

C. PCT 1506

March 30, 2017

Madam,
Sir,

This Circular is addressed to your Office in its capacity as a designated and/or elected Office (DO/EO) under the Patent Cooperation Treaty (PCT).

The purpose of this Circular is to draw the attention of DOs/EOs to the need to provide to the International Bureau complete and up-to-date information on national phase requirements so that it can be reflected in the *PCT Applicant's Guide* and on the WIPO website. As a related matter, the International Bureau would like to take this opportunity to encourage DOs/EOs to seek the assistance of the International Bureau in case of doubt about their national phase related obligations under the PCT Treaty and its Regulations.

Missing national phase information

When preparing for entry into the national phase and during the national processing of international applications before DOs/EOs, PCT applicants rely on the information on national phase requirements of DOs/EOs which the International Bureau publishes in the *PCT Applicant's Guide* and on the PCT portion of the WIPO website. Increasingly, this important data will also be available in electronic systems upon which PCT applicants rely. At present, there are, unfortunately, many gaps in the information on national phase requirements which the International Bureau is able to provide to PCT users because the necessary information (for example, information on national phase entry fees or procedural requirements for national phase entry) has not been made available by DOs/EOs to the International Bureau.

In order to be able to publish the necessary information on national phase requirements in the *PCT Applicant's Guide* and on the WIPO website, the International Bureau depends entirely on the information it receives from DOs/EOs. Twice a year, the International Bureau sends *Applicant's Guide* update reminders to all national Offices and Authorities; in addition, it sends specific reminders to individual Offices concerning missing information. Unfortunately, it is not infrequent that no response is received to those messages. Therefore, the International Bureau would like to appeal to all DOs/EOs to transmit any missing information to the International Bureau (by e-mail, addressed to pct.guide@wipo.int) and to continue to update all such information whenever changes occur.

Issues with applying the PCT in the national phase

As a related matter, PCT applicants have brought to the attention of the International Bureau that confusion occasionally exists within certain DOs/EOs in relation to the certain provisions of the PCT Treaty and its Regulations at the time of national phase entry and during national phase processing. For example, the International Bureau has been informed that certain DOs/EOs do not fully accept declarations under PCT Rule 4.17 made by applicants during the international phase and instead request further documentation from the applicant, contrary to PCT Rule 51*bis*.2; in other cases, DOs/EOs systematically request copies or translations of priority documents, beyond the limited exceptions specified in PCT Rule 51*bis*.1(e).

The International Bureau would like to take this opportunity to encourage DOs/EOs to seek the assistance of the International Bureau by contacting the PCT Legal Division (pct.legal@wipo.int) and the PCT International Cooperation Division (pcticd@wipo.int) for further assistance in case of doubt about their national phase related obligations under the PCT Treaty and its Regulations.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Sandage", with a large, stylized flourish extending upwards and to the right. To the left of the signature are the initials "JP".

John Sandage
Deputy Director General