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ESTABLISHMENT OF EQUIVALENT AMOUNTS OF CERTAIN FEES

Document prepared by the International Bureau

SUMMARY

1. In a majority of cases, the establishment of equivalent amounts of certain fees (international filing fee, search fee and handling fee) and the transfer of those fees from the receiving Office to the International Searching Authorities and to the International Bureau (in the case of the search fee and the international filing fee, respectively), and from the International Preliminary Examining Authorities to the International Bureau (in the case of the search fee), based on the present arrangements under the Regulations and directives given by the Assembly, work fairly well. There are, however, a significant number of cases which are either not clearly covered by the existing Regulations, directives and Agreements governing the setting and payment of fees, or else the necessary procedures take too long to allow for the timely adjustment of IT systems and to give adequate notice to Offices and users.

BACKGROUND

2. Generally, the fees which are payable in connection with the filing of an international application (transmittal fee, search fee and international filing fee) are payable to the receiving Office in the currency or one of the currencies prescribed by that Office (“prescribed currency”). Of the fees payable to the receiving Office, the transmittal fee accrues to the benefit of that Office and remains with it, whereas the search fee and the international filing fee accrue to the benefit of the International Searching Authority and the International Bureau, respectively, and have to be transferred by the receiving Office to that Authority and to that Bureau.

3. Where the prescribed currency in which the search fee is payable to the receiving Office is the same currency as that in which the International Searching Authority has fixed its fees (“fixed currency”), the applicant simply pays the amount of that fee in the currency fixed by the Authority and the receiving Office transfers the search fee to that Authority in that currency. Similarly, where the prescribed currency in which the international filing fee is payable to the receiving Office is the Swiss franc (the currency in which that fee is fixed, see the Schedule of Fees annexed to the Regulations), the applicant simply pays the amount of that fee in Swiss franc as fixed in the Schedule of Fees and the receiving Office transfers that fee to the International Bureau in Swiss franc.

4. Where the prescribed currency in which the search fee is payable to the receiving Office is different from the currency in which the International Searching Authority has fixed its fees, or where the prescribed currency in which the international filing fee is payable to the receiving Office is not the Swiss franc, equivalent amounts of those fees are established by the Director General, after consultation with the receiving Offices concerned, for each receiving Office which requires the payment of those fees in such a different currency. In such a case, the applicant pays the equivalent amounts of the search fee and of the international filing fee to the receiving Office in the currency prescribed by that Office, and that Office transfers the equivalent amounts of those fees to the International Searching Authority and the International Bureau, respectively, it being understood that those fees paid in the prescribed currency are, when transferred to the International Searching Authority and the International Bureau “freely convertible” into the currency of the State in which the International Searching Authority has its headquarters (in the case of the search fee) and into Swiss currency (in the case of the international filing fee) (see present Rules 15.2 and 16.1).

5. Similar arrangements exist with regard to the handling fee payable in connection with the filing of a demand for international preliminary examination, which is payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by that Authority but accrues to the benefit of the International Bureau; that fee is transferred to that Bureau in either Swiss franc or in the form of an equivalent amount of that fee in the prescribed currency (see present Rule 57.2).

6. The establishment of equivalent amounts of the search fee, the international filing fee and the handling fee are governed by the Regulations (see present Rules 15.2, 16.1 and 57.2) and, as regards the establishment of new equivalent amounts in the case of changes in the exchange rates between the currency fixed by the International Searching Authority and the prescribed currency (in the case of the search fee), or between the Swiss currency and any prescribed currency (in the case of the international filing fee and of the handling fee), by “directives” given by the Assembly (see present Rules 15.2(d), 16.1(d) and 57.2(d)).

PROPOSED CHANGES

7. In practice, the establishment of equivalent amounts (see, as background information, the “PCT Fee Tables” in Annex IV to this document, taken from the February 2009 PCT Newsletter; such tables appear in every issue of the Newsletter) and the transfer of fees from the receiving Office to the International Searching Authorities and to the International Bureau, and from the International Preliminary Examining Authorities to the International Bureau, based on the legal framework outlined above, work fairly well. There are, however, a number of issues which, in the view of the International Bureau, require amendments to the Regulations governing the payment of fees, modifications to the directives by the Assembly and amendments to the Agreements between the International Bureau and all International Searching and Preliminary Examining Authorities, as outlined in the following paragraphs (more detailed explanations are given in comments in Annexes I to III):

(a) The wording of present Rules 15.2, 16.1 and 57.2 appears complex and difficult to understand, with duplicative provisions contained in both the Regulations and the directives given by the Assembly. It is thus proposed to greatly simplify the text of the Regulations governing the establishment of equivalent amounts of fees by moving large parts to the directives given by the Assembly.

(b) Neither the present Regulations nor the present directives contain any provisions governing the case that the currency in which the receiving Office prescribes payment of fees is *not* freely convertible into Swiss currency or the currency in which the International Searching Authority has fixed its fees. It is thus proposed to amend Rules 15.2, 16.1 and 57.2 so as to make a clear distinction between: (i) the case where the prescribed currency is Swiss franc (or, as regards the search fee, the currency fixed by the International Searching Authority); (ii) the case where the prescribed currency is a currency different from Swiss franc (respectively, different from the fixed currency) but is freely convertible into Swiss franc (respectively, into the fixed currency); and (iii) the case where the prescribed currency is a currency different from Swiss franc (respectively, the fixed currency) which is *not* freely convertible into Swiss franc (respectively, the fixed currency).

(c) Neither the present Regulations nor the present directives contain any provisions governing the establishment of new equivalent amounts where the amount of the fee concerned changes (the present provisions only deal with the establishment of new equivalent amounts as a result of changes in the exchange rates). It is thus proposed to modify the directives accordingly. In this context, it is also proposed to amend the Agreements between the International Bureau with all International Searching and Preliminary Examining Authorities so as to provide for a longer period of time for the International Bureau for implementation (notably, for the establishment of new equivalent amounts) where an Authority notifies the International Bureau of a change in the amount of the fees and charges, or of changes in the conditions for and the extent of reductions thereof.

(d) The present arrangements for the regular adaptation of the equivalent amounts to up-to-date exchange rates (outside of the procedure governing strong fluctuations of exchange rates, see below) appear not flexible enough, noting that they only provide for a biennial review cycle (“at the time of each *ordinary* session of the Assembly”). So as to be able to set new equivalent amounts which more accurately reflect developments in exchange rates more frequently, it is proposed to move to a yearly review cycle.

(e) Moreover, the present arrangements governing adaptation of the equivalent amounts where there are strong fluctuations of exchange rates appear not flexible enough. Under the present arrangements, in order to be able to establish new equivalent amounts, the exchange rate concerned must be for at least “30 consecutive days” 5% (in some cases, even 10%, see below) higher or lower than the exchange rate last applied, which requires a daily monitoring of all exchange rates between the various currencies. Once the 5% (or 10%) higher or lower criterion has been fulfilled on a given day and the 30-day period has begun, if on only one subsequent day prior to the 30th day the exchange rate does not fulfill this criterion, the 30-day period begins anew. In order to simplify procedures, it is proposed to change the present “30 consecutive days” period to “4 consecutive Fridays (midday, Geneva time). In addition, it is proposed to apply the 5% criterion to all fees concerned (international filing fee, search fee and handling fee). In this context, it is to be noted that, in accordance with present paragraphs 4 and 5 of the directives, it has already been the practice of the Director General in the past to apply the 5% criterion to the international filing fee and the search fee.

8. The texts of both the present Regulations and of the directives are silent on the question as to the source of exchange rates to be used by the Director General for the establishment of equivalent amounts of the fees concerned. Noting the wide range of currencies for which the Director General has to establish equivalent amounts (for example, as regards the search fee, the Director General has to establish an equivalent amount of the search fee, fixed by the European Patent Office as International Searching Authority in Euro, in Malawian Kwacha; theoretically, the Director General has to establish an equivalent amount of the search fee fixed by any International Searching Authority in any currency in which any receiving Office may wish to prescribe the payment of fees to it), it has not been possible to identify a single authoritative official source (such as the United Nations or the World Bank) which offers up-to-date data on a daily basis for all currencies required. It has thus been the practice of the International Bureau, since the arrival of Internet currency tools, to establish draft equivalent amounts on the basis of data obtained from “xe.com”, one of the most popular and most widely used providers of Internet foreign exchange tools and services, and to subsequently consult with Offices and Authorities concerned on the proposed equivalent amounts.

9. An alternative and less time consuming procedure which Member States may wish to consider would be to move to a system under which the Director General would establish equivalent amounts on the basis of data obtained from an authoritative official source, such as the United Nations or the Word Bank, without the further need to consult with Offices and Authorities concerned. However, noting that it would not appear possible to obtain up-to-date data for all currencies required on a daily basis from a source which will clearly be recognized by all States as appropriate (in particular, the United Nations figures do not include all required currency pairs), this may result in the need for multiple conversions for certain pairs of currencies for which data from that official source was not available (for example, in order to establish an equivalent amount for currency A in currency C, it would be necessary to first convert currency A into currency B, and then currency B into currency C if data from the official source was available for the currency pairs “A and B” and “B and C” but not for “A and C”).

DISCUSSIONS BY PCT/MIA/16

10. The proposals set out in Annexes I to III were discussed at the 16th session of the Meeting of International Authorities (PCT/MIA), held in Seoul, Republic of Korea, from March 16 to 18, 2009. The discussions of the Meeting of International Authorities are outlined in document PCT/MIA/16/15, paragraphs 75 to 80, reproduced in the following paragraphs:

“75. Discussions were based on document PCT/MIA/16/6.

“76. The Meeting expressed its general support for improving the legal framework governing the establishment of equivalent amounts of certain fees set out in document PCT/MIA/16/6, subject to the comments and suggestions appearing in the following paragraphs.

“77. Several Authorities indicated that, due to the late receipt of the document, they had not had sufficient time to consider the proposals in detail and thus wished to reserve their position until the discussion of the matter at the next session of the PCT Working Group, in May 2009.

“78. One Authority suggested that, in view of the proposal to move large parts of the provisions currently set out in the Regulations to the directives given by the Assembly, it would be desirable to make those directives more easily accessible to Offices and the general public, notably on WIPO’s website. Upon a query by the Authority as to the meaning of the term “promptly” in the Regulations as proposed to be amended (“the ... fee shall promptly be transferred by ... to ...”), the Secretariat stated that that term was widely used throughout the Regulations to express an obligation to carry out a certain action without delay in a timely manner.

“79. One Authority welcomed in particular the proposals designed to add more flexibility to the procedures governing the establishment of equivalent amounts in case of changes in the exchange rates of currencies (“4 consecutive Fridays”, yearly review cycle), noting that they would allow the International Bureau, Offices and Authorities to react to changes in exchange rates in a more timely and accurate manner.

“80. One Authority expressed its concern as to the proposed amendment of Article 11(3) of the agreements between the International Bureau and Authorities, according to which any change in the amount or currency of fees or charges set by an Authority could not enter into force earlier than at least two months later than the date on which the notification was received by the International Bureau, noting that national legislation often required an Authority to have an earlier entry into force date of provisions dealing with fees, and suggested that the proposal be revised to provide more flexibility to Authorities in this respect.”

11. The Working Group is invited to consider the proposals contained in Annexes I to III to this document.

[Annexes follow]

ANNEX I

DRAFT AMENDMENTS OF THE PCT REGULATIONS:¹

ESTABLISHMENT OF EQUIVALENT AMOUNTS OF CERTAIN FEES

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¹ Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned.

Rule 15

The International Filing Fee

15.1 [No change]

15.2 *Amount*

(a) [No change]

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

[COMMENT: With regard to the proposed restructuring of paragraphs (b), (c) and (d) of Rule 15.2, see paragraph 7(b) in the main body of this document and the comment following paragraph (d), below.]

[Rule 15.2, continued]

(c) Where the prescribed currency is Swiss franc, the receiving Office shall promptly transfer the said fee to the International Bureau in Swiss franc. ~~Where the amount of the international filing fee set out in the Schedule of Fees is changed, the corresponding amount in the prescribed currencies shall be applied from the same date as the amount set out in the amended Schedule of Fees.~~

[COMMENT: With regard to the proposed restructuring of paragraphs (b), (c) and (d) of Rule 15.2, see paragraph 7(b) in the main body of this document and the comment following paragraph (d), below. The content of present paragraph (c) is proposed to be moved to the directives as proposed to be modified (see Annex II).]

(d) Where the prescribed currency is a currency other than Swiss franc and that currency:

(i) is freely convertible into Swiss franc, the Director General shall establish, for each receiving Office which prescribes the payment of the international filing fee in such a currency, equivalent amounts of that fee according to directives given by the Assembly, and the international filing fee shall promptly be transferred by the receiving Office to the International Bureau in the prescribed currency;

[Rule 15.2(d), continued]

(ii) is not freely convertible into Swiss franc, the receiving Office shall be responsible for the conversion of the international filing fee from the prescribed currency into Swiss franc and transfer that fee, in the amount in Swiss franc set out in the Schedule of Fees, to the International Bureau. Alternatively, if the receiving Offices so wishes, it may convert the international filing fee from the prescribed currency into euro or US dollar and promptly transfer the equivalent amount of that fee in euro or US dollar, as established by the Director General according to directives given by the Assembly as referred to in item (i), to the International Bureau.

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

[COMMENT: It is proposed amend paragraphs (b), (c) and (d) so as to make a clear distinction between the case where the prescribed currency is Swiss franc (paragraph (c)), the case where the prescribed currency is a currency different from Swiss franc but is freely convertibly into Swiss franc (paragraph (d)(i)), and the case where the prescribed currency is a currency different from Swiss franc which is not freely convertibly into Swiss franc. The content of present paragraph (d) is proposed to be moved to the directives as proposed to be modified (see Annex II).]

~~15.3 [Deleted]~~

15.3 ~~15.4~~ *Time Limit for Payment; Amount Payable*

The international filing fee shall be paid to the receiving Office within one month from the date of receipt of the international application. The amount payable shall be the amount applicable on that date of receipt.

[COMMENT: Clarification only.]

~~15.5 [Deleted]~~

15.4 ~~15.6~~ *Refund*

[No change] The receiving Office shall refund the international filing fee to the applicant:

- (i) if the determination under Article 11(1) is negative,
- (ii) if, before the transmittal of the record copy to the International Bureau, the international application is withdrawn or considered withdrawn, or
- (iii) if, due to prescriptions concerning national security, the international application is not treated as such.

Rule 16

The Search Fee

16.1 *Right to Ask for a Fee*

(a) [No change]

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

[COMMENT: With regard to the proposed restructuring of paragraphs (b), (c) and (d) of Rule 16.1, see paragraph 7(b) in the main body of this document and the comment following paragraph (d), below. The proposed deletion of the words “or one of the currencies” reflects the current practice of all International Authorities: all have prescribed payment of the search fee in just one currency. Furthermore, in order to align the wording of Rule 16.1 with that of Rules 15.2 and 57.2, it is proposed to use, instead of the term “receiving Office currency”, the term “prescribed currency” (that is, the same term as is also used in Rules 15.2 and 57.2).]

[Rule 16.1, continued]

(c) Where the prescribed currency is the currency in which the International Searching Authority has fixed the said fee (“fixed currency”), the receiving Office shall promptly transfer the said fee to that Authority in that currency. ~~Where the amount of the search fee in the headquarters currency is changed, the corresponding amounts in the receiving Office currencies, other than the fixed currency or currencies, shall be applied from the same date as the changed amount in the headquarters currency.~~

[COMMENT: With regard to the proposed restructuring of paragraphs (b), (c) and (d) of Rule 16.1, see paragraph 7(b) in the main body of this document and the comment following paragraph (d), below. The content of present paragraph (c) is proposed to be moved to the directives as proposed to be modified (see Annex II).]

(d) Where the prescribed currency is not the fixed currency and that currency:

(i) is freely convertible into the fixed currency, the Director General shall establish, for each receiving Office which prescribes the payment of the search fee in such a currency, equivalent amounts of that fee according to directives given by the Assembly, and the search fee shall promptly be transferred by the receiving Office to the International Searching Authority in the prescribed currency;

(ii) is not freely convertible into the fixed currency, the receiving Office shall be responsible for the conversion of the search fee in the prescribed currency into the fixed currency and shall promptly transfer that fee to the International Searching Authority in the fixed currency.

[Rule 16.1(d), continued]

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

[COMMENT: It is proposed amend paragraphs (b), (c) and (d) so as to make a clear distinction between the case where the prescribed currency is the currency fixed by the International Searching Authority (the “fixed currency”) (paragraph (c)), the case where the prescribed currency is a currency different from the fixed currency but is freely convertible into the fixed currency (paragraph (d)(i)), and the case where the prescribed currency is a currency different from the fixed currency and is not freely convertible into the fixed currency. In this context, it is proposed to no longer require, where the prescribed currency is different from the fixed currency, conversion and transfer of the search fee in the “headquarters currency” (see the definition thereof in present paragraph (b)) and instead to require conversion and transfer of the fee in the fixed currency, noting that, at present, there is at least one International Authority which does not wish to receive the search fee in its headquarters currency but only in the fixed currency. The content of present paragraph (d) is proposed to be moved to the directives as proposed to be modified (see Annex II).]

(e) Where, in respect of the payment of the search fee in a receiving Office currency, other than the fixed currency ~~or currencies~~, the amount actually received under paragraph (d)(i) of this Rule by the International Searching Authority in the prescribed ~~headquarters~~ currency is less than that fixed by it, the difference will be paid to the International Searching Authority by the International Bureau, whereas, if the amount actually received is more, the difference will belong to the International Bureau.

[Rule 16.1(e), continued]

[COMMENT: The proposed amendments of paragraph (e) are consequential on proposed amendments of paragraphs (b), (c) and (d) (only one “fixed currency”, replacement of the “headquarters currency” by the “fixed currency”).]

(f) As to the time limit for payment of the search fee and the amount payable, the provisions of Rule [15.3](#) ~~15.4~~ relating to the international filing fee shall apply *mutatis mutandis*.

[COMMENT: The proposed amendments of paragraph (f) are consequential on the proposed renumbering of Rule 15.4 to become Rule 15.3.]

16.2 and 16.3 [No change]

Rule 57

The Handling Fee

57.1 [No change]

57.2 *Amount*

(a) [No change]

(b) ~~Deleted~~ The handling filing fee shall be payable in the currency or one of the currencies prescribed by the International Preliminary Examining Authority (“prescribed currency”).

[COMMENT: With regard to the proposed restructuring of paragraphs (b), (c) and (d) of Rule 57.2, see paragraph 7(b) in the main body of this document and the comment following paragraph (d), below.]

(c) Where the prescribed currency is Swiss franc, the Authority shall promptly transfer the said fee to the International Bureau in Swiss franc.

~~The handling fee shall be payable in the currency or one of the currencies prescribed by the International Preliminary Examining Authority (“prescribed currency”), it being understood that, when transferred by that Authority to the International Bureau, it shall be freely convertible into Swiss currency. The amount of the handling fee shall be established, in each prescribed currency, for each International Preliminary Examining Authority which prescribes the payment of the handling fee in any currency other than Swiss currency, by the Director General after consultation with the Office with which consultation takes place under Rule 15.2(b) in relation to that currency, or, if there is no such Office, with the Authority~~

[Rule 57.2(c), continued]

~~which prescribes payment in that currency. The amount so established shall be the equivalent, in round figures, of the amount in Swiss currency set out in the Schedule of Fees. It shall be notified by the International Bureau to each International Preliminary Examining Authority prescribing payment in that prescribed currency and shall be published in the Gazette.~~

[COMMENT: With regard to the proposed restructuring of paragraphs (b), (c) and (d) of Rule 57.2, see paragraph 7(b) in the main body of this document and the comment following paragraph (d), below. The content of present paragraph (c) is proposed to be moved to the directives as proposed to be modified (see Annex II).]

(d) Where the prescribed currency is a currency other than Swiss franc and that currency:

(i) is freely convertible into Swiss franc, the Director General shall establish, for each Authority which prescribes the payment of the handling filing fee in such a currency, equivalent amounts of that fee according to directives given by the Assembly, and the handling filing fee shall promptly be transferred by the Authority to the International Bureau in the prescribed currency;

(ii) is not freely convertible into Swiss franc, the Authority shall be responsible for the conversion of the handling fee from the prescribed currency into Swiss franc and transfer that fee, in the amount in Swiss franc set out in the Schedule of Fees, to the International Bureau. Alternatively, if the Authority so wishes, it may convert the handling fee from the prescribed currency into euro or US dollar and promptly transfer the equivalent amount of that fee in euro or US dollar, as established by the Director General according to directives given by the Assembly as referred to in item (i), to the International Bureau.

[Rule 57.2(d), continued]

~~Where the amount of the handling fee set out in the Schedule of Fees is changed, the corresponding amounts in the prescribed currencies shall be applied from the same date as the amount set out in the amended Schedule of Fees.~~

[COMMENT: It is proposed to amend paragraphs (b), (c) and (d) so as to make a clear distinction between the case where the prescribed currency is Swiss franc (paragraph (c)), the case where the prescribed currency is a currency different from Swiss franc but is freely convertible into Swiss franc (paragraph (d)(i)), and the case where the prescribed currency is a currency different from Swiss franc which is not freely convertible into Swiss franc. The content of present paragraph (d) is proposed to be moved to the directives as proposed to be modified (see Annex II).]

(e) ~~[Deleted] Where the exchange rate between Swiss currency and any prescribed currency becomes different from the exchange rate last applied, the Director General shall establish the new amount in the prescribed currency according to directives given by the Assembly. The newly established amount shall become applicable two months after its publication in the Gazette, provided that the interested International Preliminary Examining Authority and the Director General may agree on a date falling during the said two month period in which case the said amount shall become applicable for that Authority from that date.~~

[COMMENT: The content of present paragraph (e) is proposed to be moved to the directives as proposed to be modified (see Annex II).]

57.3 [No change]

~~57.4 and 57.5 [Deleted]~~

57.4 ~~57.6~~ *Refund*

[No change] The International Preliminary Examining Authority shall refund the handling fee to the applicant:

- (i) if the demand is withdrawn before the demand has been sent by that Authority to the International Bureau, or
- (ii) if the demand is considered, under Rule 54.4 or 54*bis*.1(b), not to have been submitted.

[COMMENT: Renumbering only.]

Rule 19

The Competent Receiving Office

19.1 to 19.3 [No change]

19.4 *Transmittal to the International Bureau as Receiving Office*

(a) and (b) [No change]

(c) For the purposes of Rules 14.1(c), [15.3](#) ~~15.4~~ and 16.1(f), where the international application was transmitted to the International Bureau under paragraph (b), the date of receipt of the international application shall be considered to be the date on which the international application was actually received by the International Bureau. For the purposes of this paragraph, the last sentence of paragraph (b) shall not apply.

[COMMENT: Consequential on the proposed renumbering of Rule 15.4.]

[Annex II follows]

ANNEX II

PROPOSED MODIFICATIONS OF THE
DIRECTIVES OF THE PCT ASSEMBLY RELATING TO THE
ESTABLISHMENT OF EQUIVALENT AMOUNTS OF CERTAIN FEES

(to enter into force on January 1, 2010)

The Assembly establishes in the following terms the directives referred to in Rules 15.2(d)(i), 16.1(d)(i) and 57.2(d)(i)(e), it being understood that, in the light of experience, the Assembly may at any time modify these directives:

[COMMENT: It is proposed to restructure the directives as follows: the first part of the directives (paragraphs 1 and 2) deals with the general requirement to establish equivalent amounts of the international filing fee, the search fee and the handling fee; the second part deals with the case that new equivalent amounts are to be established consequential on changes in the amounts of those fees (paragraph 3); and the third part deals with the case that new equivalent amounts of those fees are to be established consequential on changes in exchange rates.]

Establishment of Equivalent Amounts

(1) The equivalent amounts of the international filing fee and the handling fee in any currency other than Swiss franc, and of the search fee in any currency other than the fixed currency, shall be established by the Director General after consultation:

(i) in the case of the international filing fee, with each receiving Office which prescribes payment of those fees in such currency;

(ii) in the case of the search fee, with each receiving Office which prescribes payment of those fees in such currency and with each International Searching Authority concerned;

[Directives, paragraph 1, continued]

(iii) in the case of the handling fee, with each International Preliminary Examining Authority which prescribes payment in such currency.

The equivalent amounts shall be established according to the exchange rates prevailing on the day preceding the day on which the consultations are initiated by the Director General.

[COMMENT: See the text of present Rules 15.2(b), 16.1(b) and 57.1(c) and the comments on those Rules as proposed to be modified, above. It is proposed to provide that the Director General shall consult on the proposed new equivalent amounts with each receiving Office, each International Searching Authority and each International Preliminary Examining Authority which prescribes payment in any currency concerned rather than, as at present, after consultation “with the receiving Office of, or acting under Rule 19.1(b) for, the State whose official currency is the same as the prescribed currency” (see present Rules 15.2(b) and 16.1(b)) or after consultation “with the Office with which consultation takes place under Rule 15.2(b) in relation to that currency, or, if there is no such Office, with the Authority which prescribes payment in that currency” (see present Rule 57.2(b)).]

(2) The amounts so established shall be the equivalent, in round figures,

(i) of the amount of the international filing fee and of the handling fee, respectively, in Swiss franc set out in the Schedule of Fees;

(ii) of the amount of the search fee established by the International Searching Authority in the fixed currency.

They shall be notified by the International Bureau to each receiving Office, International Searching Authority and International Preliminary Examination Authority, as applicable, prescribing payment in the currency concerned and shall be published in the Gazette.

[COMMENT: See the text of present Rules 15.2(b), 16.1(b) and 57.1(c) and the comments on those Rules as proposed to be modified, above.]

Establishment of New Equivalent Amounts Consequential on Changes in the Amount of the Fee Concerned

(3) Paragraphs (1) and (2) shall apply *mutatis mutandis* where the amount of the international filing fee, the handling fee or the search fee is changed. The new equivalent amounts in the prescribed currencies shall be applied from the same date as the changed amount of the international filing fee or of the handling fee set out in the amended Schedule of Fees, or from the same date as the changed amount of the search fee in the fixed currency.

[COMMENT: See the comment on the restructuring of the directives following the introductory paragraph, above. It is proposed to add provisions to the directives which clearly state the procedure to be applied where it is necessary, consequential on changes in the amount of the international filing fee, the search fee or the handling fee, to establish new equivalent amounts of those fees. At present, the directives do not cover this case.]

Establishment of New Equivalent Amounts Consequential on Changes in Exchange Rates

(4) ~~(1)~~ In the month of October of each year ~~At the time of each ordinary session of the Assembly,~~ the Director General shall undertake consultations with the Offices or Authorities referred to in paragraph (1) ~~along the lines of the consultations referred to in Rules 15.2(b) and 57.2(c)~~ and shall establish new equivalent amounts of the international filing fee, the and handling fee and the search fee ~~in currencies other than Swiss francs~~ according to the exchange rates prevailing on the day preceding the day on which the consultations are initiated by the Director General ~~applicable on the first day of that session~~, so that their amounts correspond to the amounts of the fees expressed in Swiss franc ~~currency~~ and the fixed currency, respectively. ~~Where such adjustment would only slightly affect the income of the International Bureau, the Director General may decide not to proceed with it.~~ Unless

[Directives, paragraph 4, continued]

otherwise decided by the Director General Assembly, any adjustment under this paragraph shall enter into force on the first day of the subsequent calendar year ~~subsequent to the ordinary session referred to above.~~

[COMMENT: See paragraph 7(d) in the main body of this document. It is proposed to modify (present paragraph 1 of) the directives and to move to a yearly regular review cycle (rather than, as at present, a biennial review cycle (“at the time of each ordinary session of the Assembly”)) so as to be able to set new equivalent amounts, outside of the procedure under paragraph 5 of the directives (see below), which more accurately reflect developments in exchange rates.]

(5) (2) Where, for more than 4 consecutive Fridays (midday, Geneva time) ~~30 consecutive days~~, the exchange rate between Swiss franc currency (in the case of the international filing fee and the handling fee) or the fixed currency (in the case of the search fee) and any applicable prescribed ~~other~~ currency is by at least 5% higher, or by at least 5% lower, than the last exchange rate applied,

~~(i) so far as Rule 15.2(d) is concerned, any receiving Office referred to in the second sentence of Rule 15.2(b) or~~

~~(ii) so far as Rule 57.2(e) is concerned, any receiving Office or International Preliminary Examining Authority referred to in the second sentence of Rule 57.2(e)~~

any interested Office and Authority referred to in paragraph (1) may ask the Director General, or the Director General may decide, to newly establish the equivalent amount of the international filing fee, search fee and/or handling fee, as applicable, in the prescribed ~~that~~ currency concerned ~~according to the exchange rate prevailing on the day preceding the day on~~

[Directives, paragraph 5, continued]

~~which the request is made.~~ In such a case, the ~~The~~ Director General shall undertake
consultations with the Offices or Authorities referred to in paragraph (1) and shall establish
new equivalent amounts according to the exchange rates prevailing on the day preceding the
day on which the consultations are initiated by the Director General ~~proceed accordingly, as~~
~~provided in Rules 15.2(d) and 57.2(e).~~ The newly established amount shall become
applicable two months after the date of its publication in the Gazette, provided that the
receiving Offices or the International Preliminary Examining Authorities concerned, as
applicable, and the Director General may agree on a date falling during the said two-month
period, in which case the said amount shall become applicable from that date.

[COMMENT: See paragraph 7(e) in the main body of this document. Under present paragraph 2 of the directives, in order to be able to establish new equivalent amounts, the exchange rate concerned must be for at least 30 consecutive days 5% higher or lower than the exchange rate last applied, which requires a daily monitoring of all exchange rates between the various currencies. Moreover, once the 5% higher or lower criterion has been fulfilled on a given day and the 30-day period has begun, if on only subsequent day prior to the 30th day the exchange rate does not fulfill this criterion, the 30-day period begins anew. In order to simplify procedures, it is proposed to change the present “30 consecutive days” period to “4 consecutive Fridays (midday, Geneva time).]

~~(3) [Deleted] Where for more than 30 consecutive days, the exchange rate between~~
~~Swiss currency and any other currency is by at least 10% higher, or by at least 10% lower,~~
~~than the last exchange rate applied, the Director General shall,~~

~~(i) so far as Rule 15.2(d) is concerned, after consultation with the receiving Office~~
~~referred to in the second sentence of Rule 15.2(b) or~~

[Directives, continued]

~~(ii) so far as Rule 57.2(e) is concerned, after consultation with the receiving Office or International Preliminary Examining Authority referred to in the second sentence of Rule 57.2(e)~~

~~and as provided in Rules 15.2(d) and 57.2(e), as the case may be, newly establish the amount of the international filing fee and/or handling fee in that currency according to the exchange rate prevailing on the day preceding the day on which the consultation is initiated by the Director General. Where such adjustment would only slightly affect the income of the International Bureau, the Director General may decide not to proceed with it.~~

[COMMENT: It is proposed to delete present paragraph 3 of the directives and to apply the 5% criterion to all fees concerned (international filing fee, search fee and handling fee (see paragraph 5 as proposed to be modified, above). Note that, in accordance with present paragraphs 4 and 5 of the directives (which is proposed to be deleted, see below), it has already been the practice of the Director General in the past to apply the 5% criterion to the international filing fee and the search fee.]

~~(4) [\[Deleted\]](#) As far as the international filing fee is concerned, the Director General may decide to apply paragraph (3) as if the percentage referred to in that paragraph was 5%.~~

[COMMENT: See comment on the deletion of present paragraph 3 of the directives, above.]

~~(5) [\[Deleted\]](#) As far as the search fee of any International Searching Authority in any currency other than the currency or currencies fixed by that Authority is concerned, paragraphs (1) to (3) shall, to the extent applicable, apply *mutatis mutandis*, except in the case where the equivalent amount of that fee in Swiss francs is equal to or more than 1,000 Swiss francs, in which case the Director General may decide to apply paragraph (3) as if the percentage referred to in that paragraph was 5%.~~

[Directives, continued]

[COMMENT: See comment on the deletion of present paragraph 3 of the directives, above.]

[Annex III follows]

ANNEX III

PROPOSED AMENDMENT OF ARTICLE 11
OF THE AGREEMENTS BETWEEN THE INTERNATIONAL BUREAU AND
OFFICES IN RELATION TO THEIR FUNCTIONING AS INTERNATIONAL
SEARCHING AND PRELIMINARY EXAMINING AUTHORITIES

Article 11

Amendment

(1) [No change] Without prejudice to paragraphs (2) and (3), amendments may, subject to approval by the Assembly of the International Patent Cooperation Union, be made to this Agreement by agreement between the parties hereto; they shall take effect on the date agreed upon by them.

(2) [No change] Without prejudice to paragraph (3), amendments may be made to the Annexes to this Agreement by agreement between the Director General of the World Intellectual Property Organization and the Authority; they shall take effect on the date agreed upon by them.

(3) [No change] The Authority may, by a notification to the Director General of the World Intellectual Property Organization:

- (i) add to the indications of languages contained in Annex A to this Agreement;
- (ii) amend the schedule of fees and charges contained in Annex C to this Agreement;

[Article 11(3) of the ISA/IPEA — IB Agreements, continued]

(iii) amend the indications of languages of correspondence contained in Annex D to this Agreement.

(4) Any amendment notified under paragraph (3) shall take effect on the date specified in the notification, provided that, for any change in the currency or amount ~~increase~~ of fees or charges contained in Annex C, for any addition of new fees or charges, and for any change in the conditions for and the extent of reductions of fees and charges contained in Annex C, that date is at least two months ~~one month~~ later than the date on which the notification is received by the International Bureau.

[COMMENT: See paragraph 7(c) in the main body of this document.]

[Annex IV follows]

ANNEX IV

PCT FEE TABLES

(excerpt from the February 2009 PCT Newsletter)

PCT Fee Tables

(amounts on 1 February 2009, unless otherwise indicated)

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*, 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 international filing fee may be reduced by CHF 100, 200 or 300 where the international application, or part of the international application, is filed in electronic form, as prescribed under Item 4(a), (b), (c) and (d) of the Schedule of Fees (annexed to the Regulations under the PCT) and the *PCT Applicant's Guide*, paragraph 202(A). A 90% reduction in the international filing fee (including the fee per sheet over 30) 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 footnotes ii and xii. (Note that if the CHF 100, 200 or 300 reduction, as the case may be, and the 90% reduction are applicable, the 90% reduction is calculated **after** the CHF 100, 200 or 300 reduction.) The footnotes to the Fee Tables follow Table II.

Key to abbreviations used in fee tables:

eq	equivalent of –	BGL	Bulgarian lev	GEL	Georgian lari	LTL	Lithuanian litas	SDP	Sudanese pound
IPEA	International Preliminary Examining Authority	BHD	Bahraini dinar	GHC	Ghanaian cedi	LVL	Latvian lat	SEK	Swedish krona
ISA	International Searching Authority	BRB	Brazilian real	GTQ	Guatemalan quetzal	LYD	Libyan dinar	SGD	Singapore dollar
RO	receiving Office	BYR	Belarussian rouble	HRK	Croatian kuna	MAD	Moroccan dirham	SKK	Slovak koruna
		BZD	Belize dollar	HUF	Hungarian forint	MKD	Macedonian denar	TJS	Tajik somoni
		CAD	Canadian dollar	IDR	Indonesian rupiah	MWK	Malawian kwacha	TND	Tunisian dinar
		CHF	Swiss franc	ILS	New Israel shekel	MXP	Mexican peso	TTD	Trinidad and Tobago dollar
	<i>Currencies:</i>	CNY	Yuan renminbi	INR	Indian rupee	MYR	Malaysian ringgit		
		COP	Colombian peso	ISK	Icelandic krona	NOK	Norwegian krone	UAH	Ukrainian hryvnia
AED	United Arab Emirates dirham	CUC	Cuban convertible peso	JPY	Japanese yen	NZD	New Zealand dollar	USD	US dollar
ALL	Albanian lek	CZK	Czech koruna	KES	Kenyan shilling	PGK	Kina	VND	Vietnamese dong
AMD	Armenian dram	DKK	Danish krone	KGS	Kyrgyz som	PHP	Philippine peso	XAF	CFA franc BEAC
AUD	Australian dollar	DZD	Algerian dinar	KPW	KP won	PLZ	Polish zloty	ZAR	South African rand
AZM	Azerbaijani manat	EEK	Estonian kroon	KRW	KR won	ROL	Romanian leu	ZWD	Zimbabwe dollar
BAM	Convertible mark	EUR	Euro	KZT	Kazakh tenge	RSD	Serbian dinar		
		GBP	Pound sterling	LSL	Lesotho loti	RUR	Russian rouble		

Table I(a) — Transmittal and international filing fees
(amounts on 1 February 2009, unless otherwise indicated)

RO	Transmittal fee ⁱ		International filing fee ^{i, ii} (CHF 1,330)	Fee per sheet over 30 ^{i, ii, iii} (CHF 15)	E-filing reductions according to Schedule of Fees:			Competent ISA(s) ^{iv}
					Items 4(a) ^v and (b) ^{vi} (CHF 100)	Item 4(c) ^{vii} (CHF 200)	Item 4(d) ^{viii} (CHF 300)	
AG	Information not yet available							
AL	ALL	9,000	CHF 1,330	15	–	–	–	EP
AM	AMD	32,000	USD 1,210 <i>(from 1.4.09: 1,102)</i>	14 <i>(12)</i>	91 <i>(83)</i>	– <i>(–)</i>	– <i>(–)</i>	EP RU
AP	USD	50 (or eq in local currency)	USD 1,210 <i>(from 1.4.09: 1,102)</i>	14 <i>(12)</i>	91 <i>(83)</i>	– <i>(–)</i>	– <i>(–)</i>	AT EP SE
AT	EUR	50	EUR 848	10	64	–	–	EP
AU	AUD	150	AUD 1,645	19	124	247	371	AU KR
AZ	AZM	55,000	USD 1,210 <i>(from 1.4.09: 1,102)</i>	14 <i>(12)</i>	– <i>(–)</i>	– <i>(–)</i>	– <i>(–)</i>	EP RU
BA	BAM	50	EUR 848	10	64	–	–	EP
BE	EUR	40	EUR 848	10	64	–	–	EP
BG	BGL	80	BGL eq CHF 1,330	eq CHF 15	eq CHF 100	–	–	EP RU
BH	BHD	70	USD 1,210 <i>(from 1.4.09: 1,102)</i>	14 <i>(12)</i>	– <i>(–)</i>	– <i>(–)</i>	– <i>(–)</i>	AT EP
BR	BRR	305	BRR eq CHF 1,330	eq CHF 15	eq CHF 100	–	–	AT EP SE US
BW	USD ^{ix}	–	USD 1,210 <i>(from 1.4.09: 1,102)</i>	14 <i>(12)</i>	91 <i>(83)</i>	– <i>(–)</i>	– <i>(–)</i>	EP
BY	BYR eq USD	70	USD 1,210 <i>(from 1.4.09: 1,102)</i>	14 <i>(12)</i>	– <i>(–)</i>	– <i>(–)</i>	– <i>(–)</i>	EP RU
BZ	BZD	300	USD 1,210 <i>(from 1.4.09: 1,102)</i>	14 <i>(12)</i>	91 <i>(83)</i>	– <i>(–)</i>	– <i>(–)</i>	CA EP
CA	CAD	300	CAD 1,289	15	97	194	291	CA
CH	CHF	100	CHF 1,330	15	100	–	–	EP
CN	CNY	500	CNY eq CHF 1,330	eq CHF 15	eq CHF 100	eq CHF 200	eq CHF 300	CN
CO	COP ^{ix}	–	COP eq USD 1,210 <i>(from 1.4.09: 1,102)</i>	eq USD 14 <i>(12)</i>	eq USD 91 <i>(83)</i>	– <i>(–)</i>	– <i>(–)</i>	AT, EP, ES, RU
CR	USD	250	USD 1,210 <i>(from 1.4.09: 1,102)</i>	14 <i>(12)</i>	91 <i>(83)</i>	– <i>(–)</i>	– <i>(–)</i>	EP ES
CU	CUC	200	CUC 1,210 <i>(from 1.4.09: 1,102)</i>	14 <i>(12)</i>	91 <i>(83)</i>	– <i>(–)</i>	– <i>(–)</i>	AT EP ES RU
CY	EUR	128.15	EUR 848	10	–	–	–	EP
CZ	CZK	1,500	EUR 848	10	64	–	–	EP
DE	EUR	90	EUR 848	10	64	128	191	EP
DK	DKK	1,500	DKK 6,320	70	480	950	1,430	EP SE XN
DM	Information not yet available							

[continued on next page]

Table I(a) — Transmittal and international filing fees [continued]
(amounts on 1 February 2009, unless otherwise indicated)

RO	Transmittal fee ⁱ	International filing fee ⁱⁱ	Fee per sheet over 30 ^{i, ii, iii}	E-filing reductions according to Schedule of Fees:			Competent ISA(s) ^{iv}
				Items 4(a) ^v and (b) ^{vi}	Item 4(c) ^{vii}	Item 4(d) ^{viii}	
DO	USD 275	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	EP ES US
DZ	DZD None	CHF 1,330	15	100	—	—	AT EP
EA	RUR 1,600	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	EP RU
EC	USD ^{ix} —	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	EP ES
EE	EEK 1,800	CHF 1,330	15	100	—	—	EP
EG	USD 142	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	AT EP US
EP	EUR 110	EUR 848	10	—	128	191	EP
ES	EUR 69.25	EUR 848	10	64	128	191	EP ES
FI	EUR 135	EUR 848	10	—	128	191	EP FI SE
FR	EUR 60	EUR 848	10	64	128	191	EP
GB	GBP 55	GBP 675 (from 1.4.09: 745)	8 (8)	51 (—)	101 (112)	152 (168)	EP
GD	Information not yet available						
GE	GEL ^x 10	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	EP RU
GH	GHC ^{xi} 2,500 or 5,000	USD 1,210 (from 1.4.09: 1,102)	14 (12)	— (—)	— (—)	— (—)	AT AU CN EP SE
GR	EUR 115	EUR 848	10	64	—	—	EP
GT	GTQ eq USD 250	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	AT EP ES US
HN	Information not yet available						
HR	HRK 200	HRK eq CHF 1,330	eq CHF 15	eq CHF 100	—	—	EP
HU	HUF 10,700	HUF eq CHF 1,330	eq CHF 15	eq CHF 100	—	—	EP RU
IB	CHF ^{xii} 100 or EUR ^{xii} 64 or USD ^{xii} 91 (from 1.4.09: USD 83)	CHF 1,330 or EUR 848 or USD 1,210 (from 1.4.09: 1,102)	15 10 14 (12)	100 64 91 (83)	200 128 182 (166)	300 191 273 (248)	See footnote xiii
ID	IDR 1,000,000	IDR eq CHF 1,330	eq CHF 15	eq CHF 100	—	—	AU EP KR RU
IE	EUR 76	EUR 848	10	64	—	—	EP
IL	ILS 517	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	EP US
IN	INR 8,000 (filing by indiv: 2,000)	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	AT AU CN EP SE US
IS	ISK 7,700	ISK 129,500 (from 1.4.09: 152,800)	1,500 (1,700)	9,700 (11,500)	— (—)	— (—)	EP SE XN
IT	EUR 30.99	EUR 848	10	—	—	—	EP
JP	JPY 13,000	JPY 113,200	1,300	8,500	—	25,500	EP JP
KE	USD (or KES equiv) 250 plus cost of mailing	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	AT AU CN EP SE
KG	KGS eq USD 100	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	EP RU

[continued on next page]

Table I(a) — Transmittal and international filing fees *[continued]*
(amounts on 1 February 2009, unless otherwise indicated)

RO	Transmittal fee ⁱ	International filing fee ^{i, ii}	Fee per sheet over 30 ^{i, ii, iii}	E-filing reductions according to Schedule of Fees:			Competent ISA(s) ^{iv}
				Items 4(a) ^v and (b) ^{vi}	Item 4(c) ^{vii}	Item 4(d) ^{viii}	
KM	Information not yet available						
KN	Information not yet available						
KP	KPW eq CHF 50	KPW eq CHF 1,330	eq CHF 15	eq CHF 100	–	–	AT CN RU
KR	KRW 45,000	KRW 1,327,000 (from 15.2.09: 1,614,000)	15,000 (18,000)	100,000 (121,000)	– (–)	299,000 (364,000)	AT AU JP ^{xiv} KR
KZ	KZT 7,360 ^{xv}	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	– (–)	– (–)	EP RU
LR	USD 45	USD 1,210 (from 1.4.09: 1,102)	14 (12)	– (–)	– (–)	– (–)	AT AU CN EP SE
LS	LSL ^{ix} –	LSL eq CHF 1,330	eq CHF 15	–	–	–	AT EP
LT	LTL 320	EUR 848	10	64	–	–	EP RU
LU	EUR 19	EUR 848	10	–	–	–	EP
LV	LVL 48.40	EUR 848	10	64	–	–	EP RU
LY	LYD ^{ix} –	CHF 1,330	15	100	–	–	AT EP
MA	None	CHF 1,330	15	–	–	–	AT EP RU SE
MC	EUR 54 ^{xvi}	EUR 848	10	–	–	–	EP
MD	USD 40	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	– (–)	– (–)	EP RU
MK	MKD 2,700	MKD eq CHF 1,330	eq CHF 15	eq CHF 100	–	–	EP
MN	None	CHF 1,330	15	100	–	–	EP KR RU
MT	EUR 55	EUR 848	10	64	–	–	EP
MW	MWK 6,000	MWK 182,500	2,100	13,700	–	–	EP
MX	MXP eq USD 323.70	MXP eq CHF 1,330	eq CHF 15	eq CHF 100	–	–	EP ES SE US
MY	MYR 375 ^{xvii}	MYR eq CHF 1,330	eq CHF 15	–	eq CHF 200	eq CHF 300	AU EP KR
NI	USD 200	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	– (–)	– (–)	EP ES
NL	EUR 50	EUR 848	10	64	128	191	EP
NO	NOK 550	NOK 7,740	90	580	–	–	EP SE XN
NZ	NZD 180 ^{xviii}	NZD 1,888 (from 1.4.09: 2,082)	21 (23)	142 (157)	– (–)	– (–)	AU EP KR US
OA	XAF ^{ix} –	XAF eq CHF 1,330	eq CHF 15	–	–	–	AT EP RU SE
PG	PGK 250	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	– (–)	– (–)	AU
PH	PHP 3,500	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	182 (166)	273 (248)	AU EP JP KR US
PL	PLZ 300	PLZ eq CHF 1,330	eq CHF 15	–	eq CHF 200	eq CHF 300	EP
PT	EUR 34.34	EUR 848	10	64	–	–	EP
RO	ROL 300,000	CHF 1,330	15	100	200	300	EP RU

[continued on next page]

Table I(a) — Transmittal and international filing fees [continued]
(amounts on 1 February 2009, unless otherwise indicated)

RO	Transmittal fee ⁱ		International filing fee ^{i, ii}	Fee per sheet over 30 ^{i, ii, iii}	E-filing reductions according to Schedule of Fees:			Competent ISA(s) ^{iv}
					Items 4(a) ^v and (b) ^{vi}	Item 4(c) ^{vii}	Item 4(d) ^{viii}	
RS	RSD	3,000	RSD eq CHF 1,330	eq CHF 15	eq CHF 100	—	—	EP
RU	RUR	600	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	EP RU
SC	USD ^{ix}	—	USD 1,210 (from 1.4.09: 1,102)	14 (12)	— (—)	— (—)	— (—)	EP
SD	SDP	50	SDP eq CHF 1,330	eq CHF 15	—	—	—	EP
SE	SEK	1,200	SEK 7,960 (from 1.3.09: 8,800)	90 (100)	600 (660)	1,200 (1,320)	1,790 (1,980)	EP SE
SG	SGD	150	SGD 1,708	19	128	—	—	AT AU EP KR
SI	EUR	91	EUR 848	10	64	—	—	EP
SK	SKK	2,000	SKK eq CHF 1,330	eq CHF 15	eq CHF 100	eq CHF 200	eq CHF 300	EP
SM	EUR	50	EUR 848	10	—	—	—	EP
SV	USD	200	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	EP ES
SY	USD ^{ix}	—	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	AT EP RU
TJ	TJS ^{ix}	—	USD 1,210 (from 1.4.09: 1,102)	14 (12)	— (—)	— (—)	— (—)	EP RU
TM	USD ^{ix}	—	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	EP RU
TN	TND ^{ix}	—	CHF 1,330	15	—	—	—	EP
TR	CHF	100	CHF 1,330	15	100	—	—	EP
TT	TTD	750	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	AT EP SE US
UA	UAH	255	USD (or eq UAH) 1,210 (from 1.4.09: 1,102)	14 (12)	— (—)	— (—)	— (—)	EP RU
US	USD	240	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	182 (166)	— (—)	AU EP KR US
UZ	USD ^{ix}	—	USD 1,210 (from 1.4.09: 1,102)	14 (12)	91 (83)	— (—)	— (—)	EP RU
VC	Information not yet available							
VN	VND eq USD	150	VND eq CHF 1,330	eq CHF 15	—	—	—	AT AU EP KR RU SE
ZA	ZAR	500	ZAR 10,030 (from 1.3.09: 11,230)	110 (130)	750 (840)	— (—)	— (—)	AT AU EP US
ZM	USD	50	USD 1,210 (from 1.4.09: 1,102)	14 (12)	— (—)	— (—)	— (—)	AT SE
ZW	ZWD	6,000	ZWD eq USD 1,210 (from 1.4.09: 1,102)	eq USD 14 (12)	eq USD 91 (83)	— (—)	— (—)	AT AU CN EP RU

PCT/WG/2/2
Annex IV, page 6

Table I(b) — Search fees
(amounts on 1 February 2009, unless otherwise indicated)

ISA	Search fee ⁱ							
AT	EUR 200 * (from 1.4.09:	CHF 330 KRW 366,000)	KRW* 306,000	SGD 420	USD 257	ZAR 2,380		
AU	AUD 1,600 USD 1,091 * (from 1.4.09: ** (from 15.2.09:	CHF* 1,425 ZAR 10,540 CHF 1,294) EUR 855	EUR** 919 KRW** 1,590,000 KRW 1,418,000	NZD** 2,029 NZD 1,825	SGD** 1,870 SGD 1,650)			
CA	CAD 1,600	CHF 1,587	EUR 995	USD 1,309				
CN	CNY 2,100 * (from 1.4.09:	CHF* 328 CHF 366)	EUR 241	USD 280				
EP ^{xix}	EUR 1,700 MWK 344,000 ZAR 21,720 * (from 1.3.09: ** (from 15.4.09: *** (from 1.4.09: **** (from 15.2.09: ***** (from 1.5.09:	CHF* 2,726 NOK*****14,830 CHF 2,525 GBP 1,619 ISK 318,000 JPY 212,600 ISK 284,000	DKK 12,670 NZD*** 3,652 SEK 17,000 NZD 4,178 NOK 15,910)	GBP** 1,352 SEK* 15,830 USD 2,164) SGD 3,270)	ISK****255,000 SGD*** 3,530	JPY**** 268,800 USD* 2,410		
ES ^{xix}	EUR 1,700 * (from 1.3.09:	CHF* 2,726 CHF 2,525)	USD* 2,410 USD 2,164)					
FI	EUR 1,700 * (from 1.3.09	CHF 2,525 USD 2,164)	USD* 2,410					
JP	JPY 97,000 * (from 1.4.09:	CHF 1,140 KRW 1,459,000	EUR 752 USD 1,084)	KRW* 1,331,000 USD	USD* 949			
KR	KRW 900,000 ^{xx} KRW 450,000 ^{xxi} (from 1.3.09:	CHF 735 ^{xx} CHF 367 ^{xxi} AUD 976 ^{xx}	EUR 475 ^{xx} EUR 237 ^{xxi} AUD 488 ^{xxi})	NZD 1,109 ^{xx} NZD 554 ^{xxi}	SGD 919 ^{xx} SGD 460 ^{xxi}	USD 609 ^{xx} USD 304 ^{xxi}		
RU ^{xxii}	USD 500	CHF* 573	EUR* 390					
SE	SEK* 15,830 USD* 2,410 * (from 1.3.09: ** (from 1.4.09: *** (from 1.5.09:	CHF* 2,726 CHF 2,525 ISK 318,000 ISK 284,000)	DKK 12,670 SEK 17,000	EUR 1,700 USD 2,164)	ISK**,***255,000	NOK 14,830		
US	USD 2,080 * (from 15.4.09:	CHF* 2,467 CHF 2,323)	EUR 1,596	NZD 3,808	ZAR 20,434			
XN	DKK 12,670 * (from 1.4.09: ** (from 1.3.09:	CHF 2,525 ISK 318,000 USD 2,164)	EUR 1,700	ISK* 255,000	NOK 14,830	USD** 2,410		

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Table II — Preliminary examination fees
(amounts on 1 February 2009, unless otherwise indicated)

IPEA	Preliminary examination fee ^{xxiii}		Handling fee ^{ii, xxiii} (CHF 200)	
AT	EUR	200	EUR	121
AU	AUD	550 780 ^{xxiv}	AUD	196 (from 1.3.09: 247)
CA	CAD	800	CAD	171
CN	CNY	1,500	CNY eq CHF	200
EP ^{xi}	EUR	1,675	EUR	121
ES	EUR	555.33	EUR	121
FI	EUR	550	EUR	121
JP	JPY	36,000	JPY	19,600 (from 1.4.09: 16,000)
KR	KRW	450,000	KRW	157,000
RU ^{xxii}	USD	200 ^{xxv} 300 ^{xxvi}	USD	171
SE	SEK	5,000	SEK	1,110 (from 15.4.09: 1,490)
US	USD	600 750 ^{xxvii}	USD	171
XN	DKK	5,000	DKK	900

Footnotes to fee tables:

- i Payable to the receiving Office in the currency or one of the currencies prescribed by it.
- ii This fee is reduced by 90% where the applicant or, if there are two or more applicants, each applicant fulfills the criteria indicated on the PCT Resources page at: www.wipo.int/pct/en/fees/fee_reduction.pdf
- iii 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 Administrative Instructions under the PCT, 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*).
- iv For the search fee payable to the receiving Office, consult the entry in Table I(b) for the competent International Searching Authority.
- v If the international application is filed on paper together with a copy in electronic form, in character coded format, of the request and the abstract.
- vi If the international application is filed in electronic form, the request not being in character coded format.
- vii If the international application is filed in electronic form, the request being in character coded format.
- viii If the international application is filed in electronic form, the request, description, claims and abstract being in character coded format.
- ix 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.
- x This fee is reduced by 80% where the applicant is a natural person.
- xi 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.
- xii This fee is not payable in respect of international applications filed by applicants fulfilling the conditions indicated on the PCT Resources page at: www.wipo.int/pct/en/fees/fee_reduction.pdf
- xiii 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*, Annex C (IB).
- xiv The Japan Patent Office is competent only for international applications in Japanese.
- xv This fee is subject to value added tax (VAT). Applicants may consult the receiving Office or a registered patent attorney for the latest applicable VAT rate.
- xvi Plus EUR 1.50 for the preparation of additional copies, for each page and each copy.
- xvii Plus MYR 45 for each sheet in excess of 30.
- xviii Plus 12.5% GST (Goods and Services Tax) for New Zealand residents.
- xix 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% under certain conditions. For the conditions applicable in respect of international applications or demands filed prior to 1 January 2009 in the case of the EPO, and in respect of applications filed prior to 1 February 2009 in the case of the Spanish Patent and Trademark Office, see the decision of the EPO Administrative Council of 11 October 2000 (OJ EPO 2000, page 446, at: www.european-patent-office.org/epo/pubs/oj000/10_00/10_4460.pdf) and the PCT Resources page at: www.wipo.int/pct/en/fees/epo_fee_reduction.html. For the conditions applicable at the EPO in respect of applications or demands filed on or after 1 January 2009, see item in *PCT Newsletter* No. 12/2008 entitled "EPO: Change in the Conditions for Entitlement to the 75% Reduction in PCT Search and Preliminary Examination Fees". For the conditions applicable at the Spanish Patent and Trademark Office in respect of applications filed on or after 1 February 2009, see item in *PCT Newsletter* No. 01/2009 entitled "Spanish Patent and Trademark Office: Change in the Conditions for Entitlement to the 75% Reduction in PCT Search Fee".
- xx For international applications filed in English.
- xxi For international applications filed in Korean.
- xxii 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.
- xxiii Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
- xxiv Payable when the international search report was not issued by the Australian Patent Office.
- xxv Payable when the international search report was established by the Federal Service for Intellectual Property, Patents and Trademarks (Russian Federation).
- xxvi In all cases where footnote xxv does not apply.
- xxvii 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*, Annex C (US)).

[End of Annex IV and of document]