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NEWSLETTER

January 2001

No. 01/2001

FILING OF INTERNATIONAL APPLICATIONS CONTAINING LARGE NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTINGS

As from 11 January 2001, it will be possible for applicants filing international applications with certain receiving Offices to file, *for the purposes of all steps of the international phase*, the nucleotide and/or amino acid sequence listing part of the description of such applications *either* only on an electronic medium in computer readable form *or* both on an electronic medium and on paper in written form.

[continued on page 4]

PCT WHEEL

A new PCT Wheel, covering priority dates from January 2000 to December 2001, is inserted in this issue. The Wheel, which was created by patent attorneys from Davies Collison Cave, 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. Users of the Wheel simply "dial" the month of the priority date (or where no priority is claimed, the international filing date), and read the relevant dates through the windows of the Wheel.

If you require extra Wheels, a limited number is available on request, free of charge. They

can be requested from the Marketing and Distribution Section at WIPO at the address indicated opposite; or

by fax: (41-22) 740 18 12
by e-mail:
publications.mail@wipo.int.

NON-WORKING DAYS AT THE INTERNATIONAL BUREAU

For the purposes of computing time limits under PCT Rule 80.5, the days on which

[continued on page 2]

INSIDE THIS ISSUE

Non-working days at the International Bureau [continued]	2
PCT information update . .	2-3
PCT publications	3-4
Filing of international applications containing large nucleotide and/or amino acid sequence listings [continued]	4-5
Practical advice	5-6
PCT seminar calendar . .	6-7
PCT fee tables	8-11
PCT Contracting States and two-letter codes	12

Tear-out sheets: modifications of the Administrative Instructions (as in force from 11 January 2001); amendments of the Regulations under the PCT (as in force from 1 March 2001); revised *PCT Newsletter* subscription form; provisional sheet for the *PCT Applicant's Guide*, Vol. II/A, National Chapter, Summary (CR)

Inserts: **PCT Wheel**; *PCT Newsletter* Annual Index (2000); 2001 price lists for PCT publications

[continued from cover page]

the International Bureau will not be open for business are, for the period up to the end of January 2002, the following:

All Saturdays and Sundays, and

1 January 2001

2 January 2001

5 March 2001

13 April 2001

16 April 2001

24 May 2001

4 June 2001

6 September 2001

25 December 2001

26 December 2001

1 January 2002

2 January 2002

PCT INFORMATION UPDATE

AZ Azerbaijan (fees)

The amounts of the following national fees, payable to the Azerbaijan Patent

Office as designated and elected Office, have changed:

filing fee (including examination):	USD 100
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additional fee for each independent claim in excess of one:	USD 50
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additional fee for each independent claim in excess of five:	USD 20
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annual fee for the third year:	USD 40
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(Updating of *PCT Applicant's Guide*, Vol. II/A, National Chapter, Summary (AZ))

CN China (requirements concerning nucleotide and/or amino acid sequence listings)

There has been a change in the requirements of the China Intellectual Property Office as International Searching Authority concerning the presentation of sequence listings under PCT Rule 13*ter*.1, as follows:

requirements concerning nucleotide and/or amino acid sequence listing:

computer readable form required

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

CR Costa Rica (general information)

A summary of requirements for entry into the national phase in Costa Rica is set out on a pink tear-out provisional sheet for the *PCT Applicant's Guide*, Vol. II/A, National Chapter, Summary (CR).

JP Japan (means of telecommunication; provisions concerning the deposit of microorganisms and other biological material)

The requirements as to the kinds of documents which may be transmitted by fax to the Japanese Patent Office have changed: only documents needed to receive an international filing date under PCT Article 11 may be so transmitted. The original of the document need only be furnished upon invitation.

That Office has notified the International Bureau of changes in its provisions concerning the deposit of microorganisms and other biological material, as follows:

PCT MATERIALS ON INTERNET

(<http://www.wipo.int/pct/en/index.html>)

PCT InfoLine and contacts

Filing PCT applications

Basic Facts about the PCT

PCT forms

Direct filing of PCT applications with the International Bureau as PCT receiving Office

PCT Applicant's Guide

Practical advice published in the *PCT Newsletter* between March 1994 and December 1996

PCT-EASY

PCT legal texts

About the Treaty

Text of the Patent Cooperation Treaty, Regulations and Administrative Instructions

PCT Receiving Office Guidelines

PCT International Search Guidelines

PCT International Preliminary Examination Guidelines

Ratification situation

PCT Gazette

PCT News

PCT Newsletter (Nos. 01/1997–01/2001)

PCT press releases/updates

The PCT in 1999

PCT seminars

PCT meetings

PCT Assembly documents: 2000, 1999, 1998, 1997

PCT Informal Consultation Meeting on Electronic Filing (11–14 July 2000); draft legal framework and technical standards for PCT electronic filing

PCT Committee for Administrative and Legal Matters documents: 1999

Ordering PCT publications

* * *

PCT INFORMATION LINE

Telephone: (41–22) 338 83 38

Fax: (41–22) 338 83 39

E-mail: pct.infoline@wipo.int

time (if any) earlier than 16 months from priority date by which applicant must furnish the indications prescribed in Rule 13*bis*.3(a)(i) to (iii):

at the time of filing (must be in the description) (furnishing of the date of deposit is not necessary)

additional indications (if any) which must be given besides those prescribed in Rule 13*bis*.3(a)(i) to (iii) pursuant to a notification from the Office:

to the extent available to the applicant, relevant information on the characteristics of the biological material

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

SG Singapore (fees)

As from 1 February 2001, there will be changes in the equivalent amounts of the following fees payable in SGD to the Intellectual Property Office of Singapore as receiving Office, as well as in the equivalent amount of the PCT-EASY fee reduction:

basic fee, supplement per sheet over 30, designation fee and PCT-EASY fee reduction: see Table I(a) and footnotes

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

US United States of America (provisional protection after international publication)

The United States Patent and Trademark Office has notified conditions concerning provisional protection after international publication, as follows:

The patentee is entitled to obtain a reasonable royalty commencing on the date the USPTO receives a copy of the publication under PCT Article 21(2)(a) of the international application, or if the publication is in a language other than English, on the date the USPTO receives a translation of the international application in the English language. The right to obtain a reasonable royalty is not available unless the invention as claimed in the patent is substantially identical to the invention claimed in the published international application.

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

Search fee (United States Patent and Trademark Office)

As from 15 February 2001, there will be a change in the equivalent amount payable in ZAR for an international search carried out by the United States Patent and Trademark Office, as indicated in Table I(b).

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex D (US))

PCT PUBLICATIONS

***PCT Gazette* special issue: General information on Contracting States, national and regional Offices and International Authorities**

Consolidated general information relating to PCT Contracting States, national and regional Offices and International Authorities under the PCT is published in a special issue of the *PCT Gazette* dated 4 January 2001 (No. S-01/2001 (E) (English) and (F) (French)). It replaces the previous special issue containing consolidated general information, published on 13 July 2000 (No. S-02/2000 (E) and (F)).

Subscribers to the *PCT Gazette* automatically receive special issues. If you are not a subscriber to the *PCT Gazette* but would like to obtain that special issue, you may order it from the Marketing and Distribution Section at WIPO (for address, see item entitled "PCT Wheel" on cover page).

The price per special issue is 24 Swiss francs or 18 US dollars by regular mail, and 28 Swiss francs or 21 US dollars by priority mail. Note that the special issue is also available in PDF format, free of charge, as part of the *PCT Gazette* on WIPO's Internet site.

***PCT Applicant's Guide*: next paper update to be published in March instead of January**

The paper update of the *PCT Applicant's Guide* continues to be published twice a year. However this year, in order to be able to take into account the changes to the PCT Regulations which will become effective on 1 March 2001 and which will affect the general parts and numerous annexes, the next paper update of the *Guide* will be published in March 2001, instead of January. Note that the above-mentioned special issue of the *PCT Ga-*

zette, which is also available on the Internet, already contains Annexes A, B, C, D, E, L and the "Summaries" of the *Guide*, updated as of 4 January 2001.

PCT Newsletter subscription prices for 2001

As was indicated in *PCT Newsletter* No. 12/2000, the 2001 annual subscription price, in Swiss francs, of the *PCT Newsletter* will be maintained at the same level as 2000. Contrary to what was indicated in that issue, it has been decided to maintain the price in US dollars also at the same level as for 2000. Thus, the price is 50.40 US dollars by regular mail and 58.80 US dollars by priority mail. A revised subscription form is included as a tear-out sheet in this issue.

Prices of other PCT publications

The price lists for PCT publications, applicable from 1 January 2001, in Swiss francs and US dollars, are included as an insert in this issue.

You are reminded that you can view the *PCT Newsletter*, the *PCT Applicant's Guide* and the *PCT Gazette*, as well as other PCT materials, on WIPO's Internet site, free of charge. See "PCT materials on Internet".

FILING OF INTERNATIONAL APPLICATIONS CONTAINING LARGE NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTINGS [continued from cover page]

At present, applications containing a large number of pages are treated in the same manner as other international applications, in that they must be filed on large quantities of paper (international applications containing nucleotide and/or amino acid sequence listings often contain well over 1,000 pages), which is inconvenient for the applicant and which involves a rather high basic fee (being calculated based on the number of sheets in excess of 30 in an international application). In addition, such applications cause substantial disruption in the publication process. Although it is expected that, in the long term, the PCT Automation Project (IMPACT) and the implementation of electronic filing of PCT applications will provide solutions to this problem, a measure was needed to address it immediately.

Therefore, a new Part 8 to the *Administrative Instructions under the PCT*, concerning the filing, publication and communication of international applications containing large nucleotide and/or amino acid sequence listings ("sequence listings") pursuant to PCT Rules 89*bis* and 89*ter*, as set out in the tear-out sheets included in this issue, has been promulgated with effect from 11 January 2001, to provide for the filing of sequence listings in electronic form. PCT Rule 89*bis* will also enter into force on that date to the extent that the operation of that Rule is given effect in the modifications of the Administrative Instructions.

The basic fee payable in respect of international applications filed under new Section 801 will comprise two components (see new Section 803): a basic component calculated as provided in the Schedule of Fees in respect of all pages filed on paper, but excluding the sequence listing part if also filed on paper, and a new additional component for the sequence listing part only. The new additional component has been set at 400 times the fee per page as referred to in item 1(b) of the Schedule of Fees (that is, 6,000 Swiss francs or equivalent in the various currencies). This additional component will apply both where the sequence listing part of an international application is filed on an electronic medium only and where it is filed on an electronic medium and also on paper. Although the new provisions are not expressly restricted to international applications containing *large* sequence listings, it is expected that they will be used mostly for large listings since, in view of the additional component of the basic fee, it would be more expensive for applicants to file short or medium sized sequence listings under the new provisions rather than in written form only.

Details relating to the format and identification of the sequence listing part filed on an electronic medium, as well as those applying in the case of correction, rectification or amendment, are contained in new Section 802. All other elements of the international application will have to continue to be filed on paper with the exception of the request form which may be filed in the form of a computer print-out prepared using the PCT-EASY software made available by the International Bureau and on a diskette also prepared using that software.

The sequence listing in computer readable form will be part of the record copy, that is, of the true copy of the international application, when that sequence listing is filed **only** in computer readable form; where the sequence listing is filed also in written form, it will then be the sequence listing in written form that will be part of the record copy, not the sequence listing in computer readable form (see new Section 804(d) and (e)).

An international application containing a sequence listing may be published, in whole or in part, in electronic form as determined by the Director General (see Section 805(a)) and communication of copies of international applications under certain provisions of the Treaty and Regulations may also be made under new Section 805(b), in whole or in part, in electronic form as determined by the Director General.

Note however, that new Section 806 will allow a designated Office to require that a copy of a sequence listing part filed only on an electronic medium under new Section 801 be furnished, for the purposes of the national phase, on paper.

For applicants who do not wish to file the sequence listing parts of their international applications under new Section 801, the current provisions will continue to apply, including the filing in written form only (under Rule 5.2) and the concurrent or subsequent furnishing, as provided under PCT Rule 13^{ter} and Section 208, of the sequence listing parts in computer readable form but only for the purposes of international search and/or international preliminary examination. In such cases the current system for calculating the basic fee, on the basis of the total number of sheets of the international application including the sequence listing part, will continue to apply (see item 1(b) of the Schedule of Fees).

It is important to note that international applications filed under new Section 801 may only be filed with receiving Offices which are prepared to accept them and on such electronic media as specified by the receiving Offices. The International Bureau as receiving Office is prepared, as from 11 January 2001, to accept the filing of international applications containing a sequence listing part filed on an electronic

medium under Section 801(a)(i) or (ii) of the Administrative Instructions and specifies, under Section 801(b), any electronic medium referred to in Annex C of the Administrative Instructions. The International Bureau will publish such information on other receiving Offices in the *PCT Gazette* and in the *PCT Newsletter* as soon as it is notified accordingly.

The International Bureau will shortly be publishing a consolidated text of the Administrative Instructions, as in force from 1 March 2001.

PRACTICAL ADVICE

Entitlement to the 75% reduction in certain fees payable for the benefit of the International Bureau and the European Patent Office

Q: Our client, a South African company whose principal place of business is in South Africa, will shortly be filing a PCT application, choosing the European Patent Office (EPO) as International Searching Authority. I do not think that the company is entitled to the reduction in certain of the fees payable for the benefit of the International Bureau which is accorded to applicants from certain States (including South Africa), since that reduction is only available to natural persons, and not to legal persons. I have heard that the EPO has recently changed the requirements for the entitlement to the 75% reduction in the EPO's fees for international search and preliminary examination. Are those requirements now the same as for the fee reductions accorded by the International Bureau?

A: As you correctly state, it is not possible for a South African applicant company, which is not a natural person, to obtain any fee reduction in the case of the fees payable for the benefit of the International Bureau (that is, basic fee, the designation fee and the handling fee).

For international applications filed on or after 1 November 2000, and in accordance with the decision of the EPO's Administrative Council of 11 October 2000 (Official Journal of the EPO, No. 10/2000, page 446), the EPO's fees for international search and preliminary examination are 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 a State not party to the European Patent Convention, which fulfils the requirements for the corresponding reduction of certain PCT fees as specified in the Schedule of Fees annexed to the PCT Regulations. That Schedule of Fees states that the international application must be "filed by any applicant who is a natural person and who is a national of and resides in a State whose per capital national income is below 3,000 US dollars* (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."

Thus, for international applications filed on or after 1 November 2000, the EPO's 75% reduction of the international search

and preliminary examination fees is no longer applicable to legal persons. Your client therefore cannot benefit from such reduction. Indeed, the requirements for entitlement to the EPO fee reduction are now practically the same as those for the 75% reduction of fees payable for the benefit of the International Bureau. The only difference now between the two kinds of fee reductions is that the reduction accorded by the EPO is not applicable if the applicant, or any of the applicants, is a national or resident of a State party to the European Patent Convention.

It is recalled that for international applications filed on or after 1 January 2001 with the International Bureau as receiving Office, applicants who are eligible for the 75% reduction in the international fee will not have to pay any transmittal fee (see *PCT Newsletter* No. 10/2000).

* The PCT Contracting States concerned are the following: Albania, Algeria, Armenia, Azerbaijan, Belarus, Belize, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Chad, China, Colombia (as from 28 February 2001), Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Dominica, Estonia, Gabon, Gambia, Georgia, Ghana, Grenada, Guinea, Guinea-Bissau, Hungary, India, Indonesia, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liberia, Lithuania, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Niger, Poland, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Senegal, Sierra Leone, Slovakia, South Africa, Sri Lanka, Sudan, Swaziland, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Turkey, Turkmenistan, Uganda, Ukraine, United Republic of Tanzania, Uzbekistan, Viet Nam, Yugoslavia and Zimbabwe.

PCT SEMINAR CALENDAR			
Dates and location	Language of seminar	Nature of seminar; WIPO speakers (and others where known)	Organizer and contact numbers
22–23 January 2001 Pretoria (ZA)	English	PCT National Seminar WIPO speakers: Mr. Thomas and Mr. Nyagua	South African Patents and Trade Marks Office (Mrs. Cecelia Petlane) Tel: (27–12) 310 87 01 Fax: (27–12) 323 42 57
25–26 January 2001 Durban (ZA)	English	PCT National Seminar WIPO speakers: Mr. Thomas and Mr. Nyagua	South African Patents and Trade Marks Office (Mrs. Cecelia Petlane) Tel: (27–12) 310 87 01 Fax: (27–12) 323 42 57
29–30 January 2001 Algiers (DZ)	Arabic/ French	"Séminaire national sur la propriété industrielle et le PCT" WIPO speakers: Mr. Curchod, Mrs. Daboussi, Mrs. Vianès and Mr. Wibowo	Algerian National Institute of Industrial Property (INAPI) (Mr. Sadou) Tel: (213–21) 73 57 74 Fax: (213–21) 73 55 81 e-mail: brevet@inapi.org
8–9 February 2001 Antwerp (BE)	English	Advanced PCT seminar for patent attorneys WIPO speakers: Mrs. Coeckelbergs and Mr. Reischle	Technologisch Instituut vzw Ingenieurshuis- K VIV (Mrs. Christine Mortelmans) Tel: (32–3) 216 09 96 Fax: (32–3) 216 06 89 E-mail: christine.mortelmans@ti.kviv.be

[continued on next page]

PCT SEMINAR CALENDAR [continued]			
Dates and Location	Language of seminar	Nature of seminar; WIPO speakers (and others where known)	Organizer and contact numbers
20 March 2001 Paris (FR)	French	PCT presentation for patent attorneys WIPO speaker: Ms. Boutillon	Fondation Nationale pour le Droit de l'Entreprise (FNDE) and Association Française des Spécialistes en Propriété Industrielle de l'Industrie (ASPI) (Mrs. Heuzé) Tel: (33-1) 42 66 18 19 Fax: (33-1) 42 66 17 37
21-22 March 2001 Milan (IT)	English	PCT seminar for patent attorneys	Ordine Consulenti Proprietà Industriale and the Association of Patent Attorneys in Industry (AICIPI) Tel/Fax: (39-2) 55 18 51 44 E-mail: consiglio@ordine-brevetti.it
28 (p.m.)-29 March 2001 Ecully (FR)	French	PCT seminar for patent attorneys WIPO speaker: Ms. Boutillon	Centre Paul Roubier (Mrs. Audi) Tel: (33-4) 78 33 07 08 Fax: (33-4) 78 33 58 96
2-3 April 2001 London (GB)	English	Advanced PCT seminar for patent administrators WIPO speakers: Ms. Eriksson and Mrs. Coeckelbergs	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
4-5 April 2001 London (GB)	English	Basic PCT seminar for patent administrators WIPO speakers: Ms. Eriksson and Mrs. Coeckelbergs	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
6 April 2001 London (GB)	English	PCT-EASY workshop WIPO speakers: Ms. Featherby	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
22-24 April 2001 Palm Harbor, Florida (US)	English	Advanced PCT seminar for patent attorneys WIPO speaker: Mr. Maassel	Patent Resources Group, Inc. Tel: (1-804) 296 39 00 Fax: (1-804) 296 39 99
26-28 April 2001 Palm Harbor, Florida (US)	English	Basic PCT seminar for patent attorneys WIPO speaker: Mr. Maassel	Patent Resources Group, Inc. Tel: (1-804) 296 39 00 Fax: (1-804) 296 39 99
26-27 April 2001 Oslo (NO)	English and Swedish	Basic PCT seminar for patent attorneys and patent administrators WIPO speakers: Ms. Eriksson and Mrs. Coeckelbergs	The Norwegian Patent Office (Ms. Eli Mogstad Ranger) Tel: (47-22) 38 73 00 Fax: (47-22) 38 76 80 e-mail: kurs.kompetanse@patentstyret.no
8 May 2001 Munich (DE)	German	Basic PCT seminar for patent attorneys WIPO speakers: Mrs. Coeckelbergs and Mr. Reischle	Forum Institut für Management GmbH Tel: (49-6221) 500 500 Fax: (49-6221) 500 505 E-mail: Management@Forum-Institut.de
9-10 May 2001 Munich (DE)	German	Basic PCT seminar for patent administrators WIPO speakers: Mrs. Coeckelbergs and Mr. Reischle	Forum Institut für Management GmbH Tel: (49-6221) 500 500 Fax: (49-6221) 500 505 E-mail: Management@Forum-Institut.de
11 May 2001 Munich (DE)	German	PCT-EASY training	Forum Institut für Management GmbH Tel: (49-6221) 500 500 Fax: (49-6221) 500 505 E-mail: Management@Forum-Institut.de
16-17 May 2001 Paris (FR)	French	Basic seminar on PCT procedures	Institut national de la propriété industrielle (INPI) (Mrs. Christiane Sadrin) Tel: (33-1) 53 04 55 76 Fax: (33-1) 42 93 63 52

PCT FEE TABLES

The following Tables show the amounts and currencies 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. The total amount of the basic fee and designation fee may be reduced by CHF 200 under certain circumstances where the request is prepared using the PCT-EASY software; see footnote 2 for details. A 75% reduction in the basic fee, the supplement per sheet over 30, the designation fee and the handling fee, as well as an exemption from the transmittal fee payable to the International Bureau as receiving Office, is also available to applicants from certain States; see footnote 12 for details. (Note that if both the CHF 200 reduction and the 75% reduction are applicable, the 75% reduction is calculated **after** the CHF 200 reduction.) The key to the abbreviations used and the footnotes to the Fee Tables follow Table II.

Table I(a) — TRANSMITTAL, BASIC AND DESIGNATION FEES
(as at 1 January 2001, unless otherwise indicated)

RO	Transmittal fee ¹	Basic fee ^{1,2,3} (CHF 650)	Supplement per sheet over 30 ^{1,2,3} (CHF 15)	Designation fee ^{1,2,3,4,5} (CHF 140)	PCT-EASY reduction ² (CHF 200)	Competent ISA(s) ⁶
AL	ALL 9,000	CHF 650	15	140	n a	EP
AM	AMD 32,000	USD 382	9	82	117	EP RU
AP	USD 30 (or eq in local currency)	USD 382	9	82	117	AT EP SE
AT	ATS 700	ATS 5,627.96	123.84	1,210.91	1,733.80	EP
AU	AUD 100	AUD 665	15	144	205	AU
AZ	AZM eq USD 15 plus mailing costs	USD 382	9	82	n a	EP RU
BA	DEM 50	DEM 799.93	17.60	172.11	246.43	EP
BE	BEF 1,500	BEF 16,499	363	3,550	5,083	EP
BG	BGL 60	BGL eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP RU
BR	BRR 236	BRR eq CHF 650	eq CHF 15	eq CHF 140	n a	AT EP SE US
BY	BYR eq USD 70	USD 382	9	82	n a	EP RU
BZ	BZD 220	USD 382	9	82	117	EP
CA	CAD 200	CAD 562	13	121	173	EP
CH	CHF 100	CHF 650	15	140	200	EP
CN	CNY 500	CNY eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	CN
CR	USD 175	USD 382	9	82	117	EP ES
CU	USD (or CUP eq)200	USD (or CUP eq)382	9	82	n a	AT EP ES RU
CY	CYP 75	CYP 235	5	50	n a	EP
CZ	CZK 1,500	CZK eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP
DE	DEM 175	DEM 799.93	17.60	172.11	246.43	EP
DK	DKK 1,500	DKK 3,060	70	660	940	EP SE
DZ	DZD ⁷ —	CHF 650	15	140	n a	AT EP
EA	RUR eq USD 50	USD 382	9	82	117	EP RU
EE	EEK 1,800	EEK eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP
EP ⁸	EUR 102	EUR 409	9	88	126	EP
ES	ESP 10,040	ESP 68,052	1,497	14,642	20,965	EP ES
FI	FIM 800	FIM 2,431.80	53.51	523.22	749.16	EP SE
FR	FRF 400 or EUR 60.98	FRF 2,682.86 or EUR 409	59.04 9	577.24 88	826.51 126	EP
GB	GBP 55	GBP 264	6	56	81	EP
GE	GEL ⁹ 10	USD 382	9	82	117	EP RU

[continued on next page]

Table I(a) — TRANSMITTAL, BASIC AND DESIGNATION FEES [continued]

(as at 1 January 2001, unless otherwise indicated)

RO	Transmittal fee ¹	Basic fee ^{1,2,3} (CHF 650)	Supplement per sheet over 30 ^{1,2,3} (CHF 15)	Designation fee ^{1,2,3,4,5} (CHF 140)	PCT-EASY reduction ² (CHF 200)	Competent ISA(s) ⁶
GH	GHC ¹⁰ 2,500 or 5,000	USD 382	9	82	n a	AT AU CN EP SE
GR	GRD 39,500	GRD 136,000	3,000	29,000	42,000	EP
HR	HRK 200	HRK eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP
HU	HUF ¹¹ 10,000	HUF eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP RU
IB	CHF ¹² 100 or USD ¹² 60	CHF 650 or USD 382	15 9	140 82	200 117	See footnote 13
ID	IDR 500,000	IDR eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	AU EP RU
IE	IEP 60 or EUR 76.18	IEP 322.11 or EUR 409	7.09 9	69.31 88	99.23 126	EP
IL	ILS 437	USD 382	9	82	117	EP US
IN	INR 5,000 (filing by individual:1,500)	USD 382	9	82	117	AT AU CN EP SE US
IS	ISK 5,500	ISK 30,800	700	6,600	n a	EP SE
IT	ITL 60,000	ITL 791,934	17,426	170,392	n a	EP
JP	JPY 18,000	JPY 40,700	940	8,800	12,500	EP JP
KE	USD (or KES equiv) ³⁰	USD 382	9	82	n a	AT AU CN EP SE
KG	KGS eq USD 100	USD 382	9	82	117	EP RU
KP	KPW eq CHF 50	KPW eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	AT RU
KR	KRW 45,000	KRW 425,800	9,800	91,700	131,000	AT AU KR
KZ	KZT ⁷ —	USD 382	9	82	117	EP RU
LR	USD 45	USD 382	9	82	n a	AT AU CN EP SE
LS	LSM ⁷ —	LSM eq CHF 650	eq CHF 15	eq CHF 140	n a	AT EP
LT	LTL 320	USD 382	9	82	n a	EP RU
LU	LUF/BEF 800	LUF/BEF 16,499	363	3,550	n a	EP
LV	LVL 47.20	USD 382	9	82	117	EP RU
MA	None	CHF 650	15	140	n a	AT EP RU SE
MC	FRF 320	FRF 2,682.86	59.04	577.24	n a	EP
MD	MDL ⁷ 180	USD 382	9	82	117	EP RU
MK	MKD 2,750	MKD eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP
MN	None	CHF 650	15	140	200	EP RU
MW	MWK 2,000	MWK 28,500	700	6,000	8,800	EP
MX	MXP ³ eq USD 200	MXP eq CHF 650	eq CHF 15	eq CHF 140	n a	EP ES SE US
NL	NLG 110	NLG 901.32	19.83	193.93	277.67	EP
NO	NOK 500	NOK 3,380	80	730	1,040	EP SE
NZ	NZD 180	NZD 923	21	199	n a	AU EP US
PL	PLZ 280	PLZ eq CHF 650	eq CHF 15	eq CHF 140	n a	EP
PT	PTE 4,650	PTE 81,997.10	1,804.30	17,642.40	25,260.70	EP
RO	ROL 300,000	CHF 650	15	140	200	AT EP RU

[continued on next page]

Table I(a) — TRANSMITTAL, BASIC AND DESIGNATION FEES [continued]
(as at 1 January 2001, unless otherwise indicated)

RO	Transmittal fee ¹		Basic fee ^{1,2,3} (CHF 650)		Supplement per sheet over 30 ^{1,2,3} (CHF 15)		Designation fee ^{1,2,3,4,5} (CHF 140)		PCT-EASY reduction ² (CHF 200)		Competent ISA(s) ⁶	
RU	RUR	294	USD	382		9		82		117		EP RU
SD	SDP	50	SDP	eq CHF 650		eq CHF 15		eq CHF 140		n a		EP
SE	SEK	1,000	SEK	3,540		80		760		1,090		EP SE
SG	SGD	135	SGD	727 (from 1.2.01: 638)		17 (15)		156 (137)		224 (196)		AT AU EP
SI	SIT	22,000	SIT	eq CHF 650		eq CHF 15		eq CHF 140		eq CHF 200		EP
SK	SKK	1,600	SKK	eq CHF 650		eq CHF 15		eq CHF 140		eq CHF 200		EP
TJ	TJR ⁷	—	USD	382		9		82		n a		EP RU
TM	USD ⁷	—	USD	382		9		82		117		EP RU
TR	CHF	100	CHF	650		15		140		200		EP
TT	TTD	750	USD	382		9		82		117		AT EP SE US
UA	UAH	255	USD	382		9		82		n a		EP RU
US	USD	240	USD	382		9		82		117		EP US
UZ	USD ⁷	—	USD	382		9		82		117		EP RU
VN	VND eq USD	150	VND	eq CHF 650		eq CHF 15		eq CHF 140		n a		AT AU EP RU SE
YU	YUD	600	CHF	650		15		140		200		EP
ZA	ZAR	500	ZAR	2,620		60		560		800		AT AU EP US
ZW	ZWD	1,000	ZWD	eq USD 382		eq USD 9		eq USD 82		eq USD 117		AT AU CN EP RU

Table I(b) — SEARCH FEES
(as at 1 January 2001, unless otherwise indicated)

ISA	Search fee ¹											
AT	ATS	2,200	CHF	250	KRW	159,500	SGD	247	USD	170	ZAR	1,022
AU	AUD	800	CHF	780	KRW	496,000	NZD	990	SGD	749	USD	510
	ZAR	3,150										
CN	CNY	800	CHF	150	USD	100						
EP ¹⁴	EUR	945	CYP	558	FRF	6,198.79	ITL	1,829,775	NLG	2,082.51	SEK	8,220
	ATS	13,003.48	DEM	1,848.26	GBP	572	JPY	90,600	NOK	7,800	SGD	1,457
	BEF	846	DKK	7,090	GRD	314,700	LUF	38,121	NZD	1,900	USD	
	CAD	1,249	ESP	157,235	IEP	744.25	MWK	62,000	PTE	189,455.50	ZAR	6,040
	CHF	1,460	FIM	5,618.71	ISK	70,000						
ES	ESP	157,235	CHF	1,500	EUR	945	USD	846				
JP	JPY	72,000	CHF	1,170	USD	720						
KR	KRW	150,000	CHF	173	USD	110						
RU ¹⁵	USD	300	CHF	460								
SE	SEK	8,220	CHF	1,530	DKK	7,090	FIM	5,618.71	ISK	70,000	NOK	7,800
	USD	846										
US	USD	700	450 ¹⁶	CHF	1,064	684 ¹⁶	NZD	1,714	1,102 ¹⁶	ZAR*	4,900	3,100 ¹⁶
	*(from 15.2.01:		ZAR	5,500	3,500 ¹⁶)							

Table II — PRELIMINARY EXAMINATION FEES

(as at 1 January 2001, unless otherwise indicated)

IPEA	Preliminary examination fee ¹⁷			Handling fee ^{3,17} (CHF 233)		
AT	ATS	2,200		ATS	2,022.76	
AU	AUD	450		AUD	238	
CN	CNY	800		CNY eq CHF	233	
EP ¹⁴	EUR	1,533	DKK	11,500	IEP	1,207.34
	ATS	21,094.54	ESP	255,070	ITL	2,968,302
	BEF	61,841	FIM	9,114.80	LUF	61,841
	CHF	2,380	FRF	10,055.82	NLG	3,378.29
	CYP	904	GBP	927	PTE	307,338.90
	DEM	2,998.29	GRD	510,500	SEK	13,340
	EUR	147	DKK	1,100	IEP	115.77
ATS	2,022.76	ESP	24,459	ITL	284,632	
BEF	5,930	FIM	874.02	LUF	5,930	
CHF	233	FRF	964.26	NLG	323.95	
CYP	84	GBP	94	PTE	29,470.90	
DEM	287.51	GRD	49,000	SEK	1,270	
JP	JPY	28,000		JPY	14,600	
KR	KRW	150,000		KRW	152,600	
RU ¹⁵	USD	200 ¹⁸	300 ¹⁹	USD	137	
SE	SEK	4,200		SEK	1,270	
US	USD	490	750 ²⁰	USD	137	

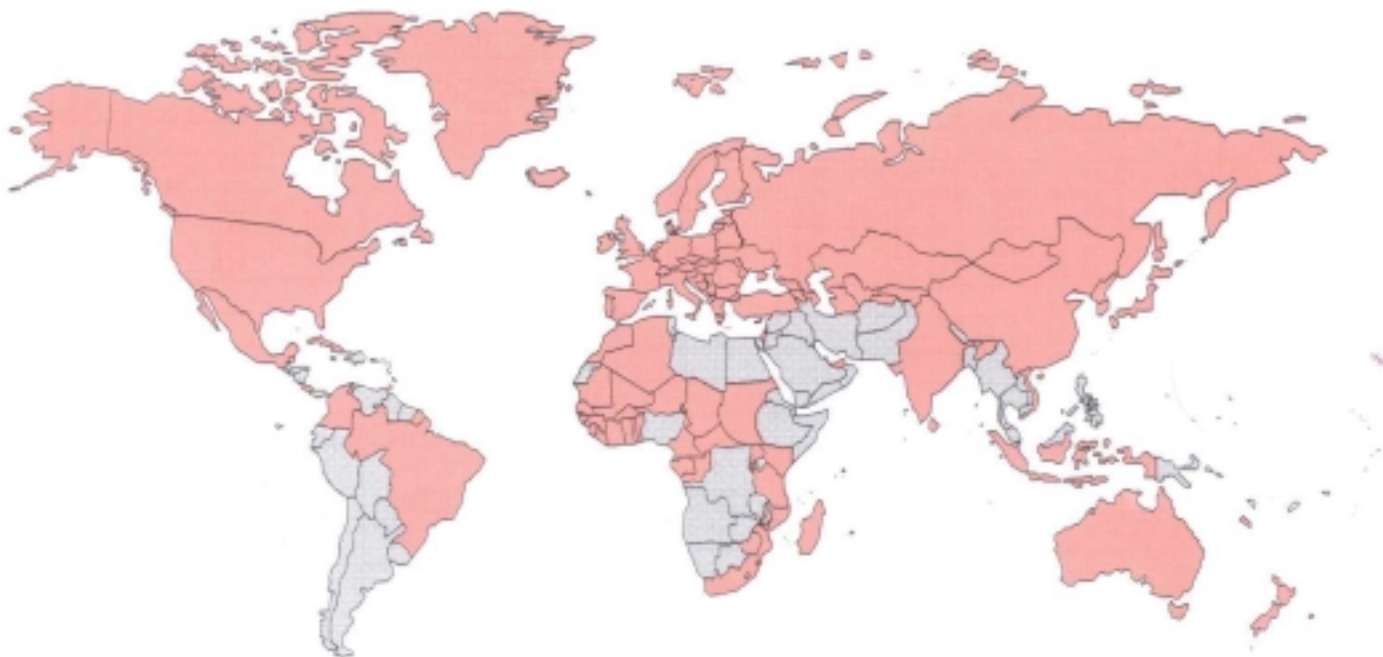
Key to abbreviations used in fee tables:

eq	equivalent of	BYR	Belarussian rouble	GEL	Georgian lari	LSM	Lesotho loti	SEK	Swedish krona
IPEA	International Preliminary Examining Authority	BZD	Belize dollar	GHC	Ghanaian cedi	LTL	Lithuanian litas	SGD	Singapore dollar
ISA	International Searching Authority	CAD	Canadian dollar	GRD	Greek drachma	LUF	Luxembourg franc	SIT	Slovenian tolar
n a	not applicable	CHF	Swiss franc	HRK	Croatian kuna	LVL	Latvian lat	SKK	Slovak koruna
RO	receiving Office	CNY	Yuan renminbi	HUF	Hungarian forint	MAD	Moroccan dirham	TJR	Tajik rouble
		CUP	Cuban convertible peso	IDR	Indonesian rupiah	MDL	Moldovan leu	TTD	Trinidad and Tobago dollar
		CYP	Cyprus pound	IEP	Irish pound	MKD	Macedonian denar	UAH	Ukrainian hryvnia
		CZK	Czech koruna	ILS	New Israel shekel	MWK	Malawian kwacha	USD	US dollar
		DEM	Deutsche mark	INR	Indian rupee	MXP	Mexican peso	VND	Vietnamese dong
		ALL	Albanian lek	ISK	Icelandic krona	NLG	Netherlands guilder	YUD	Yugoslavian dinar
		AMD	Armenian dram	DZD	Algerian dinar	NOK	Norwegian krone	ZAR	South African rand
		ATS	Austrian schilling	EEK	Estonian kroon	NZD	New Zealand dollar	ZWD	Zimbabwe dollar
		AUD	Australian dollar	ESP	Spanish peseta	PLZ	Polish zloty		
		AZM	Azerbaijani manat	EUR	Euro	PTE	Portuguese escudo		
		BEF	Belgian franc	FIM	Finnish markka	ROL	Romanian leu		
		BGL	Bulgarian lev	FRF	French franc	RUR	Russian rouble		
		BRR	Brazilian real	GBP	Pound sterling	KRW	KR won		
				KZT	Kazakh tenge	SDP	Sudanese pound		

Footnotes to fee tables:

- 1 Payable to the receiving Office in the currency or one of the currencies prescribed by it.
- 2 The total amount of the basic fee and designation fee is reduced by 200 Swiss francs where: (a) the request is presented as a computer print-out prepared using the PCT-EASY software; (b) the request is filed together with a computer diskette, prepared using that software, containing a copy in electronic form of the data contained in the request and of the abstract; and (c) the international application is filed with a receiving Office which is prepared to accept the filing of international applications containing requests in PCT-EASY format together with PCT-EASY diskettes.
- 3 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, Algeria, Armenia, Azerbaijan, Belarus, Belize, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Central African Republic, Chad, China, Colombia (from 28.2.00), Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Dominica, Estonia, Gabon, Gambia, Georgia, Ghana, Grenada, Guinea, Guinea-Bissau, Hungary, India, Indonesia, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liberia, Lithuania, Madagascar, Malawi, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Niger, Poland, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Senegal, Sierra Leone, Slovakia, South Africa, Sri Lanka, Sudan, Swaziland, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Turkey, Turkmenistan, Uganda, Ukraine, United Republic of Tanzania, 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.
- 4 The maximum number of designation fees payable is six.
- 5 The confirmation fee payable under PCT Rules 4.9(c) and 15.5 is 50% of the designation fee due (taking into account any applicable 75% reduction; see footnote 3).
- 6 For the search fee payable to the receiving Office, consult the entry in Table I(b) for the competent International Searching Authority.
- 7 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.
- 8 The amounts of the transmittal fee in currencies other than EUR are as follows: ATS 1,403.55; BEF 4,115; CHF 160; CYP 60; DEM 199.49; DKK 770; ESP 16,971; FIM 606.46; FRF 669.08; GBP 62; GRD 34,000; IEP 80.33; ITL 197,500; LUF 4,115; NLG 224.78; PTE 20,449.20; SEK 890. 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.
- 9 This fee is reduced by 80% where the applicant is a natural person.
- 10 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.
- 11 A supplement of HUF 500 is also payable for each claim in excess of 10.
- 12 This fee is not payable in respect of international applications filed by applicants fulfilling the conditions indicated in footnote 3.
- 13 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).
- 14 The search fee and the preliminary examination fee are reduced by 75% if the application is filed by a natural person who is a national of a State not party to the European Patent Convention, which fulfills the requirements for the corresponding reduction of fees payable to the International Bureau, and is resident in such a State (see decision of the EPO's Administrative Council of 11 October 2000, the text of which was included in *PCT Newsletter* No. 11/2000). The States concerned are those indicated in footnote 3, with the exception of Turkey.
- 15 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.
- 16 Payable when a corresponding prior US national application has been filed and the basic filing fee for that US application has been paid.
- 17 Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
- 18 Payable when the international search report was established by the Russian Patent Office.
- 19 In all cases where footnote 18 does not apply.
- 20 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 (109 on 1 January 2001)



AE United Arab Emirates	CM Cameroon (OA) ²	HR Croatia	MC Monaco (EP) ²	SI Slovenia ¹
AG Antigua and Barbuda	CN China	HU Hungary	MD Republic of Moldova (EA)	SK Slovakia
AL Albania ¹	CO Colombia (from 28 February 2001)	ID Indonesia	MG Madagascar	SL Sierra Leone (AP)
AM Armenia (EA)	CR Costa Rica	IE Ireland (EP) ²	MK The former Yugoslav Republic of Macedonia ¹	SN Senegal (OA) ²
AT Austria (EP)	CJ Cuba	IL Israel	ML Mali (OA) ²	SZ Swaziland (AP) ²
AU Australia	CY Cyprus (EP) ²	IN India	MN Mongolia	TD Chad (OA) ²
AZ Azerbaijan (EA)	CZ Czech Republic	IS Iceland	MR Mauritania (OA) ²	TG Togo (OA) ²
BA Bosnia and Herzegovina	DE Germany (EP)	IT Italy (EP) ²	MW Malawi (AP)	TJ Tajikistan (EA)
BB Barbados	DK Denmark (EP)	JP Japan	MX Mexico	TM Turkmenistan (EA)
BE Belgium (EP) ²	DM Dominica	KE Kenya (AP)	MZ Mozambique (AP)	TR Turkey (EP)
BF Burkina Faso (OA) ²	DZ Algeria	KG Kyrgyzstan (EA)	NE Niger (OA) ²	TT Trinidad and Tobago
BG Bulgaria	EE Estonia	KP Democratic People's Republic of Korea	NL Netherlands (EP) ²	TZ United Republic of Tanzania (AP)
BJ Benin (OA) ²	ES Spain (EP)	KR Republic of Korea	ND Norway	UA Ukraine
BR Brazil	FI Finland (EP)	KZ Kazakhstan (EA)	NZ New Zealand	UG Uganda (AP)
BY Belarus (EA)	FR France (EP) ²	LC Saint Lucia	PL Poland	US United States of America
BZ Belize	GA Gabon (OA) ²	LI Liechtenstein (EP)	PT Portugal (EP)	UZ Uzbekistan
CA Canada	GB United Kingdom (EP)	LK Sri Lanka	RO Romania ¹	VN Viet Nam
CF Central African Republic (OA) ²	GD Grenada	LR Liberia	RU Russian Federation (EA)	ZA South Africa
CG Congo (OA) ²	GE Georgia (AP)	LS Lesotho (AP)	SD Sudan (AP)	ZW Zimbabwe (AP)
CH Switzerland (EP)	GH Ghana (AP)	LT Lithuania ¹	SE Sweden (EP)	
CI Côte d'Ivoire (OA) ²	GM Gambia (AP)	LU Luxembourg (EP)	SG Singapore	
	GN Guinea (OA) ²	LV Latvia ¹		
	GR Greece (EP) ²	MA Morocco		
	GW Guinea-Bissau (OA) ²			

¹ Extension of European patent possible.

² 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 State indicated in **bold italics** has adhered to the PCT but was not yet bound by the PCT on the date of issue of the latest version of the request form. Where any State has adhered to but is not yet bound by the PCT, the date on which it will become bound is shown in parentheses; it cannot be designated in international applications filed before that date. If the applicant wishes to designate, for the purposes of a national patent, any State which is bound by the PCT on the date on which the international application is filed but which is not listed in the request form, he must add it in Box No. V of the request form and mark the corresponding check-box.

Applicants should always use the latest versions of the request form (PCT/RO/101) and demand form (PCT/IPEA/401), updated versions of which are normally issued twice yearly. The latest versions are dated January 2001. The forms are reproduced in Annexes X and Y, respectively, in Vol. I/B of the *PCT Applicant's Guide* (January 2001 update), and can be printed from the WIPO Internet site, in PDF format, at: <http://www.wipo.int/pct/en/forms/index.htm>, or obtained from receiving Offices or the International Bureau, or, in the case of the demand form, also from International Preliminary Examining Authorities.



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SUMMARY**Designated
(or elected) Office****SUMMARY****CR REGISTRY OF INTELLECTUAL PROPERTY CR
(COSTA RICA)****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22: 21 months from the priority date Under PCT Article 39(1): 31 months from the priority date
Translation of international application required into: ¹	Spanish
Required contents of the translation for entry into the national phase: ¹	Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee: ¹	Currency: Costa Rican colón (CRC) For patent: Filing fee: CRC 150 For utility model: Filing fee: CRC 75
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51bis): ²	Name and address of the inventor if they have not been furnished in the "Request" part of the international application Translation of the international application to be furnished in two copies Verified translation of priority document in all cases Appointment of an agent if the applicant is not resident in Costa Rica
Who can act as agent?	Any attorney registered in Costa Rica

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

² If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the applicant must comply with the requirement within 90 days after entry into the national phase. The Office will not issue an invitation to this effect.

MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS

PART 8 [NEW] INSTRUCTIONS RELATING TO INTERNATIONAL APPLICATIONS CONTAINING LARGE NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTINGS

(as in force from 11 January 2001)

Section 801 [New] **Filing of International Applications Containing Sequence Listings**

(a) Pursuant to Rules 89*bis* and 89*ter*, where an international application contains disclosure of one or more nucleotide and/or amino acid sequence listings ("sequence listings"), the receiving Office may, if it is prepared to do so, accept that the sequence listing part of the description, as referred to in Rule 5.2(a), be filed, at the option of the applicant:

- (i) only on an electronic medium in the computer readable form referred to in Annex C; or
- (ii) both on an electronic medium in that computer readable form and on paper in the written form referred to in Annex C;

provided that the other elements of the international application are filed as otherwise provided for under the Regulations and these Instructions.

(b) Any receiving Office which is prepared to accept the filing in computer readable form of the sequence listing part of international applications under paragraph (a) shall notify the International Bureau accordingly. The notification shall specify the electronic media on which the receiving Office will accept such filings. The International Bureau shall promptly publish any such information in the Gazette.

(c) A receiving Office which has not made a notification under paragraph (b) may nevertheless decide in a particular case to accept an international application the sequence listing part of which is filed with it under paragraph (a).

(d) Where the sequence listing part is filed in computer readable form under paragraph (a) but not on an electronic medium specified by the receiving Office under paragraph (b), that Office shall, under Article 14(1)(a)(v), invite the applicant to furnish to it a replacement sequence listing part on an electronic medium specified under paragraph (b).

(e) Where an international application containing a sequence listing part in computer readable form is filed under paragraph (a) with a receiving Office which is not prepared, under paragraph (b) or (c), to accept such filings, Section 333(b) and (c) shall apply.

Section 802 [New] **Format and Identification Requirements Relating to International Applications Containing Sequence Listings**

(a) Paragraphs 40 to 45 of Annex C shall apply *mutatis mutandis* to the sequence listing part of an international application filed in computer readable form. In addition, the label provided for in paragraph 44 of Annex C shall also include, as the case may be, the following indications:

- (i) that the sequence listing part is filed under Section 801(a);
- (ii) where the sequence listing part in computer readable form is contained on more than one electronic carrier, the numbering of each such carrier (for example, "DISK 1/3," "DISK 2/3," "DISK 3/3");
- (iii) where more than one copy of the sequence listing part in computer readable form has been filed, the numbering of each copy (for example, "COPY 1," "COPY 2," "COPY 3").

(b) Where any correction under Rule 26.3, any rectification of an obvious error under Rule 91, or any amendment under Article 34 is submitted in respect of the sequence listing part of an international application filed, under Section 801(a)(i) or (ii), in computer readable form, a replacement sequence listing part in computer readable form containing the entire sequence listing part with the relevant correction, rectification or amendment shall be furnished and the label referred to in paragraph (a) shall be marked accordingly (for example, "SUBMITTED FOR CORRECTION," "SUBMITTED FOR RECTIFICATION," "SUBMITTED FOR AMENDMENT"). Where the sequence listing part was filed both in computer readable form and in written form under Section 801(a)(ii), replacement sheets containing the correction, rectification or amendment in question shall also be submitted in written form.

Section 803 [New]
Calculation of Basic Fee for International Applications
Containing Sequence Listings

Where the sequence listing part of an international application is filed in electronic form under Section 801(a), the basic fee payable in respect of that application shall comprise the following two components:

- (i) a basic component calculated as provided in the Schedule of Fees in respect of all pages filed on paper (that is, all pages of the request, description (excluding the sequence listing part if also filed on paper), claims, abstract and drawings), and
- (ii) an additional component, in respect of the sequence listing part, equal to 400 times the fee per sheet as referred to in item 1(b) of the Schedule of Fees, regardless of the actual length of the sequence listing part filed in computer readable form and regardless of the fact that the sequence listing part may have been filed both in written form and in computer readable form.

Section 804 [New]
Preparation, Identification and Transmittal of Copies of
International Applications Containing Sequence Listings

(a) Where the sequence listing part of an international application is filed only in computer readable form under Section 801(a)(i), the record copy for the purposes of Article 12 shall consist of those elements of the international application filed on paper together with the sequence listing part filed in computer readable form.

(b) Where the sequence listing part of an international application is filed both in computer readable form and in written form under Section 801(a)(ii), the record copy for the purposes of Article 12 shall consist of all the elements of the international application filed on paper, including the sequence listing part in written form.

(c) Where the sequence listing part of an international application is filed in computer readable form under Section 801(a)(i) or (ii) in less than the number of copies required for the purposes of this Section, the receiving Office shall either:

- (i) promptly prepare any additional copies required, in which case it shall have the right to fix a fee for performing that task and to collect such fee from the applicant; or
- (ii) invite the applicant to promptly furnish the additional number of copies required, accompanied by a statement that the sequence listing part in computer readable form contained in those copies is identical to the sequence listing part in computer readable form as filed;

provided that, where that sequence listing part was also filed in written form under Section 801(a)(ii), the receiving Office shall not, notwithstanding Rule 11.1(b), require the applicant to file additional copies of the sequence listing part in written form.

(d) Where the sequence listing part of an international application is filed under Section 801(a)(i), the receiving Office shall, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:

- (i) mark the words "RECORD COPY—SEQUENCE LISTING PART" on the original electronic medium containing the sequence listing part in computer readable form and transmit that part of the record copy to the International Bureau together with the paper part of the record copy;

(ii) mark the words “SEARCH COPY—SEQUENCE LISTING PART” on one additional copy of the electronic medium containing the sequence listing part in computer readable form and transmit that part of the search copy to the International Searching Authority, for the purposes of Rule 13^{ter}.1, together with the paper part of the search copy;

(iii) mark the words “HOME COPY—SEQUENCE LISTING PART” on the other such copy of the electronic medium containing the sequence listing part in computer readable form and keep that part of the home copy in its files together with the paper part of the home copy.

(e) Where the sequence listing part of an international application is filed under Section 801(a)(ii), the receiving Office shall, in addition to proceeding under Section 305 with respect to the parts of the international application filed on paper:

(i) mark the words “RECORD COPY—SEQUENCE LISTING PART” in the upper left-hand corner of the first page of the sequence listing part in written form and transmit that part of the record copy to the International Bureau together with the paper part of the record copy; it shall also mark the words “COPY FOR INTERNATIONAL BUREAU—SEQUENCE LISTING PART” on one copy of the electronic medium containing the sequence listing part in computer readable form and transmit that copy with the record copy;

(ii) mark the words “SEARCH COPY—SEQUENCE LISTING PART” on one additional copy of the electronic medium containing the sequence listing part in computer readable form and transmit that part of the search copy to the International Searching Authority, for the purposes of Rule 13^{ter}.1, together with the paper part of the search copy;

(iii) mark the words “HOME COPY—SEQUENCE LISTING PART” on the other such copy of the electronic medium containing the sequence listing part in computer readable form and keep that part of the home copy in its files together with the paper part of the home copy.

(f) The receiving Office may, when marking the copies referred to in paragraphs (d) and (e), use, instead of the words referred to in those paragraphs, the equivalent of those words in the language of publication of the international application.

Section 805 [New]

Publication and Communication of International Applications Containing Sequence Listings; Copies; Priority Documents

(a) Notwithstanding Section 406, an international application containing a sequence listing part may be published under Article 21, in whole or in part, in electronic form as determined by the Director General.

(b) Paragraph (a) shall apply *mutatis mutandis* in relation to:

(i) the communication of an international application under Article 20;

(ii) the furnishing of copies of an international application under Rules 87 and 94.1;

(iii) the furnishing under Rule 17.1, as a priority document, of a copy of an international application containing a sequence listing part filed under Section 801(a);

(iv) the furnishing under Rules 17.2 and 66.7 of copies of a priority document.

Section 806 [New]

Sequence Listings for Designated Office

Where the sequence listing part of an international application was filed only in computer readable form under Section 801(a)(i), any designated Office which does not accept the filing of sequence listings in computer readable form may require that the applicant furnish to it, for the purposes of the national phase, a copy of such sequence listing part on paper in written form complying with Annex C and accompanied by a statement that the sequence listing part in written form is identical to the sequence listing part in computer readable form.

[End]

AMENDMENTS OF THE REGULATIONS UNDER THE PCT

(as in force from 1 March 2001)

The Assembly of the International Patent Cooperation Union (PCT Union) held its twenty-eighth (sixteenth extraordinary) session in Geneva from 13 to 17 March 2000. For a detailed report on that session, see WIPO document PCT/A/28/5, which also contains certain matters noted by the Assembly, by various delegations and by the International Bureau in connection with the items considered by the Assembly, in particular the amendments of the PCT Regulations. That report is available, free of charge, from WIPO and may also be viewed on the WIPO Internet site at the following address: www.wipo.int/eng/document/govbody/wo_pct/index_28.htm.

The Assembly adopted a number of amendments of the PCT Regulations, aimed mainly at simplifying the national phase processing of PCT applications and aligning the PCT with the then draft Patent Law Treaty (PLT)¹. The amendments adopted by the Assembly are outlined below. The text of the amended Rules, as in force from 1 March 2001, is reproduced as from page 3.

By the time the amendments enter into force (on 1 March 2001), to the extent possible, pre-printed forms, the *PCT Applicant's Guide*, the Administrative Instructions Under the PCT, the PCT Receiving Office Guidelines and the PCT Preliminary Examination Guidelines will be updated to take the amendments into account. Booklets, in several languages, containing the text of the Treaty and the Regulations as amended (WIPO publication No. 274) will be published in the coming months. A future release of the PCT-EASY software taking the amendments into account will also be made available.

Various Rules, providing for the inclusion in the request and in the demand of indications relating to applicants and agents, have been amended so as to permit the indication of a number or other indication under which the applicant or the agent is registered with the national Office acting as receiving Office or International Preliminary Examining Authority, as the case may be (amended Rules 4.5(e), 4.7(b) and 53.5).

Outline of the more important amendments of the PCT Regulations

New Rule 4.17 will allow applicants, when filing their international applications, to complete one or more declarations (listed below) containing standardized wording concerning certain matters on which documents or evidence are required for the purposes of the national law in one or more designated States:

- declaration as to the identity of the inventor (new Rule 4.17(i));
- declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (new Rule 4.17(ii));
- declaration as to the applicant's entitlement, as at the international filing date, to claim priority of an earlier application (new Rule 4.17(iii));
- declaration of inventorship (new Rule 4.17(iv));
- declaration as to non-prejudicial disclosures or exceptions to lack of novelty (new Rule 4.17(v)).

As a consequence of the introduction of new Rule 4.17, present Rule 4.17 was renumbered as Rule 4.18 and was amended to refer to (new) Rule 4.17.

The standardized wording of the declarations will be set out in the Administrative Instructions under the PCT, which will be promulgated by the Director General (new Rule 4.17, introductory phrase) in the near future.

There will be a possibility for applicants to correct or add any of the above-mentioned declarations to the request within 16 months from the priority date (or, at the latest, before completion of the technical preparations for international publication) (see new Rule 26*ter*).

¹ The draft PLT was subsequently adopted by a diplomatic conference held in Geneva from 11 May to 2 June 2000. All documents for the diplomatic conference including the Final Act are available on WIPO's Internet site at www.wipo.int/eng/document/pt_dc/index.htm.

In respect of all declarations except that as to non-prejudicial disclosures or exceptions to lack of novelty, an indication that any such declarations were filed will be included in the corresponding entry in Section I of the PCT Gazette and on the front page of the published international application (“pamphlet”) (new Rule 48.2(b)(iv)); in addition, the International Bureau will communicate, to each designated Office concerned, copies of any such declaration made for the purposes of the national phase processing of the international application before that Office (new Rule 47.1(a-ter)).

Any declaration as to non-prejudicial disclosures or exceptions to lack of novelty will be included in the body of the pamphlet (amended Rule 48.2(a)(x)).

Where declarations are submitted as provided, the circumstances under which further documents or evidence may be required by designated Offices will be restricted to cases where the Offices may reasonably doubt the veracity of the declarations (new Rule 51bis.2).

Present Rule 51bis.2, relating to the time limit within which applicants may comply with national requirements, has been amended (and renumbered as new Rule 51bis.3) to provide that designated Offices will have to invite applicants to fulfill some of these requirements if they are still outstanding at the time when the application enters into the national phase; furthermore, it sets a minimum time limit of two months from the date of the invitation for applicants to comply with these requirements by furnishing any applicable declaration as provided under new Rule 4.17, or by furnishing further documents or evidence, as the case may be (the two-month time limit was introduced following the then proposed time limit in similar cases in the context of the PLT) (new Rule 51bis.3(a)). In respect of some other national requirements, new Rule 51bis.3(b) provides that designated Offices will have to give applicants an opportunity to fulfill them after the application has entered into the national phase.

Designated Offices will be able to require from applicants a translation of the priority document, but only where the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable (new Rule 51bis.1(e)).

The International Preliminary Examining Authorities will be able to invite applicants to furnish a translation of the priority document into the language of international preliminary examination, but only where the validity of the priority claim is relevant for the formulation of the opinion referred to in Article 33(1) (amended Rule 66.7(b)).

Other amendments of the PCT Regulations

The amendments of the following Rules were of a mere editorial nature: Rules 4.1(c)(ii), 4.7(a) and 4.8.

Entry into force of the amendments of the PCT Regulations

The Assembly decided that the amendments will enter into force on 1 March 2001 and noted the following consequences in connection with the applicability of the amendments:

(i) the Rules as amended will apply, as explained in and subject to the following items, to international applications irrespective of when they are filed (that is, whether they are filed before, on or after 1 March 2001);

(ii) the provisions providing for certain declarations under new Rule 4.17, and the related provisions of new or amended Rules 4.1(c)(iii), 4.5(e), 4.6(a), 4.7(b), 4.18, 26ter, 47.1(a-ter), 48.2(a)(x) and (b)(iv), and 51bis.2, will not apply, subject to items (iii) and (iv), to international applications filed before 1 March 2001;

(iii) new Rule 26ter will apply to international applications filed before 1 March 2001, to the extent that it will permit the applicant to add a declaration to the request, and new Rule 4.17 and the related provisions mentioned in item (ii) will apply in respect of such an added declaration;

(iv) amended Rule 51bis.2 will apply to international applications filed before 1 March 2001, which enter the national phase on or after 1 March 2001, in respect of which indications concerning the inventor are included in the request or a declaration is added to the request under Rule 26ter or submitted directly to the designated Office.

Table of Amendments

Rule 4.1	Rule 4.18	Rule 51bis.2
Rule 4.5	Rule 26ter.1	Rule 51bis.3
Rule 4.6	Rule 26ter.2	Rule 53.5
Rule 4.7	Rule 47.1	Rule 66.7
Rule 4.8	Rule 48.2	
Rule 4.17	Rule 51bis.1	

TEXT OF THE AMENDED RULES

(as in force from 1 March 2001)

Rule 4 The Request (Contents)

4.1 *Mandatory and Optional Contents; Signature*

(a) and (b) [No change]

(c) The request may contain:

(i) [No change]

(ii) a request to the receiving Office to prepare and transmit the priority document to the International Bureau where the application whose priority is claimed was filed with the national Office or intergovernmental authority which is the receiving Office,

(iii) declarations as provided in Rule 4.17.

(d) [No change]

4.2 to 4.4 [No change]

4.5 *The Applicant*

(a) to (d) [No change]

(e) Where the applicant is registered with the national Office that is acting as receiving Office, the request may indicate the number or other indication under which the applicant is so registered.

4.6 *The Inventor*

(a) Where Rule 4.1(a)(v) or (c)(i) applies, the request shall indicate the name and address of the inventor or, if there are several inventors, of each of them.

(b) and (c) [No change]

4.7 *The Agent*

(a) If an agent is appointed, the request shall so indicate, and shall state the agent's name and address.

(b) Where the agent is registered with the national Office that is acting as receiving Office, the request may indicate the number or other indication under which the agent is so registered.

4.8 *Common Representative*

If a common representative is appointed, the request shall so indicate.

4.9 to 4.16 [No change]

4.17 *Declarations Relating to National Requirements Referred to in Rule 51bis.1(a)(i) to (v)*

The request may, for the purposes of the national law applicable in one or more designated States, contain one or more of the following declarations, worded as prescribed by the Administrative Instructions:

(i) a declaration as to the identity of the inventor, as referred to in Rule 51bis.1(a)(i);

(ii) a declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent, as referred to in Rule 51bis.1(a)(ii);

(iii) a declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application, as referred to in Rule 51bis.1(a)(iii);

(iv) a declaration of inventorship, as referred to in Rule 51bis.1(a)(iv), which shall be signed as prescribed by the Administrative Instructions;

(v) a declaration as to non-prejudicial disclosures or exceptions to lack of novelty, as referred to in Rule 51bis.1(a)(v).

4.18 *Additional Matter*

(a) The request shall contain no matter other than that specified in Rules 4.1 to 4.17, provided that the Administrative Instructions may permit, but cannot make mandatory, the inclusion in the request of any additional matter specified in the Administrative Instructions.

(b) If the request contains matter other than that specified in Rules 4.1 to 4.17 or permitted under paragraph (a) by the Administrative Instructions, the receiving Office shall *ex officio* delete the additional matter.

Rule 26ter **Correction or Addition of Declarations Under Rule 4.17**

26ter.1 Correction or Addition of Declarations

The applicant may correct or add to the request any declaration referred to in Rule 4.17 by a notice submitted to the International Bureau within a time limit of 16 months from the priority date, provided that any notice which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed.

26ter.2 Processing of Declarations

(a) Where the receiving Office or the International Bureau finds that any declaration referred to in Rule 4.17 is not worded as required or, in the case of the declaration of inventorship referred to in Rule 4.17(iv), is not signed as required, the receiving Office or the International Bureau, as the case may be, may invite the applicant to correct the declaration within a time limit of 16 months from the priority date.

(b) Where the International Bureau receives any declaration or correction under Rule 26ter.1 after the expiration of the time limit under Rule 26ter.1, the International Bureau shall notify the applicant accordingly and shall proceed as provided for in the Administrative Instructions.

Rule 47
Communication to Designated Offices

47.1 Procedure

(a) and (a-bis) [No change]

(a-ter) The notification under paragraph (a-bis) shall include any declaration referred to in Rule 4.17(i) to (iv), and any correction thereof under Rule 26ter.1, which was received by the International Bureau before the expiration of the time limit under Rule 26ter.1, provided that the designated Office has informed the International Bureau that the applicable national law requires the furnishing of documents or evidence relating to the matter to which the declaration relates.

(b) to (e) [No change]

47.2 to 47.4 [No change]

Rule 48
International Publication

48.1 [No change]

48.2 Contents

(a) The pamphlet shall contain:

(i) to (viii) [No change]

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

(x) any declaration referred to in Rule 4.17(v), and any correction thereof under Rule 26ter.1, which was received by the International Bureau before the expiration of the time limit under Rule 26ter.1.

(b) Subject to paragraph (c), the front page shall include:

(i) and (ii) [No change]

(iii) the abstract; if the abstract is both in English and in another language, the English text shall appear first,

(iv) an indication that the request contains any declaration referred to in Rule 4.17 which was received by the International Bureau before the expiration of the time limit under Rule 26*ter*.1.

(c) to (i) [No change]

48.3 to 48.6 [No change]

Rule 51bis
Certain National Requirements Allowed Under Article 27

51bis.1 Certain National Requirements Allowed

(a) Subject to Rule 51bis.2, the national law applicable by the designated Office may, in accordance with Article 27, require the applicant to furnish, in particular:

(i) any document relating to the identity of the inventor,

(ii) any document relating to the applicant's entitlement to apply for or be granted a patent,

(iii) any document containing any proof of the applicant's entitlement to claim priority of an earlier application where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the date on which the earlier application was filed,

(iv) where the international application designates a State whose national law requires that national applications be filed by the inventor, any document containing an oath or declaration of inventorship,

(v) any evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time.

(b) and (c) [No change]

(d) The national law applicable by the designated Office may, in accordance with Article 27(2)(ii), require that the translation of the international application furnished by the applicant under Article 22 be:

(i) verified by the applicant or the person having translated the international application in a statement to the effect that, to the best of his knowledge, the translation is complete and faithful;

(ii) certified by a public authority or sworn translator, but only where the designated Office may reasonably doubt the accuracy of the translation.

(e) The national law applicable by the designated Office may, in accordance with Article 27, require the applicant to furnish a translation of the priority document, provided that such a translation may only be required where the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

(f) If, on March 17, 2000, the proviso in paragraph (e) is not compatible with the national law applied by the designated Office, that proviso shall not apply in respect of that Office for as long as that proviso continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by November 30, 2000. The information received shall be promptly published by the International Bureau in the Gazette.

51bis.2 Certain Circumstances in Which Documents or Evidence May Not Be Required

(a) Where the applicable national law does not require that national applications be filed by the inventor, the designated Office shall not, unless it may reasonably doubt the veracity of the indications or declaration concerned, require any document or evidence:

(i) relating to the identity of the inventor (Rule 51bis.1(a)(i)), if indications concerning the inventor, in accordance with Rule 4.6, are contained in the request or if a declaration as to the identity of the inventor, in accordance with Rule 4.17(i), is contained in the request or is submitted directly to the designated Office;

(ii) relating to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rule 51bis.1(a)(ii)), if a declaration as to that matter, in accordance with Rule 4.17(ii), is contained in the request or is submitted directly to the designated Office;

(iii) relating to the applicant's entitlement, as at the international filing date, to claim priority of an earlier application (Rule 51bis.1(a)(iii)), if a declaration as to that matter, in accordance with Rule 4.17(iii), is contained in the request or is submitted directly to the designated Office.

(b) Where the applicable national law requires that national applications be filed by the inventor, the designated Office shall not, unless it may reasonably doubt the veracity of the indications or declaration concerned, require any document or evidence:

(i) relating to the identity of the inventor (Rule 51bis.1(a)(i)) (other than a document containing an oath or declaration of inventorship (Rule 51bis.1(a)(iv))), if indications concerning the inventor, in accordance with Rule 4.6, are contained in the request;

(ii) relating to the applicant's entitlement, as at the international filing date, to claim priority of an earlier application (Rule 51bis.1(a)(iii)), if a declaration as to that matter, in accordance with Rule 4.17(iii), is contained in the request or is submitted directly to the designated Office;

(iii) containing an oath or declaration of inventorship (Rule 51bis.1(a)(iv)), if a declaration of inventorship, in accordance with Rule 4.17(iv), is contained in the request or is submitted directly to the designated Office.

(c) If, on March 17, 2000, paragraph (a) is not compatible, in relation to any item of that paragraph, with the national law applied by the designated Office, paragraph (a) shall not apply in respect of that Office in relation to that item for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by November 30, 2000. The information received shall be promptly published by the International Bureau in the Gazette.

51bis.3 Opportunity to Comply with National Requirements

(a) Where any of the requirements referred to in Rule 51bis.1(a)(i) to (iv) and (c) to (e), or any other requirement of the national law applicable by the designated Office which that Office may apply in accordance with Article 27(1) or (2), is not already fulfilled during the same period within which the requirements under Article 22 must be complied with, the designated Office shall invite the applicant to comply with the requirement within a time limit which shall not be less than two months from the date of the invitation. Each designated Office may require that the applicant pay a fee for complying with national requirements in response to the invitation.

(b) Where any requirement of the national law applicable by the designated Office which that Office may apply in accordance with Article 27(6) or (7) is not already fulfilled during the same period within which the requirements under Article 22 must be complied with, the applicant shall have an opportunity to comply with the requirement after the expiration of that period.

(c) If, on March 17, 2000, paragraph (a) is not compatible with the national law applied by the designated Office in relation to the time limit referred to in that paragraph, the said paragraph shall not apply in respect of that Office in relation to that time limit for as long as the said paragraph continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by November 30, 2000. The information received shall be promptly published by the International Bureau in the Gazette.

Rule 53
The Demand

53.1 to 53.4 [No change]

53.5 *Agent or Common Representative*

If an agent or common representative is appointed, the demand shall so indicate. Rules 4.4 and 4.16 shall apply, and Rule 4.7 shall apply *mutatis mutandis*.

53.6 to 53.9 [No change]

Rule 66
Procedure Before the
International Preliminary Examining Authority

66.1 to 66.6 [No change]

66.7 *Priority Document*

(a) [No change]

(b) If the application whose priority is claimed in the international application is in a language other than the language or one of the languages of the International Preliminary Examining Authority, that Authority may, where the validity of the priority claim is relevant for the formulation of the opinion referred to in Article 33(1), invite the applicant to furnish a translation in the said language or one of the said languages within two months from the date of the invitation. If the translation is not furnished within that time limit, the international preliminary examination report may be established as if the priority had not been claimed.

66.8 and 66.9 [No change]

[End]