



C.PCT 1156

November 26, 2008

Madam,
Sir,

In accordance with Rule 89.2(a) of the Regulations under the Patent Cooperation Treaty (PCT), modifications to the Administrative Instructions (AIs) under the PCT and certain PCT Forms for use by the International Searching Authority (in particular, in its function as Authority specified for supplementary search (SISA)), the applicant, the International Bureau, and the International Preliminary Examining Authority, are hereby promulgated with effect from January 1, 2009.

This follows consultation under Rule 89.2(b) of the Regulations under the PCT with your Office in its capacity as receiving Office (RO), International Searching Authority (ISA), International Preliminary Examining Authority (IPEA), or designated/elected Office (DO/EO), and also with certain non-governmental organizations. The modifications are as proposed by PCT Circular C.PCT 1153, dated September 19, 2008, except where further changes have been made as a result of consultation, as indicated below (editorial and minor drafting changes are not specifically mentioned).

In respect of Sections 204 and 204*bis* of the AIs, the modifications are as proposed by PCT Circular C.PCT 1149, dated June 11, 2008, and as discussed during the first session of the PCT Working Group from May 26 to 30, 2008 (see document PCT/WG/1/15), except where further changes have been made as a result of consultation and the discussions at the Working Group (see document PCT/WG/1/16).

In respect of Appendix I of Annex F, the modifications are as set out in Proposal For Change file PCT/EF/PFC 08/008, dated March 19, 2008, as modified on May 27 and June 9, 2008.

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Modifications to the Administrative Instructions under the PCT

Section 102 is modified as proposed by Circular C.PCT 1153 and as a result of consultation, in particular, Forms PCT/SISA/508, PCT/SISA/509 and PCT/IB/375 are no longer indicated as mandatory Forms. Furthermore, as a result of consultation, the number format of the series of Forms to be used by the Authority specified for supplementary search has been modified to “PCT/SISA/5XX”.

Section 204 is modified as proposed by Circular C.PCT 1149 and as a result of consultations and discussions at the Working Group.

Section 204bis is modified as proposed by Circular C.PCT 1149.

Section 415 is modified as proposed by Circular C.PCT 1153 and as a result of consultation.

Section 420 is modified as proposed by Circular C.PCT 1153 and as a result of consultation. In particular, the Section now also provides for the sending of the English translation of the international search report and the supplementary international search report to the IPEA.

Section 425 is modified as proposed by Circular C.PCT 1153.

Section 436 is added as proposed by Circular C.PCT 1153 and modified as a result of consultation.

Section 515 is modified as proposed by Circular C.PCT 1153.

Section 519 is added as proposed by Circular C.PCT 1153.

Section 520 is added as proposed by Circular C.PCT 1153.

All modified Sections of the AIs will apply to international applications filed on or after January 1, 2009.

Availability of modified Sections and Appendix

The consolidated text of the main body and Appendix I of Annex F of the AIs is available from the WIPO website under “PCT Administrative Instructions (as in force from January 1, 2009)” at: www.wipo.int/pct/en/texts/.

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Modifications and additions of PCT Forms relating to the International Searching Authority, the Authority specified for supplementary search, the Applicant, the International Bureau, and the International Preliminary Examining Authority

Form PCT/ISA/205 is modified as proposed by Circular C.PCT 1153.

Form PCT/ISA/219 is modified as proposed by Circular C.PCT 1153 and as a result of consultation.

Form PCT/SISA/501 is added as proposed by Circular C.PCT 1153 and modified as a result of consultation. In particular, a box has been added to the first page of the Form to allow the SISA to indicate that the report is a corrected version of a previously issued report.

Form PCT/SISA/502 is added as proposed by Circular C.PCT 1153.

Form PCT/SISA/503 is added as proposed by Circular C.PCT 1153 and modified as a result of consultation. In particular, it has been clarified that this Form should always be accompanied by a copy of the request for review submitted by the applicant.

Form PCT/SISA/504 is added as proposed by Circular C.PCT 1153.

Form PCT/SISA/505 is added as proposed by Circular C.PCT 1153 and modified as a result of consultation.

Form PCT/SISA/506 is added as proposed by Circular C.PCT 1153.

Form PCT/SISA/507 is added as proposed by Circular C.PCT 1153.

Form PCT/SISA/508 is added as proposed by Circular C.PCT 1153. As indicated above, this Form is no longer proposed to be a mandatory Form under Section 102.

Form PCT/SISA/509 is added as proposed by Circular C.PCT 1153. As indicated above, this Form is no longer proposed to be a mandatory Form under Section 102.

Form PCT/SISA/510 is added as proposed by Circular C.PCT 1153.

Form PCT/Model of power of attorney (for a given international application) is modified as proposed by Circular C.PCT 1153.

Form PCT/Model of general power of attorney (for several international applications) is modified as proposed by Circular C.PCT 1153.

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Form PCT/IB/306 is modified as proposed by Circular C.PCT 1153.

Form PCT/IB/307 is modified as proposed by Circular C.PCT 1153.

Form PCT/IB/310 is modified as proposed by Circular C.PCT 1153 and as a result of consultation.

Form PCT/IB/311 is modified as proposed by Circular C.PCT 1153.

Form PCT/IB/317 is modified as proposed by Circular C.PCT 1153 and as a result of consultation.

Form PCT/IB/318 is modified as proposed by Circular C.PCT 1153 and as a result of consultation.

Form PCT/IB/319 is modified as proposed by Circular C.PCT 1153.

Form PCT/IB/325 is modified as proposed by Circular C.PCT 1153.

Form PCT/IB/339 is modified as proposed by Circular C.PCT 1153 and as a result of consultation.

Form PCT/IB/372 is modified as proposed by Circular C.PCT 1153 and as a result of consultation.

Form PCT/IB/375 is added as proposed by Circular C.PCT 1153 and modified as a result of consultation. In particular, as indicated above, this Form is no longer proposed to be a mandatory Form under Section 102. Furthermore, the Form now only provides space to indicate one applicant since Rule 45*bis*.1 does not require the indication of more than one applicant. It has also been clarified that it is sufficient that only one of the applicants signs this request.

Form PCT/IB/376 is added as proposed by Circular C.PCT 1153 and modified as a result of consultation. In particular, this Form has been modified to serve also as a means to acknowledge the receipt of any supplementary search request and to communicate the date of receipt of such requests to the applicant.

Form PCT/IB/377 is added as proposed by Circular C.PCT 1153.

Form PCT/IB/378 is added as proposed by Circular C.PCT 1153 and modified as a result of consultation. In particular, the Form has been further modified to reflect the modifications to Form PCT/IB/375.

Form PCT/IB/379 is added as proposed by Circular C.PCT 1153 and modified as a result of consultation.

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Form PCT/IB/380 was not mentioned in Circular C.PCT 1153 but is added as a result of consultation to provide a specific Form for applicants to provide credit card details to the International Bureau if they wish to pay fees for the supplementary international search procedure by credit card.

Form PCT/IPEA/403 is modified as proposed by Circular C.PCT 1153.

Form PCT/IPEA/408 is modified as proposed by Circular C.PCT 1153 and as a result of consultation.

Form PCT/IPEA/409 is modified as proposed by Circular C.PCT 1153 and as a result of consultation.

The modified and additional PCT Forms should be used from January 1, 2009. Where an Office is not in a position to use all of the modified forms from that date, the old PCT Forms, to the extent that they are still applicable or, where required, with additions or corrections, may still be used for a transitional period.

Offices which use languages other than English and French are requested to prepare the Forms needed by them, in such other languages, with due regard to the provisions of Section 102 of the Administrative Instructions. The International Bureau encourages Offices to make such translations available to the International Bureau so that they can be accessed by all Offices via PATENTSCOPE[®].

Availability of modified Forms

The modified and additional Forms are available from PATENTSCOPE[®] under “Forms in force as from January 1, 2009” at: www.wipo.int/pct/en/forms/.

Offices which need marked-up copies and/or electronic files of any of the Forms or texts should contact the PCT Legal Division at: pct.legal@wipo.int.

Yours sincerely,



Francis Gurry
Director General