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## New PCT Contracting State

### Nicaragua (country code: NI)

On 6 December 2002, Nicaragua deposited its instrument of accession to the PCT, and on 6 March 2003, will become bound by the PCT. Consequently, in any international application filed on or after 6 March 2003, Nicaragua may be designated and, because it will be bound by Chapter II of the PCT, may also be elected. Furthermore, nationals and residents of Nicaragua will be entitled from 6 March 2003 to file international applications under the PCT. ■

## PCT Article 22(1): Withdrawal of notification of incompatibility

### China

Further to its notification of the incompatibility of PCT Article 22(1), as modified with effect from 1 April 2002, with its national law (see *PCT Newsletter* No. 02/2002), the China Intellectual Property Office, in its capacity as designated Office, has notified the International Bureau that it has withdrawn its notification with effect from 1 February 2003.

The 30-month time limit under PCT Article 22(1) will therefore apply to China as from 1 February 2003.

(Updating of the table of time limits for entering national/regional phase under PCT Chapters I and II (see *PCT Newsletter* No. 08/2002, tear-out sheets)). ■

## Agreements between ISAs/ IPEAs and WIPO

### Canadian Commissioner of Patents

It is recalled that the PCT Assembly, in its meeting in October 2002,

appointed the Canadian Commissioner of Patents as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) (see *PCT Newsletter* No. 10/2002).

The text of the Agreement between the Canadian Commissioner of Patents and the International Bureau in relation to the functioning of the Canadian Commissioner of Patents as an ISA and IPEA, which will take effect one month after the date on which the Authority notifies the Director General of WIPO that it

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*Tear-out sheets:* provisional sheets for the *PCT Applicant's Guide*, Vol. I/A, Annex A and Annex B1 (CO), Vol. I/B, Annex C (CO) and Vol. II/D, National Chapter, Summary (US); Modifications of the *Administrative Instructions under the PCT* (as in force from 1 January 2003)

*Insert:* *PCT Newsletter Annual Index* (2002)



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- Forms
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- Direct filing of PCT applications with the International Bureau as PCT receiving Office
- *PCT Applicant's Guide*

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PCT-SAFE

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- Texts of the Patent Cooperation Treaty, Regulations and Administrative Instructions and search facility for Articles under the PCT
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*PCT Gazette*

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- PCT Assembly and various committees

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Binders: CHF 18 or USD 11

is ready to start functioning as an ISA and IPEA, was published in *PCT Gazette* No. 50/2002, Section IV, on page 25590 (see: [www.wipo.int/pct/en/gazette/2002/dec.htm](http://www.wipo.int/pct/en/gazette/2002/dec.htm)). It is recalled that applicants are not yet able to choose the Canadian Commissioner of Patents as a competent ISA and IPEA.

**Japan Patent Office**

The text of the amended Agreement between the Japan Patent Office and the International Bureau in relation to the functioning of that Office as an ISA and IPEA, which will enable the Office to restrict its competence as an ISA and IPEA, was published in *PCT Gazette* No. 50/2002, Section IV, on page 25602 (see: [www.wipo.int/pct/en/gazette/2002/dec.htm](http://www.wipo.int/pct/en/gazette/2002/dec.htm)). The Agreement, as amended, entered into force on 4 December 2002. ■

**Non-working days at the International Bureau**

For the purposes of computing time limits under PCT Rule 80.5, the days on which the International Bureau will not be open for business are, for the period up to the beginning of January 2004, the following:

All Saturdays and Sundays, and  
1 January 2003  
2 January 2003  
11 February 2003  
18 April 2003  
21 April 2003  
29 May 2003  
9 June 2003  
11 September 2003  
25 December 2003  
26 December 2003  
1 January 2004  
2 January 2004 ■

**PCT information update**

**AU Australia (institutions with which deposits of microorganisms and other biological material may be made)**

The address of the Australian Government Analytical Laboratories (AGAL), an international depositary authority under the Budapest Treaty, has changed, as follows:

Australian Government Analytical Laboratories (AGAL)  
1, Suakin Street  
Pymble, N.S.W. 2073  
Australia

**PCT Quiz**

**In which of the following circumstances can the international application be published before 18 months from the priority date?**

- (a) only if the applicant expressly requests early publication and the international search report is available;
- (b) only if the International Bureau decides that, since all the necessary parts of the international application are available and meet the necessary physical requirements, it can complete technical preparations for international publication earlier than usual;
- (c) only if the applicant expressly requests early publication and, where necessary, has paid the corresponding fee.

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

**AZ Azerbaijan (name of Office; location and mailing address; telephone and fax numbers; discontinuance of e-mail and Internet addresses; fees)**

The name of the Azerbaijan Patent Office has changed, and the location and mailing address and telephone and fax numbers of the Office have changed, as follows:

name of Office:

State Agency for Standardization, Metrology and Patents (Azerbaijan)

location and mailing address:

Mardanov gardashlar 124  
370078 Baku  
Azerbaijan

telephone: (99–412) 40 37 98

fax: (99–412) 40 52 24, 40 64 31

The e-mail and Internet addresses of the Office have been discontinued.

The amounts of the following fees, payable to the Office as receiving Office, and as designated (or elected) Office, respectively, have changed:

transmittal fee:	see Table I(a)
fee for priority document:	AZM 55,000
for patent or utility model:	
filing fee (including examination)*	USD 80
additional fee for each independent claim in excess of one	USD 40
additional fee for each dependent claim in excess of ten:	USD 10
annual fee for the 3rd year [no change]:	USD 40

\* must be paid within the time limit applicable under PCT Article 22 or 39(1)

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (AZ), Vol. I/B, Annex C (AZ), and Vol. II/A, National Chapter, Summary (AZ))

**BA Bosnia and Herzegovina (telephone numbers; fees)**

One of the telephone numbers of the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina has changed, as follows:

telephone: (387–33) 52 18 48, 61 80 95

The amounts and composition of the following national fee, payable to the Office as designated (or elected) Office, have changed:

filing fee:	EUR 51.50
plus, for each page of the application over 30:	EUR 1.00
plus, for each claim over 10:	EUR 1.50

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (BA), and Vol. II/A, National Chapter, Summary (BA))

**BG Bulgaria (fees)**

The Bulgarian Patent Office has notified changes with regard to the reduction of the national fee payable to it as designated (or elected) Office, as follows:

exemptions, reductions or refunds of the national fee:

the filing and examination fees are reduced by 50% where the applicant is the inventor, a State educational institu-

tion, an academic research organization, a budgetary organization or a small or medium-sized enterprise

(Updating of *PCT Applicant's Guide*, Vol. II/A, National Chapter, Summary (BG))

### **CA Canada (time when name and address of inventor must be given)**

The Canadian Patent Office has notified changes as to the time when the name and address of the inventor must be given if Canada is designated or elected, as follows:

May be in the request or may be furnished later. If the information is not furnished within six months after the expiration of the 30-month time limit applicable under PCT Article 22 or 39(1)(a) or, where the applicant pays the additional fee for late entry into the national phase, within six months after the late entry into the national phase, the application will be deemed abandoned. Reinstatement can take place if the applicant complies with the requirement and pays the reinstatement fee.

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

### **CO Colombia (general information)**

General information about Colombia as a Contracting State and information on the Superintendence of Industry and Commerce (Colombia) as receiving Office is set out on pink tear-out provisional sheets for the *PCT Applicant's Guide*, Vol. I/A, Annex B1 (CO), and Vol. I/B, Annex C (CO). Those sheets contain the same information as the corresponding January 2003 update sheets of the *PCT Applicant's Guide*.

### **CU Cuba (fees)**

The amount of the following national fee in USD or the equivalent in CUP, payable to the Cuban Industrial Property Office as designated (or elected) Office, has changed:

filing fee (including publication fee):	USD	460
	or equivalent in CUP	

(Updating of *PCT Applicant's Guide*, Vol. II/A, National Chapter, Summary (CU))

### **EA Eurasian Patent Office (location and mailing address; fees)**

The location and mailing address of the Eurasian Patent Office have changed, as follows:

location and mailing address:

2/6, M. Cherkassky per.  
Moscow 109012  
Russian Federation

The time limits for the payment of two national fees, payable to the Eurasian Patent Office as designated (or elected) Office, have changed, as follows:

unitary procedural fee (for filing, search, publication and other processing):

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

claim fee for each claim in excess of five:

must be paid within two months from the expiration of the time limit applicable under PCT Article 22 or 39(1) or within two months from the date on which the applicant files a special request for early entry into the national phase

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B2 (EA), and Vol. II/B, National Chapter, Summary (EA))

### **EE Estonia (provisional protection after international publication)**

The Estonian Patent Office has notified provisions for provisional protection after international publication where the designation is made for the purposes of a European patent, as follows:

(1) International application published in one of the EPO official languages: an invention being the subject of a published European patent application designating Estonia shall confer the same provisional protection as provided for in the Patent Act (Sec. 18) as from the date on which a translation of the claims of the published European patent application into the Estonian language has been communicated by the applicant to the person using the invention in Estonia, or as from the date on which the said translation has been made available to the public by the Estonian Patent Office, where the translation was communi-

cated to the Office and the fee prescribed for the publication of the translation was paid.

(2) International application published in a language which is not an EPO official language: the protection referred to in (1) does not become effective until the EPO publishes the international application supplied to it in one of its languages.

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

### EP European Patent Office (who can act as agent)

The European Patent Office (EPO) has introduced details on how to obtain the list of agents qualified to practice before the Office as receiving Office and as designated (or elected) Office, as follows:

who can act as agent?

any professional representative entered on the relevant list maintained by the EPO (the directory of professional representatives can be ordered at the EPO, Munich, or consulted on the EPO website)

any legal practitioner qualified to practice in patent matters in one of the States party to the European Patent Convention and who has his place of business in that State

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

### ES Spain (fees; special requirements)

The amounts of the following fees, payable to the Spanish Patent and Trademark Office as receiving Office and as International Searching Authority have changed:

transmittal fee:	see Table I(a)
fee for priority document:	EUR 25.10
fee for copies of documents cited in the international search report:	
per national document:	EUR 3.81
per foreign document:	EUR 5.37

The amounts of the following national fees, payable to the Office as designated (or elected) Office, have changed:

for patent:	
filing fee:	EUR 81.42
for utility model:	
filing fee	EUR 81.42

The Spanish Patent and Trademark Office has notified an additional special requirement concerning the furnishing of the translation of the priority document for entry into the national phase before it as designated (or elected) Office, as follows:

translation of the priority document into Spanish\*

\* Such a translation may be required regardless of whether the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

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

### FR France (fax number)

The fax number of the National Institute of Industrial Property (France) has changed, as follows:

fax: (33) 1 53 04 52 65

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

### GE Georgia (time limit for entry into the national phase; required contents of translation)

The Georgian Intellectual Property Office has notified a change in the time limit applicable for entry into the national phase under PCT Article 22(3) before it as a designated Office. The new time limit, applicable as from 2 January 2003, is 31 months from the priority date.

There has also been a change in the requirements of the Office concerning the contents of the translation for entry into the national phase before it as designated (or elected) Office, as follows:

under PCT Article 22:

description, claims (if amended, as originally filed or as amended, if the applicant wishes the amendments to form the basis for the proceedings, 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, as originally filed or as amended by the annexes to the international preliminary examination report, if the applicant wishes the amendments to form the basis for proceedings\*)

\* In certain circumstances, the Office is entitled to require both the translation of the international application as originally filed and as amended; in such a case, the Office will invite the applicant to supply the missing translation.

(Updating of *PCT Applicant's Guide*, Vol. II/B, National Chapter, Summary (GE))

**HU Hungary (provisions concerning international-type search; provisional protection after international publication; time when name and address of inventor must be given; time limit for entry into the national phase)**

The Hungarian Patent Office has notified the International Bureau that the law of Hungary no longer contains provisions concerning international-type search. The Office has also notified provisions concerning provisional protection after international publication where the designation is made for the purposes of a European patent, as follows:

the provisional protection shall be effective in Hungary as from the day on which the Hungarian Patent Office publishes an announcement of the filing of the translation of the claims into Hungarian

The Office has also notified changes relating to the time when the name and address of the inventor must be given if Hungary is designated (or elected), as follows:

may be in the request or may be furnished later but must be given within 31 months from the priority date. This requirement can also be fulfilled within three months from the last day of the said time limit subject to the payment of an additional fee provided for under the national law. If not complied with within the prescribed time limits, the international application shall have no effect in Hungary.

The Hungarian Patent Office has notified a change in the time limit applicable for entry

into the national phase under PCT Article 39(1)(b) before it as an elected Office. The new time limit, applicable as from 1 January 2003, is 31 months from the priority date.

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (HU), and Vol. II/B, National Chapter, Summary (HU))

**IL Israel (fees)**

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

transmittal fee:	see Table I(a)
fee for priority document:	ILS 39.00
plus, per page:	ILS 2.70

The amount of the following national fee, payable to the Office as designated (or elected) Office, has changed:

filing fee:	ILS 913
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(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (IL), and Vol. II/B, National Chapter, Summary (IL))

**IN India (change in name of city)**

The city of Calcutta has been renamed Kolkata. Whenever the name of this city appears, the relevant entry in Annex B1 (IN) has been modified.

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

**JP Japan (requirements concerning agent)**

There has been a change in the requirements as to who can act as agent before the Japan Patent Office as receiving Office, as follows:

who can act as agent?  
any patent agent or attorney-at-law resident in Japan, or any firm registered to practice before the Office

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

**KG Kyrgyzstan (time limit for entry into the national phase)**

The Kyrgyz Intellectual Property Office has notified a change in the time limit applicable for entry into the national phase under PCT Article 22(3) before it as a designated Office.

The new time limit, applicable since 1 April 2002, is 31 months from the priority date.

(Updating of *PCT Applicant's Guide*, Vol. II/B, National Chapter, Summary (KG))

### MC Monaco (fees)

The amount of the following fee, payable to the Intellectual Property Division, Department of Economic Expansion (Monaco) as receiving Office, has changed:

transmittal fee: see Table I(a) and footnote 16 of Table I(a)

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

### NZ New Zealand (fees)

The amount of the following fee, payable to the Intellectual Property Office of New Zealand as receiving Office, has changed:

transmittal fee: see Table I(a) and footnote 17 of Table I(a)

The amount of the following national fee, payable to the Office as designated (or elected) Office, has changed:

filing fee: NZD 250  
plus 12.5% GST (Goods and Services Tax) for New Zealand residents

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

### US United States of America (fees)

The amount of the following fee, payable to the United States Patent and Trademark Office as receiving Office, has changed:

fee for priority document: USD 20

The amounts of certain national fees, payable to the Office as designated (or elected) Office, have changed. Those amounts are set out on pink tear-out provisional sheets for the *PCT Applicant's Guide*, Vol. II/D, National Chapter, Summary (US). Note that those sheets contain the same information as the corresponding January 2003 update sheets of the *PCT Applicant's Guide*.

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

### UZ Uzbekistan (fees)

The amounts of the following national fees, payable to the State Patent Office of Uzbekistan as designated (or elected) Office, have changed:

for patent:		
filing fee:	USD	420
claim fee for each independent claim in excess of one:	USD	1,260
fee for each dependent claim in excess of ten:	USD	84
fee for each dependent claim in excess of twenty:	USD	42
examination fee:	USD	1,260
maintenance fee for the first three years:	USD	840
for utility model:		
filing fee:	USD	420

(Updating of *PCT Applicant's Guide*, Vol. II/D, National Chapter, Summary (UZ))

### VN Viet Nam (Internet address)

The National Office of Industrial Property (Viet Nam) has notified the discontinuance of its Internet address.

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

### List of Contracting States

The pink tear-out provisional sheet for the *PCT Applicant's Guide*, Vol. I/A, Annex A (PCT Contracting States) includes Nicaragua and the date of entry into force of the PCT in respect of that State (see cover page for details). This sheet replaces the corresponding January 2003 update sheet of the *PCT Applicant's Guide*.

### Notifications by receiving Offices of technical requirements for international applications containing sequence listings and/or tables related thereto

The Austrian Patent Office (AT), the Australian Patent Office (AU) and the International Bureau (IB), in their capacity as receiving Offices, have specified, pursuant to Section 801(b), and in accordance with An-

nexes C and C-bis, of the *Administrative Instructions*, the types, and in the case of the latter two Offices, the number, of electronic carriers for the presentation of sequence listings and/or tables related thereto, as indicated below.

*Types of electronic carrier accepted by the receiving Office:*

- AT: Diskette, CD-ROM, DVD  
 AU: CD-ROM (Type: ISO/IEC 10149:1995, 120mm CD-ROM, Format: ISO 9660, 650MB)  
 CD-R (Type: 120mm CD-Recordable Disk, Format: ISO 9660, 650MB)  
 IB: CD-R, DVD-R

*Number of copies of electronic carrier required by the receiving Office:*

- AU: 1  
 IB: 3

The Austrian Patent Office (AT) and the Australian Patent Office (AU), in their capacity as International Searching Authority, have specified, pursuant to Section 802(b-bis), and in accordance with Annexes C and C-bis, of the *Administrative Instructions*, the types of electronic carriers for the presentation of sequence listings and/or tables related thereto, as well as the technical requirements applicable to tables, as indicated below:

*Types of electronic carrier required:*

- AT: Diskette, CD-ROM, DVD  
 AU: The entire printable copy of the sequence listing and identifying data should be contained within one text file on a single 3½" formatted 1.44 MB diskette or a single standard (ISO 9660) CD-ROM or CD-R

*Technical requirements related to tables:*

- AT:  
 Character format of sequence listings-related tables:  
 — UTF-8-encoded Unicode 3.0  
 — XML format conforming to the "Applica-

tion-Body" Document Type Definition referred to in Appendix I of Annex F

Encoded using:

- IBM Code Page 437
- IBM Code Page 932
- compatible page

Under the Personal Computer Operating Systems:

- Windows 2000 or later Windows versions

AU:

Character format of sequence listings-related tables:

- UTF-8-encoded Unicode 3.0

Encoded using:

- IBM Code Page 437

Under the Personal Computer Operating Systems:

- MS-DOS or MS-Windows compatible

Note that the text of the current item "number of copies required" in the *PCT Applicant's Guide*, Vol. I/A, Annex C, has been modified to read "number of copies on paper" since it now refers only to the parts of the international application other than the sequence listings or tables related thereto.

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (AT, AU and IB) and Annex D (AT and AU))

**Language(s) accepted for the filing of requests: notification by receiving Offices under PCT Rule 12.1(c)**

Under amended PCT Rule 12.1(c), which entered into force on 1 January 2003, the receiving Offices of a number of States and organizations have notified the International Bureau of the language or languages which they are prepared to accept for the filing of the request, as indicated in the table on page 10.

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (AT, AU, CH, CZ, DE, EA, EE, EP, ES, GB, HR, HU, IB, IL, IN, IS, JP, KR, LT, MC, MX, NL, NZ, PT, RU, SE, SG, SK, UA, US and YU))



### **Language(s) accepted for the translation of international applications into a language of publication: notification by receiving Offices under PCT Rule 12.4(a)**

Under new PCT Rule 12.4(a), which entered into force on 1 January 2003, the receiving Offices of the States concerned, as well as the International Bureau in its capacity as receiving Office, have notified the International Bureau of the language or languages which they are prepared to accept for the translation of international applications into a language of publication, as indicated in the table on page 10.

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (BE, DK, FI, IB, IS, KR, NL, NO and SE)) ■

### **Modifications of the *Administrative Instructions under the PCT***

Following the adoption by the PCT Assembly in October 2002 of amendments to the Regulations under the PCT, which entered into force on 1 January 2003, a number of modifications have been made to Sections 102, 103, 104, 305*bis*, 308, 311, 332, 405, 506 and to Annex D of the *Administrative Instructions under the PCT*. The text of those modifications is set out on tear-out sheets in this issue, and is available on the PCT website in English and French (in PDF format) at, respectively:

[www.wipo.int/pct/en/texts/index.htm](http://www.wipo.int/pct/en/texts/index.htm)

[www.wipo.int/pct/fr/texts/index.htm](http://www.wipo.int/pct/fr/texts/index.htm) ■

### **New PCT materials on the Internet**

#### **Amended Regulations under the PCT**

The Regulations under the PCT, as in force from 1 January 2003, are now available on the PCT website in English, French (in PDF and HTML formats) and German (in PDF format) at, respectively:

[www.wipo.int/pct/en/texts/index.htm](http://www.wipo.int/pct/en/texts/index.htm)

[www.wipo.int/pct/fr/texts/index.htm](http://www.wipo.int/pct/fr/texts/index.htm)

[www.wipo.int/pct/de/documents.htm](http://www.wipo.int/pct/de/documents.htm)

The Spanish version of the amended Regulations will be available shortly.

### **Updating sheets for the *Patent Cooperation Treaty and Regulations Under the PCT***

The pages containing the amendments to the Regulations under the PCT which entered into force on 1 January 2003, as well as the amended Schedule of Fees which entered into force on 17 October 2002, will soon be available on the PCT website, in PDF format, in English, French and German, at:

[www.wipo.int/pct/en/texts/index.htm](http://www.wipo.int/pct/en/texts/index.htm)

[www.wipo.int/pct/fr/texts/index.htm](http://www.wipo.int/pct/fr/texts/index.htm)

[www.wipo.int/pct/de/documents.htm](http://www.wipo.int/pct/de/documents.htm)

These pages can be printed and inserted in the *Patent Cooperation Treaty and Regulations* (WIPO publication No. 274). It is recalled that the English version of those pages (in A5 format) was inserted in *PCT Newsletter* No. 12/2002.

### ***Administrative Instructions under the PCT***

See “Modifications of the *Administrative Instructions under the PCT*,” above.

### **Modified Request and Demand Form**

The January 2003 versions of the Request and Demand Forms, in English, French, German and Spanish, are now available, in PDF and editable PDF format, on the PCT website at, respectively:

[wipo.int/pct/en/forms/index.htm](http://wipo.int/pct/en/forms/index.htm)

[wipo.int/pct/fr/forms/index.htm](http://wipo.int/pct/fr/forms/index.htm)

[wipo.int/pct/de/forms/index.htm](http://wipo.int/pct/de/forms/index.htm)

[wipo.int/pct/es/forms/index.htm](http://wipo.int/pct/es/forms/index.htm) ■

### **Change in EPO practice regarding access to PCT files**

The following notice regarding a change in the practice of the European Patent Office in respect of access to PCT files was published by the EPO on 16 December 2002 (see: [www.european-patent-office.org/news/info/2002\\_12\\_16\\_e.htm](http://www.european-patent-office.org/news/info/2002_12_16_e.htm))

“Rule 94.3 PCT entitles any elected office, after international publication, to allow access by third parties to any documents

<b>Notifications by receiving Offices under PCT Rule 12.1(c)</b>		
<b>Receiving Office</b>		<b>Language(s) which the Office is prepared to accept for the filing of the request</b>
AT	Austria	German
AU	Australia	Any language of publication
CH	Switzerland	English, French, German
CZ	Czech Republic	English, French, German
DE	Germany	German
EA	Eurasian Patent Organization	English, Russian
EE	Estonia	English, German
EP	European Patent Organisation	English, French, German
ES	Spain	Spanish
GB	United Kingdom	English
HR	Croatia	English
HU	Hungary	English, French, German, Russian
IB	International Bureau	Any language of publication
IL	Israel	English
IN	India	English
IS	Iceland	English
JP	Japan	English, Japanese
KR	Republic of Korea	English, Japanese* (the request may be filed in Japanese only if the language of the international application is Japanese)
LT	Lithuania	English, Russian
MC	Monaco	French
MX	Mexico	Spanish
NL	Netherlands	English, French, German
NZ	New Zealand	English
PT	Portugal	English, French, German
RU	Russian Federation	English, Russian
SE	Sweden	English
SG	Singapore	English
SK	Slovakia	English, French, German
UA	Ukraine	English, Russian
US	United States of America	English
YU	Yugoslavia	English

<b>Notifications by receiving Offices under PCT Rule 12.4(a)</b>		
<b>Receiving Office</b>		<b>Language(s) accepted for translation of international applications into a language of publication</b>
BE	Belgium	English, French, German
DK	Denmark	English, French, German
FI	Finland	English
IB	International Bureau	Any language of publication
IS	Iceland	English
KR	Republic of Korea	English
NL	Netherlands	English, French, German
NO	Norway	English
SE	Sweden	English

regarding an international application, including international preliminary examination, contained in its files to the same extent as provided for by national law for access to the file of a national application.

“The EPO currently allows third parties access after completion of the International Preliminary Examination Report to all documents pertaining to the international preliminary examination, though not to documents clearly intended for internal use, on condition that the applicant has signalled his intention to enter the European phase before the EPO as elected office by performing at least one of the acts listed in Rule 107(1) EPC (former Rule 104(b)(1) EPC; see OJ EPO 5/1999, 329).

“As from 1 February 2003 the last mentioned condition, that the applicant must have signalled his intention to enter the European phase, will no longer apply. Access to the file of international preliminary examination (application filed as from 1 July 1998) will be afforded by the EPO after publication of the international application and completion of the International Preliminary Examination Report. In all other respects the notice published in OJ EPO 5/1999, 329 remains valid.” ■

## Practical advice

### ***Withdrawal of priority claims to postpone entry into the national phase; effect of withdrawal of priority claim where national phase already entered before certain Offices***

*Q: I have filed, within 19 months from the priority date, a demand for international preliminary examination in respect of an international application; the time limit for entry into the national phase is therefore that which is applicable under PCT Article 39(1) in respect of all elected Offices. I have already entered the national phase before certain elected Offices where the time limit for entry into the national phase under PCT Article 39(1)(a) was 30 months from the priority date. Is it possible to delay even further the entry into the national phase before those elected Offices for which the time limit for entry into the national phase under Article 39(1)(b) is 31 months or more*

*from the priority date? May I do so by withdrawing the priority claim before entry into the national phase? Also, for those Offices before which the international application has already entered the national phase, does the withdrawal of the priority claim affect the validity of the priority claim before them?*

A: According to PCT Rule 90bis.3, the applicant may withdraw a priority claim at any time **prior to the expiration of 30 months** from the priority date; in other words, if a notice of withdrawal of a priority claim is received by the International Bureau or the receiving Office after the expiration of 30 months from the priority date, it has no effect under PCT Rule 90bis.3, neither in the international phase nor in the national phase. The fact that the applicable time limit for national phase entry is 31 months from the priority date before certain Offices, instead of 30 months, does not make any difference since the Rule expressly refers to “30 months,” and not to the time limit under PCT Article 39(1).

If your notice of withdrawal of the earliest priority claim had been received prior to the expiration of 30 months from the priority date, any time limit which had been computed from the original priority date and which had not already expired would, if there had been no other priority claim, be recomputed from the international filing date or, if there had been another priority claim, be recomputed from the new priority date resulting from the withdrawal of the earliest priority claim (see PCT Rule 90bis.3(d)). The applicable time limit for entry into the national phase would therefore have been extended for any Office before which the national phase had not yet been entered.

Note that the PCT makes no provision for the withdrawal of a priority claim only in respect of certain designated/elected Offices. However, if your notice of withdrawal had been received prior to 30 months from the priority date and the national phase had already been entered before certain designated/elected Offices earlier than the 30-month time limit, the withdrawal of the priority claim would have no effect in any Office where the processing or examination of the international application had already started (see PCT Rule 90bis.6(a)).

Please be aware that before withdrawing any priority claim, you must consider the consequences that such withdrawal will have on the assessment of novelty and inventive step in the light of the relevant prior art, which would then include only prior art published before the international filing date or any other priority date. You may, after considering this factor, prefer to maintain your priority claim rather than to extend the time limit for entry into the national phase.

Even though you cannot, in this instance, postpone entry into the national phase by

withdrawing the priority claim, it is recalled that certain designated/elected Offices do allow applicants to delay entry into the national phase under certain conditions, usually upon payment of a fee. For details, see the *PCT Applicant's Guide*, Vol. II/A to D, National Chapter Summaries.

For possible cases in which reinstatement of rights may be requested under new PCT Rule 49.6, see *PCT Newsletter* No. 10/2002, page 3. Further information on this matter will be published in a future issue of the *PCT Newsletter*. ■

<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>3–4 February 2003 Antwerp (BE)</b>	English	PCT seminar for patent administrators WIPO speakers: Mr. Baron and Mr. Reischle	Technological Institute (TI-KVIV) (Ms. Christine Mortelmans) Tel: (32–3) 260 08 40 Fax: (32–3) 216 06 89 E-mail: christine.mortelmans@ti.kviv.be
<b>13–14 February 2003 Munich (DE)</b>	German	Advanced PCT seminar WIPO speakers: Mr. H.G. Bartels and Mr. Reischle Other speaker: Mr. Wolff (European Patent Office)	Forum Institut für Management GmbH Tel: (49–6221) 500 500 Fax: (49–6221) 500 505 E-mail: Management@Forum-Institut.de
<b>27–28 February 2003 San Francisco (US)</b>	English	Basic PCT seminar WIPO speakers: Mr. Reischle and Mr. Maassel	Intellectual Property International (Ms. Virginia H. Meyer) Tel: (1–415) 289 74 71 Fax: (1–415) 331 60 68 E-mail: IPI@IPISeminars.com Internet: www.ipiseminars.com
<b>3–4 March 2003 Chicago (US)</b>	English	Basic PCT training session WIPO speakers: Mr. Reischle and Mr. Maassel	The John Marshall Law School Department of Event Management Tel: (1–312) 987 14 20 Fax: (1–312) 427 71 28 E-mail: Events@jmls.edu
<b>11–12 March 2003 Helsinki (FI)</b>	Finnish	Course on the PCT system for patent administrators WIPO speaker: Mrs. Metcalfe	Helsinki University of Technology, Lifelong Learning Institute of Dipoli (Ms. Arja Andsten) Tel: (358–9) 451 40 47 Fax: (358–9) 451 40 68 E-mail: arja.andsten@dipoli.hut.fi Internet: www.dipoli.hut.fi
<b>12–13 March 2003 Ecully (FR)</b>	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
<b>9–10 April 2003 London (GB)</b>	English	Basic PCT seminar WIPO speaker: Mr. Baron and Ms. Aeri	Management Forum Ltd Tel: (44–1483) 57 00 99 Fax: (44–1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
<b>10 April 2003 Paris (FR)</b>	French	PCT presentation for patent attorneys WIPO speaker: Ms. Boutillon	Fondation Nationale pour le Droit de l'Entreprise (FNDE) (Mrs. Heuzé) Tel: (33–1) 42 66 18 19 Fax: (33–1) 42 66 17 37 E-mail: pheuze@fnde.asso.fr

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<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>25–26 April 2003 Concord, New Hampshire (US)</b>	English	Basic PCT seminar for patent attorneys and patent administrators WIPO speaker: Mr. Maassel Other speaker: Mr. Reed (The Procter & Gamble Company (US))	Franklin Pierce Law Center (Ms. Carol Ruh) Tel: (1–603) 228 15 41, ext. 1108 Fax: (1–603) 224 33 42 E-mail: cruh@piercelaw.edu Internet: <a href="http://www.piercelaw.edu/TreatySem/Treatsem.htm">www.piercelaw.edu/TreatySem/Treatsem.htm</a>
<b>27–29 April 2003 Naples, Florida (US)</b>	English	Advanced PCT seminar for patent attorneys WIPO speaker: Mr. Maassel	Patent Resources Group, Inc. Tel: (1–434) 296 39 00 Fax: (1–434) 975 20 66
<b>28–29 April 2003 Helsinki (FI)</b>	English	Advanced PCT seminar WIPO speaker: Mrs. Coeckelbergs	National Board of Patents and Registration (Finland) (Ms. Mirja Kuismanen) Tel: (358–9) 69 39 52 36 Fax: (358–9) 69 39 53 22 E-mail: <a href="mailto:mirja.kuismanen@prh.fi">mirja.kuismanen@prh.fi</a>
<b>1–3 May 2003 Naples, Florida (US)</b>	English	Basic PCT seminar for patent attorneys WIPO speaker: Mr. Maassel	Patent Resources Group, Inc. Tel: (1–434) 296 39 00 Fax: (1–434) 975 20 66
<b>20–21 May 2003 Paris (FR)</b>	French	Basic PCT seminar on PCT procedures WIPO speaker: Mr. Baron	Institut national de la propriété industrielle (INPI) (Mrs. Christiane Sadrin) Tel: (33–1) 53 04 55 76 Fax: (33–1) 42 93 63 52
<b>20–21 May 2003 Munich (DE)</b>	German	Basic PCT seminar WIPO speakers: Mr. H.G. Bartels and Mr. Reischle	Forum Institut für Management GmbH Tel: (49–6221) 500 500 Fax: (49–6221) 500 505 E-mail: <a href="mailto:Management@Forum-Institut.de">Management@Forum-Institut.de</a>
<b>22–23 May 2003 Vienna (AT)</b>	German	Basic PCT seminar WIPO speakers: Mr. H.G. Bartels and Mr. Reischle	(as above)
<b>17–18 June 2003 Paris (FR)</b>	French	Advanced PCT seminar on PCT procedures WIPO speaker: Mr. Baron	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 or where the international application is filed in electronic form, as prescribed; see footnotes 2 and 7 for details. A 75% reduction in the basic fee, the fee 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 13 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 footnotes to the Fee Tables follow Table II.

**Key to abbreviations used in fee tables:**

eq	equivalent of –	BGL	Bulgarian lev	GBP	Pound sterling	LSM	Lesotho loti	SEK	Swedish krona
IPEA	International Preliminary Examining Authority	BRR	Brazilian real	GEL	Georgian lari	LTL	Lithuanian litas	SGD	Singapore dollar
ISA	International Searching Authority	BYR	Belarussian rouble	GHC	Ghanaian cedi	LVL	Latvian lat	SIT	Slovenian tolar
n a	not applicable	BZD	Belize dollar	HRK	Croatian kuna	MAD	Moroccan dirham	SKK	Slovak koruna
RO	receiving Office	CAD	Canadian dollar	HUF	Hungarian forint	MDL	Moldovan leu	TJS	Tajik somoni
		CHF	Swiss franc	IDR	Indonesian rupiah	MKD	Macedonian denar	TND	Tunisian dinar
		CNY	Yuan renminbi	ILS	New Israel shekel	MWK	Malawian kwacha	TTD	Trinidad and Tobago dollar
		COP	Colombian peso	INR	Indian rupee	MXP	Mexican peso	UAH	Ukrainian hryvnia
		CUP	Cuban convertible peso	ISK	Icelandic krona	NOK	Norwegian krone	USD	US dollar
AED	United Arab Emirates dirham	CYP	Cyprus pound	JPY	Japanese yen	NZD	New Zealand dollar	VND	Vietnamese dong
ALL	Albanian lek	CZK	Czech koruna	KES	Kenyan shilling	PHP	Philippine peso	YUD	Yugoslavian dinar
AMD	Armenian dram	DKK	Danish krone	KGS	Kyrgyz som	PLZ	Polish zloty	ZAR	South African rand
AUD	Australian dollar	DZD	Algerian dinar	KPW	KP won	ROL	Romanian leu	ZWD	Zimbabwe dollar
AZM	Azerbaijani manat	EER	Estonian kroon	KRW	KR won	RUR	Russian rouble		
		EUR	Euro	KZT	Kazakh tenge	SDP	Sudanese pound		

**Table I(a) — Transmittal, basic and designation fees**  
(as at 1 January 2003, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	Basic fee <sup>1,2,3</sup> (CHF 650)	Fee per sheet over 30 <sup>1,2,3,4</sup> (CHF 15)	Designation fee <sup>1,2,3,5,6</sup> (CHF 140)	PCT-EASY reduction <sup>2,7</sup> (CHF 200)	Competent ISA(s) <sup>8</sup>
AE	AED <sup>9</sup> —	AED eq CHF 650	15	140	n a	AT AU
AG	Information not yet available					
AL	ALL 9,000	CHF 650	15	140	n a	EP
AM	AMD 32,000	USD 407	9	88	125	EP RU
AP	USD 50 (or eq in local currency)	USD 407	9	88	125	AT EP SE
AT	EUR 50	EUR 444	10	96	137	EP
AU	AUD 100	AUD 746	17	161	230	AU
AZ	AZM 55,000	USD 407	9	88	n a	EP RU
BA	EUR 25.56	EUR 444	10	96	137	EP
BE	EUR 40	EUR 444	10	96	137	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	eq CHF 200	AT EP SE US
BY	BYR eq USD 70	USD 407	9	88	n a	EP RU
BZ	BZD 220	USD 407	9	88	125	EP
CA	CAD 200	CAD 639	15	138	197	EP

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**Table I(a) — Transmittal, basic and designation fees [continued]**  
(as at 1 January 2003, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	Basic fee <sup>1,2,3</sup> (CHF 650)	Fee per sheet over 30 <sup>1,2,3,4</sup> (CHF 15)	Designation fee <sup>1,2,3,5,6</sup> (CHF 140)	PCT-EASY reduction <sup>2,7</sup> (CHF 200)	Competent ISA(s) <sup>8</sup>
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
CO	COP <sup>9</sup> —	COP eq USD 407	eq USD 9	eq USD 88	eq USD 125	AT, EP, ES, RU
CR	USD 175	USD 407	9	88	125	EP ES
CU	USD (or eq CUP)200	USD (or eq CUP)407	9	88	125	AT EP ES RU
CY	CYP 75	CYP 258	6	56	n a	EP
CZ	CZK 1,500	CZK eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP
DE	EUR 90	EUR 444	10	96	137	EP
DK	DKK 1,500	DKK 3,300	80	710	1,020	EP SE
DM	Information not yet available					
DZ	DZD <sup>9</sup> —	CHF 650	15	140	200	AT EP
EA	RUR eq USD 50	USD 407	9	88	125	EP RU
EC	USD <sup>9</sup> —	USD 407	9	88	125	EP ES
EE	EEK 1,800	EEK eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP
EP <sup>7</sup>	EUR 100	EUR 444	10	96	137 <sup>7</sup>	EP
ES	EUR 61.51 (from 2.1.03: 62.74)	EUR 444	10	96	137	EP ES
FI	EUR 135	EUR 444	10	96	137	EP SE
FR	EUR 60	EUR 444	10	96	137	EP
GB	GBP 55	GBP 278	6	60	86	EP
GD	Information not yet available					
GE	GEL <sup>10</sup> 10	USD 407	9	88	125	EP RU
GH	GHC <sup>11</sup> 2,500 or 5,000	USD 407	9	88	n a	AT AU CN EP SE
GR	EUR 115	EUR 444	10	96	137	EP
HR	HRK 200	HRK eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP
HU	HUF <sup>12</sup> 10,000	HUF eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP RU
IB	CHF <sup>13</sup> 100 or USD <sup>13</sup> 60 or EUR <sup>13</sup> 68	CHF 650 or USD 407 or EUR 444	15 9 10	140 88 96	200 125 137	See footnote 14
ID	IDR 500,000	IDR eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	AU EP RU
IE	EUR 76.00	EUR 444	10	96	137	EP
IL	ILS 476	USD 407	9	88	125	EP US
IN	INR 5,000 (filing by indiv: 1,500)	USD 407	9	88	125	AT AU CN EP SE US

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**Table I(a) — Transmittal, basic and designation fees [continued]**  
(as at 1 January 2003, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	Basic fee <sup>1,2,3</sup> (CHF 650)	Fee per sheet over 30 <sup>1,2,3,4</sup> (CHF 15)	Designation fee <sup>1,2,3,5,6</sup> (CHF 140)	PCT-EASY reduction <sup>2,7</sup> (CHF 200)	Competent ISA(s) <sup>8</sup>
IS	ISK 5,500	ISK 41,300	1,000	8,900	11,600	EP SE
IT	EUR 30.99	EUR 444	10	96	n a	EP
JP	JPY 18,000	JPY 54,000	1,200	11,600	16,600	EP JP
KE	USD (or KES equiv) 250 plus cost of mailing	USD 407	9	88	125	AT AU CN EP SE
KG	KGS eq USD 100	USD 407	9	88	125	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 530,000	12,000	114,000	163,000	AT AU JP <sup>15</sup> KR
KZ	KZT <sup>9</sup> —	USD 407	9	88	125	EP RU
LR	USD 45	USD 407	9	88	n a	AT AU CN EP SE
LS	LSM <sup>9</sup> —	LSM eq CHF 650	eq CHF 15	eq CHF 140	n a	AT EP
LT	LTL 320	EUR 444	10	96	n a	EP RU
LU	EUR 19	EUR 444	10	96	n a	EP
LV	LVL 47.20	USD 407	9	88	125	EP RU
MA	None	CHF 650	15	140	n a	AT EP RU SE
MC	EUR 49 <sup>16</sup>	EUR 444	10	96	n a	EP
MD	MDL 180	USD 407	9	88	125	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 25,000	600	5,400	7,700	EP
MX	MXP <sup>3</sup> eq USD 200	MXP eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP ES SE US
NL	EUR 50	EUR 444	10	96	137	EP
NO	NOK 500	NOK 3,560	80	770	1,090	EP SE
NZ	NZD 180 <sup>17</sup>	NZD 890	20	192	274	AU EP US
OA	Information not yet available					
OM	Information not yet available					
PH	PHP 3,500	USD 407	9	88	125	AU EP JP KR US
PL	PLZ 300	PLZ eq CHF 650	eq CHF 15	eq CHF 140	n a	EP
PT	EUR 23.19	EUR 444	10	96	137	EP
RO	ROL 300,000	CHF 650	15	140	200	AT EP RU
RU	RUR 294	USD 407	9	88	125	EP RU
SD	SDP 50	SDP eq CHF 650	eq CHF 15	eq CHF 140	n a	EP
SE	SEK 1,200	SEK 4,390	100	950	1,350	EP SE
SG	SGD 150	SGD 720	17	156	222	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

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**Table I(a) — Transmittal, basic and designation fees [continued]**  
(as at 1 January 2003, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	Basic fee <sup>1,2,3</sup> (CHF 650)	Fee per sheet over 30 <sup>1,2,3,4</sup> (CHF 15)	Designation fee <sup>1,2,3,5,6</sup> (CHF 140)	PCT-EASY reduction <sup>2,7</sup> (CHF 200)	Competent ISA(s) <sup>8</sup>
TJ	TJS <sup>9</sup> —	USD 407	9	88	n a	EP RU
TM	USD <sup>9</sup> —	USD 407	9	88	125	EP RU
TN	TND <sup>9</sup> —	CHF 650	15	140	n a	EP
TR	CHF 100	CHF 650	15	140	200	EP
TT	TTD 750	USD 407	9	88	125	AT EP SE US
UA	UAH 255	USD 407	9	88	n a	EP RU
US	USD 240	USD 407	9	88	125	EP US
UZ	USD <sup>9</sup> —	USD 407	9	88	125	EP RU
VC	Information not yet available					
VN	VND eq USD 150	VND eq CHF 650	eq CHF 15	eq CHF 140	n a	AT AU EP KR RU SE
YU	YUD 3,000	YUD eq CHF 650	eq CHF 15	eq CHF 140	eq CHF 200	EP
ZA	ZAR 500	ZAR 4,240	98	910	1,300	AT AU EP US
ZM	Information not yet available					
ZW	ZWD 1,000	ZWD eq USD 407	eq USD 9	eq USD 88	eq USD 125	AT AU CN EP RU

**Table I(b) — Search fees**  
(as at 1 January 2003, unless otherwise indicated)

ISA	Search fee <sup>1</sup>									
AT	EUR 159	CHF 230	KRW 191,000	SGD 259	USD 150	ZAR 1,280				
AU	AUD 1,000	CHF 871	EUR 560	KRW 710,000	NZD 1,222	SGD 1,030				
	USD 491	ZAR 5,360								
CN	CNY 1,500	CHF 290	EUR 185	USD 180						
EP <sup>18</sup>	EUR 945	CAD 1,440	CHF 1,383	CYP 550	DKK 7,030	GBP 592				
	ISK 83,000	JPY 110,000	MWK 53,000	NOK 7,070	NZD 1,889	SEK 8,720				
	SGD 1,660	USD 936	ZAR 9,500							
ES <sup>18</sup>	EUR 945	CHF 1,383	USD 936							
JP	JPY 72,000	CHF 870	EUR 620	KRW 798,000	USD 535					
KR	KRW 150,000	CHF 180	EUR 130	USD 120						
RU <sup>19</sup>	USD 300	CHF 480	EUR 306							
SE	SEK 8,720	CHF 1,383	DKK 7,030	EUR 945	ISK 83,000	NOK 7,070				
	USD 936									
US	USD 700	CHF 1,118	EUR 714	NZD 1,440						
	ZAR 7,000	450 <sup>20</sup> 4,500 <sup>20</sup>	719 <sup>20</sup>	459 <sup>20</sup>	920 <sup>20</sup>					

**Table II — Preliminary examination fees**  
(as at 1 January 2003, unless otherwise indicated)

IPEA	Preliminary examination fee <sup>21</sup>		Handling fee <sup>3,21</sup> (CHF 233)		
AT	EUR	159	EUR	159	
AU	AUD	550	1,000 <sup>22</sup>	AUD	267
CN	CNY	1,500		CNY eq CHF	233
EP <sup>18</sup>	EUR	1,530		EUR	159
JP	JPY	28,000		JPY	19,200
KR	KRW	150,000		KRW	190,000
RU <sup>19</sup>	USD	200 <sup>23</sup>	300 <sup>24</sup>	USD	146
SE	SEK	5,000		SEK	1,570
US	USD	490	750 <sup>25</sup>	USD	146

*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 PCT application is filed with a receiving Office which is prepared to accept the filing of PCT 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, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Dominica, Ecuador, Equatorial Guinea, 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, Philippines, Poland, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Slovakia, South Africa, Sri Lanka, Sudan, Swaziland, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Republic of Tanzania, Uzbekistan, Viet Nam, Yugoslavia, Zambia 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 Where the PCT application as filed contains a sequence listing part in computer readable form only, or both in that form and on paper, under Section 801 of the *PCT Administrative Instructions*, and where that application is filed with a receiving Office which is prepared to accept such filings, a fixed component of 400 times the fee per sheet over 30 is payable for the sequence listing part, irrespective of the actual length of that part (see Section 803(ii) of the *Administrative Instructions*).
- 5 The maximum number of designation fees payable is five.
- 6 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).
- 7 The same amount of reduction of the basic and designation fee as indicated in footnote 2 applies where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the *Administrative Instructions* and where the international application is filed with a receiving Office which has notified the International Bureau under Section 710 of the *Administrative Instructions* that it is prepared to receive international applications in electronic form—only the European Patent Office has sent such a notification so far.
- 8 For the search fee payable to the receiving Office, consult the entry in Table I(b) for the competent International Searching Authority.
- 9 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.
- 10 This fee is reduced by 80% where the applicant is a natural person.
- 11 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.
- 12 A supplement of HUF 500 is also payable for each claim in excess of 10.
- 13 This fee is not payable in respect of international applications filed by applicants fulfilling the conditions indicated in footnote 3.
- 14 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).
- 15 The Japan Patent Office is competent only for international applications in Japanese.
- 16 Plus EUR 1 for the preparation of additional copies, for each page and each copy.
- 17 Plus 12.5% GST (Goods and Services Tax) for New Zealand residents.
- 18 The search fee payable to the EPO and the Spanish Patent and Trademark Office, as well as the preliminary examination fee payable to the EPO, 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, and in accordance with the 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 Bulgaria, the Czech Republic, Estonia, Slovakia and Turkey.
- 19 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.
- 20 Payable when a corresponding prior US national application has been filed under 35 USC 111(a) and the basic filing fee for that US application has been paid.
- 21 Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
- 22 Payable when the international search report was not issued by the Australian Patent Office.
- 23 Payable when the international search report was established by the Russian Patent Office.
- 24 In all cases where footnote 23 does not apply.
- 25 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 (US)).

**PCT Contracting States and Two-letter Codes (118 on 1 January 2003)**



AE United Arab Emirates	CO Colombia	ID Indonesia	MK The former Yugoslav Republic of Macedonia <sup>1</sup>	SK Slovakia (EP)
AG Antigua and Barbuda	CR Costa Rica	IE Ireland (EP) <sup>2</sup>	ML Mali (OA) <sup>2</sup>	SL Sierra Leone (AP)
AL Albania <sup>1</sup>	CU Cuba	IL Israel	MN Mongolia	SN Senegal (OA) <sup>2</sup>
AM Armenia (EA)	CY Cyprus (EP) <sup>2</sup>	IN India	MR Mauritania (OA) <sup>2</sup>	SZ Swaziland (AP) <sup>2</sup>
AT Austria (EP)	CZ Czech Republic (EP)	IS Iceland	MW Malawi (AP)	TD Chad (OA) <sup>2</sup>
AU Australia	DE Germany (EP)	IT Italy (EP) <sup>2</sup>	MX Mexico	TG Togo (OA) <sup>2</sup>
AZ Azerbaijan (EA)	DK Denmark (EP)	JP Japan	MZ Mozambique (AP)	TJ Tajikistan (EA)
BA Bosnia and Herzegovina	DM Dominica	KE Kenya (AP)	NE Niger (OA) <sup>2</sup>	TM Turkmenistan (EA)
BB Barbados	DZ Algeria	KG Kyrgyzstan (EA)	<b>NI Nicaragua</b> (from 6 March 2003)	TN Tunisia
BE Belgium (EP) <sup>2</sup>	EC Ecuador	KP Democratic People's Republic of Korea	NL Netherlands (EP) <sup>2</sup>	TR Turkey (EP)
BF Burkina Faso (OA) <sup>2</sup>	EE Estonia (EP)	KR Republic of Korea	NO Norway	TT Trinidad and Tobago
BG Bulgaria (EP)	ES Spain (EP)	KZ Kazakhstan (EA)	NZ New Zealand	TZ United Republic of Tanzania (AP)
BJ Benin (OA) <sup>2</sup>	FI Finland (EP)	LC Saint Lucia	OM Oman	UA Ukraine
BR Brazil	FR France (EP) <sup>2</sup>	LI Liechtenstein (EP)	PH Philippines	UG Uganda (AP)
BY Belarus (EA)	GA Gabon (OA) <sup>2</sup>	LK Sri Lanka	PL Poland	US United States of America
BZ Belize	GB United Kingdom (EP)	LR Liberia	PT Portugal (EP)	UZ Uzbekistan
CA Canada	GD Grenada	LS Lesotho (AP)	RO Romania <sup>1</sup>	VC Saint Vincent and the Grenadines
CF Central African Republic (OA) <sup>2</sup>	GE Georgia	LT Lithuania <sup>1</sup>	RU Russian Federation (EA)	VN Viet Nam
CG Congo (OA) <sup>2</sup>	GH Ghana (AP)	LV Latvia <sup>1</sup>	SC Seychelles	YU Yugoslavia
CH Switzerland (EP)	GM Gambia (AP)	MA Morocco	SD Sudan (AP)	ZA South Africa
CI Côte d'Ivoire (OA) <sup>2</sup>	GN Guinea (OA) <sup>2</sup>	MC Monaco (EP) <sup>2</sup>	SE Sweden (EP)	ZM Zambia (AP)
CM Cameroon (OA) <sup>2</sup>	GQ Equatorial Guinea (OA) <sup>2</sup>	MD Republic of Moldova (EA)	SG Singapore	ZW Zimbabwe (AP)
CN China	GR Greece (EP) <sup>2</sup>	MG Madagascar	SI Slovenia (EP) <sup>2</sup>	
	GW Guinea-Bissau (OA) <sup>2</sup>			
	HR Croatia			
	HU Hungary (EP)			

<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 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 2003. The forms are reproduced in Annexes X and Y, respectively, in Vol. I/B of the *PCT Applicant's Guide* (January 2003 update), and can be printed from the WIPO Internet site, in editable 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.

## A

## PCT Contracting States\*

## A

Name of State followed by the two-letter code	Date on which State became bound by the PCT*	Name of State followed by the two-letter code	Date on which State became bound by the PCT*
Albania AL	4 October 1995	Hungary HU <sup>1</sup>	27 June 1980
Algeria DZ <sup>1</sup>	8 March 2000	Iceland IS	23 March 1995
Antigua and Barbuda AG	17 March 2000	India IN <sup>1</sup>	7 December 1998
Armenia AM <sup>1</sup>	25 December 1991	Indonesia ID <sup>1</sup>	5 September 1997
Australia AU	31 March 1980	Ireland IE	1 August 1992
Austria AT	23 April 1979	Israel IL	1 June 1996
Azerbaijan AZ	25 December 1995	Italy IT	28 March 1985
Barbados BB	12 March 1985	Japan JP	1 October 1978
Belarus BY <sup>1</sup>	25 December 1991	Kazakhstan KZ <sup>1</sup>	25 December 1991
Belgium BE	14 December 1981	Kenya KE	8 June 1994
Belize BZ	17 June 2000	Kyrgyzstan KG <sup>1</sup>	25 December 1991
Benin BJ	26 February 1987	Latvia LV	7 September 1993
Bosnia and Herzegovina BA	7 September 1996	Lesotho LS	21 October 1995
Brazil BR	9 April 1978	Liberia LR	27 August 1994
Bulgaria BG	21 May 1984	Liechtenstein LI	19 March 1980
Burkina Faso BF	21 March 1989	Lithuania LT	5 July 1994
Cameroon CM	24 January 1978	Luxembourg LU	30 April 1978
Canada CA	2 January 1990	Madagascar MG	24 January 1978
Central African Republic CF	24 January 1978	Malawi MW	24 January 1978
Chad TD	24 January 1978	Mali ML	19 October 1984
China CN	1 January 1994	Mauritania MR	13 April 1983
Colombia CO	28 February 2001	Mexico MX	1 January 1995
Congo CG	24 January 1978	Monaco MC	22 June 1979
Costa Rica CR	3 August 1999	Mongolia MN	27 May 1991
Côte d'Ivoire CI	30 April 1991	Morocco MA	8 October 1999
Croatia HR	1 July 1998	Mozambique MZ <sup>1</sup>	18 May 2000
Cuba CU <sup>1</sup>	16 July 1996	Netherlands NL <sup>4</sup>	10 July 1979
Cyprus CY	1 April 1998	New Zealand NZ	1 December 1992
Czech Republic CZ	1 January 1993	Nicaragua NI	(will become bound on 6 March 2003)
Democratic People's Republic of Korea KP	8 July 1980	Niger NE	21 March 1993
Denmark DK	1 December 1978	Norway NO <sup>2</sup>	1 January 1980
Dominica DM	7 August 1999	Oman OM <sup>1</sup>	26 October 2001
Ecuador EC	7 May 2001	Philippines PH	17 August 2001
Equatorial Guinea GQ	17 July 2001	Poland PL <sup>2</sup>	25 December 1990
Estonia EE	24 August 1994	Portugal PT	24 November 1992
Finland FI <sup>2</sup>	1 October 1980	Republic of Korea KR	10 August 1984
France FR <sup>1,3</sup>	25 February 1978	Republic of Moldova MD <sup>1</sup>	25 December 1991
Gabon GA	24 January 1978	Romania RO <sup>1</sup>	23 July 1979
Gambia GM	9 December 1997	Russian Federation RU <sup>1</sup>	29 March 1978
Georgia GE <sup>1</sup>	25 December 1991	Saint Lucia LC <sup>1</sup>	30 August 1996
Germany DE	24 January 1978	Saint Vincent and the Grenadines VC <sup>1</sup>	6 August 2002
Ghana GH	26 February 1997	Senegal SN	24 January 1978
Greece GR	9 October 1990	Seychelles SC	7 November 2002
Grenada GD	22 September 1998	Sierra Leone SL	17 June 1997
Guinea GN	27 May 1991	Singapore SG	23 February 1995
Guinea-Bissau GW	12 December 1997		

[Continued on next page]

**A****PCT Contracting States\*****A**

[Continued]

Name of State followed by the two-letter code	Date on which State became bound by the PCT*	Name of State followed by the two-letter code	Date on which State became bound by the PCT*
Slovakia SK	1 January 1993	Turkey TR	1 January 1996
Slovenia SI	1 March 1994	Turkmenistan TM <sup>1</sup>	25 December 1991
South Africa ZA <sup>1</sup>	16 March 1999	Uganda UG	9 February 1995
Spain ES	16 November 1989	Ukraine UA <sup>1</sup>	25 December 1991
Sri Lanka LK	26 February 1982	United Arab Emirates AE	10 March 1999
Sudan SD	16 April 1984	United Kingdom GB <sup>5</sup>	24 January 1978
Swaziland SZ	20 September 1994	United Republic of	
Sweden SE <sup>2</sup>	17 May 1978	Tanzania TZ	14 September 1999
Switzerland CH	24 January 1978	United States of America US <sup>6,7</sup>	24 January 1978
Tajikistan TJ <sup>1</sup>	25 December 1991	Uzbekistan UZ <sup>1</sup>	25 December 1991
The former Yugoslav Republic		Viet Nam VN	10 March 1993
of Macedonia MK	10 August 1995	Yugoslavia YU	1 February 1997
Togo TG	24 January 1978	Zambia ZM	15 November 2001
Trinidad and Tobago TT	10 March 1994	Zimbabwe ZW	11 June 1997
Tunisia TN <sup>1</sup>	10 December 2001		

\* All PCT Contracting States are bound by Chapter II of the PCT relating to the international preliminary examination.

<sup>1</sup> With the declaration provided for in Article 64(5).

<sup>2</sup> With the declaration provided for in Article 64(2)(a)(ii).

<sup>3</sup> Including all Overseas Departments and Territories.

<sup>4</sup> Ratification for the Kingdom in Europe, the Netherlands Antilles and Aruba.

<sup>5</sup> Extends to the Isle of Man.

<sup>6</sup> With the declarations provided for in Articles 64(3)(a) and 64(4)(a).

<sup>7</sup> Extends to all areas for which the United States of America has international responsibility.

<b>B1</b>	<b>Information on Contracting States</b>	<b>B1</b>
<b>CO</b>	<b>COLOMBIA</b>	<b>CO</b>

### General information

Name of Office:	Superintendencia de Industria y Comercio Superintendence of Industry and Commerce (Colombia)
Location and mailing address:	Cra. 13 No. 27-00 Piso 2°. Mezzanine Bogotá, D. C., Colombia
Telephone:	(57-1) 382 08 40
Facsimile machine:	(57-1) 382 26 95
Teleprinter:	—
E-mail:	info@sic.gov.co
Internet:	www.sic.gov.co
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes, provided that the delivery service is DHL or DEPRISA
Competent receiving Office for nationals and residents of Colombia:	Superintendence of Industry and Commerce (Colombia) or International Bureau of WIPO, at the choice of the applicant (see Annex C)
Competent designated (or elected) Office if Colombia is designated (or elected):	Superintendence of Industry and Commerce (Colombia) (see Volume II)
May Colombia be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	Patents, utility models (a utility model may be sought instead of a patent)
Provisions of the law of Colombia concerning international-type search:	None

[Continued on next page]

**B1** **Information on Contracting States** **B1**

**CO** **COLOMBIA** **CO**

[Continued]

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Provisional protection after international publication: None

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

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Time when the name and address of the inventor must be given if Colombia is designated (or elected): May be in the request or may be furnished later. If not already complied with within the time limit applicable under PCT Article 22 or 39(1)(a), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation

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Are there special provisions concerning the deposit of microorganisms and other biological material? Yes (see Annex L)

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**C** **C**  
**Receiving Offices**  
**CO** **CO**  
**SUPERINTENDENCE OF INDUSTRY**  
**AND COMMERCE (COLOMBIA)**

Competent receiving Office for nationals and residents of:	Colombia
Language in which international applications may be filed:	Spanish <sup>1</sup>
Number of copies required by the receiving Office:	3
Does the receiving Office accept the filing of international applications with requests in PCT-EASY format? <sup>2</sup>	Yes
Competent International Searching Authority:	Austrian Patent Office, European Patent Office, Russian Patent Office or Spanish Patent and Trademark Office
Competent International Preliminary Examining Authority:	Austrian Patent Office, European Patent Office <sup>3</sup> or Russian Patent Office
Fees payable to the receiving Office:	Currency: Colombian peso (COP)
Transmittal fee: <sup>4</sup>	Information not yet available
International fee:	
Basic fee: <sup>5</sup>	Equivalent in COP of US dollars 407
Supplement per sheet over 30: <sup>5</sup>	Equivalent in COP of US dollars 9
Designation fee: <sup>5</sup>	Equivalent in COP of US dollars 88
PCT-EASY fee reduction: <sup>2</sup>	Equivalent in COP of US dollars 125
Search fee:	See Annex D (AT), (EP), (RU) or (ES)
Fee for priority document (PCT Rule 17.1(b)): <sup>4</sup>	Information not yet available
Is an agent required by the receiving Office?	No, if the applicant resides in Colombia Yes, if he is a non-resident
Who can act as agent?	Any attorney registered in Colombia

<sup>1</sup> Depending on the applicant's choice of competent International Searching Authority, a translation into a corresponding language (see Annex D) may have to be furnished by the applicant (PCT Rule 12.3).

<sup>2</sup> Where the request is filed in PCT-EASY format together with a PCT-EASY diskette and the receiving Office accepts such filings (see *PCT Gazette* No. 51/1998, pages 17330 and 17332), the total amount of the international fee is reduced.

<sup>3</sup> The European Patent Office is competent only if the international search is or has been performed by that Office, by the Austrian Patent Office or by the Spanish Patent and Trademark Office.

<sup>4</sup> The Office or the agent should be consulted for the applicable currency and fee amount.

<sup>5</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 Colombia or any other State mentioned in the corresponding footnote to Annex C(1B). For further details, see *PCT Gazette* No. 50/1995, pages 19233 and 19234. It is to be noted that, if both the PCT-EASY reduction and the 75% reduction of the international fee are applicable, the 75% reduction is calculated after the PCT-EASY reduction.



**SUMMARY****Designated  
(or elected) Office****SUMMARY****US****UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)****US****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30* months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: <sup>1</sup>	English
Required contents of the translation for entry into the national phase: <sup>1</sup>	Under PCT Article 22: Request, description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter in the drawings, abstract <sup>2</sup> Under PCT Article 39(1): Request, description, claims, any text matter in the drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report) <sup>2</sup>
Is a copy of the international application required? <sup>3</sup>	Applicant should only send a copy of the international application if he/she has not received Form PCT/IB/308 and the USPTO has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2). No copy is required if the international application was filed with the USPTO as receiving Office. A copy of amendments of the claims filed under PCT Article 19 with the International Bureau is required under the conditions indicated in the previous paragraph.

*[Continued on next page]*

\* Time limit applicable as from 1 April 2002 to any international application in respect of which the period of 20 months from the priority date expires on or after 1 April 2002, and in respect of which the acts referred to in Article 22(1) have not yet been performed by the applicant.

<sup>1</sup> Must be furnished within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with in response to a notice sent to the applicant, provided that a processing fee is paid for furnishing the translation later.

<sup>2</sup> If the translation of the amendments is not furnished, the amendments are considered to be cancelled (37 CFR 1.494(d) and 1.495(d)).

<sup>3</sup> Must be furnished within the time limit applicable under PCT Article 22 or 39(1).

**SUMMARY****Designated  
(or elected) Office****SUMMARY****US****UNITED STATES PATENT AND  
TRADEMARK OFFICE (USPTO)****US**

[Continued]

National fee:<sup>4</sup>

Currency: US dollar (USD)

Basic national fee (37 CFR 1.492(a)(1)-(5)):<sup>5</sup>

— where a preliminary examination fee has been paid on the international application to the USPTO:	USD	720	(360) <sup>6</sup>	
— where no preliminary examination fee has been paid to the USPTO, but a search fee has been paid on the international application to the USPTO as an International Searching Authority:	USD	750	(375) <sup>6</sup>	
— where no preliminary examination fee has been paid and no search fee has been paid on the international application to the USPTO and no international search report has been prepared by the European Patent Office or the Japan Patent Office:	USD	1,060	(530) <sup>6</sup>	
— where an international search report has been prepared by the European Patent Office or the Japan Patent Office:	USD	900	(450) <sup>6</sup>	
— where the international preliminary examination report prepared by the USPTO states that the criteria of novelty, inventive step (non-obviousness) and industrial applicability, as defined in PCT Article 33(1) to (4), have been satisfied for all the claims presented in the international application entering the national phase:	USD	100	(50) <sup>6</sup>	
Additional fee for each claim in independent form in excess of three: <sup>7</sup>	USD	84	(42) <sup>6</sup>	
Additional fee for each claim, independent or dependent, in excess of 20: <sup>7</sup>	USD	18	(9) <sup>6</sup>	
In addition, if the application contains one or more multiple dependent claims, per application: <sup>7</sup>	USD	280	(140) <sup>6</sup>	
Surcharge for filing oath or declaration after the expiration of the time limit applicable under PCT Article 22 or 39(1):	USD	130	(65) <sup>6</sup>	
Processing fee for filing English-language translation after the expiration of the time limit applicable under PCT Article 22 or 39(1):	USD	130 <sup>8</sup>		

[Continued on next page]

<sup>4</sup> Certain of these fees are subject to periodic change. The United States Patent and Trademark Office or the *Official Gazette* of the United States Patent and Trademark Office should be consulted for the applicable amounts.

<sup>5</sup> Must be paid within the time limit applicable under PCT Article 22 or 39(1).

<sup>6</sup> The amount in parentheses is applicable in case of filing by a “small entity.” “Small entity” status can be established by a simple written assertion of entitlement to “small entity” status, or by payment of the exact amount of one of the “small entity” basic national fees set forth in 37 CFR 1.492 (a)(1) to (5) (see 37 CFR 1.27 and Volume II, Annex US.V). Fees are subject to periodic change. Current PCT-related fees can be found in the *Official Gazette* of the United States Patent and Trademark Office.

<sup>7</sup> If not paid with the basic national fee, the USPTO will invite the applicant to pay the fee within a time limit fixed in the invitation.

<sup>8</sup> This fee is unaffected by “small entity” status.

## ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

(as in force from 1 January 2003)

### Section 102 Use of the Forms

(a) Subject to paragraphs (b) to (i) and Sections 103 and 114, the International Authorities shall use, or require the use of, the mandatory Forms specified below:

(i) [No change]

(ii) Forms for use by the receiving Offices:

PCT/RO/103	PCT/RO/111	PCT/RO/123	PCT/RO/150
PCT/RO/104	PCT/RO/112	PCT/RO/126	PCT/RO/151
PCT/RO/105	PCT/RO/113	PCT/RO/133	PCT/RO/152
PCT/RO/106	PCT/RO/115	PCT/RO/136	PCT/RO/153
PCT/RO/107	PCT/RO/116	PCT/RO/139	PCT/RO/154
PCT/RO/109	PCT/RO/117	PCT/RO/143	PCT/RO/155
PCT/RO/110	PCT/RO/118	PCT/RO/147	PCT/RO/156
			PCT/RO/157

(iii) to (v) [No change]

(b) to (i) [No change]

### Section 103 Languages of the Forms Used by International Authorities

(a) The language of the Forms used by any receiving Office shall be the same as the language in which the international application is filed, provided that:

(i) where the international application is to be published in the language of a translation required under Rule 12.3(a) or 12.4(a), the receiving Office shall use the Forms in such language;

(ii) the receiving Office may, in its communications to the applicant, use the Forms in any other language being one of its official languages.

(b) to (d) [No change]

### Section 104 Language of Correspondence in Cases Not Covered by Rule 92.2

(a) The language of any letter from the applicant to the receiving Office shall be the same as the language of the international application to which such letter relates, provided that, where the international application is to be published in the language of a translation required under Rule 12.3(a) or 12.4(a), any letter shall be in such language. However, the receiving Office may expressly authorize the use of any other language.

(b) [No change]

### Section 305bis Preparation, Identification and Transmittal of the Copies of the Translation of the International Application

(a) Where a translation of the international application is furnished under Rule 12.3, the receiving Office shall:

(i) be responsible for the prompt preparation of any additional copies required where the translation is furnished in less than the number of copies required for the purposes of this paragraph, and shall have the right to fix a fee for performing that task and to collect such fee from the applicant;

(ii) to (iv) [No change]

(b) [No change]

(c) Where a translation of the international application is furnished under Rule 12.4, the receiving Office shall:

(i) be responsible for the prompt preparation of any additional copies required where the translation is furnished in less than the number of copies required for the purposes of this paragraph, and shall have the right to fix a fee for performing that task and to collect such fee from the applicant;

(ii) mark the words "RECORD COPY – TRANSLATION (RULE 12.4)" in the upper left-hand corner of the first page of the original copy of the translation and transmit that copy to the International Bureau; and

(iii) mark the words "HOME COPY – TRANSLATION (RULE 12.4)" in the same space on the other such copy of the translation, and keep that copy in its files.

**Section 308**  
**Marking of the Sheets of**  
**the International Application and of the Translation Thereof**

The receiving Office shall indelibly mark the international application number referred to in Section 307 in the upper right-hand corner of each sheet of each copy of the purported international application and of any translation of the international application furnished under Rule 12.3 or 12.4.

**Section 311**  
**Renumbering in the Case of Deletion, Substitution or Addition**  
**of Sheets of the International Application and of the Translation Thereof**

(a) to (c) [No change]

(d) Paragraphs (a) to (c) shall apply *mutatis mutandis* to any translation of the international application furnished under Rule 12.3 or 12.4.

**Section 332**  
**Notification of Languages Accepted by the receiving Office**  
**under Rules 12.1(a) and (c) and 12.4(a)**

(a) Each receiving Office shall notify the International Bureau of the language or languages which, having regard to Rule 12.1(b), it is prepared to accept under Rule 12.1(a) for the filing of international applications.

(b) Each receiving Office shall notify the International Bureau of any change to the information notified under paragraphs (a), (d) and (e). If the change means that

(i) the receiving Office is no longer prepared to accept the filing of international applications in a language that it had previously notified the International Bureau that it was prepared to accept; or

(ii) the receiving Office is no longer prepared to accept the translation of international applications into a language of publication that it had previously notified the International Bureau that it was prepared to accept; or

(iii) the receiving Office is no longer prepared to accept the filing of requests in a language that it had previously notified the International Bureau that it was prepared to accept,

the effective date of such change shall be two months after the date of publication of the notification of the change in the Gazette pursuant to Section 405 or such later date as may be determined by the receiving Office.

(c) Nothing in paragraph (a), (b), (d) or (e) prevents any receiving Office from accepting, in a particular case,

(i) the filing of an international application in a language that it has not notified the International Bureau that it is prepared to accept; or

(ii) the translation of an international application into a language of publication that it has not notified the International Bureau that it is prepared to accept; or

(iii) the filing of a request in a language that it has not notified the International Bureau that it is prepared to accept.

(d) Each receiving Office concerned shall notify the International Bureau of the language or languages which it is prepared to accept under Rule 12.4(a) for the translation of international applications into a language of publication.

(e) Each receiving Office shall notify the International Bureau of the language or languages which it is prepared to accept under Rule 12.1(c) for the filing of requests.

#### **Section 405**

##### **Publication of Notifications of Languages**

##### **Accepted by the receiving Office under Rules 12.1(a) and (c) and 12.4(a)**

The International Bureau shall promptly publish in the Gazette any notification under Section 332(a), (b), (d) or (e).

#### **Section 506**

*[Deleted]*

#### ANNEX D

##### INFORMATION FROM PAMPHLET FRONT PAGE TO BE INCLUDED IN THE GAZETTE UNDER RULE 86.1(a)(i)

The following information shall be extracted from the front page of the pamphlet of each published international application and shall, in accordance with Rule 86.1(a)(i), appear in the corresponding entry of the Gazette:

1. as to the international publication:

1.1 the international publication number

1.2 the date of the international publication

1.3 an indication whether the following items were published in the pamphlet:

1.31 international search report

1.32 declaration under Article 17(2)

1.33 claims amended under Article 19(1)

1.34 statement under Article 19(1)

1.35 *[Deleted]*

1.36 request for rectification under the third sentence of Rule 91.1(f)

1.37 information concerning a priority claim which was considered not to have been made, published upon request made under Rule 26bis.2(c)

1.4 and 1.5 [No change]

2. to 8. [No change]

[End of document]

