 99
<b>14–16 October 1998 Palm Springs, California (US)</b>	English	PCT seminar for patent attorneys “Basic Patent Cooperation Treaty Practice”	Patent Resources Group, Inc. Tel: (1–804) 296 39 00 Fax: (1–804) 296 39 99
<b>19–21 October 1998 Palm Springs, California (US)</b>	English	PCT seminar for patent attorneys “Advanced Patent Cooperation Treaty Practice”	Patent Resources Group, Inc. Tel: (1–804) 296 39 00 Fax: (1–804) 296 39 99

TIME LIMITS FOR ENTERING NATIONAL/REGIONAL PHASE UNDER PCT CHAPTERS I AND II (in months from priority date, or from international filing date if there is no priority claim) (situation as at 1 May 1998)								
DO/EO <sup>1</sup>	Chapter I	Chapter II	DO/EO <sup>1</sup>	Chapter I	Chapter II	DO/EO <sup>1</sup>	Chapter I	Chapter II
<b>Regional Offices</b>			<b>National Offices [continued]</b>			<b>National Offices [continued]</b>		
AP	21	31	GE	21	31	MW <sup>7</sup>	20	30
EA	21	31	GH <sup>7</sup>	20	30	MX	20	30
EP <sup>2</sup>	21	31	GM <sup>7</sup>	20	30	NO	20	30
OA	20	30	GW	20	30	NZ	21	31
<b>National Offices</b>			HR <sup>8</sup>	20	30	PL	20	30
AL	21	31	HU	21	30	PT <sup>4</sup>	20	30
AM <sup>3</sup>	21	31	ID	21	31	RO	20	30
AT <sup>4</sup>	20	30	IL	20	30	RU <sup>3</sup>	21	31
AU	21	31	IS	20	30	SD <sup>7</sup>	20	30
AZ <sup>3</sup>	21	31	JP	20	30	SE <sup>4</sup>	20	30
BA	21	31	KE <sup>7</sup>	20	30	SG	20	30
BB	20	30	KG <sup>3</sup>	21	31	SI	21	31
BG	21	31	KP	20	30	SK	21	30
BR	20	30	KR	20	30	SL	20	30
BY <sup>3</sup>	21	31	KZ <sup>3</sup>	21	31	TJ <sup>3</sup>	21	31
CA	20 (32 <sup>5</sup> )	30 (42 <sup>5</sup> )	LC	20	30	TM <sup>3</sup>	21	31
CH+LI <sup>4</sup>	20	30	LK	20	30	TR	20	30
CN	20	30	LR	21	31	TT	21	31
CU	20	30	LS <sup>7</sup>	21	31	UA	21	31
CZ	21	30	LT	21	31	UG <sup>7</sup>	21	31
DE <sup>4</sup>	20	30	LU <sup>4</sup>	20	30	US	20	30
DK <sup>4</sup>	20	30	LV	21	31	UZ	21	31
EE	20	30	MD <sup>3</sup>	21	31	VN	21	31
ES <sup>4</sup>	20	30 <sup>6</sup>	MG	20	30	YU	20 (21 <sup>5</sup> )	30 (31 <sup>5</sup> )
FI <sup>4</sup>	20	30	MK	21	31	ZW <sup>7</sup>	21	31
GB <sup>4</sup>	20	30	MN	21	31			

1. The Offices of the PCT Contracting States which follow are not DOs/EOs. The DO/EO applicable for each of those States is shown in parentheses: BE (EP), BF (OA), BJ (OA), CF (OA), CG (OA), CI (OA), CM (OA), CY (EP), FR (EP), GA (OA), GN (OA), GR (EP), IE (EP), IT (EP), LI (CH), MC (EP), ML (OA), MR (OA), NE (OA), NL (EP), SN (OA), SZ (AP), TD (OA), TG (OA).
2. As far as the designation of ES for a European patent is concerned: in any international application for which the time limit of 19 months from the priority date expired before 6 September 1997 (the date on which ES became bound by Chapter II), the time limit for entry into the European regional phase in respect of ES is 31 months from the priority date, provided that at least one other State party to the European Patent Convention (EPC) and bound by Chapter II has been (i) designated for the purposes of obtaining a European patent and (ii) elected for that purpose before the expiration of 19 months from the priority date. (See also footnote 6.)
3. If designated/elected for a Eurasian patent, see EA as DO/EO for the applicable time limits.
4. If designated/elected for a European patent, see EP as DO/EO for the applicable time limits.
5. Time limit applicable if applicant pays the additional fee for late entry into the national phase.
6. Time limit applicable if ES was elected for a national patent on or after 6 September 1997 (the date on which ES became bound by Chapter II) and before the expiration of 19 months from the priority date.
7. If designated/elected for an ARIPO patent, see AP as DO/EO for the applicable time limits.
8. Will become bound by the PCT on 1 July 1998.

### PCT FEE TABLES

The following Tables show the amounts (including currencies—see the key to currency abbreviations following Table II) of 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 (Tables I(a) and I(b)) and under Chapter II (Table II). Fees which are payable only in particular circumstances are not shown; nor are details of certain reductions and refunds which may be available; such information can be found in the *PCT Applicant's Guide*, Vol. I/B, Annexes C, D and E. Note that all amounts are subject to change due to variations in the fees themselves or fluctuations in exchange rates. A 75% reduction in the basic fee, the supplement per sheet over 30, the designation and confirmation fees and the handling fee, as well as the transmittal fee payable to the International Bureau as receiving Office, is available to applicants from certain States; see footnote 2 for details. Footnotes to all Fee Tables follow Table II.

**Table I(a) — TRANSMITTAL, BASIC AND DESIGNATION FEES**  
(as at 1 May 1998, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	Basic fee <sup>1,2</sup> (CHF 650)	Supplement per sheet over 30 <sup>1,2</sup> (CHF 15)	Designation fee <sup>1,2,3</sup> (CHF 150)	Competent ISA(s) <sup>4</sup>
AL	ALL 9,000	CHF 650	15	150	EP
AM	AMD 32,000	USD 455	10	105	EP RU
AP	USD 70 (or equiv in local currency)	USD 455	10	105	AT EP SE
AT	ATS 700	ATS 5,600	130	1,300	EP
AU	AUD 100	AUD 640	14	150	AU
AZ	AZM <sup>5</sup> —	USD 455	10	105	EP RU
BA	DEM 50	DEM 800	19	184	EP
BE	BEF 1,500	BEF 16,500	380	3,800	EP
BG	BGL 60,000	BGL equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	EP RU
BR	BRR 236	BRR equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	AT EP SE US
BY	BYR equiv of USD 70	USD 455	10	105	EP RU
CA	CAD 200	CAD 632	15	146	EP
CH	CHF 100	CHF 650	15	150	EP
CN	CNY 500	CNY equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	CN
CU	USD (or CUP equiv) 200	USD (or CUP equiv) 455	10	105	AT EP ES RU
CZ	CZK 1,500	CZK equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	EP
DE	DEM 150	DEM 800	19	184	EP
DK	DKK 1,500	DKK 3,050	70	710	EP SE
EA	RUR equiv of USD 100	USD 455	10	105	EP RU
EE	EEK 1,800	EEK equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	EP
EP <sup>6</sup>	DEM 200	DEM 800	19	184	EP
ES	ESP 10,040	ESP 68,000	1,600	16,000	EP ES
FI	FIM 800	FIM 2,400	55	550	EP SE
FR	FRF 400	FRF 2,690	60	620	EP
GB	GBP 55	GBP 285	6	65	EP

[continued on next page]



**Table I(a) — TRANSMITTAL, BASIC AND DESIGNATION FEES [continued]**  
(as at 1 May 1998, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	Basic fee <sup>1,2</sup> (CHF 650)	Supplement per sheet over 30 <sup>1,2</sup> (CHF 15)	Designation fee <sup>1,2,3</sup> (CHF 150)	Competent ISA(s) <sup>4</sup>
GE	GEL <sup>5</sup> —	USD 455	10	105	EP RU
GH	GHC <sup>7</sup> 2,500 or 5,000	USD 455	10	105	AT AU CN EP SE
GR	GRD 39,500	GRD 127,000	3,000	30,000	EP
HU	HUF <sup>8</sup> 10,000	HUF equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	EP RU
IB	CHF <sup>2</sup> 300 or USD <sup>2</sup> 200	CHF 650 or USD 455	15 10	150 105	See footnote <sup>9</sup>
ID	IDR 300,000	IDR equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	AU EP RU
IE	IEP 60	IEP 300	7	70	EP
IL	ILS 399	USD 455	10	105	EP US
IS	ISK 5,500	ISK 32,000	700	7,400	EP SE
IT	ITL 60,000	ITL 783,000	18,000	181,000	EP
JP	JPY 18,000	JPY 55,000	1,300	12,700	EP JP
KE	USD (or KES equiv) 30	USD 455	10	105	AT AU CN EP SE
KG	KGS equiv of USD 60	USD 455	10	105	EP RU
KP	KPW equiv of CHF 50	KPW equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	AT RU
KR	KRW 45,000	KRW equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	AT AU JP
KZ	KZT <sup>5</sup> —	USD 455	10	105	EP RU
LR	USD 45	USD 455	10	105	AT AU CN EP SE
LS	LSM <sup>5</sup> —	LSM equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	AT EP
LT	LTL equiv of USD 80	USD 455	10	105	EP RU
LU	LUF/BEF 800	LUF/BEF 16,500	380	3,800	EP
LV	LVL 40	USD 455	10	105	EP RU
MC	FRF 300	FRF 2,690	60	620	EP
MD	MDL <sup>5</sup> 180	USD 455	10	105	EP RU
MK	MKD 2,750	MKD equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	EP
MN	None	CHF 650	15	150	EP RU
MW	MWK 8	MWK 10,000	230	2,310	EP
MX	MXP <sup>2</sup> equiv of USD 200	MXP equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	EP ES SE US
NL	NLG 110	NLG 900	21	208	EP
NO	NOK 500	NOK 3,300	75	770	EP SE
NZ	NZD 155	NZD 720	16	165	AU EP US

[continued on next page]

**Table I(a) — TRANSMITTAL, BASIC AND DESIGNATION FEES [continued]**  
(as at 1 May 1998, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	Basic fee <sup>1,2</sup> (CHF 650)	Supplement per sheet over 30 <sup>1,2</sup> (CHF 15)	Designation fee <sup>1,2,3</sup> (CHF 150)	Competent ISA(s) <sup>4</sup>
PL	PLZ 240	PLZ equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	EP
PT	PTE 3,600	PTE 82,000	1,900	19,000	EP
RO	ROL 10,000	CHF 650	15	150	AT EP RU
RU	RUR 294,000	USD 455	10	105	EP RU
SD	SDP 50	SDP equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	EP
SE	SEK 1,000	SEK 3,500	80	800	EP SE
SG	SGD 135	SGD 690	16	160	AT AU EP
SI	SIT <i>See footnote 10</i>	SIT equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	EP
SK	SKK 1,600	SKK equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	EP
TJ	TJR <sup>5</sup> —	USD 455	10	105	EP RU
TM	USD <sup>5</sup> —	USD 455	10	105	EP RU
TR	CHF 100	CHF 650	15	150	AT AU CN EP RU
TT	TTD 750	USD 455	10	105	AT EP SE US
UA	UAH 255	USD 455	10	105	EP RU
US	USD 240	USD 455	10	105	EP US
UZ	USD <sup>5</sup> —	USD 455	10	105	EP RU
VN	VND equiv of USD 150	VND equiv of CHF 650	equiv of CHF 15	equiv of CHF 150	AT AU EP RU SE
YU	YUD 220	CHF 650	15	150	EP
ZW	ZWD 550	ZWD equiv of USD 455	equiv of USD 10	equiv of USD 105	AT AU EP RU

**Table I(b) — SEARCH FEES**  
(as at 1 May 1998, unless otherwise indicated)

ISA	Search fee <sup>1</sup>											
AT	ATS	2,200	CHF	250	SGD	287	USD	180				
AU	AUD	800	CHF	820	NZD	910	SGD	875	USD	570		
CN	CNY	800	CHF	140	USD	100						
EP <sup>11</sup>	DEM	2,200	CYP	671	FRF	7,590	ISK	87,300	MWK	27,000	PTE	227,800
	ATS	15,710	DKK	8,640	GBP	780	ITL	2,222,000	NLG	2,510	SEK	9,950
	BEF	46,100	ESP	189,700	GRD	358,300	JPY	152,000	NOK	9,200	SGD	1,890
	CAD	1,740	FIM	6,770	IEP	846	LUF	46,100	NZD	1,980	USD	1,250
	CHF	1,850										
ES	ESP	76,520	CHF	724	USD	494						
JP	JPY	77,000	CHF	910	USD	640						
RU <sup>12</sup>	USD	300	CHF	430								
SE	SEK	6,200 <sup>13</sup>	6,800 <sup>14</sup>		FIM	4,200 <sup>13</sup>	4,600 <sup>14</sup>		USD	815 <sup>13</sup>	895 <sup>14</sup>	
	CHF	1,180 <sup>13</sup>	1,290 <sup>14</sup>		ISK	58,500 <sup>13</sup>	64,000 <sup>14</sup>					
	DKK	5,300 <sup>13</sup>	5,800 <sup>14</sup>		NOK	5,750 <sup>13</sup>	6,300 <sup>14</sup>					
US	USD	700	450 <sup>15</sup>		CHF	1,000	640 <sup>15</sup>		NZD	1,207	776 <sup>15</sup>	

**Table II — PRELIMINARY EXAMINATION FEES**

(as at 1 May 1998, unless otherwise indicated)

<b>IPEA</b>	<b>Preliminary examination fee<sup>16</sup></b>			<b>Handling fee<sup>2,16</sup> (CHF 233)</b>			
<b>AT</b>	<b>ATS</b>	2,200		<b>ATS</b>	2,020		
<b>AU</b>	<b>AUD</b>	450		<b>AUD</b>	230		
<b>CN</b>	<b>CNY</b>	800		<b>CNY equiv of CHF 233</b>			
<b>EP<sup>11</sup></b>	<b>DEM</b>	3,000	<b>ESP</b> 258,600	<b>ITL</b> 3,030,000	<b>DEM</b> 285	<b>FIM</b> 860	<b>ITL</b> 281,000
	<b>ATS</b>	21,430	<b>FIM</b> 9,230	<b>LUF</b> 62,900	<b>ATS</b> 2,020	<b>FRF</b> 960	<b>LUF</b> 5,900
	<b>BEF</b>	62,900	<b>FRF</b> 10,340	<b>NLG</b> 3,430	<b>BEF</b> 5,900	<b>GBP</b> 100	<b>NLG</b> 320
	<b>CHF</b>	2,520	<b>GBP</b> 1,064	<b>PTE</b> 310,600	<b>CHF</b> 233	<b>GRD</b> 46,000	<b>PTE</b> 29,000
	<b>CYP</b>	915	<b>GRD</b> 488,600	<b>SEK</b> 13,570	<b>DKK</b> 1,000	<b>IEP</b> 110	<b>SEK</b> 1,250
	<b>DKK</b>	11,790	<b>IEP</b> 1,154		<b>ESP</b> 25,000		
<b>JP</b>	<b>JPY</b>	28,000		<b>JPY</b>	19,700		
<b>RU<sup>12</sup></b>	<b>USD</b>	200 <sup>17</sup>	300 <sup>18</sup>	<b>USD</b>	162		
<b>SE</b>	<b>SEK</b>	4,200		<b>SEK</b>	1,250		
<b>US</b>	<b>USD</b>	490	750 <sup>19</sup>	<b>USD</b>	162		

**Key to currency abbreviations for all fee tables:**

ALL	Albanian lek	CYP	Cypriot pound	IDR	Indonesian rupiah	LUF	Luxembourg franc	SDP	Sudanese pound
AMD	Armenian dram	CZK	Czech koruna	IEP	Irish pound	LVL	Latvian lat	SEK	Swedish krona
ATS	Austrian schilling	DEM	Deutsche mark	ILS	New Israel shekel	MDL	Moldovan leu	SGD	Singapore dollar
AUD	Australian dollar	DKK	Danish krone	ISK	Icelandic krona	MKD	Macedonian denar	SIT	Slovenian tolar
AZM	Azerbaijani manat	EEK	Estonian kroon	ITL	Italian lira	MWK	Malawian kwacha	SKK	Slovak koruna
BEF	Belgian franc	ESP	Spanish peseta	JPY	Japanese yen	MXP	Mexican peso	TJR	Tajik rouble
BGL	Bulgarian lev	FIM	Finnish markka	KES	Kenyan shilling	NLG	Netherlands guilder	TTD	Trinidad and Tobago dollar
BRR	Brazilian real	FRF	French franc	KGS	Kyrgyz som	NOK	Norwegian krone	UAH	Ukrainian hryvnia
BYR	Belarussian rouble	GBP	Pound sterling	KPW	KP won	NZD	New Zealand dollar	USD	US dollar
CAD	Canadian dollar	GEL	Georgian lari	KRW	KR won	PLZ	Polish zloty	VND	Vietnamese dong
CHF	Swiss franc	GHC	Ghanaian cedi	KZT	Kazakh tenge	PTE	Portuguese escudo	YUD	Yugoslav dinar
CNY	Yuan renminbi	GRD	Greek drachma	LSM	Lesotho loti	ROL	Romanian leu	ZWD	Zimbabwe dollar
CUP	Cuban convertible peso	HUF	Hungarian forint	LTL	Lithuanian litas	RUR	Russian rouble		

**Footnotes for all fee tables:**

<sup>1</sup> Payable to the receiving Office in the currency or one of the currencies prescribed by it.

<sup>2</sup> This fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person and is a national of and resides in Albania, Armenia, Azerbaijan, Belarus, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Chad, China, Congo, Côte d'Ivoire, Croatia (from 1 July 1998), Cuba, Czech Republic, Democratic People's Republic of Korea, Estonia, Gabon, Gambia, Georgia, Ghana, Guinea, Guinea-Bissau, Hungary, Indonesia, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liberia, Lithuania, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Niger, Poland, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Senegal, Sierra Leone, Slovakia, Sri Lanka, Sudan, Swaziland, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Turkey, Turkmenistan, Uganda, Ukraine, Uzbekistan, Viet Nam, Yugoslavia or Zimbabwe. For further details, see *PCT Newsletter* No. 10/1995, cover page, No. 11/1995, page 6, and No. 05/1996, cover page.

<sup>3</sup> The confirmation fee payable under PCT Rules 4.9(c) and 15.5 is 50% of the designation fee.

<sup>4</sup> For the search fee payable to the receiving Office, consult the entry in Table I(b) for the competent International Searching Authority.

<sup>5</sup> The amounts are not yet known or, where known, are subject to periodical revision. The Office or the agent should be consulted for the latest applicable schedule of fees.

<sup>6</sup> The amounts of the transmittal fee in currencies other than DEM are as follows: ATS 1,430, BEF/LUF 4,200, CHF 170, CYP 61, DKK 790, ESP 17,200, FIM 620, FRF 690, GBP 71, GRD 32,600, IEP 77, ITL 202,000, NLG 230, PTE 20,700, SEK 900. The amounts in those currencies of the basic fee, supplement per sheet over 30 and designation fee are the same as those indicated for the receiving Offices of the respective States, that is RO/AT, BE, CH, etc.

<sup>7</sup> The first amount of the transmittal fee is applicable to individuals or entities employing less than 25 persons. The second amount is applicable to entities employing 25 persons or more.

<sup>8</sup> A supplement of HUF 500 is also payable for each claim in excess of 10.

<sup>9</sup> 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. See also *PCT Applicant's Guide*, Vol. I/B, Annex C (IB).

<sup>10</sup> 5% of the total value of the basic fee, supplement per sheet over 30, designation fee and search fee.

<sup>11</sup> Nationals (natural or legal persons) of States which fulfill the requirements for the corresponding reduction of certain PCT fees as specified in the Schedule of Fees annexed to the PCT Regulations (see also footnote 2) may be eligible for reductions in the search and preliminary examination fees. For details, including the amount of the fee reduction, the countries concerned and applicable conditions, see *PCT Applicant's Guide*, Vol. I/B, Annexes D (EP) and E (EP).

<sup>12</sup> The applicant may, instead of paying the USD amount, pay the equivalent amount in RUR at the exchange rate applicable on the date of payment at the Central Bank of the Russian Federation, provided that, in the case of the search fee, the receiving Office accepts payment in RUR.

<sup>13</sup> If, on an earlier application, the priority of which is claimed, a search report has been issued by the Swedish Patent Office, the Danish Patent Office, the National Board of Patents and Registration (Finland), the Norwegian Patent Office or the Icelandic Patent Office.

<sup>14</sup> In all cases where footnote 13 does not apply.

<sup>15</sup> Payable when a corresponding prior US national application has been filed and the basic national fee for that US application has been paid.

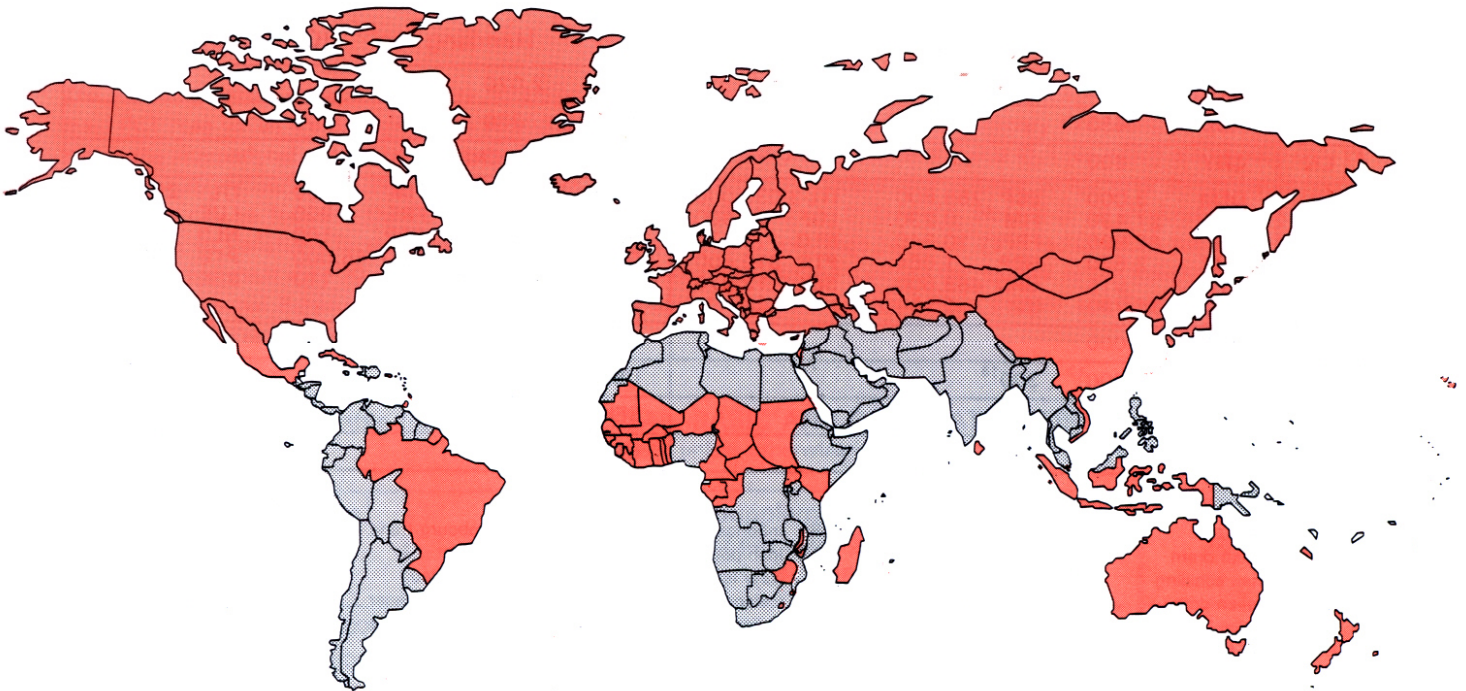
<sup>16</sup> Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.

<sup>17</sup> Payable when the international search report was established by the Russian Patent Office.

<sup>18</sup> In all cases where footnote 17 does not apply.

<sup>19</sup> Payable when the international search was not carried out by the United States Patent and Trademark Office (USPTO) (provided that the USPTO is a competent International Preliminary Examining Authority in the particular case—see *PCT Applicant's Guide*, Vol. I/B, Annex C.)

## PCT CONTRACTING STATES AND TWO-LETTER CODES (96 on 1 May 1998)



AL Albania <sup>1</sup>	CN China	IE Ireland (EP) <sup>2</sup>	MD Republic of Moldova (EA)	SG Singapore
AM Armenia (EA)	CU Cuba	IL Israel	MG Madagascar	SI Slovenia <sup>1</sup>
AT Austria (EP)	<b>CY Cyprus</b> (EP) <sup>2</sup>	IS Iceland	MK The former Yugoslav Republic of Macedonia <sup>1</sup>	SK Slovakia
AU Australia	CZ Czech Republic	IT Italy (EP) <sup>2</sup>	ML Mali (OA) <sup>2</sup>	SL Sierra Leone
AZ Azerbaijan (EA)	DE Germany (EP)	JP Japan	MN Mongolia	SN Senegal (OA) <sup>2</sup>
BA Bosnia and Herzegovina	DK Denmark (EP)	KE Kenya (AP)	MR Mauritania (OA) <sup>2</sup>	SZ Swaziland (AP) <sup>2</sup>
BB Barbados	EE Estonia	KG Kyrgyzstan (EA)	MW Malawi (AP)	TD Chad (OA) <sup>2</sup>
BE Belgium (EP) <sup>2</sup>	ES Spain (EP)	KP Democratic People's Republic of Korea	MX Mexico	TG Togo (OA) <sup>2</sup>
BF Burkina Faso (OA) <sup>2</sup>	FI Finland (EP)	KR Republic of Korea	NE Niger (OA) <sup>2</sup>	TJ Tajikistan (EA)
BG Bulgaria	FR France (EP) <sup>2</sup>	KZ Kazakhstan (EA)	NL Netherlands (EP) <sup>2</sup>	TM Turkmenistan (EA)
BJ Benin (OA) <sup>2</sup>	GA Gabon (OA) <sup>2</sup>	LC Saint Lucia	NO Norway	TR Turkey
BR Brazil	GB United Kingdom (EP)	LI Liechtenstein (EP)	NZ New Zealand	TT Trinidad and Tobago
BY Belarus (EA)	GE Georgia	LK Sri Lanka	PL Poland	UA Ukraine
CA Canada	GH Ghana (AP)	LR Liberia	PT Portugal (EP)	UG Uganda (AP)
CF Central African Republic (OA) <sup>2</sup>	GM Gambia (AP)	LS Lesotho (AP)	RO Romania <sup>1</sup>	US United States of America
CG Congo (OA) <sup>2</sup>	GN Guinea (OA) <sup>2</sup>	LT Lithuania <sup>1</sup>	RU Russian Federation (EA)	UZ Uzbekistan
CH Switzerland (EP)	GR Greece (EP) <sup>2</sup>	LU Luxembourg (EP)	SD Sudan (AP)	VN Viet Nam
CI Côte d'Ivoire (OA) <sup>2</sup>	GW Guinea-Bissau	LV Latvia <sup>1</sup>	SE Sweden (EP)	YU Yugoslavia
CM Cameroon (OA) <sup>2</sup>	<b>HR Croatia</b> (from 1 July 1998)	MC Monaco (EP) <sup>2</sup>		ZW Zimbabwe (AP)

<sup>1</sup> Extension of European patent possible.

<sup>2</sup> May only be designated for a regional patent (the "national route" via the PCT has been closed).

Where a State can be designated for a regional patent, the two-letter code for the regional patent concerned is indicated in parentheses (AP = ARIPO patent, EA = Eurasian patent, EP = European patent, OA = OAPI patent).

### 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. If the applicant wishes to designate any States for the purposes of a national patent, 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. 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.

Applicants should always use the latest versions of the request form (PCT/RO/101) and demand form (PCT/IPEA/401), new versions of which are normally issued twice yearly. The latest versions are dated January 1998. The forms are reproduced in Annexes X and Y, respectively, in Vol. I/B of the *PCT Applicant's Guide* (January 1998 update), and can be printed from the WIPO Internet site, in PDF format, at: <http://www.wipo.int/eng/pct/forms/index.htm>. The request form can also be obtained from receiving Offices or the International Bureau. The demand form can also be obtained from receiving Offices, International Preliminary Examining Authorities or the International Bureau.

## AMENDMENTS OF THE REGULATIONS UNDER THE PCT

The Assembly of the International Patent Cooperation Union (PCT Union), which held its twenty-fourth session in Geneva from 16 September to 1 October 1997, adopted, on 1 October 1997, a number of amendments of the PCT Regulations, in order to make the procedures for the filing and processing of international applications simpler, safer, more flexible and more accessible to applicants, and to take into account rapidly changing technology. Some of the more important amendments adopted by the Assembly are as follows:

- the Regulations as amended now provide for the International Bureau to make the *PCT Gazette* available in two forms, namely in a paper form and in an electronic form (the first issue of the *PCT Gazette* in electronic form was published on 2 April 1998);
- the existing provisions as to the languages in which international applications may be filed will be broadened;
- the present requirements relating to the making of, and the correction of mistakes in, priority claims and to the furnishing of priority documents will be liberalized;
- a new legal framework will come into force for the implementation of a standard, to be provided for in the Administrative Instructions under the PCT, for the presentation of nucleotide and amino acid sequence listings in international applications;
- the existing provisions relating to the filing of a demand for international preliminary examination will be amended so as to provide a safeguard in respect of the filing of a demand with an Authority which is not competent to carry out international preliminary examination, or with a receiving Office, an International Searching Authority or the International Bureau;
- copies of documents in the file of the International Bureau and the International Preliminary Examining Authority will be more readily available to third parties after international publication;
- in provisions relating to references to deposits of microorganisms, the word “microorganism” will be replaced by the words “biological material,” so as to take into account recent developments in the field of biotechnology;
- a number of amendments relating to fees were adopted, including: amendments to the Schedule of Fees to decrease the basic fee and the designation fee in Swiss francs; the procedures for the fixing of equivalent amounts of certain fees in currencies other than Swiss francs will be streamlined; the time limits for payment of the different fees during the international phase will be made more uniform, and amendments will be made to clarify what amount is payable where the amount of a fee changes before payment, to provide refund in certain cases, and to align the approach in relation to (late) payment of Chapter II fees with that followed in relation to (late) payment of Chapter I fees;
- the Regulations will be amended so as to contain broad enabling provisions which will, in the future, give applicants the option of electronically filing international applications and other documents and correspondence with those receiving Offices which are prepared to accept such filings.

The text of the amended Rules, together with an indication of when those amendments will enter into force, is set out below, followed by a more detailed outline of the more important amendments mentioned above. By the time the amendments come into force (most of the amendments will enter into force on 1 July 1998), to the extent possible, pre-printed forms, the *PCT Applicant's Guide*, the Administrative Instructions and the various Guidelines for receiving Offices and International Searching and International Preliminary Examining Authorities under the Treaty, will be updated to take the amendments into account. Booklets containing the text of the Treaty and the Regulations as amended (WIPO Publication No. 274) will be published in English and French in June 1998 (other language versions will be published later), and the text of the Regulations as amended will be available on WIPO's Internet site (<http://www.wipo.int>) in July 1998.

## TABLE OF AMENDMENTS\*

Rule 3.3 (amended)	Rule 46.5 (amended)
Rule 4.10 (amended)	Rule 47.3 (amended)
Rule 5.2 (amended)	Rule 48.2 (amended)
Rule 11.14 (amended)	Rule 48.3 (amended)
Rule 12.1 (amended)	Rule 49.5 (amended)
Rule 12.2 (amended)	Rule 54.2 (amended)
Rule 12.3 (new)	Rule 54.4 (amended)
Rule 13 <i>bis</i> .1 (amended)	Rule 55.2 (amended)
Rule 13 <i>bis</i> .2 (amended)	Rule 57.1 (amended)
Rule 13 <i>bis</i> .3 (amended)	Rule 57.2 (amended)
Rule 13 <i>bis</i> .4 (amended)	Rule 57.3 (amended)
Rule 13 <i>bis</i> .5 (amended)	Rule 57.4 (deleted)
Rule 13 <i>bis</i> .6 (amended)	Rule 57.6 (amended)
Rule 13 <i>bis</i> .7 (amended)	Rule 58.1 (amended)
Rule 13 <i>ter</i> .1 (amended)	Rule 58.2 (deleted)
Rule 13 <i>ter</i> .2 (amended)	Rule 58 <i>bis</i> (new)
Rule 14.1 (amended)	Rule 59.3 (new)
Rule 15.1 (amended)	Rule 60.1 (amended)
Rule 15.2 (amended)	Rule 60.2 (amended)
Rule 15.3 (deleted)	Rule 61.1 (amended)
Rule 15.4 (amended)	Rule 61.4 (amended)
Rule 15.5 (amended)	Rule 62.1 (amended)
Rule 15.6 (amended)	Rule 62.2 (amended)
Rule 16.1 (amended)	Rule 66.8 (amended)
Rule 16.2 (amended)	Rule 66.9 (amended)
Rule 16 <i>bis</i> .1 (amended)	Rule 69.2 (amended)
Rule 16 <i>bis</i> .2 (amended)	Rule 70.7 (amended)
Rule 17.1 (amended)	Rule 70.16 (amended)
Rule 17.2 (amended)	Rule 70.17 (amended)
Rule 19.4 (amended)	Rule 76.4 (amended)
Rule 20.4 (amended)	Rule 80.6 (amended)
Rule 22.1 (amended)	Rule 82 <i>ter</i> .1 (amended)
Rule 23.1 (amended)	Rule 86.1 (amended with effect from 1 January 1998)
Rule 26.3 (amended)	Rule 86.2 (amended with effect from 1 January 1998)
Rule 26.3 <i>bis</i> (amended)	Rule 89 <i>bis</i> (new)**
Rule 26.3 <i>ter</i> (amended)	Rule 89 <i>ter</i> (new)**
Rule 26.4 (amended)	Rule 91.1 (amended)
Rule 26.5 (amended)	Rule 92.2 (amended)
Rule 26 <i>bis</i> (new)	Rule 92.4 (amended)
Rule 29.1 (amended)	Rule 93.4 (amended)
Rule 34.1 (amended)	Rule 94.1 (amended)
Rule 37.2 (amended)	Rule 94.2 (new)
Rule 38.2 (amended)	Rule 94.3 (new)
Rule 43.4 (amended)	Schedule of Fees (as in force from 1 January to 30 June 1998)
Rule 43.9 (amended)	Schedule of Fees (as in force from 1 July 1998)
Rule 44.2 (amended)	

\* All amendments will enter into force on 1 July 1998, except where otherwise indicated.

\*\* Rules 89*bis* and 89*ter*, to be inserted in Part F (Rules Concerning Several Chapters of the Treaty) before Rule 90, will enter into force at the same time as the modifications of the Administrative Instructions implementing those Rules, the effective date to be included in the promulgation of those modifications by the Director General.



TEXT OF THE AMENDED RULES<sup>1,2</sup>

**Rule 3**  
**The Request (Form)**

3.1 and 3.2 [No change]

3.3 *Check List*

(a) The request shall contain a list indicating:

(i) the total number of sheets constituting the international application and the number of the sheets of each element of the international application: request, description (separately indicating the number of sheets of any sequence listing part of the description), claims, drawings, abstract;

(ii) where applicable, that the international application as filed is accompanied by a power of attorney (i.e., a document appointing an agent or a common representative), a copy of a general power of attorney, a priority document, a sequence listing in computer readable form, a document relating to the payment of fees, or any other document (to be specified in the check list);

(iii) [No change]

(b) [No change]

3.4 [No change]

**Rule 4**  
**The Request (Contents)**

4.1 to 4.9 [No change]

4.10 *Priority Claim*

(a) Any declaration referred to in Article 8(1) ("priority claim") shall, subject to Rule 26bis.1, be made in the request; it shall consist of a statement to the effect that the priority of an earlier application is claimed and shall indicate:

(i) the date on which the earlier application was filed, being a date falling within the period of 12 months preceding the international filing date;

(ii) the number of the earlier application;

(iii) where the earlier application is a national application, the country party to the Paris Convention for the Protection of Industrial Property in which it was filed;

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<sup>1</sup> The amendments will enter into force on 1 July 1998, except where otherwise indicated.

<sup>2</sup> Amendments are indicated by underlining. Where text within a sentence has been omitted, the word preceding and that following the omission have, in general, been underlined. Where text has been omitted at the beginning or end of a sentence, this is, in general, indicated by underlining the first or last word of the sentence or the punctuation.

(iv) where the earlier application is a regional application, the authority entrusted with the granting of regional patents under the applicable regional patent treaty;

(v) where the earlier application is an international application, the receiving Office with which it was filed.

(b) In addition to any indication required under paragraph (a)(iv) or (v):

(i) where the earlier application is a regional application or an international application, the priority claim may indicate one or more countries party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed;

(ii) where the earlier application is a regional application and the countries party to the regional patent treaty are not all party to the Paris Convention for the Protection of Industrial Property, the priority claim shall indicate at least one country party to that Convention for which that earlier application was filed.

(c) For the purposes of paragraphs (a) and (b), Article 2(vi) shall not apply.

(d) [Deleted]

(e) [Deleted]

4.11 to 4.17 [No change]

## **Rule 5 The Description**

5.1 [No change]

### *5.2 Nucleotide and/or Amino Acid Sequence Disclosure*

(a) Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences, the description shall contain a sequence listing complying with the standard provided for in the Administrative Instructions and presented as a separate part of the description in accordance with that standard.

(b) Where the sequence listing part of the description contains any free text as defined in the standard provided for in the Administrative Instructions, that free text shall also appear in the main part of the description in the language thereof.

## **Rule 11 Physical Requirements of the International Application**

11.1 to 11.13 [No change]

### *11.14 Later Documents*

Rules 10, and 11.1 to 11.13, also apply to any document—for example, corrected pages, amended claims, translations—submitted after the filing of the international application.

**Rule 12**  
**Language of the International Application**  
**and Translation for the Purposes of International Search**

12.1 Languages Accepted for the Filing of International Applications

(a) An international application shall be filed in any language which the receiving Office accepts for that purpose.

(b) Each receiving Office shall, for the filing of international applications, accept at least one language which is both:

(i) a language accepted by the International Searching Authority, or, if applicable, by at least one of the International Searching Authorities, competent for the international searching of international applications filed with that receiving Office, and

(ii) a language of publication.

(iii) [Deleted]

(c) Notwithstanding paragraph (a), the request shall be filed in a language which is both a language accepted by the receiving Office under that paragraph and a language of publication.

(d) Notwithstanding paragraph (a), any text matter contained in the sequence listing part of the description referred to in Rule 5.2(a) shall be presented in accordance with the standard provided for in the Administrative Instructions.

12.2 Language of Changes in the International Application

(a) Any amendment of the international application shall, subject to Rules 46.3, 55.3 and 66.9, be in the language in which the application is filed.

(b) Any rectification under Rule 91.1 of an obvious error in the international application shall be in the language in which the application is filed, provided that:

(i) where a translation of the international application is required under Rule 12.3(a), 48.3(b) or 55.2(a), rectifications referred to in Rule 91.1(e)(ii) and (iii) shall be filed in both the language of the application and the language of that translation;

(ii) where a translation of the request is required under Rule 26.3ter(c), rectifications referred to in Rule 91.1(e)(i) need only be filed in the language of that translation.

(c) Any correction under Rule 26 of a defect in the international application shall be in the language in which the international application is filed. Any correction under Rule 26 of a defect in a translation of the international application furnished under Rule 12.3 or 55.2(a), or in a translation of the request furnished under Rule 26.3ter(c), shall be in the language of the translation.

12.3 Translation for the Purposes of International Search

(a) Where the language in which the international application is filed is not accepted by the International Searching Authority that is to carry out the international search, the applicant shall, within one month from the date of receipt of the international application by the receiving Office, furnish to that Office a translation of the international application into a language which is all of the following:

(i) a language accepted by that Authority, and

(ii) a language of publication, and

(iii) a language accepted by the receiving Office under Rule 12.1(a), unless the international application is filed in a language of publication.

(b) Paragraph (a) shall not apply to the request nor to any sequence listing part of the description.

(c) Where, by the time the receiving Office sends to the applicant the notification under Rule 20.5(c), the applicant has not furnished a translation required under paragraph (a), the receiving Office shall, preferably together with that notification, invite the applicant:

(i) to furnish the required translation within the time limit under paragraph (a);

(ii) in the event that the required translation is not furnished within the time limit under paragraph (a), to furnish it and to pay, where applicable, the late furnishing fee referred to in paragraph (e), within one month from the date of the invitation or two months from the date of receipt of the international application by the receiving Office, whichever expires later.

(d) Where the receiving Office has sent to the applicant an invitation under paragraph (c) and the applicant has not, within the applicable time limit under paragraph (c)(ii), furnished the required translation and paid any required late furnishing fee, the international application shall be considered withdrawn and the receiving Office shall so declare. Any translation and any payment received by the receiving Office before that Office makes the declaration under the previous sentence and before the expiration of 15 months from the priority date shall be considered to have been received before the expiration of that time limit.

(e) The furnishing of a translation after the expiration of the time limit under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late furnishing fee equal to 50% of the basic fee.

### **Rule 13bis** **Inventions Relating to Biological Material**

#### *13bis.1 Definition*

For the purposes of this Rule, “reference to deposited biological material” means particulars given in an international application with respect to the deposit of biological material with a depositary institution or to the biological material so deposited.

#### *13bis.2 References (General)*

Any reference to deposited biological material shall be made in accordance with this Rule and, if so made, shall be considered as satisfying the requirements of the national law of each designated State.

#### *13bis.3 References: Contents; Failure to Include Reference or Indication*

(a) A reference to deposited biological material shall indicate:

(i) [No change]

(ii) the date of deposit of the biological material with that institution;

(iii) and (iv) [No change]

(b) Failure to include a reference to deposited biological material or failure to include, in a reference to deposited biological material, an indication in accordance with paragraph (a), shall have no consequence in any designated State whose national law does not require such reference or such indication in a national application.

*13bis.4 References: Time Limit for Furnishing Indications*

(a) Subject to paragraphs (b) and (c), if any of the indications referred to in Rule 13bis.3(a) is not included in a reference to deposited biological material in the international application as filed but is furnished to the International Bureau:

(i) within 16 months from the priority date, the indication shall be considered by any designated Office to have been furnished in time;

(ii) after the expiration of 16 months from the priority date, the indication shall be considered by any designated Office to have been furnished on the last day of that time limit if it reaches the International Bureau before the technical preparations for international publication have been completed.

(b) If the national law applicable by a designated Office so requires in respect of national applications, that Office may require that any of the indications referred to in Rule 13bis.3(a) be furnished earlier than 16 months from the priority date, provided that the International Bureau has been notified of such requirement pursuant to Rule 13bis.7(a)(ii) and has published such requirement in the Gazette in accordance with Rule 13bis.7(c) at least two months before the filing of the international application.

(c) Where the applicant makes a request for early publication under Article 21(2)(b), any designated Office may consider any indication not furnished before the technical preparations for international publication have been completed as not having been furnished in time.

(d) The International Bureau shall notify the applicant of the date on which it received any indication furnished under paragraph (a), and

(i) if the indication was received before the technical preparations for international publication have been completed, indicate that date, and include the relevant data from the indication, in the pamphlet published under Rule 48;

(ii) if the indication was received after the technical preparations for international publication have been completed, notify that date and the relevant data from the indication to the designated Offices.

*13bis.5 References and Indications for the Purposes of One or More Designated States; Different Deposits for Different Designated States; Deposits with Depositary Institutions Other than Those Notified*

(a) A reference to deposited biological material shall be considered to be made for the purposes of all designated States, unless it is expressly made for the purposes of certain of the designated States only; the same applies to the indications included in the reference.

(b) References to different deposits of the biological material may be made for different designated States.

(c) Any designated Office may disregard a deposit made with a depositary institution other than one notified by it under Rule 13bis.7(b).

*13bis.6 Furnishing of Samples*

(a) [Deleted]

Pursuant to Articles 23 and 40, no furnishing of samples of the deposited biological material to which a reference is made in an international application shall, except with the authorization of the applicant, take place before the expiration of the applicable time limits after which national processing may start under the said Articles. However, where the applicant performs the acts referred to in Articles 22 or 39 after international publication but before the expiration of the said time limits, the furnishing of samples of the deposited biological material may take place, once the said acts have been performed. Notwithstanding the previous provision, the furnishing of samples of the deposited biological material may take place under the national law applicable by any designated Office as soon as, under that law, the international publication has the effects of the compulsory national publication of an unexamined national application.

#### *13bis.7 National Requirements: Notification and Publication*

(a) Any national Office may notify the International Bureau of any requirement of the national law:

(i) that any matter specified in the notification, in addition to those referred to in Rule 13bis.3(a)(i), (ii) and (iii), is required to be included in a reference to deposited biological material in a national application;

(ii) that one or more of the indications referred to in Rule 13bis.3(a) are required to be included in a national application as filed or are required to be furnished at a time specified in the notification which is earlier than 16 months from the priority date.

(b) Each national Office shall notify the International Bureau of the depositary institutions with which the national law permits deposits of biological materials to be made for the purposes of patent procedure before that Office or, if the national law does not provide for or permit such deposits, of that fact.

(c) [No change]

#### **Rule 13ter** **Nucleotide and/or Amino Acid Sequence Listings**

##### *13ter.1 Sequence Listing for International Authorities*

(a) Where the International Searching Authority finds that the international application contains disclosure of one or more nucleotide and/or amino acid sequences but:

(i) the international application does not contain a sequence listing complying with the standard provided for in the Administrative Instructions, that Authority may invite the applicant to furnish to it, within a time limit fixed in the invitation, a sequence listing complying with that standard;

(ii) the applicant has not already furnished a sequence listing in computer readable form complying with the standard provided for in the Administrative Instructions, that Authority may invite the applicant to furnish to it, within a time limit fixed in the invitation, a sequence listing in such a form complying with that standard.

(b) [~~Deleted~~]

(c) If the applicant does not comply with an invitation under paragraph (a) within the time limit fixed in the invitation, the International Searching Authority shall not be required to search the international application to the extent that such non-compliance has the result that a meaningful search cannot be carried out.

(d) Where the International Searching Authority finds that the description does not comply with Rule 5.2(b), it shall invite the applicant to file the required correction. Rule 26.4 shall apply mutatis mutandis to any correction offered by the applicant. The International Searching Authority shall transmit the correction to the receiving Office and to the International Bureau.



(e) Paragraphs (a) and (c) shall apply *mutatis mutandis* to the procedure before the International Preliminary Examining Authority.

(f) Any sequence listing not contained in the international application as filed shall not, subject to Article 34, form part of the international application.

#### 13ter.2 *Sequence Listing for Designated Office*

Once the processing of the international application has started before a designated Office, Rule 13ter.1(a) shall apply *mutatis mutandis* to the procedure before that Office. No designated Office shall require the applicant to furnish to it a sequence listing other than a sequence listing complying with the standard provided for in the Administrative Instructions.

(b) [Deleted]

### **Rule 14 The Transmittal Fee**

#### 14.1 *The Transmittal Fee*

(a) [No change]

(b) The amount of the transmittal fee, if any, shall be fixed by the receiving Office.

(c) The transmittal fee shall be paid within one month from the date of receipt of the international application. The amount payable shall be the amount applicable on that date of receipt.

### **Rule 15 The International Fee**

#### 15.1 *Basic Fee and Designation Fee*

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau (“international fee”) to be collected by the receiving Office and consisting of,

(i) [No change]

(ii) as many “designation fees” as there are national patents and regional patents sought under Rule 4.9(a), except that, where Article 44 applies in respect of a designation, only one designation fee shall be due for that designation, and that the Schedule of Fees may indicate a maximum number of designation fees payable.

#### 15.2 *Amounts*

(a) [No change]

(b) The basic fee and the designation fee shall be payable in the currency or one of the currencies prescribed by the receiving Office (“prescribed currency”), it being understood that, when transferred by the receiving Office to the International Bureau, they shall be freely convertible into Swiss currency. The amounts of the basic fee and of the designation fee shall be established, for each receiving Office which prescribes the payment of those fees in any currency other than Swiss currency, by the Director General after consultation with the receiving Office of, or acting under Rule 19.1(b) for, the State whose official currency is the same as the prescribed currency. The amounts so established shall be the equivalents, in round figures, of the amounts in Swiss currency set out in the Schedule of Fees. They shall be notified by the

International Bureau to each receiving Office prescribing payment in that prescribed currency and shall be published in the Gazette.

(c) [No change]

(d) Where the exchange rate between Swiss currency and any prescribed currency becomes different from the exchange rate last applied, the Director General shall establish new amounts in the prescribed currency according to directives given by the Assembly. The newly established amounts shall become applicable two months after the date of their publication in the Gazette, provided that the receiving Office referred to in the second sentence of paragraph (b) and the Director General may agree on a date falling during the said two-month period, in which case the said amounts shall become applicable from that date.

### 15.3 [Deleted]

### 15.4 Time Limit for Payment; Amount Payable

(a) The basic fee shall be paid within one month from the date of receipt of the international application. The amount payable shall be the amount applicable on that date of receipt.

(b) The designation fee shall be paid within a time limit of:

(i) one year from the priority date, or

(ii) one month from the date of receipt of the international application if that one-month period expires later than one year from the priority date.

(c) Where the designation fee is paid before the expiration of one month from the date of receipt of the international application, the amount payable shall be the amount applicable on that date of receipt. Where the time limit under paragraph (b)(i) applies and the designation fee is paid before the expiration of that time limit but later than one month from the date of receipt of the international application, the amount payable shall be the amount applicable on the date of payment.

(i) and (ii) [Deleted]

### 15.5 Fees Under Rule 4.9(c)

(a) Notwithstanding Rule 15.4(b), the confirmation under Rule 4.9(c) of any designations made under Rule 4.9(b) shall be subject to the payment to the receiving Office of as many designation fees (for the benefit of the International Bureau) as there are national patents and regional patents sought by the applicant by virtue of the confirmation, together with a confirmation fee (for the benefit of the receiving Office) equal to 50% of the sum of the designation fees payable under this paragraph. Such fees shall be payable in respect of each designation so confirmed, even if the maximum number of designation fees referred to in item 2(a) of the Schedule of Fees is already payable or if a designation fee is already payable in respect of the designation under Rule 4.9(a) of the same State for a different purpose.

(b) [No change]

### 15.6 Refund

The receiving Office shall refund the international fee to the applicant:

(i) if the determination under Article 11(1) is negative,

(ii) if, before the transmittal of the record copy to the International Bureau, the international application is withdrawn or considered withdrawn, or

(iii) if, due to prescriptions concerning national security, the international application is not treated as such.

## **Rule 16** **The Search Fee**

### 16.1 *Right to Ask for a Fee*

(a) [No change]

(b) The search fee shall be collected by the receiving Office. The said fee shall be payable in the currency or one of the currencies prescribed by that Office (“receiving Office currency”), it being understood that, if any receiving Office currency is not that, or one of those, in which the International Searching Authority has fixed the said fee (“fixed currency”), it shall, when transferred by the receiving Office to the International Searching Authority, be freely convertible into the currency of the State in which the International Searching Authority has its headquarters (“headquarters currency”). The amount of the search fee in any receiving Office currency, other than the fixed currency, shall be established by the Director General after consultation with the receiving Office of, or acting under Rule 19.1(b) for, the State whose official currency is the same as the receiving Office currency. The amounts so established shall be the equivalents, in round figures, of the amount established by the International Searching Authority in the headquarters currency. They shall be notified by the International Bureau to each receiving Office prescribing payment in that receiving Office currency and shall be published in the Gazette.

(c) [No change]

(d) Where the exchange rate between the headquarters currency and any receiving Office currency, other than the fixed currency or currencies, becomes different from the exchange rate last applied, the Director General shall establish the new amount in the said receiving Office currency according to directives given by the Assembly. The newly established amount shall become applicable two months after its publication in the Gazette, provided that any receiving Office referred to in the third sentence of paragraph (b) and the Director General may agree on a date falling during the said two-month period, in which case the said amount shall become applicable for that Office from that date.

(e) [No change]

(f) As to the time limit for payment of the search fee and the amount payable, the provisions of Rule 15.4(a) relating to the basic fee shall apply *mutatis mutandis*.

### 16.2 *Refund*

The receiving Office shall refund the search fee to the applicant:

(i) if the determination under Article 11(1) is negative,

(ii) if, before the transmittal of the search copy to the International Searching Authority, the international application is withdrawn or considered withdrawn, or

(iii) if, due to prescriptions concerning national security, the international application is not treated as such.

16.3 [No change]

**Rule 16bis**  
**Extension of Time Limits for Payment of Fees**

*16bis.1 Invitation by the Receiving Office*

(a) Where, by the time they are due under Rules 14.1(c), 15.4(a) and 16.1(f), the receiving Office finds that no fees were paid to it, or that the amount paid to it is insufficient to cover the transmittal fee, the basic fee and the search fee, the receiving Office shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 16bis.2, within a time limit of one month from the date of the invitation.

(b) Where, by the time they are due under Rule 15.4(b), the receiving Office finds that no fees were paid to it, or that the amount paid to it is insufficient to cover the designation fees necessary to cover all the designations under Rule 4.9(a), the receiving Office shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 16bis.2, within a time limit of one month from the date of the invitation. The amount payable in respect of any designation fee shall be the amount applicable on the last day of the one-year period from the priority date if the time limit under Rule 15.4(b)(i) applies or the amount applicable on the date of receipt of the international application if the time limit under Rule 15.4(b)(ii) applies.

(c) Where the receiving Office has sent to the applicant an invitation under paragraph (a) or (b) and the applicant has not, within the time limit referred to in that paragraph, paid in full the amount due, including, where applicable, the late payment fee under Rule 16bis.2, the receiving Office shall, subject to paragraph (d):

(i) to (iii) [No change]

(d) Any payment received by the receiving Office before that Office sends the invitation under paragraph (a) or (b) shall be considered to have been received before the expiration of the time limit under Rule 14.1(c), 15.4(a) or (b) or 16.1(f), as the case may be.

(e) Any payment received by the receiving Office before that Office makes the applicable declaration under Article 14(3) shall be considered to have been received before the expiration of the time limit referred to in paragraph (a) or (b).

*16bis.2 Late Payment Fee*

(a) The payment of fees in response to an invitation under Rule 16bis.1(a) or (b) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late payment fee. The amount of that fee shall be:

(i) and (ii) [No change]

(b) The amount of the late payment fee shall not, however, exceed the amount of the basic fee referred to in item 1(a) of the Schedule of Fees.

**Rule 17**  
**The Priority Document**

*17.1 Obligation to Submit Copy of Earlier National or International Application*

(a) Where the priority of an earlier national or international application is claimed under Article 8, a copy of that earlier application, certified by the authority with which it was filed (“the priority document”), shall, unless already filed with the receiving Office together with the international application in which the priority claim is made, and subject to paragraph (b), be submitted by the applicant to the International

Bureau or to the receiving Office not later than 16 months after the priority date, provided that any copy of the said earlier application which is received by the International Bureau after the expiration of that time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the date of international publication of the international application.

(b) 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 shall be made not later than 16 months after the priority date and may be subjected by the receiving Office to the payment of a fee.

(c) If the requirements of neither of the two preceding paragraphs are complied with, any designated State may disregard the priority claim, provided that no designated Office shall disregard the priority claim before giving the applicant an opportunity to furnish the priority document within a time limit which shall be reasonable under the circumstances.

#### 17.2 *Availability of Copies*

(a) Where the applicant has complied with Rule 17.1(a) or (b), the International Bureau shall, at the specific request of the designated Office, promptly but not prior to the international publication of the international application, furnish a copy of the priority document to that Office. No such Office shall ask the applicant himself to furnish it with a copy. The applicant shall not be required to furnish a translation to the designated Office before the expiration of the applicable time limit under Article 22. Where the applicant makes an express request to the designated Office under Article 23(2) prior to the international publication of the international application, the International Bureau shall, at the specific request of the designated Office, furnish a copy of the priority document to that Office promptly after receiving it.

(b) [No change]

(c) Where the international application has been published under Article 21, the International Bureau shall furnish a copy of the priority document to any person upon request and subject to reimbursement of the cost unless, prior to that publication:

(i) [No change]

(ii) the relevant priority claim was withdrawn or considered, under Rule 26bis.2(b), not to have been made,

(iii) [~~Deleted~~]

(d) [~~Deleted~~]

### **Rule 19** **The Competent Receiving Office**

19.1 to 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 but

(i) that national Office is not competent under Rule 19.1 or 19.2 to receive that international application, or

- (ii) that international application is not in a language accepted under Rule 12.1(a) by that national Office but is in a language accepted under that Rule by the International Bureau as receiving Office, or
- (iii) that national Office and the International Bureau agree, for any reason other than those specified under items (i) and (ii), and with the authorization of the applicant, that the procedure under this Rule should apply.

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) [No change]

(c) For the purposes of Rules 14.1(c), 15.4(a) to (c) and 16.1(f), where the international application was transmitted to the International Bureau under paragraph (b), the date of receipt of the international application shall be considered to be the date on which the international application was actually received by the International Bureau. For the purposes of this paragraph, the last sentence of paragraph (b) shall not apply.

## **Rule 20**

### **Receipt of the International Application**

20.1 to 20.3 [No change]

20.4 *Determination Under Article 11(1)*

(a) and (b) [No change]

(c) For the purposes of Article 11(1)(ii), it shall be sufficient that the part which appears to be a description (other than any sequence listing part thereof) and the part which appears to be a claim or claims be in a language accepted by the receiving Office under Rule 12.1(a).

(d) If, on October 1, 1997, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.

20.5 to 20.9 [No change]

## **Rule 22**

### **Transmittal of the Record Copy and Translation**

22.1 *Procedure*

(a) to (g) [No change]

(h) Where the international application is to be published in the language of a translation furnished under Rule 12.3, that translation shall be transmitted by the receiving Office to the International Bureau together with the record copy under paragraph (a) or, if the receiving Office has already transmitted the record copy to the International Bureau under that paragraph, promptly after receipt of the translation.

22.2 [Remains deleted]

22.3 [No change]



**Rule 23**  
**Transmittal of the Search Copy, Translation and Sequence Listing**

23.1 *Procedure*

(a) Where no translation of the international application is required under Rule 12.3(a), the search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau unless no search fee has been paid. In the latter case, it shall be transmitted promptly after payment of the search fee.

(b) Where a translation of the international application is furnished under Rule 12.3, a copy of that translation and of the request, which together shall be considered to be the search copy under Article 12(1), shall be transmitted by the receiving Office to the International Searching Authority, unless no search fee has been paid. In the latter case, a copy of the said translation and of the request shall be transmitted promptly after payment of the search fee.

(c) Any sequence listing in computer readable form which is furnished to the receiving Office shall be transmitted by that Office to the International Searching Authority.

**Rule 26**  
**Checking by, and Correcting Before, the Receiving Office  
of Certain Elements of the International Application**

26.1 and 26.2 [No change]

26.3 *Checking of Physical Requirements Under Article 14(1)(a)(v)*

(a) Where the international application is filed in a language of publication, the receiving Office shall check:

(i) the international application for compliance with the physical requirements referred to in Rule 11 only to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication;

(ii) any translation furnished under Rule 12.3 for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of satisfactory reproduction.

(b) Where the international application is filed in a language which is not a language of publication, the receiving Office shall check:

(i) the international application for compliance with the physical requirements referred to in Rule 11 only to the extent that compliance therewith is necessary for the purpose of satisfactory reproduction;

(ii) any translation furnished under Rule 12.3 and the drawings for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication.

26.3bis *Invitation Under Article 14(1)(b) to Correct Defects Under Rule 11*

The receiving Office shall not be required to issue the invitation under Article 14(1)(b) to correct a defect under Rule 11 where the physical requirements referred to in that Rule are complied with to the extent required under Rule 26.3.

*26.3ter Invitation to Correct Defects Under Article 3(4)(i)*

(a) Where the abstract or any text matter of the drawings is filed in a language which is different from the language of the description and the claims, the receiving Office shall, unless

(i) a translation of the international application is required under Rule 12.3(a), or

(ii) the abstract or the text matter of the drawings is in the language in which the international application is to be published.

invite the applicant to furnish a translation of the abstract or the text matter of the drawings into the language in which the international application is to be published. Rules 26.1(a), 26.2, 26.3, 26.3bis, 26.5 and 29.1 shall apply *mutatis mutandis*.

(b) If, on October 1, 1997, paragraph (a) is not compatible with the national law applied by the receiving Office, paragraph (a) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.

(c) Where the request does not comply with Rule 12.1(c), the receiving Office shall invite the applicant to file a translation so as to comply with that Rule. Rules 3, 26.1(a), 26.2, 26.5 and 29.1 shall apply mutatis mutandis.

(d) If, on October 1, 1997, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.

26.4 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

26.5 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

26.6 [No change]

**Rule 26bis**  
**Correction or Addition of Priority Claim**

26bis.1 Correction or Addition of Priority Claim

(a) The applicant may correct or add a priority claim by a notice submitted to the receiving Office or the International Bureau within a time limit of 16 months from the priority date or, where the correction or addition would cause a change in the priority date, 16 months from the priority date as so changed, whichever 16-month period expires first, provided that such a notice may be submitted until the expiration of four months from the international filing date. The correction of a priority claim may include the addition of any indication referred to in Rule 4.10.

(b) Any notice referred to in paragraph (a) received by the receiving Office or the International Bureau after the applicant has made a request for early publication under Article 21(2)(b) shall be considered not to have been submitted, unless that request is withdrawn before the technical preparations for international publication have been completed.

(c) Where the correction or addition of a priority claim causes a change in the priority date, any time limit which is computed from the previously applicable priority date and which has not already expired shall be computed from the priority date as so changed.

26bis.2 Invitation to Correct Defects in Priority Claims

(a) Where the receiving Office or, if the receiving Office fails to do so, the International Bureau, finds that a priority claim does not comply with the requirements of Rule 4.10 or that any indication in a priority claim is not the same as the corresponding indication appearing in the priority document, the receiving Office or the International Bureau, as the case may be, shall invite the applicant to correct the priority claim.

(b) If, in response to an invitation under paragraph (a), the applicant does not, before the expiration of the time limit under Rule 26bis.1(a), submit a notice correcting the priority claim so as to comply with the requirements of Rule 4.10, that priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made and the receiving Office or the International Bureau, as the case may be, shall so declare and shall inform the applicant accordingly, provided that a priority claim shall not be considered not to have been made only because the indication of the number of the earlier application referred to in Rule 4.10(a)(ii) is missing or because an indication in the priority claim is not the same as the corresponding indication appearing in the priority document.

(c) Where the receiving Office or the International Bureau has made a declaration under paragraph (b), the International Bureau shall, upon request made by the applicant and received by the International Bureau prior to the completion of the technical preparations for international publication, and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, publish, together with the international application, information concerning the priority claim which was considered not to have been made. A copy of that request shall be included in the communication under Article 20 where a copy of the pamphlet is not used for that communication or where the international application is not published by virtue of Article 64(3).

**Rule 29**

**International Applications or Designations Considered Withdrawn**

29.1 *Finding by Receiving Office*

(a) If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 (failure to correct certain defects), or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1(a)), or under Article 14(4) (later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)), or under Rule 12.3(d) (failure to furnish a required translation or, where applicable, to pay a late furnishing fee), or under Rule 92.4(g)(i) (failure to furnish the original of a document), that the international application is considered withdrawn:

(i) to (iv) [No change]

(b) [No change]

29.2 [Remains deleted]

29.3 and 29.4 [No change]

**Rule 34**

**Minimum Documentation**

34.1 *Definition*

(a) and (b) [No change]

(c) Subject to paragraphs (d) and (e), the “national patent documents” shall be the following:

(i) the patents issued in and after 1920 by France, the former *Reichspatentamt* of Germany, Japan, the former Soviet Union, Switzerland (in the French and German languages only), the United Kingdom, and the United States of America,

(ii) the patents issued by the Federal Republic of Germany and the Russian Federation,

(iii) [No change]

(iv) the inventors’ certificates issued by the former Soviet Union,

(v) and (vi) [No change]

(d) [No change]

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Japanese, Russian or Spanish is entitled not to include in its documentation those patent documents of Japan, the Russian Federation and the former Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than six months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) [No change]

### **Rule 37** **Missing or Defective Title**

37.1 [No change]

#### *37.2 Establishment of Title*

If the international application does not contain a title and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish a title, or if the said Authority finds that the title does not comply with Rule 4.3, it shall itself establish a title. Such title shall be established in the language in which the international application is to be published or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

### **Rule 38** **Missing or Defective Abstract**

38.1 [No change]

#### *38.2 Establishment of Abstract*

(a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract. Such abstract shall be established in the language in which the international

application is to be published or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

(b) [No change]

### **Rule 43** **The International Search Report**

43.1 to 43.3 [No change]

#### *43.4 Language*

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is to be published or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

43.5 to 43.8 [No change]

#### *43.9 Additional Matter*

The international search report shall contain no matter other than that specified in Rules 33.1(b) and (c), 43.1 to 43.3, 43.5 to 43.8, and 44.2, and the indication referred to in Article 17(2)(b), provided that the Administrative Instructions may permit the inclusion in the international search report of any additional matter specified in the Administrative Instructions. The international search report shall not contain, and the Administrative Instructions shall not permit the inclusion of, any expressions of opinion, reasoning, arguments, or explanations.

43.10 [No change]

### **Rule 44** **Transmittal of the International Search Report, Etc.**

44.1 [No change]

44.2 [No change, except for the deletion of the redundant numbering of paragraph “(a)”]

44.3 [No change]

### **Rule 46** **Amendment of Claims Before the International Bureau**

46.1 to 46.4 [No change]

46.5 [No change, except for the deletion of the redundant numbering of paragraph “(a)”]

**Rule 47**  
**Communication to Designated Offices**

47.1 and 47.2 [No change]

47.3 *Languages*

(a) The international application communicated under Article 20 shall be in the language in which it is published.

(b) Where the language in which the international application is published is different from the language in which it was filed, the International Bureau shall furnish to any designated Office, upon the request of that Office, a copy of that application in the language in which it was filed.

47.4 [No change]

**Rule 48**  
**International Publication**

48.1 [No change]

48.2 *Contents*

(a) The pamphlet shall contain:

(i) to (vii) [No change]

(viii) the relevant data from any indications in relation to deposited biological material furnished under Rule 13*bis* separately from the description, together with an indication of the date on which the International Bureau received such indications,

(ix) any information concerning a priority claim considered not to have been made under Rule 26*bis*.2(b), the publication of which is requested under Rule 26*bis*.2(c).

(b) to (i) [No change]

48.3 *Languages of Publication*

(a) If the international application is filed in Chinese, English, French, German, Japanese, Russian or Spanish ("languages of publication"), that application shall be published in the language in which it was filed.

(a-*bis*) If the international application is not filed in a language of publication and a translation into a language of publication has been furnished under Rule 12.3, that application shall be published in the language of that translation.

(b) If the international application is filed in a language which is not a language of publication and no translation into a language of publication is required under Rule 12.3(a), that application shall be published in English translation. The translation shall be prepared under the responsibility of the International Searching Authority, which shall be obliged to have it ready in time to permit international publication by the prescribed date, or, where Article 64(3)(b) applies, to permit the communication under Article 20 by the end of the 19th month after the priority date. Notwithstanding Rule 16.1(a), the International Searching Authority may charge a fee for the translation to the applicant. The International Searching Authority shall give the applicant an opportunity to comment on the draft translation. The International Searching Authority shall fix a time limit reasonable under the circumstances of the case for such comments. If there

is no time to take the comments of the applicant into account before the translation is communicated or if there is a difference of opinion between the applicant and the said Authority as to the correct translation, the applicant may send a copy of his comments, or what remains of them, to the International Bureau and each designated Office to which the translation was communicated. The International Bureau shall publish the relevant portions of the comments together with the translation of the International Searching Authority or subsequently to the publication of such translation.

(c) [No change]

48.4 to 48.6 [No change]

#### **Rule 49** **Copy, Translation and Fee Under Article 22**

49.1 to 49.4 [No change]

#### *49.5 Contents of and Physical Requirements for the Translation*

(a) For the purposes of Article 22, the translation of the international application shall contain the description (subject to paragraph (a-bis)), the claims, any text matter of the drawings and the abstract. If required by the designated Office, the translation shall also, subject to paragraphs (b), (*c-bis*) and (e),

(i) to (iii) [No change]

(a-bis) No designated Office shall require the applicant to furnish to it a translation of any text matter contained in the sequence listing part of the description if such sequence listing part complies with Rule 12.1(d) and if the description complies with Rule 5.2(b).

(b) to (l) [No change]

#### **Rule 54** **The Applicant Entitled to Make a Demand**

54.1 [No change]

#### *54.2 Right to Make a Demand*

The right to make a demand under Article 31(2) shall exist if the applicant making the demand or, if there are two or more applicants, at least one of them is a resident or national of a Contracting State bound by Chapter II and the international application has been filed with a receiving Office of or acting for a Contracting State bound by Chapter II.

(i) and (ii) [~~Deleted~~]

54.3 [No change]

54.4 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

#### **Rule 55** **Languages (International Preliminary Examination)**

55.1 [No change]

### 55.2 *Translation of International Application*

(a) Where neither the language in which the international application is filed nor the language in which the international application is published is accepted by the International Preliminary Examining Authority that is to carry out the international preliminary examination, the applicant shall, subject to paragraph (b), furnish with the demand a translation of the international application into a language which is both:

(i) a language accepted by that Authority, and

(ii) a language of publication.

(b) Where a translation of the international application into a language referred to in paragraph (a) was transmitted to the International Searching Authority under Rule 23.1(b) and the International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the International Searching Authority, the applicant need not furnish a translation under paragraph (a). In such a case, unless the applicant furnishes a translation under paragraph (a), the international preliminary examination shall be carried out on the basis of the translation transmitted under Rule 23.1(b).

(c) [No change]

(d) If the applicant complies with the invitation within the time limit under paragraph (c), the said requirement shall be considered to have been complied with. If the applicant fails to do so, the demand shall be considered not to have been submitted and the International Preliminary Examining Authority shall so declare.

(e) [~~Deleted~~]

55.3 [No change]

## **Rule 57 The Handling Fee**

57.1 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

### 57.2 *Amount*

(a) [No change]

(b) [Remains deleted]

(c) The handling fee shall be payable in the currency or one of the currencies prescribed by the International Preliminary Examining Authority ("prescribed currency"), it being understood that, when transferred by that Authority to the International Bureau, it shall be freely convertible into Swiss currency. The amount of the handling fee shall be established, in each prescribed currency, for each International Preliminary Examining Authority which prescribes the payment of the handling fee in any currency other than Swiss currency, by the Director General after consultation with the Office with which consultation takes place under Rule 15.2(b) in relation to that currency, or, if there is no such Office, with the Authority which prescribes payment in that currency. The amount so established shall be the equivalent, in round figures, of the amount in Swiss currency set out in the Schedule of Fees. It shall be notified by the International Bureau to each International Preliminary Examining Authority prescribing payment in that prescribed currency and shall be published in the Gazette.

(d) and (e) [No change]



57.3 *Time Limit for Payment; Amount Payable*

The handling fee shall be paid within one month from the date on which the demand was submitted, provided that, where the demand was transmitted to the International Preliminary Examining Authority under Rule 59.3, the handling fee shall be paid within one month from the date of receipt by that Authority. The amount payable shall be the amount applicable on that date of submittal or date of receipt, as the case may be. For the purposes of the preceding two sentences, Rule 59.3(e) shall not apply.

(b) [Remains deleted]

(c) [Deleted]

57.4 [Deleted]

57.5 [Remains deleted]

57.6 *Refund*

The International Preliminary Examining Authority shall refund the handling fee to the applicant:

(i) [No change]

(ii) if the demand is considered, under Rule 54.4, not to have been submitted.

**Rule 58**  
**The Preliminary Examination Fee**

58.1 *Right to Ask for a Fee*

(a) [No change]

(b) The amount of the preliminary examination fee, if any, shall be fixed by the International Preliminary Examining Authority. As to the time limit for payment of the preliminary examination fee and the amount payable, the provisions of Rule 57.3 relating to the handling fee shall apply *mutatis mutandis*.

(c) [No change]

58.2 [Deleted]

58.3 [No change]

**Rule 58bis**  
**Extension of Time Limits for Payment of Fees**

*58bis.1 Invitation by the International Preliminary Examining Authority*

(a) Where, by the time they are due under Rules 57.3 and 58.1(b), the International Preliminary Examining Authority finds that no fees were paid to it, or that the amount paid to it is insufficient to cover the handling fee and the preliminary examination fee, the Authority shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 58bis.2, within a time limit of one month from the date of the invitation.

(b) Where the International Preliminary Examining Authority has sent an invitation under paragraph (a) and the applicant has not, within the time limit referred to in that paragraph, paid in full the amount due, including, where applicable, the late payment fee under Rule 58bis.2, the demand shall, subject to paragraph (c), be considered as if it had not been submitted and the International Preliminary Examining Authority shall so declare.

(c) Any payment received by the International Preliminary Examining Authority before that Authority sends the invitation under paragraph (a) shall be considered to have been received before the expiration of the time limit under Rule 57.3 or 58.1(b), as the case may be.

(d) Any payment received by the International Preliminary Examining Authority before that Authority proceeds under paragraph (b) shall be considered to have been received before the expiration of the time limit under paragraph (a).

#### 58bis.2 Late Payment Fee

(a) The payment of fees in response to an invitation under Rule 58bis.1(a) may be subjected by the International Preliminary Examining Authority to the payment to it, for its own benefit, of a late payment fee. The amount of that fee shall be:

(i) 50% of the amount of unpaid fees which is specified in the invitation, or,

(ii) if the amount calculated under item (i) is less than the handling fee, an amount equal to the handling fee.

(b) The amount of the late payment fee shall not, however, exceed double the amount of the handling fee.

### **Rule 59**

#### **The Competent International Preliminary Examining Authority**

59.1 and 59.2 [No change]

#### 59.3 Transmittal of Demand to the Competent International Preliminary Examining Authority

(a) If the demand is submitted to a receiving Office, an International Searching Authority, or an International Preliminary Examining Authority which is not competent for the international preliminary examination of the international application, that Office or Authority shall mark the date of receipt on the demand and, unless it decides to proceed under paragraph (f), transmit the demand promptly to the International Bureau.

(b) If the demand is submitted to the International Bureau, the International Bureau shall mark the date of receipt on the demand.

(c) Where the demand is transmitted to the International Bureau under paragraph (a) or submitted to it under paragraph (b), the International Bureau shall promptly:

(i) if there is only one competent International Preliminary Examining Authority, transmit the demand to that Authority and inform the applicant accordingly, or

(ii) if two or more International Preliminary Examining Authorities are competent, invite the applicant to indicate, within 15 days from the date of the invitation or 19 months from the priority date, whichever is later, the competent International Preliminary Examining Authority to which the demand should be transmitted.

(d) Where an indication is furnished as required under paragraph (c)(ii), the International Bureau shall promptly transmit the demand to the competent International Preliminary Examining Authority indicated by the applicant. Where no indication is so furnished, the demand shall be considered not to have been submitted and the International Bureau shall so declare.

(e) Where the demand is transmitted to a competent International Preliminary Examining Authority under paragraph (c), it shall be considered to have been received on behalf of that Authority on the date marked on it under paragraph (a) or (b), as applicable, and the demand so transmitted shall be considered to have been received by that Authority on that date.

(f) Where an Office or Authority to which the demand is submitted under paragraph (a) decides to transmit that demand directly to the competent International Preliminary Examining Authority, paragraphs (c) to (e) shall apply *mutatis mutandis*.

## **Rule 60**

### **Certain Defects in the Demand or Elections**

#### 60.1 *Defects in the Demand*

(a) and (b) [No change]

(c) Subject to paragraph (d), if the applicant does not comply with the invitation within the time limit under paragraph (a), the demand shall be considered as if it had not been submitted and the International Preliminary Examining Authority shall so declare.

(d) to (g) [No change]

#### 60.2 *Defects in Later Elections*

(a) and (b) [No change]

(c) Subject to paragraph (d), if the applicant does not comply with the invitation within the time limit under paragraph (a), the notice shall be considered as if it had not been submitted and the International Bureau shall so declare.

(d) [No change]

## **Rule 61**

### **Notification of the Demand and Elections**

#### 61.1 *Notification to the International Bureau and the Applicant*

(a) The International Preliminary Examining Authority shall indicate on the demand the date of receipt or, where applicable, the date referred to in Rule 60.1(b). The International Preliminary Examining Authority shall promptly either send the demand to the International Bureau and keep a copy in its files or send a copy to the International Bureau and keep the demand in its files.

(b) The International Preliminary Examining Authority shall promptly notify the applicant of the date of receipt of the demand. Where the demand has been considered under Rules 54.4, 55.2(d), 58bis.1(b) or 60.1(c) as if it had not been submitted or where an election has been considered under Rule 60.1(d) as if it had not been made, the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

(c) [No change]

61.2 and 61.3 [No change]

61.4 *Publication in the Gazette*

Where a demand has been filed before the expiration of 19 months from the priority date, the International Bureau shall, promptly after the filing of the demand but not before the international publication of the international application, publish in the Gazette information on the demand and the elected States concerned, as provided in the Administrative Instructions.

**Rule 62**  
**Copy of Amendments Under Article 19**  
**for the International Preliminary Examining Authority**

62.1 *Amendments Made Before the Demand is Filed*

Upon receipt of a demand, or a copy thereof, from the International Preliminary Examining Authority, the International Bureau shall promptly transmit a copy of any amendments under Article 19, and any statement referred to in that Article, to that Authority, unless that Authority has indicated that it has already received such a copy.

62.2 *Amendments Made After the Demand is Filed*

If, at the time of filing any amendments under Article 19, a demand has already been submitted, the applicant shall preferably, at the same time as he files the amendments with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments and any statement referred to in that Article. In any case, the International Bureau shall promptly transmit a copy of such amendments and statement to that Authority.

**Rule 66**  
**Procedure Before the International Preliminary Examining Authority**

66.1 to 66.7 [No change]

66.8 *Form of Amendments*

(a) Subject to paragraph (b), the applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of an amendment, differs from the sheet previously filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets and shall preferably also explain the reasons for the amendment.

(b) Where the amendment consists in the deletion of passages or in minor alterations or additions, the replacement sheet referred to in paragraph (a) may be a copy of the relevant sheet of the international application containing the alterations or additions, provided that the clarity and direct reproducibility of that sheet are not adversely affected. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter which shall preferably also explain the reasons for the amendment.

#### 66.9 *Language of Amendments*

(a) Subject to paragraphs (b) and (c), if the international application has been filed in a language other than the language in which it is published, any amendment, as well as any letter referred to in Rule 66.8, shall be submitted in the language of publication.

(b) to (d) [No change]

### **Rule 69** **Start of and Time Limit for International Preliminary Examination**

69.1 [No change]

#### 69.2 *Time Limit for International Preliminary Examination*

The time limit for establishing the international preliminary examination report shall be:

- (i) 28 months from the priority date, or
- (ii) eight months from the date of payment of the fees referred to in Rules 57.1 and 58.1(a), or
- (iii) eight months from the date of receipt by the International Preliminary Examining Authority of the translation furnished under Rule 55.2,

whichever expires last.

### **Rule 70** **The International Preliminary Examination Report**

70.1 to 70.6 [No change]

#### 70.7 *Citations Under Article 35(2)*

(a) The report shall cite the documents considered to be relevant for supporting the statements made under Article 35(2), whether or not such documents are cited in the international search report. Documents cited in the international search report need only be cited in the report when they are considered by the International Preliminary Examining Authority to be relevant.

(b) [No change]

70.8 to 70.15 [No change]

#### 70.16 *Annexes to the Report*

Each replacement sheet under Rule 66.8(a) or (b), each replacement sheet containing amendments under Article 19 and each replacement sheet containing rectifications of obvious errors authorized under Rule 91.1(e)(iii) shall, unless superseded by later replacement sheets or amendments resulting in the cancellation of entire sheets under Rule 66.8(b), be annexed to the report. Amendments under Article 19 which have been considered as reversed by an amendment under Article 34 and letters under Rule 66.8 shall not be annexed.

70.17 [No change, except for the deletion of the redundant numbering of paragraph “(a)”]

**Rule 76**  
**Copy, Translation and Fee Under Article 39(1);**  
**Translation of Priority Document**

76.1 to 76.3 [Remain deleted]

76.4 *Time Limit for Translation of Priority Document*

The applicant shall not be required to furnish to any elected Office a translation of the priority document before the expiration of the applicable time limit under Article 39.

76.5 and 76.6 [No change]

**Rule 80**  
**Computation of Time Limits**

80.1 to 80.5 [No change]

80.6 [No change, except for the deletion of the redundant numbering of paragraph “(a)”]

80.7 [No change]

**Rule 82<sup>ter</sup>**  
**Rectification of Errors Made by**  
**the Receiving Office or by the International Bureau**

82<sup>ter</sup>.1 *Errors Concerning the International Filing Date and the Priority Claim*

If the applicant proves to the satisfaction of any designated or elected Office that the international filing date is incorrect due to an error made by the receiving Office or that the priority claim has been erroneously considered by the receiving Office or the International Bureau not to have been made, and if the error is an error such that, had it been made by the designated or elected Office itself, that Office would rectify it under the national law or national practice, the said Office shall rectify the error and shall treat the international application as if it had been accorded the rectified international filing date or as if the priority claim had not been considered not to have been made.

**Rule 86<sup>3</sup>**  
**The Gazette**

86.1 *Contents and Form*

(a) The Gazette referred to in Article 55(4) shall contain:

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<sup>3</sup> The amendments of Rule 86 entered into force on 1 January 1998, on the understanding that, for practical reasons, it might not be possible for the new formats of the Gazette to be implemented from that date. The new formats were in fact implemented on 2 April 1998 (see *PCT Gazette*, No. 13/1998, page 7752).

(i) for each published international application, the data specified by the Administrative Instructions taken from the front page of the pamphlet published under Rule 48, the drawing (if any) appearing on the said front page, and the abstract,

(ii) to (v) [No change]

(b) The information referred to in paragraph (a) shall be made available in two forms:

(i) as a Gazette in paper form, which shall contain the data specified by the Administrative Instructions taken from the front page of the pamphlet published under Rule 48 (“bibliographic data”) and the matters referred to in paragraph (a)(ii) to (v);

(ii) as a Gazette in electronic form, which shall contain the bibliographic data, the drawing (if any) appearing on the said front page, and the abstract.

#### 86.2 *Languages; Access to the Gazette*

(a) The Gazette in paper form shall be published in a bilingual (English and French) edition. It shall also be published in editions in any other language, provided the cost of publication is assured through sales or subventions.

(b) [No change]

(c) The Gazette in electronic form referred to in Rule 86.1(b)(ii) shall be made accessible, in English and French at the same time, by any electronic ways and means specified in the Administrative Instructions. The translations shall be ensured by the International Bureau in English and French. The International Bureau shall ensure that the making accessible of the Gazette in electronic form shall be effected on, or as soon as possible after, the date of publication of the pamphlet containing the international application.

86.3 to 86.6 [No change]

### **Rule 89bis<sup>4</sup>**

#### **Filing, Processing and Transmission of International Applications and Other Documents in Electronic Form or by Electronic Means**

##### 89bis.1 International Applications

(a) International applications may, subject to paragraphs (b) to (e), be filed and processed in electronic form or by electronic means, in accordance with the Administrative Instructions, provided that any receiving Office shall permit the filing of international applications on paper.

(b) These Regulations shall apply *mutatis mutandis* to international applications filed in electronic form or by electronic means, subject to any special provisions of the Administrative Instructions.

(c) The Administrative Instructions shall set out the provisions and requirements in relation to the filing and processing of international applications filed, in whole or in part, in electronic form or by electronic means, including but not limited to, provisions and requirements in relation to acknowledgment of receipt, procedures relating to the according of an international filing date, physical requirements and the consequences of non-compliance with those requirements, signature of documents, means of authentication of documents and of the identity of parties communicating with Offices and authorities, and the operation of

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<sup>4</sup> Rules 89bis and 89ter, to be inserted in Part F (Rules Concerning Several Chapters of the Treaty) before Rule 90, will enter into force at the same time as the modifications of the Administrative Instructions implementing those Rules, the effective date to be included in the promulgation of those modifications by the Director General.

Article 12 in relation to the home copy, the record copy and the search copy, and may contain different provisions and requirements in relation to international applications filed in different languages.

(d) No national Office or intergovernmental organization shall be obliged to receive or process international applications filed in electronic form or by electronic means unless it has notified the International Bureau that it is prepared to do so in compliance with the applicable provisions of the Administrative Instructions. The International Bureau shall publish the information so notified in the Gazette.

(e) No receiving Office which has given the International Bureau a notification under paragraph (d) may refuse to process an international application filed in electronic form or by electronic means which complies with the applicable requirements under the Administrative Instructions.

#### 89bis.2 Other Documents

Rule 89bis.1 shall apply *mutatis mutandis* to other documents and correspondence relating to international applications.

#### 89bis.3 Transmittal Between Offices

Where the Treaty, these Regulations or the Administrative Instructions provide for documents, notifications, communications or correspondence to be transmitted by one national Office or intergovernmental organization to another, such transmittal may, where so agreed by both the sender and the receiver, be effected in electronic form or by electronic means.

### **Rule 89ter<sup>5</sup>**

#### **Copies in Electronic Form of Documents Filed on Paper**

##### 89ter.1 Copies in Electronic Form of Documents Filed on Paper

Any national Office or intergovernmental organization may provide that, where an international application or other document relating to an international application is filed on paper, a copy thereof in electronic form, in accordance with the Administrative Instructions, may be furnished by the applicant.

### **Rule 91**

#### **Obvious Errors in Documents**

##### 91.1 *Rectification*

(a) to (c) [No change]

(d) Rectification may be made on the request of the applicant. The authority having discovered what appears to be an obvious error may invite the applicant to present a request for rectification as provided in paragraphs (e) to (g-*quater*). Rule 26.4 shall apply *mutatis mutandis* to the manner in which rectifications shall be requested.

(e) to (g-*quater*) [No change]

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<sup>5</sup> Rules 89bis and 89ter, to be inserted in Part F (Rules Concerning Several Chapters of the Treaty) before Rule 90, will enter into force at the same time as the modifications of the Administrative Instructions implementing those Rules, the effective date to be included in the promulgation of those modifications by the Director General.



## **Rule 92** **Correspondence**

92.1 [No change]

92.2 *Languages*

(a) Subject to Rules 55.1 and 66.9 and to paragraph (b) of this Rule, any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates. However, where a translation of the international application has been transmitted under Rule 23.1(b) or furnished under Rule 55.2, the language of such translation shall be used.

(b) [No change]

(c) [Remains deleted]

(d) and (e) [No change]

92.3 [No change]

92.4 *Use of Telegraph, Teleprinter, Facsimile Machine, Etc.*

(a) A document making up the international application, and any later document or correspondence relating thereto, may, notwithstanding the provisions of Rules 11.14 and 92.1(a), but subject to paragraph (h), be transmitted, to the extent feasible, by telegraph, teleprinter, facsimile machine or other like means of communication resulting in the filing of a printed or written document.

(b) to (h) [No change]

## **Rule 93** **Keeping of Records and Files**

93.1 to 93.3 [No change]

93.4 *Reproductions*

For the purposes of this Rule, records, copies and files may be kept as photographic, electronic or other reproductions, provided that the reproductions are such that the obligations to keep records, copies and files under Rules 93.1 to 93.3 are met.

## **Rule 94<sup>6</sup>** **Access to Files**

94.1 *Access to the File Held by the International Bureau*

(a) At the request of the applicant or any person authorized by the applicant, the International Bureau shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in its file.

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<sup>6</sup> Rule 94 as amended will apply only in respect of international applications filed on or after 1 July 1998; Rule 94 as applicable immediately before its amendment will continue to apply after 1 July 1998 in respect of international applications filed before that date.

(b) The International Bureau shall, at the request of any person but not before the international publication of the international application and subject to Article 38, furnish, subject to the reimbursement of the cost of the service, copies of any document contained in its file.

*94.2 Access to the File Held by the International Preliminary Examining Authority*

At the request of the applicant or any person authorized by the applicant, or, once the international preliminary examination report has been established, of any elected Office, the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in its file.

*94.3 Access to the File Held by the Elected Office*

If the national law applicable by any elected Office allows access by third parties to the file of a national application, that Office may allow access to any documents relating to the international application, including any document relating to the international preliminary examination, contained in its file, to the same extent as provided by the national law for access to the file of a national application, but not before the international publication of the international application. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

## SCHEDULE OF FEES

*as in force from January 1 to June 30, 1998<sup>7</sup>*

Fees	Amounts
1. Basic Fee: (Rule 15.2(a))	
(a) if the international application contains not more than 30 sheets	<u>650</u> <sup>8</sup> Swiss francs
(b) if the international application contains more than 30 sheets	<u>650</u> <sup>8</sup> Swiss francs plus 15 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2(a))	
(a) for designations made under Rule 4.9(a)	<u>150</u> <sup>8</sup> Swiss francs per designation, provided that any designation made under Rule 4.9(a) in excess of 11 shall not require the payment of a designation fee
(b) for designations made under Rule 4.9(b) and confirmed under Rule 4.9(c)	<u>150</u> <sup>8</sup> Swiss francs per designation
3. <sup>7</sup> Confirmation Fee: (Rule 15.5(a))	50% of the sum of the designation fees payable under item 2(b)
4. <sup>7</sup> Handling Fee: (Rule 57.2(a))	233 Swiss francs

All fees are reduced by 75% for international applications filed by any applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below US\$3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997); if there are several applicants, each must satisfy those criteria.

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<sup>7</sup> The Schedule of Fees appearing on this page entered into force on 1 January 1998; it will be further amended with effect from 1 July 1998 by deleting item 3 and renumbering item 4 as item 3 (see the following page).

<sup>8</sup> The new amounts of the basic fee and the designation fee apply only to international applications filed on or after 1 January 1998.

**SCHEDULE OF FEES****as in force from July 1, 1998<sup>9</sup>**

<b>Fees</b>	<b>Amounts</b>
1. Basic Fee: (Rule 15.2(a))	
(a) if the international application contains not more than 30 sheets	650 <sup>10</sup> Swiss francs
(b) if the international application contains more than 30 sheets	650 <sup>10</sup> Swiss francs plus 15 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2(a))	
(a) for designations made under Rule 4.9(a)	150 <sup>10</sup> Swiss francs per designation, provided that any designation made under Rule 4.9(a) in excess of 11 shall not require the payment of a designation fee
(b) for designations made under Rule 4.9(b) and confirmed under Rule 4.9(c) <sup>11</sup>	150 <sup>10</sup> Swiss francs per designation
3. Handling Fee: (Rule 57.2(a))	233 Swiss francs

All fees are reduced by 75% for international applications filed by any applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below US\$3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997); if there are several applicants, each must satisfy those criteria.

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<sup>9</sup> The Schedule of Fees appearing on this page will enter into force on 1 July 1998.

<sup>10</sup> The new amounts of the basic fee and the designation fee, which came into force on 1 January 1998, apply only to international applications filed on or after that date.

<sup>11</sup> See Rule 15.5(a) for the confirmation fee, which is also payable.

## OUTLINE OF THE AMENDMENTS

The following outline canvasses some of the significant changes to the PCT procedures which result from the amendments.

### **PCT Gazette (entry into force: 1 January 1998)**

*Affected Rules: PCT Rules 86.1 and 86.2*

The Assembly adopted amendments of the PCT Regulations as a result of which the *PCT Gazette* has been made available, as of 2 April 1998, in two forms—one on paper and one in electronic form. In respect of the *Gazette* on paper, the previously available two separate English and French editions have been replaced by one bilingual paper edition. For further details, see *PCT Newsletter* No. 10/1997.

### **Language of the international application (entry into force: 1 July 1998)**

*Affected Rules: PCT Rules 11.14, 12.1, 12.2, 12.3 (new), 19.4, 20.4, 22.1, 23.1, 26.3, 26.3bis, 26.3ter, 29.1, 37.2, 38.2, 43.4, 47.3, 48.3, 55.2, 66.9, 69.2 and 92.2.*

In order to allow applicants to file international applications in their national or official language, the PCT Regulations were amended in order to broaden the existing provisions as to filing languages according to the following principles:

*For the purposes of receiving an international filing date, it will be possible to file an international application in any language which the receiving Office is prepared to accept. Every receiving Office will, however, be obliged to accept filings in at least one language which is both a language accepted by the competent International Searching Authority and a language of publication, so that applicants would always have the option of filing the international application in a language from which no translation would be required for either search or publication purposes.*

*For the purposes of processing the international application, the existing stipulations as to required languages have been substantially retained, subject to a broadening of the circumstances in which the different stages of processing will be undertaken on the basis of a translation to be furnished by the applicant or, in certain cases, to be established under the responsibility of the International Searching Authority. Thus, the detailed checking of the international application for compliance with the requirements for an international filing date, the international search and the international preliminary examination will each, as at present, be carried out only in a language accepted by the receiving Office, the International Searching Authority and the International Preliminary Examining Authority, respectively. Moreover, international applications will continue to be published only in one of the seven languages of publication.*

If the language of filing of the international application is accepted by the receiving Office but is not accepted by the International Searching Authority and/or the International Preliminary Examining Authority, *the applicant will be required to furnish a translation.* The amended provisions will operate in such a way that only one translation is required under Chapter I of the Treaty for all purposes, that is, for the processing of the international application by the receiving Office, for the international search and for the international publication, so that either the international application in its original language or the translation will be sufficient for each of these stages of proceedings in the international phase (the applicant may also, in certain—very rare—cases, be required to furnish a translation under Chapter II of the Treaty specifically for the purposes of international preliminary examination).

If the language of filing of the international application is accepted by the receiving Office and the International Searching Authority but is not a language of publication (at present, this is the case only where

the international application is filed in Dutch and certain Nordic languages), the international application will, as at present, be published in English, the translation into that language being prepared under the responsibility of the International Searching Authority which undertakes the search.

The *request* will always have to be filed in a language which is accepted by the receiving Office and which is also one of the seven languages of publication, so as to avoid the proliferation of request forms in a variety of languages.

In cases where the applicant fails to furnish, within the applicable time limit, a translation for the purposes of receiving Office processing, international search, international publication and/or international preliminary examination, the amendments to the Rules provide for the receiving Office or the International Preliminary Examining Authority, as the case may be, *to invite the applicant to furnish the missing translation*, in certain cases subject to the payment of a late furnishing fee. A separate invitation procedure is provided for the case where the request does not comply with language requirements. Where the applicant does not furnish the missing translation within the time limit fixed in the invitation, the international application will, subject to certain safeguards for the applicant, be considered withdrawn and the receiving Office will so declare, or the demand will be considered not to have been submitted and the International Preliminary Examining Authority will so declare, as the case may be.

In conjunction with the proposal to introduce more flexibility for receiving Offices and applicants in relation to the language of filing, PCT Rule 19.4 was amended to broaden the range of circumstances in which an international application will be transmitted by a “non-competent” receiving Office to the International Bureau as receiving Office. The amended provisions will enable such transmittal in cases where the international application is filed in a language which is not accepted by the Office with which it was first filed but which is accepted by the International Bureau as receiving Office. Such transmittal will also be possible, under the amended provisions, for any other reason, provided that the receiving Office and the International Bureau so agree and that the transmittal is authorized by the applicant.

### **Priority claims and priority documents (entry into force: 1 July 1998)**

*Affected Rules: PCT Rules 4.10, 17.1, 17.2, 26bis, 48.2, 76.4, 82ter.1.*

The Assembly adopted amendments of the PCT Regulations so as to liberalize the requirements of the Regulations relating to the making of, and in particular the correction of mistakes in, priority claims, without adversely affecting the interests of third parties, and taking into account the needs of receiving Offices, International Authorities and designated and elected Offices.

The Regulations were amended, first, to simplify the requirements as to the contents of priority claims. Any priority claim, as at present, will have to indicate the filing date and the application number of the earlier application. As to the other indications required to be included in a priority claim, a different approach was adopted depending on whether the earlier application is a national application, a regional application or an international application. A priority claim based on an earlier *national application* will have to contain, as at present, an indication of the *country* in which that earlier application was filed. For the purpose of identifying an earlier *regional application* or *international application*, however, what is needed in practice is not an indication of the country, or one of the (usually several) countries, for which such earlier application was filed (as under the present requirements) but rather an indication of the Office which processed the application. A priority claim based on an earlier *regional application*, therefore, will simply be required to indicate, in addition to the date and application number, the authority entrusted with the granting of regional patents under the regional patent treaty concerned—that is, in practice, the name of the *regional Office concerned*. A priority claim based on an earlier *international application* will be required to indicate the PCT *receiving Office* with which it was filed.

The Regulations were also amended to make it easier for applicants to correct mistakes in priority claims. Broadly, the amended Regulations will permit applicants, by a notice submitted to the receiving

Office or the International Bureau, to add or correct any priority claim until 16 months from the correct (earliest) priority date (that is, not later than 16 months from the earliest priority date or, where the correction or addition would cause a change in the priority date, 16 months from the priority date as so changed, whichever expires first), provided that a notice effecting an addition or correction may, in any case, be submitted until the expiration of four months from the international filing date.

The receiving Office or the International Bureau will invite the applicant to correct any priority claim not complying with the Regulations. Failure to correct a defect, in response to the invitation, will result in the priority claim being considered, *for the purposes of the procedure under the PCT*, not to have been made, provided that a priority claim will not be considered not to have been made only because the indication of the number of the earlier application is missing or because an indication in the priority claim is not the same as the corresponding indication appearing in the priority document. Such a finding will not, however, prevent a designated Office from recognizing such a priority claim for the purposes of the national phase if so permitted or required by the national law. Express provision was made for publication with the international application, if the applicant so requests, of information about a priority claim considered not to have been made. Such a publication would serve as a warning to third parties that a different priority date may apply in certain designated States.

Consistent with the more liberal approach adopted for making priority claims and correcting mistakes made in priority claims, certain provisions relating to the furnishing of priority documents were also amended. The Regulations, as amended, will provide that, in cases where a copy of the priority document is received by the International Bureau after the expiration of the 16-month time limit, if it reaches the International Bureau before international publication, the document shall be considered to have been received on the last day of the 16-month time limit. This will add a further safeguard for applicants while still enabling the needs of third parties and designated Offices for copies of priority documents to be met. The amended Regulations will also give applicants the assurance that designated States—where the requirement to furnish the priority document within the above-mentioned time limit has not been complied with—will not disregard a priority claim without first giving the applicant an opportunity to furnish the priority document to the designated Office within a reasonable time limit.

The Regulations were also amended so as to require the furnishing by the applicant of a priority document, regardless of whether the earlier application was a national, regional or international application.

### **Nucleotide and amino acid sequence listings (entry into force: 1 July 1998)**

*Affected Rules: PCT Rules 3.3, 5.2, 12.1, 12.3 (new), 13ter.1, 13ter.2, 20.4, 23.1 and 49.5.*

The Assembly adopted amendments of the PCT Regulations according to the principles outlined below, so as to provide a legal framework for the implementation of a new standard for the presentation of sequence listings in international applications under the Patent Cooperation Treaty (PCT) (“PCT sequence listing standard”). That new standard will come into effect, as modified Annex C to the Administrative Instructions under the PCT, on 1 July 1998, and will replace the separate standards presently applicable in the case of the various International Searching and Preliminary Examining Authorities and designated and elected Offices. (New WIPO Standard ST.25, which recommends that national Offices apply the provisions of the PCT sequence listing standard *mutatis mutandis* to all patent applications other than international application under the PCT, is expected to enter into force on 23 July 1998).

The amended Regulations will require applicants to include any disclosed sequence listing in a “*sequence listing part*” of the description and, where required for the purposes of the international search by the International Searching Authority, or for the purposes of international preliminary examination by the International Preliminary Examining Authority, to furnish a sequence listing in computer readable form. Any such listing, in paper or in computer readable form, if it complies with the PCT sequence listing standard, will be accepted by all receiving Offices, International Searching Authorities and International Preliminary Examining Authorities for the purposes of the international phase, and by all designated and elected Offices for the purposes of the national phase.

The amended Rules provide for most, if not all, of the text matter of the sequence listing part of the description to be presented using language-neutral vocabulary (defined in the PCT sequence listing standard). Where it is not possible for certain text matter of the sequence listing part to be presented using the language-neutral vocabulary, such “free text” will be permitted to be contained in the sequence listing part in another language. However, any such free text will also have to be repeated in the main part of the description (in the so-called “sequence listing part” of the description), in the language thereof. For the purposes of the national phase of processing, a translation of any such free text contained in the sequence listing part of the description will then not be needed, and cannot be required, by the designated/elected Offices, since any such free text is repeated in the main part of the description (and hence in any translation thereof).

#### **Demand for international preliminary examination (entry into force: 1 July 1998)**

*Affected Rules: PCT Rules 54.2, 59.3 (new), 60.1, 60.2, 61.1, 61.4, 62.1, 62.2, 66.8, 69.2, 70.7 and 70.16.*

The Assembly adopted amendments to the PCT Regulations so as to provide *safeguards for applicants* if the demand is not filed with the competent International Preliminary Examining Authority (that is, if it is erroneously filed with an International Preliminary Examining Authority which is not competent for carrying out international preliminary examination, or with a receiving Office, an International Searching Authority or the International Bureau), similar to the safeguards which have already been introduced in the Regulations in respect of the filing of the international application if it is not filed with a competent receiving Office (namely, the transmittal to the International Bureau as receiving Office under PCT Rule 19.4), with a consequential amendment in respect of the time limit for the establishment of the international preliminary examination report, taking into account the fact that the start of international preliminary examination may be delayed on account of that transmittal.

#### **Access to files (entry into force: 1 July 1998)**

*Affected Rules: PCT Rules 94.1, 94.2 (new), 94.3 (new).*

The Assembly adopted amendments to the PCT Regulations in relation to the availability of copies of documents in the files of the International Bureau and the International Preliminary Examining Authority. Documents held in the files of the International Bureau will be available to third parties, subject to PCT Article 38, as of the international publication date. Authorization is also given to any elected Office to provide access to its files, including any copies of documents from the international preliminary examination file of the International Preliminary Examining Authority, *to the same extent as provided for by the national law applicable by that elected Office for access to the file of a national application*. That is, access to the file of the international preliminary examination by elected Offices will no longer be limited to the elected Offices themselves. Consequently, elected Offices whose national law makes application files publicly accessible will no longer be required to remove any copies of documents from the international preliminary examination file when allowing such access to their files. This will be particularly the case for, although not restricted to, an elected Office which had itself carried out the international preliminary examination in its capacity as an International Preliminary Examining Authority. This amendment will only apply to international applications filed on or after 1 July 1998; present PCT Rule 94 will continue to apply in respect of international applications filed before that date.

#### **Deposit of biological material (entry into force: 1 July 1998)**

*Affected Rules: PCT Rules 13bis and 48.2.*

The Assembly adopted amendments of the PCT Regulations relating to references to deposits of microorganisms so as to replace the word “microorganism” by the words “biological material,” so as to take into account recent developments in the field of biotechnology.



**Fees (entry into force: 1 July 1998; 1 January 1998 for new fee amounts)**

*Affected Rules:* PCT Rules 14.1, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 16.1, 16.2, 16bis.1, 16bis.2, 57.2, 57.3, 57.4, 57.6, 58.1, 58.2, 58bis (new), 61.1 and 69.2; *Schedule of Fees.*

In addition to amendments to the Schedule of Fees, resulting in a decrease in the basic fee and the designation fee, which took effect on 1 January 1998, the Assembly adopted amendments to the PCT Regulations in relation to the following:

*Maximum number of designation fees payable.* The Assembly adopted further amendments to the Schedule of Fees annexed to the PCT Regulations so as to clarify the present practice relating to the maximum number of designations for which a designation fee is payable under the Schedule of Fees. The text of the amended Schedule of Fees annexed to the PCT Regulations, as in force from 1 July 1998, is set out below.

*Time limits for payment.* At present, applicants sometimes make mistakes in paying fees because different fees have different time limits for payment. The Regulations have therefore been amended so as to establish a uniform time limit of one month from the date of receipt of the international application for payment of all fees due upon filing the application. It is noted that such a one-month time limit is already provided for in respect of the basic fee and applies in practice to the transmittal fee. Similarly, a one-month time limit was introduced for fees payable upon filing a demand for international preliminary examination. Special provision has been made for those cases where the international application is transmitted to the International Bureau as receiving Office under PCT Rule 19.4.

*Late payment of Chapter II fees.* Regarding fees for international preliminary examination under Chapter II, the existing Rules dealing with non-payment of fees due under Chapter II of the PCT were amended, aligning the procedure, so far as possible, with that followed in relation to the non-payment of fees in respect of the filing of the international application.

*Amount payable changing before date of payment.* It sometimes happens, because of the fixing of new fees or because of variations in exchange rates, that the amount of a fee payable for the benefit of the International Bureau, as at the date of filing the international application or a demand, is different from the amount as at the date of payment. The Regulations make some special provisions in this respect, but only for the cases where the equivalent amount has increased between filing and payment. However, there have been cases recently where the equivalent amounts of fees in certain currencies have decreased between filing and payment. Thus, the Regulations were amended to cover all cases where the amounts of fees change (that is, cases involving both increases and decreases).

*Refunds in certain cases.* At present, the Regulations do not provide for a refund of the international fee and search fee in the case where the international application is not treated as such due to reasons of national security, even though, in practice, since the record copy and the search copy are not transmitted to the International Bureau and the International Searching Authority, respectively, the situation is identical to that where the application is not accorded an international filing date or is withdrawn or considered withdrawn before the above-mentioned transmittals. The Regulations were therefore amended to provide expressly for refunds of the international fee and of the search fee in these circumstances.

*Fixing of equivalent amounts.* Three fees that are payable under the PCT for the benefit of the International Bureau, namely, the basic fee, the designation fee and the handling fee, are fixed in Swiss currency by the PCT Assembly and are contained in the Schedule of Fees annexed to the Regulations. The search fee is fixed by each International Searching Authority in its own currency or currencies. The basic fee, designation fee and search fee are collected by the receiving Office, and the handling fee is collected by the International Preliminary Examining Authority. In the majority of cases, the basic, designation and handling fees are not paid in Swiss currency, and the search fee is not paid in a currency of the International Searching Authority concerned, since the various receiving Offices and International Preliminary Examining Authorities to which those fees are paid mostly prescribe payment in local currency. The establishment of equivalent amounts of the various fees is done according to procedures established in the Regulations, which

also provide for the Assembly to give directives governing the procedures for adjusting the equivalent amounts as exchange rates fluctuate.

The procedures for consultation in the fixing of equivalent amounts, as set out in the relevant Rules and directives, were no longer appropriate in all cases, particularly to the extent that they require consultation with Offices and Authorities which prescribe payment in a currency other than their official currency or the official currency of the country in which they are located. Thus, the Assembly adopted amendments to the Regulations, and modified the Assembly's directives, so as to provide that, in general, in setting equivalent amounts of those fees in a particular currency, the Director General shall consult (only) the receiving Office of, or acting for, the State whose official currency is the same as that particular currency or, in the case of the handling fee, if there is no such Office, the International Preliminary Examining Authority which prescribes payment in that particular currency. Any other Offices and Authorities which prescribe payment in a currency whose equivalent amount has been so fixed will be notified by the Director General of the equivalent amounts fixed as a result of each consultation. The Regulations were also amended and the directives modified in relation to the adjustment of equivalent amounts when exchange rates fluctuate.

**Electronic filing of international applications (entry into force: (i) PCT Rules 89bis (new) and 89ter (new): at the same time as the modifications of the Administrative Instructions implementing those Rules, the effective date to be included in the promulgation of those modifications by the Director General of WIPO; PCT Rules 92.4 and 93.4: 1 July 1998)**

*Affected Rules: PCT Rules 89bis (new), 89ter (new), 92.4 and 93.4.*

The Assembly adopted amendments of the PCT Regulations to provide broad enabling provisions relating to electronic filing so as to take advantage of the possibilities provided by electronic technology and to afford applicants the option of electronically filing international applications and other documents and correspondence with those receiving Offices which are prepared to accept such filing. However, no Office or Authority will be obliged to receive or process such filings, and no applicant will be obliged to depart from the usual (paper-based) procedures for filing international applications.

The standards and other details concerning the requirements for the filing and processing of electronically filed international applications will, at least initially, be set out in the Administrative Instructions so as to permit the making of changes and improvements rapidly whenever required, taking into account the experience gained with any electronic filing system and the rapidly changing technologies and standards.