

WIPO



PCT/WG/2/5

ORIGINAL: English

DATE: April 3, 2009

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

**PATENT COOPERATION TREATY (PCT)
WORKING GROUP**

**Second Session
Geneva, May 4 to 8, 2009**

INTERNATIONAL FORM FOR NATIONAL PHASE ENTRY

Document prepared by the International Bureau

SUMMARY

1. As requested by the Working Group, this document sets out initial preliminary considerations by the International Bureau of the possible content of an optional international form for national phase entry before designated Offices. The Working Group is invited to comment on issues set out in this document, on the elements proposed to be included in any international form for national phase entry and, in particular, whether, from the perspective of designated Offices, there is a need to include other elements in such a form.

BACKGROUND

2. At its first session, the Working Group discussed a proposal by Israel to provide streamlined means for entering the national phase by developing an international form for national phase entry before designated/elected Offices, on the understanding that the use of such a form by applicants would be optional and not a requirement for a valid national phase entry. The discussions in the Working Group are outlined in document PCT/WG/1/16, paragraphs 19 to 25, reproduced in the following paragraphs:

“19. The Secretariat recalled that earlier discussions on a proposal similar to that now presented by the Delegation of Israel had taken place during the fifth session of the Working Group on Reform of the PCT. During those discussions, some delegations had noted that their Offices’ national phase entry forms required extensive details and that there was no uniformity as to the contents of the forms used by the various Offices, and thus felt that it would not be practicable to establish a form including all such details for all Offices. Other delegations had felt that a simple standardized form which could optionally be used to enter the national phase before a number of designated Offices would be useful for applicants and for at least some Offices, while noting that further details would have to be provided later to certain Offices. It had been noted during those discussions in the Working Group that a form acceptable as a minimum requirement could also have a harmonizing effect on national phase entry requirements in the longer term.

“20. The Secretariat further noted that the Working Group on Reform of the PCT had agreed that further consideration should be given at a subsequent session to the possibility of providing streamlined means for entering the national phase, and had invited the Secretariat to make proposals including a suitable draft form. The Secretariat had undertaken some work on this but had not succeeded in developing a satisfactory draft form, due to the complexity of the issues involved.

“21. Several delegations, while expressing sympathy with the aims of the proposal by Israel, expressed concerns as to its feasibility, in particular in light of the diverse requirements of national Offices, and felt that it would be almost impossible to draft a form which would be useful in practice for a significant number of applicants and Offices. One delegation noted that the proposal to adapt the PCT-SAFE software to include such a new national phase entry form might be misleading for applicants should they assume that, by simply filling in one form, they had complied with the requirements of all designated Offices which, due to the complexities and differences in national laws, was not an achievable objective.

“22. One delegation expressed the view that it would not be proper for the PCT to intervene in what essentially were national phase matters that should be left to the national Offices and their applicable laws.

“23. One delegation stressed the fact that the main purpose of the proposal was not to harmonize national phase entry requirements but rather to design a form which would take existing national requirements into account.

“24. The Secretariat recalled that, in the context of the introduction of Rule 4.17 to provide for the optional inclusion in the request form of certain statements for the benefit of national Offices during national phase processing, it had been possible to overcome similar concerns relating to the complexity of the issues at hand, and suggested that, in light of that experience, it may be useful to at least further study the issue.

“25. The Working Group agreed that further consideration should be given to the possibility of providing streamlined means for entering the national phase and invited the Secretariat to study the matter and report to the Working Group on its feasibility.”

GENERAL CONSIDERATIONS

3. In general, when considering which elements of information should be included in an international form for national phase entry, it would appear that those elements can be divided into two main groups.

4. The first group contains elements of general information relating to the international application which is about to enter the national phase, such as information allowing the application, the applicant(s), the inventor(s) and the agent to be identified, and relevant status information on the application, such as the international filing date, any priority dates claimed, whether the application enters the national phase under Chapter I or II, what kind of protection is sought, etc., etc. Clearly, any international form for national phase entry must include information of this kind, essential for any designated Office before which the applicant wishes to proceed into the national phase. While most of the elements of information belonging to this group will be applicable to all designated Offices, others may be applicable to only some, so there would be the need to provide for checkboxes to allow the applicant to give the applicable information to the designated Office concerned.

5. The second group contains information as to certain acts which the applicant has to perform in the context of national phase entry. Here, a basic distinction has to be made between two different types of acts to be performed by the applicant:

(i) those acts which the applicant has to perform before the expiration of the applicable time limits under Articles 22(1) or 39(1) in order to validly enter the national phase before a given designated Office (“requirements for valid national phase entry”); and

(ii) those acts which the applicant eventually will have to perform for the international application to proceed in the national phase but which are not required to be performed prior to the expiration of the applicable national phase entry time limit in order to validly enter the national phase (“special requirements”).

6. No designated Office is allowed to require, before the expiration of the applicable time limit for entering the national phase, the performance of acts other than those referred to in Articles 22(1) and 39(1), namely: (i) the payment of the national fee; (ii) the furnishing of a translation (if prescribed); (iii) in exceptional cases, the furnishing of a copy of the international application; and, where applicable, the indication of the name and other prescribed data concerning the inventor.

7. All other requirements of the national law, to the extent that they are admitted under Article 27, may be referred to as “special requirements.” They may still be complied with after entry into the national phase. Rule 51*bis* indicates the most common of those requirements and provides that the applicant must be given an opportunity to comply with any such special requirement after the start of the national phase. This opportunity is usually given either by sending an invitation to comply with a certain special requirement within a time limit indicated in the invitation or by providing in the national law for a certain time limit within which the applicant must, without invitation, comply with the requirement.

8. Noting this basic distinction, it would appear reasonable make the same distinction in any international form for national phase entry. Such form could thus consist of three main parts:

(i) a first part, containing general information about the international application (see paragraphs 11 to 13, below);

(ii) a second part, containing information as to the acts performed by the applicant to validly enter the national phase (see paragraphs 14 to 28, below); and

(iii) a third part, containing information as to the acts performed by the applicant to comply with the “special requirements” of the Office concerned (see paragraphs 29 to 41, below);

9. Where appropriate, all elements of information would have checkboxes to give the applicant the opportunity to indicate what kind of information is being communicated or what kind of document is being transmitted to a particular designated Office, and all elements would be accompanied by explanations set out in the notes to the form explaining the circumstances in which the applicant may be required, or may wish to, furnish particular elements of information or particular documents to a particular designated Office.

10. In the following, this document considers which elements of information should be included in the each of the three parts of any international form for national phase entry. A list of all elements proposed to be included in such a form is contained in Annex I to this document.

GENERAL INFORMATION RELATING TO INTERNATIONAL APPLICATION

11. As far as general information relating to an international application entering the national phase before a given designated Office is concerned, there are at present only minor differences in the information required to be furnished to designated Offices by means of *national* forms for national phase entry. Most designated Offices require the indication of the international application number, the international filing date, the applicant’s name and address, and the applicant’s file reference. Some Offices require the separate indication of the title of the invention. Some require the indication of the name and/or address of the inventor(s), whereas others require such information only if it has not been submitted with the request part of the international application; again others do not require any information about the inventor(s) (see also paragraphs 27 and 28, below). While some designated Offices do not require any information regarding any claimed priority, most require the indication of the (earliest) priority date. Most designated Offices require the furnishing of indications relating to the agent appointed to represent the applicant before the designated Office concerned if the applicant is a non-resident, other require non-resident applicants to have an address for service in the country. Some Offices request an address for correspondence. Very few Offices require for legal entities the indication of a name of an officer representing that legal entity.

12. Furthermore, some national forms for national phase entry provide for the possibility to indicate the kind of protection sought (where several kinds of protection are available), or for the possibility to indicate whether the international application enters the national phase under Chapter I or Chapter II. Finally, some national forms provide for the applicant to make an “express request” for early national phase entry under Articles 23(2) and 40(2) where the applicant wishes to enter the national phase before the expiry of the applicable time limit under Articles 22(1) or 39(1), as applicable.

13. Upon consideration, following a review of existing *national* forms for national phase entry, it would appear that the following general information concerning the international application is essential to Offices and should be included in any international form for national phase entry:

- (1) request for national processing of the international application, or express request for national processing of the international application under Articles 23(2) or 40(2) (“early national phase entry”);
- (2) international application number;
- (3) title of the invention;
- (4) international filing date;
- (5) earliest priority date claimed;
- (6) name and address of each applicant;
- (7) address for service (for non-resident applicants);
- (8) name of officer representing legal entity;
- (9) applicant’s file reference;
- (10) name and address and registration number of the agent;
- (11) name and address of each inventor (if not furnished in the request part of the application);
- (12) kind of protection sought (patent, utility model, other);
- (13) national phase entry under Chapter I or Chapter II;
- (14) supplementary international search has been requested.

REQUIREMENTS FOR VALID NATIONAL PHASE ENTRY

14. In order for the applicant to validly enter the national phase before a designated Office, the applicant must perform the following acts prior to the expiration of the applicable time limit for national phase entry under Articles 22(1) or 39(1):

- (i) payment of the national fee;
- (ii) furnishing of a translation, if required;
- (iii) furnishing of a copy of the international application, except where not required by that Office (only in very exceptional cases where the communication by the International Bureau of a copy of the international application under Article 20 has not, or could not yet have, taken place);
- (iv) furnishing of the indication of the name and address of the inventor (only in very exceptional cases if the name and address of the inventor were not given in the request when the international application was filed, but the designated Office allows them to be given at a time later than that of the filing of a national application).

15. It would appear reasonable that any international form for national phase entry should provide the necessary information as to compliance with those four essential national phase entry requirements, as outlined in the following paragraphs.

Payment of Fees

16. The types of fees to be paid to designated Offices for entry into the national phase differ from Office to Office and include, *inter alia*, fees such as basic filing fees, search fees, examination fees, publication fees, claims fees, page fees, fees for priority claims, and annual or renewal fees. Note that, depending on the designated Office, in order to validly enter the national phase, not all fees may have to be paid prior to the expiration of the applicable time limits under Article 22(1) or 39(1) but may be paid after entry into the national phase. Fees must be paid in the, or one of the, currencies accepted by the designated Office concerned, within applicable time limits which also differ from Office to Office, as do conditions for fee exemptions, reductions or refunds, if any.

17. Following a review of existing national forms for national phase entry, it would appear that the following information concerning the payment of fees is essential to Offices and should thus be included in any international form for national phase entry:

- (15) amount of fees paid; types of fees paid; currency of payment;
- (16) date of payment;
- (17) mode of payment (cash, credit card, cheque, deposit account, other); and
- (18) claim for exemption, reduction or refund of national fees.

Furnishing of Translations

18. Generally, a translation of the international application must be furnished if the language in which it was filed or published is not a language accepted by the designated Office. Where the designated Offices accept several languages, the applicant may choose the language of the translation of the international application.

19. The requirements as to what the translation must comprise differ from Office to Office and are also dependant on whether the application enters the national phase under Chapter I or Chapter II of the PCT. In general, the translation must comprise a translation of the description (including the title of the invention), of the claims and of any text matter in the drawings. In addition, most (but not all) designated Offices require the translation of the abstract. Furthermore, designated Offices have the right to require a translation of the request, but only very few of them do require such a translation.

20. Requirements also differ from Office to Office where parts of the international application were amended during the international phase. Under Chapter I, designated Offices have the right to require a translation of the claims both as originally filed and as amended, but some Offices require only the translation of the claims as amended. Some Offices require that the translation is accompanied by a translation of the statement under Article 19 of the PCT. Under Chapter II, some Offices require the translation of description, claims, any text matter of drawings and the abstract, both as originally filed and as amended by the annexes to the international preliminary examination report. Other Offices require only the translation of those parts as amended by the annexes to the international preliminary examination report.

21. However, it would appear that detailed information on the content of the translation (description, claims, drawings, abstract, request; if amended, only as originally filed, only as amended or both as originally filed and as amended; statement under Article 19, etc.) is not essential for the purposes of the act of national phase entry and should thus not be included in the form. While compliance with those detailed requirements will no doubt have to be checked during national phase processing, it would appear that inclusion in the form of detailed information concerning the content of the translation would make the form to “heavy” and complex and thus should be avoided.

22. A few designated Offices require the verification of translations, but this requirement is one of the “special requirements” which may be complied with after national phase entry. Consequently, it is proposed to include a reference to the fact that a verification of any translation is furnished to the Office together with the international form for national phase entry in the third part of the form (see paragraph 38, below).

23. Finally, designated Offices differ in the number of copies of translations that are required; some require only one copy, whereas others require two or more.

24. In view of those existing requirements, and following a review of existing national forms for national phase entry, it would appear that only very little information concerning the furnishing of translations is essential and should thus be included in any international form for national phase entry, namely, a simple reference to the fact that a translation of the international application is being transmitted to the Office together with that form (with a checkbox), as well as a brief indication of the language of the translation:

(19) translation of the international application (and the number of copies thereof);

(20) language of the translation.

Furnishing of a Copy of the International Application

25. Under normal circumstances, no designated Office will require a copy of the international application to be submitted by the applicant. The communication of a copy of the international application to designated Offices is effected by the International Bureau, upon request of the Offices concerned, but not prior to the international publication of the international application. The applicant is notified accordingly by the International Bureau by means of a form, which is to be accepted by all designated Offices either as conclusive evidence that the communication was effected or, where an Office has not requested the communication to be effected, that that Office does not require the furnishing of a copy of the international application. It is only where the applicant makes an express request for early national phase entry before the communication of the international application has taken place or could have taken place that he must either furnish a copy of the international application or request the International Bureau to transmit a copy of his international application to the designated Office.

26. It is nevertheless suggested to include in an international form for national phase entry a simple reference to the fact that a copy of the international application is being transmitted to the Office together with that form (with a checkbox), as follows:

(21) copy of the international application (only in case of early national phase entry).

Furnishing of Indication of Name and Other Data of Inventor

27. The national law of some designated Offices requires the applicant to furnish the name and other data concerning the inventor or inventors to be furnished before the expiration of the applicable national phase entry time limit under Articles 22(1) or 39(1) where such indications were not contained in the request at the time of filing. Whereas most designated Offices will invite the applicant to furnish such indications if not furnished before the expiration of the national phase entry time limit, some will not. Note that the indication of the name and address of the inventor is to be distinguished from other declarations of or concerning the inventor or the invention, etc. The latter are considered “special requirements” (see paragraphs 30 to 32, below) which may be complied with after entry into the national phase.

28. It would thus appear necessary to include information concerning the furnishing of the name and other data concerning the inventor(s) in any international form for national phase entry, in the first part of any international form for national phase entry containing general information relating to the international application (see paragraph 13, item (11), above).

SPECIAL REQUIREMENTS

29. As stated above, besides the acts which the applicant has to perform before the expiration of the applicable time limits under Articles 22(1) or 39(1) in order to validly enter the national phase before a given designated Office, there are certain acts which the applicant eventually will have to perform for the international application to proceed in the national phase but which are not required to be performed prior to the expiration of the applicable national phase entry time limit in order to validly enter the national phase (“special requirements”). These acts may still be performed after entry into the national phase. Rule 51*bis* indicates the most common of those requirements and provides that the applicant must be given an opportunity to comply with any such special requirement after the start of the national phase. This opportunity is usually given either by sending an invitation to comply with a certain special requirement within a time limit indicated in the invitation or by providing in the national law for a certain time limit within which the applicant must, without invitation, comply with the requirement. The most common of the special requirements are explained in general terms in the following paragraphs, together with suggestions as to how information to those requirements could be reflected in an international form for national phase entry.

Certain Declarations Concerning the Inventor, Assignments, etc.

30. Depending on national law and practice, some designated Offices require the applicant to furnish:

- (i) any document relating to the identity of the inventor;
- (ii) any document relating to the applicant’s entitlement to apply for or be granted a patent;
- (iii) any document containing proof of the applicant’s entitlement to claim priority of an earlier application where the applicant is not the applicant who filed the earlier application or where the applicant’s name has changed since the date on which the earlier application was filed;
- (iv) any document containing an oath or declaration of inventorship;
- (v) any evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as disclosures resulting from abuse, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time.

31. However, in general, any document referred to above will not be required if the applicant has furnished a declaration under Rule 4.17. Where the request contained a declaration complying with Rule 4.17(i) to (iv), a designated Office may not (except if it has informed the International Bureau to the contrary) require any document or evidence relating to the subject matter of that declaration unless it reasonably doubts the veracity of the declaration concerned. In the case of a declaration as to non-prejudicial disclosures or exceptions to lack of novelty made under Rule 4.17(v), the designated Offices concerned are always entitled to require further documents of evidence.

32. Noting that compliance with these Rule 51*bis* requirements is to be effected by the furnishing of documents and evidence to the designated Office, it would appear sufficient to include in an international form for national phase entry a simple reference to documents which are being transmitted to the Office together with that form, as follows:

- (22) Declaration as to the identity of the inventor;
- (23) Declaration as to the applicant's entitlement to apply for and be granted a patent;
- (24) Declaration as to the applicant's entitlement to claim priority;
- (25) Declaration of inventorship;
- (26) Declaration as to non pre-judicial disclosures or exceptions to lack of novelty.

Representation

33. Most designated Offices require non-resident applicants to be represented by an agent; others require non-resident applicants to have an address for service in the country. The appointment of an agent must usually be made in a power of attorney signed by the applicant(s); for that purposes, Offices often provide national forms which differ from Office to Office.

34. It is thus suggested to provide the opportunity to include information concerning any agent or any address for service in the general information part of the international form (see paragraph 12, items (7) and (10), above) and to include in this third part of the form only a reference to any power of attorney which is being transmitted to the Office together with the international form for national phase entry (with a checkbox), accompanied by explanations set out in the notes to the form explaining the circumstances in which the applicant may wish to furnish the power of attorney to particular designated Offices, as follows:

- (27) Power of attorney.

Priority Documents and Translations Thereof

35. In general, the priority document must be submitted during the international phase to the receiving Office or to the International Bureau, and the International Bureau makes it available to designated Offices. Where the priority document has been submitted within the time limit during the international phase to the receiving Office or to the International Bureau, no designated Office may require an original priority document (that is, an original certified copy of the earlier application) from the applicant. However, where the priority document was not furnished to the receiving Office or the International Bureau during the international phase, an original priority document may have to be furnished to designated Offices.

36. As regards the furnishing of a translation of a priority document, in general, a designated Office may require the applicant to furnish such a translation only where the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable, so that there generally will not be any reason for the applicant to furnish such a translation already upon national phase entry. However, there is still at least one designated Office which is entitled (having notified the International Bureau of the incompatibility of the corresponding PCT provisions with the applicable national law) to require the translation of any priority document, regardless of whether the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

37. It is thus suggested to provide the opportunity to include in this third part of the form a reference to any priority document or translation thereof which is being transmitted to the Office together with the international form for national phase entry, as follows:

(28) Priority document(s);

(29) Translation of priority document(s).

Verification of Translation of International Application

38. As stated above, a few designated Offices require the verification of translations as a “special requirement” which may be complied with after national phase entry. Consequently, it is proposed to include a reference to the fact that a verification of any translation is furnished to the Office together with the international form for national phase entry in the third part of the form, as follows:

(30) Verification of Translation of International Application.

Other documents

39. Some Offices request, where applicable, the furnishing of a nucleotide and/or amino acid sequence listing in electronic form. It is thus suggested to provide the opportunity to include in this third part of the form a reference to a sequence listing in electronic form (furnished on a physical medium) which is being transmitted to the Office together with the international form for national phase entry, as follows:

(31) Sequence listing in electronic form.

40. Furthermore, it is suggested that the international form for national phase entry contains one checkbox entitled ‘any other documents’ so as to allow the attachment of further documents which may be required by particular designated Offices, as follows:

(32) Other documents.

41. Finally, it is suggested that the form should provide for the opportunity for the applicant or his agent to sign and date the form, as follows:

(33) Signature and date.

OTHER ISSUES TO BE CONSIDERED

General Aims

42. The Working Group may wish to consider whether the aim is simply to provide a common format of form which can be used in entering the national phase before all, or at least most, Offices, or whether the aim is to provide a form the main part of which can be filled in just once with the details required in all Offices, followed by separate sections containing the details specific only to some Offices. The former would, in general, be significantly easier to achieve, but might not offer sufficient benefits to applicants to be used in preference to specific national forms, which are in general well known to the local agents.

Language of the Form

43. As is the case for all forms under the PCT which are to be used by the applicant, the form would be made available by the International Bureau in all ten languages of publication.

44. If the aim was to provide a form which could, at least in part, be filled in just once for national phase entry in all States, it would probably be necessary to describe each field in all ten languages and, for some fields, provide data entry sections for use in different languages or character sets. This would probably be impractical in a paper form, but might be easier in an electronic form where the labels could be provided in just one language when being filled in and then printed in different language versions when complete.

Requirement for Designated Offices to Accept the Form

45. While the use of any international form for national phase entry would remain optional, it is proposed to require any designated Office to accept the prescribed international form where the applicant chooses to use that form, provided that it is filed (and filled-in) in a language of publication which the designated Office accepts for this purpose. A corresponding proposal to amend Rule 49.4 accordingly is contained in Annex II to this document. This proposal to amend Rule 49.4 had been presented already to the fourth and fifth session of the Working Group on Reform of the PCT but has so far not been discussed in substance by the Working Group on Reform of the PCT nor the PCT Working Group. By virtue of Rule 76.5, the same would apply to any elected Office.

IT Assisted National Phase Entry Form

46. The Working Group may also wish to consider further possibilities for streamlining procedures for entry into the national phase, such as the development of a web-based electronic international form for national phase entry, where information technology assists the applicant in giving the appropriate information required for national phase entry, depending on the designated Office concerned. This could take various different levels of complexity, depending on the amount of investment which could be justified. At the simplest, this could be a simple system for helping create forms printable in several different languages. Alternatively, in the context of the development of an account-based system for applicants to manage the international phase of their applications, it could automatically fill in many of the fields based on the information which has been provided in the international phase (including matters such as which declarations have already been provided in the international phase and applicant details, in some cases in more than one character set) and be

aware of which information was required for national phase entry in different States (such as whether a translation would be required) and either prompt for specific information relevant to a specified set of States, or else simply produce forms in requested languages, leaving the remaining fields blank for completion by the applicant or local agent. Moreover, a system could be set up where such a form could be transmitted directly to designated Offices which are willing and able to receive such a form in such a manner.

Harmonization of National Requirements

47. Finally, the Working Group may wish to discuss whether it wishes, based on the discussions on the issues set out in this document, to further explore possibilities for a further harmonization of national phase entry requirements in the longer term.

48. The Working Group is invited to consider the proposals set out in this document and its Annexes.

[Annexes follow]

ANNEX I

LIST OF ELEMENTS OF INFORMATION PROPOSED TO BE
INCLUDED IN AN INTERNATIONAL FORM FOR NATIONAL PHASE ENTRY

GENERAL INFORMATION RELATING TO THE INTERNATIONAL APPLICATION

- (1) Request for national processing of the international application, or express request for national processing of the international application under Articles 23(2) or 40(2) (“early national phase entry”)
- (2) International application number
- (3) Title of the invention
- (4) International filing date
- (5) Earliest priority date claimed
- (6) Name and address of each applicant
- (7) Address for service (for non-resident applicants)
- (8) Name of officer representing legal entity
- (9) Applicant’s file reference
- (10) Name and address and registration number of the agent
- (11) Name and address of each inventor (if not furnished in the request part of the application)
- (12) Kind of protection sought (patent, utility model, other)
- (13) National phase entry under Chapter I or Chapter II
- (14) Supplementary international search has been requested

REQUIREMENTS FOR VALID NATIONAL PHASE ENTRY

- (15) Amount of fees paid; types of fees paid; currency of payment;
- (16) Date of payment;
- (17) Mode of payment (cash, credit card, cheque, deposit account, other); and
- (18) Claim for exemption, reduction or refund of national fees.
- (19) Translation of the international application (and the number of copies thereof);

- (20) Language of the translation.
- (21) Copy of the international application (only in case of early national phase entry).

SPECIAL REQUIREMENTS

- (22) Declaration as to the identity of the inventor
- (23) Declaration as to the applicant's entitlement to apply for and be granted a patent
- (24) Declaration as to the applicant's entitlement to claim priority
- (25) Declaration of inventorship
- (26) Declaration as to non prejudicial disclosures or exceptions to lack of novelty
- (27) Power of attorney
- (28) Priority document(s)
- (29) Translation of priority document(s)
- (30) Verification of Translation of International Application.
- (31) Sequence listing in electronic form
- (32) Other documents

- (33) Signature and date

[Annex II follows]

ANNEX II

PROPOSED AMENDMENTS OF THE PCT REGULATIONS:¹

INTERNATIONAL FORM FOR NATIONAL PHASE ENTRY

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¹ Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned. Certain provisions that are not proposed to be amended may be included for ease of reference.

Rule 49

Copy, Translation and Fee Under Article 22

49.1 to 49.3 [No change]

49.4 *Use of National or International Form*

(a) No applicant shall be required to use a ~~national~~ form when performing the acts referred to in Article 22.

(b) Any designated Office shall accept the use by the applicant, when performing the acts referred to in Article 22, of the form prescribed by the Administrative Instructions for the purposes of this paragraph, provided that the Office may require that the form shall be filed in a language of publication which it accepts for the purposes of this paragraph.

[COMMENT: The provision and use of any form for national phase entry (be it a national form made available by the designated Office concerned or the new international form) would remain optional, as at present. In addition, it is proposed to require any designated Office to accept the prescribed international form where the applicant chooses to use that form. By virtue of Rule 76.5, the same would apply to any elected Office. As is the case for all forms under the PCT which are to be used by the applicant, the form would be made available by the International Bureau in all seven languages of publication.]

49.5 to 49.6 [No change]

[End of Annex II and of document]