

Patent Law Treaty (PLT)

Assembly

Eleventh (5th Ordinary) Session
Geneva, September 23 to October 2, 2013

APPLICABILITY OF CERTAIN AMENDMENTS AND MODIFICATIONS OF THE PATENT COOPERATION TREATY (PCT) TO THE PATENT LAW TREATY (PLT)

Document prepared by the Secretariat

INTRODUCTION

1. A number of provisions under the Patent Law Treaty (PLT) and the Regulations under the PLT incorporate by reference certain requirements provided for under the Patent Cooperation Treaty (PCT). Those PLT provisions are as follows:

- (i) Article 3(1)(a)(i) [Applications];
- (ii) Article 6(1) [Form or Contents of Application];
- (iii) Article 6(2) [Request Form] and Rule 3(2) [Request Form Under Article 6(2)(b)];
- (iv) Article 6(4) [Fees] and Rule 6(3) [Time Limits Under Article 6(7) and (8) Relating to Payment of Application Fee in Accordance with the Patent Cooperation Treaty];
- (v) Rule 8(1)(c) [Communications Filed on Paper];
- (vi) Rule 8(2)(a) [Communications Filed in Electronic Form or by Electronic Means of Transmittal];
- (vii) Rule 8(3)(a) [Copies, Filed in Electronic Form or by Electronic Means of Transmittal, of Communications Filed on Paper];
- (viii) Rule 9(5)(b) [Signature of Communications Filed in Electronic Form Not Resulting in Graphic Representation of Signature];
- (ix) Rule 14(3) [Time Limit Under Article 13(1)(ii)].

2. Pursuant to PLT Article 16 and the PLT Agreed Statements, the PLT Assembly has to decide whether amendments and modifications to the PCT, the Regulations under the PCT and the Administrative Instructions under the PCT (hereinafter referred to as “the Administrative Instructions”) shall apply for the purposes of the PLT and provide any transitional provisions, if necessary.

3. The present document provides information regarding the amendments and modifications made under the PCT between June 15, 2010 and January 31, 2013, which, in view of the International Bureau, relate to the above PLT provisions. In addition, the document contains modifications, proposed by the International Bureau, to be made to the PLT Model International Request Form with a view to align it with the PCT request Form. The consequences of those PCT modifications and amendments for the PLT are explained, where appropriate. The proposed modifications to the Model International Request Form as well as to its Notes are contained in the Annex.

AMENDMENTS AND MODIFICATIONS TO THE PCT AND THEIR APPLICATION TO THE PLT

4. Among the amendments and modifications made in the Regulations under the PCT and the Administrative Instructions between June 15, 2010 and January 31, 2013,¹ the following changes are relevant to the PLT provisions referring to certain PCT requirements:

- modifications to the PCT request Form (PCT/RO/101) regarding the retrieval of a priority document from a digital library;
- modifications of the Administrative Instructions and the PCT request Form regarding the declaration of inventorship; and
- modifications to Annex F of the Administrative Instructions regarding the standard for the electronic filing and processing of international applications.

MODIFICATIONS TO THE PCT REQUEST FORM (PCT/RO/101) REGARDING THE RETRIEVAL OF A PRIORITY DOCUMENT FROM A DIGITAL LIBRARY

5. In order to reflect the recommendations made by the Working Group on the Digital Access Service for Priority Documents (DAS)², held from July 12 to 14, 2011, in Geneva, Box No. VI of the PCT request Form was modified.³ In particular, among other changes,⁴ a space of up to ten digits for indicating the access code was inserted in that box. Consequently, instead of using the “Access Control List” in the DAS applicant portal to ensure that the International Bureau or other relevant Office(s)⁵ are able to obtain the priority documents through the DAS, an applicant can record, in Box No. VI, the access code provided to him/her by the Office where the earlier application was filed.

¹ Between June 15, 2010 and January 31, 2013, modifications to the Administrative Instructions, including modifications of the Forms, were promulgated by, *inter alia*, PCT Circulars C.PCT 1336, dated March 16, 2012, C.PCT 1337, dated April 26, 2012, and C.PCT 1351, dated August 17, 2012. The Administrative Instructions and the modified PCT request Form, as in force from September 16, 2012, are available on the WIPO website as follows: <http://www.wipo.int/pct/en/texts/index.html>.

² The Digital Access Service for Priority Document (DAS) is an electronic system allowing priority documents and similar documents to be securely exchanged between IP offices.

³ The modifications to Box No. VI were also consequential to amendments to Rule 17.1(b-bis) of the Regulations under the PCT. See document PCT/A/42/4.

⁴ *Ibid.* Those changes are not relevant for the purposes of the PLT.

⁵ Other Offices participating in the DAS.

6. In order to reduce the burden of applicants to provide copies of earlier applications and previously filed applications and certifications of filing dates, PLT Rule 4(3) provides that no Contracting Party shall require the filing of a copy or a certified copy of the earlier application or a certification of the filing date, or a copy or certified copy of the previously filed application, where the earlier application or the previously filed application was filed with its Office, or is available to that Office from a digital library which is accepted by the Office for that purpose. To that end, Box No. VIII and the Continuation of Box No. VIII of the PLT Model International Request Form contain two check-boxes allowing the applicant to indicate that the earlier application(s) is(are) attached to the Model International Request Form, or is(are) available to it from a specified digital library.

7. According to PLT Article 6(1), no Contracting Party shall require compliance with any requirement relating to the form or contents of an application different from or additional to the requirements relating to the form or contents which are provided for in respect of an international application under the PCT. Further, in accordance with PLT Article 6(2)(a), a PLT Contracting Party may require that the contents of an application which correspond to the contents of the request of an international application under the PCT be presented on a request Form prescribed by that Contracting Party. However, in accordance with PLT Article 6(2)(b) and Rule 3(2)(i), a PLT Contracting Party shall accept the presentation of the contents on the Model International Request Form provided for in the Regulations which shall correspond to the PCT request Form. Consequently, in order to align the Model International Request Form with the PCT request Form, it is suggested to modify the Model International Request Form to include, in Box No. VIII and in the Continuation of Box No. VIII, a space for indicating the access code as provided in the PCT request Form. This would facilitate, for the Offices of the PLT Contracting Parties participating in the DAS, to exchange priority documents through that service. The corresponding explanation is proposed to be added to the Notes to Box No. VIII of the Model International Request Form (see pages 17 and 18 of the Annex to this document).

MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS AND THE PCT REQUEST FORM REGARDING THE DECLARATION OF INVENTORSHIP

8. Following the entry into force on September 16, 2012, of certain changes to the patent law of the United States of America under the Leahy-Smith America Invents Act, the Regulations under the PCT, the Administrative Instructions and certain PCT forms were modified in 2012. Those modifications include changes to the wording of a declaration of inventorship made for the purposes of the designation of the United States of America under Section 214 of the Administrative Instructions and in Box No. VIII(iv) of the PCT request Form.

9. Box No. X(iv) of the PLT Model International Request Form concerns the declaration of inventorship. The Notes to Box No. X(iv) contain a similar text in respect of the declaration as Box No. VIII(iv) of the PCT request Form. Consequently, pursuant to PLT Article 6(1) and (2) and Rule 3(2)(i), as explained above, it is suggested that the text in the Notes to Box No. X(iv) be modified to reflect the changes to the PCT request Form as proposed in pages 19 and 20 of the Annex to this document.

MODIFICATIONS TO ANNEX F OF THE ADMINISTRATIVE INSTRUCTIONS REGARDING THE STANDARD FOR THE ELECTRONIC FILING AND PROCESSING OF INTERNATIONAL APPLICATIONS

10. With respect to the standard for the electronic filing and processing of international applications, the following modification to Section 3.6 of Appendix I of Annex F of the Administrative Instructions was promulgated with effect from July 1, 2012: modification of the request Document Type Definition (DTD) with the addition of the optional specification of a DAS

document access code.⁶ This change was made following the insertion of additional fields in Box No. VI of the PCT request Form allowing the indication of the DAS access code (see paragraph 5 above).

11. In accordance with PLT Rule 8(2)(a), where a Contracting Party permits the filing of communications in electronic form or by electronic means of transmittal with its Office in a particular language, and there are requirements applicable to that Contracting Party under the PCT in relation to such communications in that language, that Office shall permit the filing of such communications under the applicable law, in the said language in accordance with those PCT requirements. Therefore, the consequence of the above modification to Annex F, Appendix I of the Administrative Instructions is that, where such a modified format is applicable to a PLT Contracting Party in the PCT framework, it shall accept the electronic filing of communications in respect of national/regional applications in accordance with that format, provided that the other requirements under the applicable law are also met.

APPLICABLE DATE OF THE MODIFICATIONS OF THE PCT TO THE PLT

12. Since the above modifications of the Administrative Instructions and the PCT request Form (PCT/RO/101) entered into force on September 16, 2012, and the modifications to Sections 3.6 of Appendix I of Annex F of the Administrative Instructions entered into force on July 1, 2012, it is suggested that those modifications apply to the PLT with immediate effect and that the modified Model International Request Form take effect immediately as well.

13. The Assembly of the PLT is invited:

(i) to adopt the modified Model International Request Form as set out in the Annex, and to decide that it shall enter into force with immediate effect; and

(ii) to decide that the modifications of the Administrative Instructions Under the PCT indicated in the present document as applicable, apply for the purposes of the PLT and its Regulations, with immediate effect.

[Annex follows]

⁶ See PCT Circular 1327, dated December 12, 2011. Promulgated changes to Annex F and its appendices are set out in the Proposal for Change, available at:
http://www.wipo.int/efiling_standard/en/pfc_already_processed/pfc-12-001.pdf

MODEL INTERNATIONAL FORM
UNDER THE PATENT LAW TREATY (PLT)

For Office use only

Application No.
Filing Date

.....*

REQUEST FOR THE GRANT OF
A PATENT

Applicant's or representative's file reference (if desired)
--

* Indicate name of national or regional patent Office that is requested to grant a patent.

BOX NO. I TITLE OF INVENTION	
BOX NO. II APPLICANT(S)	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)	Telephone No.
	Facsimile No.
	Registration No. or other indication registered with the Office
<p>E-mail authorization: Marking one of the check-boxes below authorizes the Office to use the e-mail address indicated in this Box to send notifications issued in respect of this application to that e-mail address if the Office is willing to do so.</p> <p><input type="checkbox"/> as advance copies followed by paper notifications; or <input type="checkbox"/> exclusively in electronic form (no paper notifications will be sent).</p> <p>E-mail address:</p>	
State (that is, country) of nationality:	State (that is, country) of residence:
<input type="checkbox"/> Further applicants are indicated on the following sheet: Continuation of Box No. II	
BOX NO. III INVENTOR(S)	
<input type="checkbox"/> The applicant(s) indicated in Box No. II is(are) the sole inventor(s) (if this check-box is marked, do not fill in the rest of Box No. III)	
Name and address: (Family name followed by given name. The address must include postal code and name of country.)	
<input type="checkbox"/> Further inventors are indicated on the following sheet: Continuation of Box No. III	

Sheet No.

Continuation of Box No. II FURTHER APPLICANT(S) <i>If none of the following sub-boxes is used, this sheet should not be included in the request.</i>	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	Telephone No.
	Facsimile No.
	E-mail address
	Registration No. or other indication registered with the Office
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	Telephone No.
	Facsimile No.
	E-mail address
	Registration No. or other indication registered with the Office
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	Telephone No.
	Facsimile No.
	E-mail address
	Registration No. or other indication registered with the Office
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	Telephone No.
	Facsimile No.
	E-mail address
	Registration No. or other indication registered with the Office
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:

Sheet No.

Continuation of Box No. III FURTHER INVENTOR(S)

If none of the following sub-boxes is used, this sheet should not be included in the request.

Name and address: *(Family name followed by given name. The address must include postal code and name of country.)*

Name and address: *(Family name followed by given name. The address must include postal code and name of country.)*

Name and address: *(Family name followed by given name. The address must include postal code and name of country.)*

Name and address: *(Family name followed by given name. The address must include postal code and name of country.)*

Name and address: *(Family name followed by given name. The address must include postal code and name of country.)*

Sheet No.

BOX NO. IV REPRESENTATIVE: THE PERSON IDENTIFIED BELOW IS HEREBY/HAS BEEN APPOINTED TO ACT ON BEHALF OF THE APPLICANT(S) BEFORE THE OFFICE AS A REPRESENTATIVE	
Name and address:	TELEPHONE NO.
	Facsimile No.
	Registration No. or other indication registered with the Office
<p>E-mail authorization: Marking one of the check-boxes below authorizes the Office to use the e-mail address indicated in this Box to send notifications issued in respect of this application to that e-mail address if the Office is willing to do so.</p> <p><input type="checkbox"/> as advance copies followed by paper notifications; or <input type="checkbox"/> exclusively in electronic form (no paper notifications will be sent).</p> <p>E-mail address:</p>	
<p><input type="checkbox"/> The person above represents all applicants.</p> <p><input type="checkbox"/> If not, specify the applicant(s) who is(are) represented by the person above:</p>	
<p><input type="checkbox"/> The power of attorney is attached <input type="checkbox"/> The appointment is made in this request Form <input type="checkbox"/> The power of attorney (No.) is already in the possession of the Office.</p>	
<input type="checkbox"/> Further representatives are indicated on the following sheet: Continuation of Box No. IV	
BOX NO. V ADDRESS FOR CORRESPONDENCE OR LEGAL SERVICE	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)</i>	Telephone No.
	Facsimile No.
<p>E-mail authorization: Marking one of the check-boxes below authorizes the Office to use the e-mail address indicated in this Box to send notifications issued in respect of this application to that e-mail address if the Office is willing to do so.</p> <p><input type="checkbox"/> as advance copies followed by paper notifications; or <input type="checkbox"/> exclusively in electronic form (no paper notifications will be sent).</p> <p>E-mail address:</p>	
BOX NO. VI REGIONAL PATENT APPLICATION	
<p>If the application is filed under a treaty providing for the grant of regional patents, designate, if applicable, the State or States in which protection for the invention is sought:</p> <p><input type="checkbox"/> All member states of the international organization are designated.</p> <p><input type="checkbox"/> If not, specify the designated States:</p>	<p><input type="checkbox"/> Different applicants are designated for different States as follows:</p>

Sheet No.

CONTINUATION OF BOX NO. IV FURTHER REPRESENTATIVE(S): THE PERSON IDENTIFIED BELOW IS HEREBY/HAS BEEN APPOINTED TO ACT ON BEHALF OF THE APPLICANT(S) BEFORE THE OFFICE AS A REPRESENTATIVE.	
<i>If none of the following sub-boxes is used, this sheet should not be included in the request.</i>	
Name and address:	TELEPHONE NO.
	Facsimile No.
	E-MAIL ADDRESS
	REGISTRATION NO. OR OTHER INDICATION REGISTERED WITH THE OFFICE
<input type="checkbox"/> The person above represents all applicants. <input type="checkbox"/> If not, specify the applicant(s) who is(are) represented by the person above:	
<input type="checkbox"/> The power of attorney is attached <input type="checkbox"/> The appointment is made in this request Form <input type="checkbox"/> The power of attorney (No.) is already in the possession of the Office.	
Name and address:	TELEPHONE NO.
	Facsimile No.
	E-MAIL ADDRESS
	REGISTRATION NO. OR OTHER INDICATION REGISTERED WITH THE OFFICE
<input type="checkbox"/> The person above represents all applicants. <input type="checkbox"/> If not, specify the applicant(s) who is(are) represented by the person above:	
<input type="checkbox"/> The power of attorney is attached <input type="checkbox"/> The appointment is made in this request Form <input type="checkbox"/> The power of attorney (No.) is already in the possession of the Office.	
Name and address:	TELEPHONE NO.
	Facsimile No.
	E-MAIL ADDRESS
	REGISTRATION NO. OR OTHER INDICATION REGISTERED WITH THE OFFICE
<input type="checkbox"/> The person above represents all applicants. <input type="checkbox"/> If not, specify the applicant(s) who is(are) represented by the person above:	
<input type="checkbox"/> The power of attorney is attached <input type="checkbox"/> The appointment is made in this request Form <input type="checkbox"/> The power of attorney (No.) is already in the possession of the Office.	

Sheet No.

Box No. IX FILING BY REFERENCE		
FOR THE PURPOSES OF THE FILING DATE, THE DESCRIPTION AND ANY DRAWINGS OF THE PRESENT APPLICATION ARE REPLACED BY THIS REFERENCE TO THE PREVIOUSLY FILED APPLICATION, SUBJECT TO THE REQUIREMENTS PROVIDED FOR UNDER APPLICABLE NATIONAL/REGIONAL LAW.		
APPLICATION NUMBER OF THE PREVIOUSLY FILED APPLICATION	FILING DATE	OFFICE
<input type="checkbox"/> FURTHER PREVIOUSLY FILED APPLICATIONS ARE INDICATED ON THE FOLLOWING SHEET: CONTINUATION OF BOXES NOS. VII TO IX		
BOX NO. X DECLARATIONS		
The following declarations are contained in Boxes Nos. X (i) to (v) (<i>mark the applicable check-boxes below and indicate in the right column the number of each type of declaration</i>).		Number of declarations
<input type="checkbox"/> Box No. X (i)	Declaration as to the identity of the inventor	
<input type="checkbox"/> Box No. X (ii)	Declaration as to the applicant's entitlement, as at the filing date, to apply for and be granted a patent	
<input type="checkbox"/> Box No. X (iii)	Declaration as to the applicant's entitlement, as at the filing date, to claim the priority of the earlier application	
<input type="checkbox"/> Box No. X (iv)	Declaration of inventorship	
<input type="checkbox"/> Box No. X (v)	Declaration as to non-prejudicial disclosures or exceptions to lack of novelty	

Sheet No.

Continuation of Boxes Nos. VII to IX <i>If none of the following sub-boxes is used, this sheet should not be included in the request.</i>				
CONTINUATION OF BOX NO. VII DIVISIONAL APPLICATION; APPLICATION FOR A PATENT OF ADDITION OR APPLICATION OTHERWISE ASSOCIATED WITH ONE OR MORE OTHER APPLICATIONS				
Filing date of the other application, or of the application for the other patent, associated with the present application:		Application or patent number of the other application or patent:		
Filing date of the other application, or of the application for the other patent, associated with the present application:		Application or patent number of the other application or patent:		
CONTINUATION OF BOX NO. VIII PRIORITY CLAIM: THE PRIORITY OF THE FOLLOWING EARLIER APPLICATION(S) IS HEREBY CLAIMED				
Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		National application: country or Member of WTO	Regional application:* regional Office	International application: receiving Office
item (4)				
item (5)				
item (6)				
item (7)				
A certified copy of the following earlier application(s) is attached:				
<input type="checkbox"/> item (4) <input type="checkbox"/> item (5) <input type="checkbox"/> item (6) <input type="checkbox"/> item (7)				
The applicant declares that a certified copy of the earlier application(s) identified above is available to the Office from the following digital library <u>and, where applicable, under the following access code:</u>				
<input type="checkbox"/> item (4) <input type="checkbox"/> item (5) <input type="checkbox"/> item (6) <input type="checkbox"/> item (7)				
<u> access code access code access code access code</u>				
*Where the earlier application is a regional application and at least one of the countries party to the regional treaty is neither party to the Paris Convention nor a Member of the World Trade Organization, indicate at least one country party to that Convention or one member of that Organization for which the earlier application was filed:				
.....				
Continuation of Box No. IX FILING BY REFERENCE				
Application number of the previously filed application	Filing date	Office		

Sheet No.

BOX NO. X (I) DECLARATION: IDENTITY OF THE INVENTOR

Empty box for declaration content.

This declaration is contained on the following sheet, "Continuation of Box No. X (i)".

Sheet No.

BOX NO. X (II) DECLARATION: ENTITLEMENT TO APPLY FOR AND BE GRANTED A PATENT

Empty box for declaration content.

This declaration is contained on the following sheet, "Continuation of Box No. X (ii)".

Sheet No.

BOX NO. X (III) DECLARATION: ENTITLEMENT TO CLAIM PRIORITY

[Empty space for declaration]

This declaration is continued on the following sheet, "Continuation of Box No. X (iii)".

Sheet No.

BOX NO. X (IV) DECLARATION: INVENTORSHIP

[Empty space for declaration content]

This declaration is continued on the following sheet, "Continuation of Box No. X (iv)".

Sheet No.

BOX NO. X (V) DECLARATION: NON-PREJUDICIAL DISCLOSURES OR EXCEPTIONS TO LACK OF NOVELTY

Empty box for declaration content.

This declaration is contained on the following sheet, "Continuation of Box No. X (v)".

Sheet No.

CONTINUATION OF BOXES NOS. X (I) TO (V) DECLARATION

*If the space is insufficient in any of Boxes Nos. X (i) to (v) to furnish all the information, including in the case where **more than two inventors are to be named** in Box No. X (iv), in such case, write "Continuation of Box No. X ..." (indicate the item number of the Box) and furnish the information in the same manner as required for the purposes of the Box in which the space was insufficient. If additional space is needed in respect of two or more declarations, a separate continuation box must be used for each such declaration. If this Box is not used, this sheet should not be included in the request.*

Sheet No.

BOX NO. XI CHECK LIST		
<p>This application contains: on paper, the following number of sheets:</p> <p>(a) request (including declaration sheets) :</p> <p>(b) description (excluding sequence listing part of the description, see (f) below) :</p> <p>(c) claims :</p> <p>(d) abstract :</p> <p>(e) drawings :</p> <p>(f) sequence listing part of the description (if any) :</p> <p style="text-align: right;">_____</p> <p>Total number of sheets :</p>	<p>This application is accompanied by the following item(s) (<i>mark the applicable check-boxes below and indicate in right column the number of each item</i>):</p> <p>1. <input type="checkbox"/> original power of attorney :</p> <p>2. <input type="checkbox"/> copy of general power of attorney or single power of attorney that covers this application; reference number, if any: :</p> <p>3. <input type="checkbox"/> priority document(s) identified in Box No. VIII as item(s): :</p> <p>4. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material :</p> <p>5. <input type="checkbox"/> other (<i>specify</i>): :</p>	<p>Number of items</p>
<p>Figure of the drawings which should accompany the abstract:</p>	<p>LANGUAGE OF FILING OF THE APPLICATION:</p>	
BOX NO. XII SIGNATURE OR SEAL OF APPLICANT OR REPRESENTATIVE; DATE		
<p><i>Next to each signature or seal, indicate the name of the person signing or whose seal is used and the capacity in which the person signs or whose seal is used (if such capacity is not obvious from reading the request) and the date of signature or of seal.</i></p>		

NOTES TO THE MODEL INTERNATIONAL REQUEST FORM UNDER THE PLT

These Notes have been prepared by the International Bureau of the World Intellectual Property Organization (WIPO) for explanatory purposes only. They are intended to facilitate the filling in of the Model International Request form. Where a conflict exists between the Notes and the provisions of the Patent Law Treaty and its Regulations, the latter prevail. No Note has been provided where no explanation appears to be required. The request form and these Notes may be downloaded from WIPO's website at: <http://www.wipo.int/treaties/en/ip/plt/forms.html>.

TITLE OF THE FORM

The name of the national or regional patent Office which is requested to grant a patent should be indicated over the dots. The box "applicant's or representative's file reference", which provides a space for any reference indications relating to the application, is intended for the convenience of the applicant and/or representative. Such indication is not mandatory.

BOX No. I

Title of Invention: The title must be short and precise. It must be identical with the title heading the description.

BOX No. II

Names and Addresses: The family name (preferably in capital letters) must be indicated before the given name(s). Titles and academic degrees must be omitted. Names of legal entities must be indicated by their full official designations.

The address must be indicated in such a way that it allows prompt postal delivery; it must consist of all the relevant administrative units (up to and including the indication of the house number, if any), the postal code (if any), and the name of the country.

Only one address may be indicated per person. For the indication of a special "address for correspondence or legal service", see the notes to Box No. V.

Telephone/Facsimile Number and/or E-mail address should be indicated for the person named in Boxes Nos. II, IV and V in order to allow rapid communication with the applicant. Any such number should include the applicable country and area codes.

Unless the associated check-box is selected, any e-mail address supplied will be used only for the types of communication which might be made by telephone. If the associated check-box is checked, the Office may, if it so wishes send advance copies of notifications in respect of this application to the applicant via e-mail. If the first check-box is marked, any such e-mail notification will always be followed by the official notification on paper. Only that paper copy of the notification is considered the legal copy of the notification. If the second check-box is marked, the applicant requests the discontinuation of the sending of paper copies of notifications.

With respect to the addressee of the e-mail communication where the e-mail addresses of the applicant (Box No. II) and the representative (Box No. IV) and/or the e-mail address for correspondence (Box No. V), are provided, see the Notes to Box No. V.

Registration Number or other indication registered with the Office: Where the applicant is registered with the national or regional Office, the number or other indication under which the applicant is so registered should be indicated, where required under the applicable law, in this box.

Nationality: For each applicant, the nationality must be indicated by the name of the State (that is, country) of which the person is a national. The two-letter codes appearing in WIPO Standard ST.3 may be used for the indication of names of States. A legal entity constituted according to the national law of a State is considered a national of that State. The indication of the nationality is not required where a person is inventor only.

Residence: For each applicant, the residence must be indicated by the name or two-letter code of the State (that is, country) of which the person is a resident. If the State of residence is not indicated, it will be assumed to be the same as the State indicated in the address. Possession of a real and effective industrial or commercial establishment in a State is considered residence in that State. The indication of the residence is not required where a person is inventor only.

BOX No. III

Inventor: For the manner in which name(s) and address(es) must be indicated, see the notes to Box No. II. Where the applicant(s) indicated in Box No. II is(are) the sole inventor(s), the relevant check-box must be marked, and there is no need to fill in the name(s) and address(es) of the inventor(s) again in Box No. III.

BOX No. IV

Representative: For the manner in which name(s) and address(es) (including names of States) must be indicated, see the notes to Box No. II. Where several representatives are listed, the representative to whom correspondence should be addressed should be listed first.

Manner of Appointment of Representative: The appointment of a representative may be effected by designating the representative in Box No. IV in the Request Form duly signed by the applicant, or, at the applicant's option, by a separate power of attorney (see PLT Rule 7(2)(a)). Where there are two or more applicants, the appointment of a common representative must be effected by each applicant signing, at his option, the request or a separate power of attorney. A single power of attorney shall be sufficient even where it relates to more than one application. It shall also be sufficient even where it relates, subject to any exception indicated by the appointing person, to all existing and future applications or patents of that person (a general power of attorney)(see PLT Rule 7(2)(b)). Where such single power of attorney is filed, the Office may require that a separate copy thereof be filed for each application and patent to which it relates (see PLT Rule 7(2)(b)).

No power of attorney is needed in cases where no formal appointment of the representative is required either in respect of any representative or in respect of certain categories of representative (for example, in some countries, the category of “*mandataire agréé*”, that is, a registered agent admitted to practice before the Office without a power of attorney having to be submitted).

Registration Number or other indication registered with the Office: Where the representative is registered with the national or regional Office, the number or other indication under which the representative is so registered should be indicated, where required under the applicable law, in this box.

Telephone/Facsimile Number and/or E-mail address: See notes to Box No. II.

BOX No. V

Address for Correspondence or Legal Service: Where a representative is appointed, any correspondence intended for the applicant will be sent to the address indicated for that representative, unless that applicant expressly indicates another address for correspondence or legal service in Box No. V (see PLT Rule 10(4)). Where no representative is appointed and an applicant has provided his address on a territory prescribed by the Contracting Party in Box No. II, any correspondence will be sent to such applicant's address, unless the applicant expressly indicates another address for correspondence or legal service in Box No. V (see PLT Rule 10(3)). The same applies to e-mail correspondences sending advance copies of notifications.

Telephone/Facsimile Number and/or E-mail address: See notes to Box No. II.

BOX No. VI

Regional Patent Application: Where the application is filed under a treaty providing for the grant of regional patents, the Member States of the regional organization in which protection for the invention is sought must, where required, be indicated in Box No. VI.

Where it is requested that the patent shall be granted to different applicants in different Contracting States of the regional organization, the check-box in the right column shall be marked, and it shall be specified which applicants request the grant of the patent in which countries.

BOX No. VII

Divisional Application; application for a patent of addition or application otherwise associated with one or more other applications: In the right column of Box No. VII, the filing date of the other application, or of the application for the other patent, associated with the present application as well as the application/patent number of such other application or patent must be indicated. The other application with which the present application associated may be, for example, the application from which a divisional application is divided or the earlier application on which an application for continuation or continuation-in-part is based.

Where the application number of the other application has not been issued or is not known to the applicant, that application should be identified by furnishing, at the applicant's option, (i) the provisional application number (if any) given by the Office, (ii) a copy of the request part of the application along with the date on which the application was sent to the Office, or (iii) a reference number given to the application by the applicant or his representative along with the name and address of the applicant, the title of the invention and the date on which the application was sent to the Office. As regards the identification of the patents, reference is made to WIPO Standard ST.1.

BOX No. VIII

Priority Claim(s): If the priority of an earlier application is claimed, the declaration containing the priority claim should be made in the request, subject to the condition that the applicant retains the opportunity to add or correct the priority claim as set out in PLT Article 13(1). The request must indicate the *date* on which the earlier application from which priority is claimed was filed and the *number* it was assigned. Concerning the presentation of the numbers of the applications on which the priority is based, reference is made to paragraph 12(a) of WIPO Standard ST.10/C. For the manner of identifying the earlier application, where the application number of the earlier application has not been issued or is not known to the applicant, see the notes to Box No. VII.

Where the earlier application is a national application, the *country* party to the Paris Convention for the Protection of Industrial Property, or the *Member* of the World Trade Organization that is not a party to that Convention, in which that earlier application was filed must be indicated. Where the earlier national application was filed in a country which is neither a party to the Paris Convention nor a Member of the World Trade Organization, but which is a party to an agreement that recognizes the right of priority on the basis of reciprocity, the name of that country must be indicated. Where the earlier application is a regional application, the *regional Office* concerned must be indicated. Where the earlier application is an international application under the PCT, the *receiving Office* with which that earlier application was filed must be indicated.

Where the earlier application is a regional application (see however below), or an international application, the priority claim may also, if the applicant so wishes, indicate one or more countries party to the Paris Convention for which that earlier application was filed; such an indication is, however, not mandatory. Where the earlier application is a regional application and at least one of the countries party to the regional treaty is neither party to the Paris Convention nor a Member of the World Trade Organization, at least one country party to the Paris Convention or one Member of the World Trade Organization for which that earlier application was filed must be indicated.

Certified Copy of Earlier Application: The Office may require that a certified copy of each earlier application the priority of which is claimed (priority document) be submitted by the applicant, irrespective of whether that earlier application is a national, regional or international application, unless the earlier application was filed with the same Office, or is available to that Office from a digital library which is accepted by the Office for that purpose (PLT Rule 4).

Where the priority of an earlier application is claimed and that earlier application is available from an Office that participates in the WIPO Digital Access Service for Priority Documents (DAS), the applicant should mark the relevant check-boxes in Box No. VIII and underneath of each box he/she

[may indicate the access code related to a specific priority document which is provided to the applicant by the Office where the earlier application was filed to make it possible for the Office of the second filing to retrieve that document via the DAS.](#)

Request for Restoration of the Right of Priority:

Where the application is filed on a date which is later than the date on which the priority period expired but within the time limit prescribed in the applicable law (minimum two months), the applicant may request the Office to restore the right of priority. Such a request may be made in the Request Form or it may be filed within the time limit prescribed in the applicable law (minimum two months from the date on which the priority period expired, or the time that any technical preparations for publication of the subsequent application have been completed, whichever expires earlier).

If the request for restoration of the right of priority is made in the Request Form, the reasons for the failure to comply with the priority period shall be indicated on an additional sheet. A Contracting Party may require that the request be signed by the applicant (see PLT Rule 14(5)(i)).

Incorporation by Reference of Missing Parts:

Under certain conditions, where a part of the description or a drawing is missing from the application on the filing date but is contained completely in an earlier application, an applicant may later include such missing part of the description or the missing drawing in the application without loss of the filing date (see PLT Article 5(6)(b) and Rule 2(3) and (4)). As one of those conditions to be complied with, a Contracting Party may require that the application contain an indication that the contents of the earlier application were incorporated by reference in the application at the date on which one or more elements referred to in PLT Article 5(1)(a) were first received by the Office (see PLT Rule 2(4)(v)).

BOX No. IX

Filing by Reference: For the purposes of the filing date, the applicant may, at the time of filing, replace the description and any drawings in an application by a reference to a previously filed application, subject to the compliance with the requirements under PLT Rule 2(5) (see PLT Article 5(7)(a)).

BOX No. X

Declarations: The request may contain one or more of the following declarations:

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

Where any such declarations are included, the appropriate check-boxes in Box No. X should be marked and the number of each type of declaration should be indicated in the right-hand column. The declarations may

be worded in a way that corresponds to the standardized wording provided for in Boxes Nos. X(i) to (v), as detailed below. Those standardized texts are meant to be guidelines for the drafting of the declarations. If the circumstances of a particular case are such that the standardized wordings are not applicable, the declarations may need to be adapted in the specific case, but nevertheless need to correspond to the contents of the applicable elements in the standardized declarations.

**BOXES Nos. X(i) to (v)
(IN GENERAL)**

Different Declaration Boxes: There are six different declaration boxes in the request form—one box for each of the five different types of declarations (Boxes Nos. X(i) to Box No. X(v)) and a continuation sheet (Continuation of Boxes Nos. X(i) to (v)) to be used in case any single declaration does not fit in the corresponding box.

Titles, Items, Item Numbers, Dotted Lines, Words in Parentheses and Words in Brackets: The prescribed standardized wording of the declarations includes titles, various items, item numbers, dotted lines, words in parentheses and words in brackets. Except for Box No. X(iv), only those items which are applicable may be included in a declaration where necessary to support the statements in that declaration (that is, omit those items which do not apply) and item numbers need not be included. Dotted lines indicate where information is required to be inserted. Words in parentheses are instructions to applicants as to the information which may be included in the declaration depending upon the factual circumstances. Words in brackets are optional and should appear in the declaration without the brackets if they apply; if they do not apply, they should be omitted together with the corresponding brackets.

Naming of Several Persons: More than one person may be named in a single declaration. In the alternative, with one exception, a separate declaration may be made for each person. With respect to the declaration of inventorship set forth in Box No. X(iv), all inventors must be indicated in a single declaration (see Notes to Box No. X(iv), below). The wording of declarations to be set forth in Boxes Nos. X(i), (ii), (iii) and (v) may be adapted from the singular to the plural as necessary.

BOX No. X(i)

Declaration as to the Identity of the Inventor: The declaration may be worded in a way that corresponds to the following:

“Declaration as to the identity of the inventor:

in relation to [this] application [No. ...], (*name*) ... of (*address*) ... is the inventor of the subject matter for which protection is sought by way of [the] [this] application.”

A declaration in Box No. X(i) is not necessary in respect of any inventor who is indicated as such (either as inventor only or as applicant and inventor) in Box No. II and/or No. III. However, where the inventor is not indicated in Box No. III, but is indicated as applicant in Box No. II, a declaration as to the applicant's entitlement to apply for and be granted a patent in Box No. X(ii) may be appropriate (where the applicable national law requires that an application be filed by the inventor, however, declaration of inventorship in Box No. X(iv) shall be made). Where indications regarding the inventor are not included in Box No. II and/or No. III, this declaration may be combined with the

prescribed wording of the declaration as to the applicant's entitlement to apply for and be granted a patent (Box No. X(ii)). For details on such a combined declaration, see Notes to Box No. X(ii), below. For details as to the declaration of inventorship where the applicable national law requires that an application be filed by the inventor, see Notes to Box No. X(iv), below.

BOX No. X(ii)

Declaration as to the Applicant's Entitlement to Apply for and Be Granted a Patent: The declaration may be worded in a way that corresponds to the following:

"Declaration as to the applicant's entitlement, as at the filing date, to apply for and be granted a patent:

in relation to [this] application [No. ...], (*Name*) ... is entitled to apply for and be granted a patent by virtue of the following:

- (i) (*name*) ... of (*address*) ... is the inventor of the subject matter for which protection is sought by way of [the] [this] application
- (ii) (*name*) ... [is][was] entitled as employer of the inventor, (*inventor's name*) ...
- (iii) an agreement between (*name*) ... and (*name*) ... dated ...
- (iv) an assignment from (*name*) ... to (*name*) ... dated ...
- (v) consent from (*name*) ... in favor of (*name*) ... dated ...
- (vi) a court order issued by (*name of court*) ... effecting a transfer from (*name*) ... to (*name*) ... dated ...
- (vii) transfer of entitlement from (*name*) ... to (*name*) ... by way of (*specify kind of transfer*) ... dated ...
- (viii) the applicant's name ... changed from (*name*) ... to (*name*) ... on (*date*) ..."

This declaration is only applicable to those events which have occurred prior to the filing date. The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the inventor, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement. Where the inventor is not indicated in Box No. II and/or No. III, this declaration may be presented as a combined declaration explaining the applicant's entitlement to apply for and be granted a patent and identifying the inventor. In such a case, the introductory phrase of the declaration must be replaced by the following words: "Combined declaration as to the applicant's entitlement, as at the filing date, to apply for and be granted a patent and as to the identity of the inventor, in a case where the declaration of inventorship (Box No. X(iv) is not appropriate:". The remainder of the combined declaration must be worded as indicated in Box. No. X(ii).

BOX. No. X(iii)

Declaration as to the Applicant's Entitlement to Claim Priority of the Earlier Application: The declaration may be worded in a way that corresponds to the following:

"Declaration as to the applicant's entitlement, as at the filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application:

in relation to [this] application [No. ...] (*Name*) ... is entitled to claim priority of earlier application No. ... by virtue of the following:

- (i) the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application;
- (ii) (*name*) ... [is][was] entitled as employer of the inventor, (*inventor's name*) ...
- (iii) an agreement between (*name*) ... and (*name*) ... dated ...
- (iv) an assignment from (*name*) ... to (*name*) ... dated ...
- (v) consent from (*name*) ... in favor of (*name*) ... dated ...
- (vi) a court order issued by (*name of court*) ... effecting a transfer from (*name*) ... to (*name*) ... dated ...
- (vii) transfer of entitlement from (*name*) ... to (*name*) ... by way of (*specify kind of transfer*) ... dated ...
- (viii) the applicant's name changed from (*name*) ... to (*name*) ... on (*date*) ..."

This declaration is only applicable to those events which have occurred prior to the filing date. In addition, this declaration is only applicable where the person or name of the applicant is different from that of the applicant who filed the earlier application from which priority is claimed. For example, this declaration may be applicable where only one applicant out of several is different from the applicants indicated in respect of an earlier application. The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the applicant in respect of the earlier application, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement.

BOX. No. X(iv)

Declaration of Inventorship: This declaration is applicable only in the United States of America. The declaration shall be worded as:

"Declaration of Inventorship:

~~I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention titled: the application of which is attached hereto
or
was filed on as United States Application Number or PCT International Application Number and was amended on (if applicable).~~

I hereby declare that I believe I am the original inventor or an original joint inventor of the claimed invention in the application.

This declaration is directed to the application of which it forms a part.

I hereby declare that the above-identified application was made or authorized to be made by me.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

Name: ...

Residence: ... (city and either US state, if applicable, or country)

Mailing Address: ...

Inventor's Signature: ... (The signature must be that of the inventor, not that of the agent)

Date: ..."

~~I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims of said application, as amended by any amendment specifically referred to above. I have identified in the request of said application, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.~~

~~Prior Applications:~~

~~I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the filing date of the continuation-in-part application.~~

~~I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.~~

~~Full name: ...~~

~~Residence: ... (city, state, country)~~

~~Mailing Address: ... (city, state, zip, country)~~

~~Citizenship: ...~~

~~Inventor's Signature: ... Date: ...~~

~~(The signature must be that of the inventor, not that of the representative)~~

The name, residence and; address and citizenship must be included for each inventor. If the name and address of an inventor is not written in the Latin alphabet, the name and address must be indicated in the Latin alphabet. All inventors must sign and date the declaration even if they do not all sign the same copy of the declaration. Where there is more than one inventor and not all inventors sign the same declaration, each

declaration shall indicate the names of all the inventors. If there are more than ~~two-three~~ inventors, those other inventors must be indicated on the "Continuation of Boxes Nos. X(i) to (v)" sheet. The continuation sheet should be entitled "Continuation of Box No. X(iv)," and must indicate the name, residence and; address and citizenship for those other inventors, and at least the name and address in the Latin alphabet. In such a case, the "complete declaration" includes Box No. X(iv) and the continuation sheet. All inventors must sign and date a complete declaration even if they do not all sign the same copy of the complete declaration, and a copy of each separately signed complete declaration must be submitted.

BOX No. X(v)

Declaration as to Non-prejudicial Disclosures or Exceptions to Lack of Novelty: The declaration may be worded in a way that corresponds to the following:

"Declaration as to non-prejudicial disclosures or exceptions to lack of novelty:

in relation to [this] application [No. ...] (*Name*) declares that the subject matter claimed in [the] [this] application was disclosed as follows:

- (i) kind of disclosure (*include as applicable*):
 - (a) international exhibition: ...
 - (b) publication: ...
 - (c) abuse: ...
 - (d) other (*specify*): ...
- (ii) date of disclosure: ...
- (iii) title of disclosure (*if applicable*): ...
- (iv) place of disclosure (*if applicable*): ..."

Either (a), (b), (c) or (d) of item (i) should always be included in the declaration. Item (ii) should also always be included in the declaration. Items (iii) and (iv) may be incorporated depending upon the circumstances.

BOX No. XI

Items Constituting the Application: The number of sheets of the various parts of the application must be given in the check list. Sheets containing any of Boxes Nos. X(i) to (v) must be counted as part of the request. Where the application discloses one or more *nucleotide and/or amino acid sequences*, the number of pages of the sequence listing must be indicated under item (f) in Box No. XI and included in the total number of sheets.

According to PLT Article 6(1), the sequence listing must be presented as a separate part of the description ("sequence listing part of description") in accordance with the standard contained in Annex C of the Administrative Instructions under the PCT.

Items Accompanying the Application: Where the application is accompanied by certain items, the applicable check-boxes must be marked, any applicable indication must be made on the dotted line after the applicable item, and the number of such items should be indicated at the end of the relevant line; detailed explanations are provided below only in respect of those items which so require.

Check-box No. 2: Mark this check-box where the general power of attorney or a single power of attorney that covers this application has been deposited with the Office and a copy of such a power is filed with the application; if a reference number has been accorded, that number may be indicated.

BOX No. XII

Check-box No. 4: Mark this check-box where a separate sheet containing indications concerning deposited microorganisms and/or other biological material is filed with the application. If the applicable national/regional law requires that any sheet containing the said indications be included as one of the sheets of the description, do not mark this check-box.

Check-box No. 5: Where the application is accompanied by an item other than those referred to in items 1 to 4 in accordance with the applicable national/regional law, check-box No. 5 must be marked and subject matter of such an item must be specified. For instance, where a copy of the previously filed application and/or a translation of the previously filed application are attached to the application, they shall be indicated in this check-box.

Another example is evidence concerning non-prejudicial disclosures or exceptions to lack of novelty.

Signature: The signature or seal must be that of the applicant, and if there are several applicants, all must sign or use their seals in accordance with the applicable national/regional law. Where the signature on the request is not that of the applicant but that of the representative, separate power of attorney appointing the representative, or a copy of a general power of attorney, or a single power of attorney that covers this application, which is already in the possession of the Office, must be furnished unless submission of a power of attorney is not required under the applicable law.

Date: Where the indication of the date of the signature or seal is required by the applicable law, but is not supplied, the date on which the signing is deemed to have been effected shall be the date on which the application was received by the Office or, if the applicable law so permits, a date earlier than the latter date (see PLT Rule 9(2)).

[End of Annex and of document]