

C. PCT 1680

February 7, 2025

Madam,  
Sir,

*Proposed modifications of the Administrative Instructions under the PCT (“the Administrative Instructions”), certain Forms annexed to the Administrative Instructions, the PCT Receiving Office Guidelines (“the RO Guidelines”) and the PCT International Search and Preliminary Examination Guidelines (“the ISPE Guidelines”)*

This Circular is addressed to your Office in its capacity as a receiving Office (RO), an International Searching Authority (ISA), an International Preliminary Examining Authority (IPEA), an Authority specified for supplementary search, and/or a designated or elected Office under the Patent Cooperation Treaty (PCT) for the purposes of consultation under PCT Rule 89.2(b). It is also addressed to certain non-governmental organizations representing users of the PCT System.

The main purpose of this Circular is to consult on the implementation of amendments to the Regulations under the PCT (“the Regulations”), adopted by the PCT Assembly at its fifty-sixth session held in Geneva from July 9 to 17, 2024 (see document PCT/A/55/2, Annex I to V, and document PCT/A/55/3, paragraph 23), which will enter into force on July 1, 2025.

The amendments to the Regulations relate to the following matters: (a) submission of international applications and any subsequently submitted documents in electronic form only (Rule 89*bis*.1), (b) furnishing of a translation of the abstract or text matter in drawings into the language of publication (Rule 26.3*ter*) and (c) extension of languages that may be used by the International Bureau (“IB”) for correspondence with applicants (Rule 92). The present Circular only consults on the proposed modifications relating to above (a) and (b). The amendments concerning (c) will be consulted on in due course via a separate Circular.

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## C. PCT 1680

### I. *Proposed modifications of the Administrative Instructions*

Section 703 is proposed to be modified as a result of the amendments to Rule 89*bis*.1. New paragraphs 703(e-*bis*) and (e-*ter*) are proposed as safeguards to allow Offices to accept paper submissions in exceptional circumstances or, if they so wish, to convert paper submissions into electronic form in exceptional circumstances.

Section 705*quater*, which is proposed to be added as a result of the amendment of Rule 89*bis*.1(d-*ter*), would provide a legal basis for treating the electronic resubmission of the international application originally filed on paper as the home copy, record copy and search copy.

- ./. The proposed modifications of the Administrative Instructions are set out in Annex I to this Circular.

### II. *Proposed modifications of certain Forms annexed to the Administrative Instructions*

Forms PCT/RO/117, PCT/RO/141, PCT/RO/142, PCT/RO/149, PCT/ISA/230, PCT/ISA/231, PCT/ISA/232, PCT/IPEA/434, PCT/IPEA/435 and PCT/IPEA/438 are proposed to be modified consequential to the amendments of Rule 89*bis*.1 and the proposed modifications to the Administrative Instructions as explained above. Forms PCT/RO/142, PCT/ISA/231 and PCT/IPEA/435 serve to notify the applicant that the paper submission will not be accepted by Offices or Authorities, following a notification under Rule 89*bis*.1(d-*bis*). For Offices or Authorities that notify the IB under Rule 89*bis*.1(d-*ter*), Forms PCT/RO/141, PCT/ISA/230 and PCT/IPEA/434 serve the purpose of inviting the applicant to electronically resubmit the document originally submitted on paper; and Forms PCT/RO/149, PCT/ISA/232 and PCT/IPEA/438 serve the purpose of declaring that a document is disregarded in the case of lack of response to the invitation. It is proposed that the withdrawal of the international application be notified to the applicant by the modified Form PCT/RO/117.

- ./. The PCT Forms proposed to be modified are set out in Annex II to this Circular. The proposed modifications to the Forms are shown in mark-up which indicates the deleted and new text on separate pages. Thus, on the first mark-up page, the deleted text appears in red with the text struck out. This is followed by the second mark-up of the same page in which the new text is underlined in blue. Each page indicates clearly where the modifications concern deleted or new text.

### III. *Proposed modifications of the RO Guidelines*

New paragraphs 18A to 18C and 38A are proposed as a result of the amendment to Rule 89*bis*.1 and the proposed modifications to Sections 703 and 705*quater*. Paragraphs 18A, 18B and 38A provide guidance for any receiving Office that makes a notification under Rule 89*bis*.1(d-*ter*). The procedure to follow for any receiving Office that makes a notification under Rule 89*bis*.1(d-*bis*) is provided in paragraph 18C.

Paragraphs 63 and 65 are proposed to be modified as a result of the amendment to Rule 26.3*ter*.

Following the proposed modifications above, it is further proposed to replace “papers” used generally in the RO Guidelines with “documents” where appropriate, as distinct from when “paper” refers to the method of submission.

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## C. PCT 1680

Additionally, the occasion of the Circular is used to propose a modification to paragraph 337 to reflect the current practice that if the IB is not open for business on a given Thursday, publication will generally occur on the following Friday.

./. The paragraphs of the RO Guidelines which are proposed to be modified or added are set out in Annex III to this Circular. Certain paragraphs that are not proposed to be modified have been included for ease of reference.

*IV. Proposed modifications of the ISPE Guidelines*

New paragraphs 22.51A to 22.51C are proposed as a result of the amendment to Rule 89*bis*.1 and the proposed modifications to Sections 703 and 705*quater*. Paragraph 22.51A provides guidance for Authorities that make a notification under Rule 89*bis*.1(d-*bis*). The procedures to follow for any Authority that make a notification under Rule 89*bis*.1(d-*ter*) are provided in paragraphs 22.51B and 22.51C.

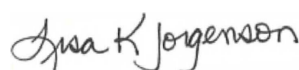
Following the proposed modifications above, it is further proposed to replace “papers” used generally in the ISPE Guidelines with “documents” where appropriate, as distinct from when “paper” refers to the method of submission.

./. The paragraphs of the ISPE Guidelines which are proposed to be modified or added are set out in Annex IV to this Circular. Certain paragraphs that are not proposed to be modified have been included for ease of reference.

*V. Comments on the proposed modifications of the Administrative Instructions, certain Forms, the RO Guidelines and the ISPE Guidelines*

Your Office is invited to provide comments, if any, by February 28, 2025, by e-mail to: [pct.legal@wipo.int](mailto:pct.legal@wipo.int).

Yours sincerely,



Lisa Jorgenson  
Deputy Director General  
Patents and Technology Sector

Enclosures: Annex I — Proposed modifications of the Administrative Instructions

Annex II — Proposed modified PCT Forms PCT/RO/117, PCT/RO/141, PCT/RO/142, PCT/RO/149, PCT/ISA/230, PCT/ISA/231, PCT/ISA/232, PCT/IPEA/434, PCT/IPEA/435 and PCT/IPEA/438

Annex III — Proposed modifications of the PCT Receiving Office Guidelines (modified paragraphs only)

Annex IV — Proposed modifications of the PCT International Search and Preliminary Examination Guidelines (modified paragraphs only)

PROPOSED MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS

**Section 703**  
**Filing Requirements; Basic Common Standard**

(a) An international application may, subject to this Part, be filed in electronic form if the receiving Office has notified the International Bureau in accordance with Rule 89*bis*.1(d) that it is prepared to receive international applications in such form.

(b) An international application filed in electronic form shall be:

(i) in an electronic document format that has been specified by the receiving Office in accordance with Annex F or that complies with the basic common standard;<sup>1</sup>

(ii) filed by a means of transmittal that has been specified by the receiving Office in accordance with Annex F or that complies with the basic common standard;

(iii) in the form of an electronic package, appropriate to the means of transmittal, that has been specified by the receiving Office in accordance with Annex F or that complies with the basic common standard;

(iv) prepared and filed using electronic filing software that has been specified by the receiving Office in accordance with Annex F or that complies with the basic common standard;<sup>2</sup> and

(v) free of viruses and other forms of malicious logic in accordance with Annex F or that complies with the basic common standard.

(c) An international application filed in electronic form shall, for the purposes of Article 14(1)(a)(i), be signed by the applicant using a type of electronic signature that has been specified by the receiving Office in accordance with Annex F or, subject to Section 704(g), that complies with the basic common standard.<sup>3</sup>

(d) A receiving Office which has not notified the International Bureau in accordance with Rule 89*bis*.1(d) that it is prepared to receive international applications in electronic form may nevertheless decide in a particular case to receive an international application submitted to it in such form, in which case this Part shall apply accordingly.

(e) Any receiving Office may refuse to receive an international application submitted to it in electronic form if the application does not comply with paragraph (b), or may decide to receive the application.

[\(e-bis\) Any receiving Office that has notified the International Bureau in accordance with Rule 89\*bis\*.1\(d-bis\) may nevertheless decide in a particular case to receive the international application submitted on paper.](#)

<sup>1</sup> *Editor's Note:* Use of the basic common standard (see Section 701(v) and Annex F, Appendix III) is not mandatory for applicants, but the receiving Office must accept applications that comply with the basic common standard in addition to applications that comply with different requirements that the Office may have specified for the purposes of [Section paragraph 703\(b\)\(i\), \(ii\) and \(iv\)](#). The basic common standard itself does, however, provide for certain options to be exercised by receiving Offices. Note that the basic common standard provides for the use of PKI technology for packaging the international application documents.

<sup>2</sup> *Editor's Note:* The International Bureau provides software that supports all of the requirements of the basic common standard and certain alternatives available under Annex F. Use of that software is not mandatory, but any applicant may choose to use it, in which case the receiving Office must accept the international application concerned (unless it has made a reservation under Section 703(f) in that respect) (see Annex F, section 6).

<sup>3</sup> *Editor's Note:* The receiving Office must specify the type(s) of electronic signature that it is prepared to accept (see Section 710(a)(i)). While signature in compliance with the basic common standard is sufficient for the purposes of filing, compliance with the receiving Office's particular requirements may be required subsequently pursuant to Section 704(g). Note the distinction between requirements as to signature of the application for the purposes of Article 14(1)(a)(i) (which may be a basic or enhanced electronic signature by the *applicant*) as distinct from packaging (which requires the use of the electronic signature of the *sender*).

(e-ter) Any receiving Office that has notified the International Bureau in accordance with Rule 89bis.1(d-ter) may decide, in a particular case, to convert the application filed on paper into electronic form in accordance with Section 705bis.

(f) If, on 7 January 2002, the applicable national law and the technical systems of a national Office provide for the filing with it of national applications in electronic form according to requirements which are incompatible with any of items (ii) to (iv) of paragraph (b):<sup>4</sup>

(i) the provisions concerned shall not apply in respect of the Office in its capacity as a receiving Office for as long as the incompatibility continues; and

(ii) the Office may instead provide for the filing with it of international applications in electronic form according to that national law and those technical systems;

provided that the Office informs the International Bureau accordingly by the date on which the Office sends the International Bureau a notification under Rule 89bis.1(d) and in any case no later than 7 April 2002. The information received shall be promptly published by the International Bureau in the Gazette.

### Section 705quater International Applications Resubmitted in Electronic Form

(a) Where an international application filed on paper is resubmitted by the applicant in electronic form in accordance with Rule 89bis.1(d-ter), the receiving Office, for the purposes of Article 12, shall keep the resubmission as the home copy and transmit copies as the record copy and the search copy.

(b) The original of the international application filed on paper shall be kept, for a period of at least 10 years from the international filing date, by the International Bureau or, where so agreed by the receiving Office and the International Bureau, by the receiving Office on behalf of the International Bureau. The original shall be marked with the words "INTERNATIONAL APPLICATION – ORIGINAL AS FILED ON PAPER (Rule 89bis.1(d-ter))" or their equivalent in the language of publication of the international application at the bottom of the first page of the request and of the first page of the description.<sup>5</sup>

[Annex II follows]

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<sup>4</sup> *Editor's Note:* An Office that has made a transitional reservation under Section 703(f) has to comply with other applicable provisions of Part 7 and Annex F, including Section 703(b)(i). For example, Section 713(b) would require compliance with Annex F as to the electronic packaging of documents transmitted from the receiving Office to the International Bureau. That would be the case even if the international application itself as filed with the receiving Office did not, pursuant to a transitional reservation by the Office under Section 703(f), comply with the requirements of Section 703(b)(iii) and Annex F, section 5.2.1, as to electronic packaging. Moreover, an applicant who filed an international application with a receiving Office which has made a transitional reservation under Section 703(f) as to the application of Section 703(b)(iii) would not have to comply with Annex F as to PKI-based electronic packaging of the application. However, any subsequent communications in electronic form between the applicant and the International Bureau, the International Searching Authority or the International Preliminary Examining Authority would have to comply with Annex F.

<sup>5</sup> *Editor's Note:* In principle, receiving Offices should mark the original at the time of its receipt but they could also mark the original when it is relied upon for the purposes of the correction of the record copy under Section 705bis(d).

**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

**PCT**

NOTIFICATION THAT INTERNATIONAL  
APPLICATION CONSIDERED  
WITHDRAWN

(PCT Article 14(1) or (3) and Rules 12.3(d) or  
12.4(d), 26.3ter(e), 26.5, 29.1 or 92.4(g)(i))

To:	Date of mailing (day/month/year)
Applicant's or agent's file reference	<b>IMPORTANT NOTIFICATION</b>
International application No.	International filing date (day/month/year)
Applicant	

The applicant is hereby notified that **the international application is declared by this receiving Office to be considered withdrawn** for the reason indicated below:

- Failure to correct certain defects:** An invitation (Form PCT/RO/106) to correct defects in the international application was mailed by this receiving Office on \_\_\_\_\_  
However:  no corrections, in response to that invitation, have been received within the prescribed time limit.  
 applicant's corrections as submitted do not properly correct the defects noted in that invitation.
- Failure to furnish the required translation of the international application and/or to pay the late furnishing fee:** An invitation (Form PCT/RO/145, Form PCT/RO/150 or Form PCT/RO/157) was mailed by this receiving Office on \_\_\_\_\_  
However, within the time limit referred to in that invitation:  
 the required translation was not furnished.  the required late furnishing fee was not paid.
- Failure to pay prescribed fees:** An invitation (Form PCT/RO/133) to pay the prescribed fees was mailed by this receiving Office on \_\_\_\_\_  
However, within the time limit referred to in that invitation:  
 no fees have been paid.  
 the amounts paid are not sufficient to cover the transmittal fee, the international filing fee, the search fee and the late payment fee.
- Failure to furnish the original of the international application:** An invitation (Form PCT/RO/141) ~~to furnish the original of the international application (transmitted earlier by facsimile machine/teleprinter/etc.)~~ was mailed by this receiving Office on \_\_\_\_\_  
However, the original was not furnished within the time limit fixed in that invitation.
- A copy of this Notification has been sent to the International Bureau and to the International Searching Authority.

**ATTENTION:** This international application will not be published **only** if this Notification reaches the International Bureau before completion of technical preparations for international publication (Rule 29.1(v)).

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

## PATENT COOPERATION TREATY

From the RECEIVING OFFICE

**PCT**NOTIFICATION THAT INTERNATIONAL  
APPLICATION CONSIDERED  
WITHDRAWN(PCT Article 14(1) or (3) and Rules 12.3(d) or  
12.4(d), 26.3ter(e), 26.5, 29.1, 89bis.1(d-ter) or 92.4(g)(i))

To:	
	Date of mailing (day/month/year)
Applicant's or agent's file reference	<b>IMPORTANT NOTIFICATION</b>
International application No.	International filing date (day/month/year)
Applicant	

The applicant is hereby notified that **the international application is declared by this receiving Office to be considered withdrawn** for the reason indicated below:

1.  **Failure to correct certain defects:** An invitation (Form PCT/RO/106) to correct defects in the international application was mailed by this receiving Office on \_\_\_\_\_  
 However:  no corrections, in response to that invitation, have been received within the prescribed time limit.  
 applicant's corrections as submitted do not properly correct the defects noted in that invitation.
2.  **Failure to furnish the required translation of the international application and/or to pay the late furnishing fee:** An invitation (Form PCT/RO/145, Form PCT/RO/150 or Form PCT/RO/157) was mailed by this receiving Office on \_\_\_\_\_  
 However, within the time limit referred to in that invitation:  
 the required translation was not furnished.  the required late furnishing fee was not paid.
3.  **Failure to pay prescribed fees:** An invitation (Form PCT/RO/133) to pay the prescribed fees was mailed by this receiving Office on \_\_\_\_\_  
 However, within the time limit referred to in that invitation:  
 no fees have been paid.  
 the amounts paid are not sufficient to cover the transmittal fee, the international filing fee, the search fee and the late payment fee.
4.  **Failure to furnish the international application by the specified means:** An invitation (Form PCT/RO/141) was mailed by this receiving Office on \_\_\_\_\_  
 However, no response was received within the time limit fixed in that invitation.
5.  A copy of this Notification has been sent to the International Bureau and to the International Searching Authority.

**ATTENTION:** This international application will not be published **only** if this Notification reaches the International Bureau before completion of technical preparations for international publication (Rule 29.1(v)).

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

Annex II to Circular C. PCT 1680  
page 3  
**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

To:
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# PCT

INVITATION ~~TO FURNISH ORIGINAL~~  
~~OF~~ DOCUMENT TRANSMITTED BY  
~~TELEGRAPH, TELEPRINTER,~~  
~~FACSIMILE MACHINE, ETC.~~

(PCT Rule 92.4(d), (e) and (f))

	Date of mailing <i>(day/month/year)</i>
Applicant's or agent's file reference	<b>REPLY DUE</b> <span style="color: red; font-size: small;">within                      month/days from the above date of mailing</span>
International application No.	International filing date <i>(day/month/year)</i>
Applicant	

1. This receiving Office has received on \_\_\_\_\_ via facsimile  
~~machine/teleprinter/telegraph~~ the following document:

- the international application.
- a document purporting to be an international application.
- a document which appears to be/which is/entitled:  
\_\_\_\_\_ .

2.  ~~However, the original of the document was not furnished within 14 days of the date of receipt of the earlier transmission as is required by this receiving Office.~~

3. The applicant is hereby **invited** within the time limit indicated above ~~to furnish the original of the document concerned with a letter identifying the earlier transmission.~~

4. **Failure to furnish the original of the document concerned** will have the following consequence:

- where the document concerned is the international application, the international application will be considered withdrawn and the receiving Office shall so declare.
- where the document concerned is a document subsequent to the international application, the document will be considered as not having been submitted.

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.



Annex II to Circular C. PCT 1680  
page 4  
**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

# PCT

INVITATION CONCERNING DOCUMENT  
SUBMITTED ON PAPER OR  
TRANSMITTED BY FACSIMILE

(PCT Rules 89bis.1(d-ter), 89bis.2 and  
92.4(d), (e) and (f))

To:
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Date of mailing <i>(day/month/year)</i>
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Applicant's or agent's file reference
---------------------------------------

<b>REPLY DUE</b>  <u>See item 2 or 3</u>
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International application No.
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International filing date <i>(day/month/year)</i>
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Applicant
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<p>1. This receiving Office has received on _____ the following document:</p> <p style="margin-left: 40px;"> <input type="checkbox"/> the international application.  <input type="checkbox"/> a document purporting to be an international application.  <input type="checkbox"/> a document which appears to be/which is/entitled: _____         </p> <p>2. <input type="checkbox"/> This receiving Office requires <b>electronic resubmission of documents</b> submitted on paper. The applicant is <b>invited to electronically resubmit</b> the document concerned <b>within two months</b> from the date of this invitation.</p> <p>3. <input type="checkbox"/> <u>The receiving Office has not received the original of the document within 14 days of the facsimile transmission.</u> The applicant is <b>invited to furnish the original</b> of the document concerned with a letter identifying the earlier transmission <b>within _____ months/days.</b></p> <p>4. <b>Failure to comply with this invitation</b> will have the following consequence:</p> <ul style="list-style-type: none"> <li>- where the document concerned is the international application, the international application will be considered withdrawn and the receiving Office shall so declare.</li> <li>- where the document concerned is a document subsequent to the international application, the document will be <u>disregarded or considered as not having been submitted.</u></li> </ul>
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Name and mailing address of the receiving Office
Facsimile No.

Authorized officer
Telephone No.

Annex II to Circular C. PCT 1680  
page 5  
**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

# PCT

NOTIFICATION REGARDING RECEIPT  
OF DOCUMENTS VIA ~~TELEGRAPH,~~  
~~TELEPRINTER, FACSIMILE MACHINE, ETC.~~

(PCT Rule 92.4(h))

To:
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Date of mailing <i>(day/month/year)</i>
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Applicant's or agent's file reference
---------------------------------------

<b>REPLY DUE</b>	<b>NONE</b>
However, see last paragraph below	

International application No.
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International filing date <i>(day/month/year)</i>
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Applicant
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1. The applicant is hereby notified that this receiving Office has received ~~via~~

~~facsimile machine~~     
  ~~teleprinter~~     
  ~~telegraph~~

other means (*specify*): \_\_\_\_\_

the following document: \_\_\_\_\_ .

2. However, this receiving Office does not accept

receipt of any document via that means.  
 receipt of international applications via that means.  
 other (*specify*): \_\_\_\_\_

3. Consequently, **the document concerned is treated as not having been received** by this receiving Office. ~~The applicant should promptly submit the original document to this receiving Office by mail, air mail, or another means accepted by this Office.~~

Name and mailing address of the receiving Office
Facsimile No.

Authorized officer
Telephone No.

Annex II to Circular C. PCT 1680  
page 6  
**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

# PCT

NOTIFICATION REGARDING RECEIPT  
OF DOCUMENTS ON PAPER OR VIA FACSIMILE

(PCT Rules 89bis.1(d-bis), 89bis.2 and 92.4(h))

To:
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Date of mailing <i>(day/month/year)</i>
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Applicant's or agent's file reference
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<b>REPLY DUE</b>	<b>NONE</b>
However, see last paragraph below	

International application No.
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International filing date <i>(day/month/year)</i>
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Applicant
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<p>1. The applicant is hereby notified that this receiving Office has received</p> <p style="text-align: center;"> <input type="checkbox"/> <u>on paper</u>                              <input type="checkbox"/> <u>via facsimile</u>                              <input type="checkbox"/> <u>via other means (specify):</u> </p> <p>the following document: _____</p> <p>2. However, this receiving Office does not accept</p> <p style="padding-left: 20px;"> <input type="checkbox"/> receipt of any document via that means.  <input type="checkbox"/> receipt of international applications via that means.  <input type="checkbox"/> other (<i>specify</i>):         </p>   <p>3. Consequently, <b>the document concerned is treated as not having been received</b> by this receiving Office. <u>The applicant should resubmit the document by means accepted by this receiving Office. Please refer to the <i>PCT Applicant's Guide, Annex C – Receiving Office.</i></u></p>
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Name and mailing address of the receiving Office
Facsimile No.

Authorized officer
Telephone No.

Annex II to Circular C. PCT 1680  
page 7  
**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

To:
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# PCT

NOTIFICATION CONCERNING ~~PAPER~~  
BEING DISREGARDED OR ~~DOCUMENT~~  
CONSIDERED AS NOT HAVING  
BEEN SUBMITTED

(PCT Rules 92.1(b), last sentence, and 92.4(g)(ii))

	Date of mailing <i>(day/month/year)</i>
Applicant's or agent's file reference	<b>IMPORTANT NOTIFICATION</b>
International application No.	International filing date <i>(day/month/year)</i>
Applicant	

1.  ~~An invitation (Form PCT/RO/131) to correct defects in correspondence submitted by the applicant~~ was mailed by this receiving Office on:

\_\_\_\_\_.

However, no response to the invitation was received by this Office within the time limit indicated in that invitation.

Consequently, this Office hereby notifies the applicant that **the paper referred to in that invitation is being disregarded.**

2.  ~~An invitation (Form PCT/RO/141) to furnish the original of a document transmitted by telegraph, teleprinter, facsimile machine, etc., was mailed by this receiving Office on:~~

\_\_\_\_\_.

However, ~~no response to the invitation was received by this Office within the time limit indicated in that invitation.~~

Consequently, this Office hereby notifies the applicant that **the document referred to in that invitation is considered as not having been submitted.**

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

Annex II to Circular C. PCT 1680  
page 8  
**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

# PCT

NOTIFICATION CONCERNING DOCUMENT  
BEING DISREGARDED OR CONSIDERED  
AS NOT HAVING BEEN SUBMITTED

(PCT Rules 89bis.2, 92.1(b), last sentence, and 92.4(g)(ii))

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference	<b>IMPORTANT NOTIFICATION</b>
International application No.	International filing date (day/month/year)
Applicant	

1. An invitation

Form PCT/RO/131

Form PCT/RO/141

was mailed by this receiving Office on:

\_\_\_\_\_.

2. However, no response to the invitation was received by this Office within the time limit indicated in that invitation. Consequently, this Office hereby notifies the applicant that **the document referred to in that invitation is being disregarded or considered as not having been submitted.**

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

**PATENT COOPERATION TREATY**

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

INVITATION ~~TO FURNISH ORIGINAL~~  
~~OF DOCUMENT TRANSMITTED BY~~  
~~TELEGRAPH, TELEPRINTER,~~  
~~FACSIMILE MACHINE, ETC.~~

(PCT Rule 92.4(d), (e) and (f))

To:

Date of mailing  
 (day/month/year)

Applicant's or agent's file reference

**REPLY DUE** within month/days  
 from the above date of mailing

International application No.

International filing date  
 (day/month/year)

Applicant

1. This International Searching Authority has received on \_\_\_\_\_  
~~via facsimile machine/teleprinter/teletype~~ a document which appears to be/which is/ entitled:

\_\_\_\_\_ .

2.  ~~However, the original of the document was not furnished within 14 days of the date of receipt of the earlier transmission as is required by this International Searching Authority.~~

3. The applicant is **hereby invited**, ~~within the time limit indicated above,~~ **to furnish the original** of the document concerned with a letter identifying the earlier transmission.

4. **Failure to furnish the original of the document concerned** ~~within the time limit indicated above~~ will result in that document being considered as not having been submitted.

Name and mailing address of the ISA/  
  
 Facsimile No.

Authorized officer  
  
 Telephone No.

Annex II to Circular C. PCT 1680  
page 10  
PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

INVITATION CONCERNING DOCUMENT  
SUBMITTED ON PAPER OR  
TRANSMITTED BY FACSIMILE

(PCT Rules 89bis.2, 92.4(d), (e) and (f))

To:
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Date of mailing (day/month/year)
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Applicant's or agent's file reference
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<b>REPLY DUE</b> <u>See item 2 or 3</u>
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International application No.
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International filing date (day/month/year)
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Applicant
-----------

<p>1. This International Searching Authority has received on _____ a document which appears to be/which is/ entitled:</p> <p>_____</p>
<p>2. <input type="checkbox"/> This International Searching Authority requires <b>electronic resubmission of documents</b> submitted on paper. The applicant is <b>invited to electronically resubmit</b> the document concerned <b>within two months</b> from the date of this invitation.</p>
<p>3. <input type="checkbox"/> The receiving Office has not received the original of the document within 14 days of the facsimile transmission. The applicant is <b>invited to furnish the original</b> of the document concerned with a letter identifying the earlier transmission <b>within _____ months/days.</b></p>
<p>4. <b>Failure to comply with this invitation</b> within the time limit indicated above will result in that document <b>being disregarded or</b> being considered as not having been submitted.</p>

Name and mailing address of the ISA/  Facsimile No.
---

Authorized officer  Telephone No.
---

**PATENT COOPERATION TREATY**

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

NOTIFICATION REGARDING RECEIPT  
OF DOCUMENTS VIA ~~TELEGRAPH,~~  
~~TELEPRINTER, FACSIMILE MACHINE, ETC.~~

(PCT Rule 92.4(h))

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**REPLY DUE** **NONE**  
However, see last paragraph below

International application No.

International filing date  
(day/month/year)

Applicant

1. The applicant is hereby notified that this International Searching Authority has received ~~via~~

~~facsimile machine~~       ~~teleprinter~~       ~~telegraph~~

other means (specify): \_\_\_\_\_

the following document: \_\_\_\_\_

2. However, this Authority does not accept that documents be transmitted to it by that means.

3. Consequently, **the document concerned is treated as not having been received** by this Authority. ~~The applicant should promptly submit the original document to this Authority by mail, air mail, or another means accepted by this Authority.~~

Name and mailing address of the ISA/  
  
Facsimile No.

Authorized officer  
  
Telephone No.



Annex II to Circular C. PCT 1680  
page 12  
PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

NOTIFICATION REGARDING RECEIPT  
OF DOCUMENTS ON PAPER OR VIA FACSIMILE

(PCT Rules 89bis.2 and 92.4(h))

To:	Date of mailing (day/month/year)
Applicant's or agent's file reference	<b>REPLY DUE</b> <b>NONE</b> However, see last paragraph below
International application No.	International filing date (day/month/year)
Applicant	

1. The applicant is hereby notified that this International Searching Authority has received

on paper                       via facsimile                       via other means (specify):

the following document: \_\_\_\_\_.

2. However, this Authority does not accept that documents be transmitted to it by that means.

3. Consequently, **the document concerned is treated as not having been received** by this Authority. The applicant should resubmit the document by means accepted by this Authority. Please refer to the *PCT Applicant's Guide, Annex C – General Information.*

Name and mailing address of the ISA/  Facsimile No.	Authorized officer  Telephone No.
---	---

**PATENT COOPERATION TREATY**

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

NOTIFICATION CONCERNING  
~~PAPER~~-BEING DISREGARDED OR  
~~DOCUMENT~~ CONSIDERED AS NOT  
 HAVING BEEN SUBMITTED

(PCT Rules 92.1(b), last sentence, and 92.4(g)(ii))

To:

Date of mailing  
 (day/month/year)

Applicant's or agent's file reference

**IMPORTANT NOTIFICATION**

International application No.

International filing date  
 (day/month/year)

Applicant

1.  An invitation (Form PCT/ISA/223) ~~to correct defects in correspondence submitted by the applicant~~ was mailed by this International Searching Authority on:

\_\_\_\_\_.

However, no response to the invitation was received by this Authority within the time limit indicated in that invitation.

Consequently, this Authority hereby notifies the applicant that **the paper referred to in that invitation is being disregarded.**

2.  ~~An invitation (Form PCT/ISA/230) to furnish the original of a document transmitted by telegraph, teleprinter, facsimile machine, etc., was mailed by this Authority on:~~

\_\_\_\_\_.

~~However, no response to the invitation was received by this Authority within the time limit indicated in that invitation.~~

~~Consequently, this Authority hereby notifies the applicant that the document referred to in that invitation is considered as not having been submitted.~~

Name and mailing address of the ISA/  
  
 Facsimile No.

Authorized officer  
  
 Telephone No.

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**NOTIFICATION CONCERNING DOCUMENT  
BEING DISREGARDED OR CONSIDERED  
AS NOT HAVING BEEN SUBMITTED(PCT Rules 89bis.2, 92.1(b), last sentence, and 92.4(g)(ii))

To:	
	Date of mailing <i>(day/month/year)</i>
Applicant's or agent's file reference	<b>IMPORTANT NOTIFICATION</b>
International application No.	International filing date <i>(day/month/year)</i>
Applicant	

1. An invitation

Form PCT/ISA/223

Form PCT/ISA/230

was mailed by this International Searching Authority on:

\_\_\_\_\_.

2. However, no response to the invitation was received by this Authority within the time limit indicated in that invitation. Consequently, this Authority hereby notifies the applicant that **the document referred to in that invitation is being disregarded or considered as not having been submitted.**

Name and mailing address of the ISA/	Authorized officer
Facsimile No.	Telephone No.

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**PCT**

INVITATION ~~TO FURNISH ORIGINAL~~  
~~OF DOCUMENT TRANSMITTED BY~~  
~~TELEGRAPH, TELEPRINTER,~~  
~~FACSIMILE MACHINE, ETC.~~

(PCT Rule 92.4(d), (e) and (f))

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**REPLY DUE** within month/days  
from the above date of mailing

International application No.

International filing date  
(day/month/year)

Applicant

1. This International Preliminary Examining Authority has received on \_\_\_\_\_  
~~via facsimile machine/teleprinter/telegraph~~ a document which appears to be/which is/entitled:  
  
\_\_\_\_\_ .
2.  ~~However, the original of the document was not furnished within 14 days of the date of receipt of the earlier transmission as is required by this Authority.~~
3. The applicant is **hereby invited** ~~within the time limit indicated above~~ **to furnish the original** of the document concerned with a letter identifying the earlier transmission.
4. **Failure to furnish the original of the document concerned** ~~within the time limit indicated above~~ will result in that document being considered as not having been submitted.

Name and mailing address of the IPEA/  
  
Facsimile No.

Authorized officer  
  
Telephone No.

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

# PCT

INVITATION CONCERNING DOCUMENT  
SUBMITTED ON PAPER OR FACSIMILE

(PCT Rules 89bis.2 and 92.4(d), (e) and (f))

To:	
	Date of mailing (day/month/year)
Applicant's or agent's file reference	<b>REPLY DUE</b> <u>See item 2 or 3</u>
International application No.	International filing date (day/month/year)
Applicant	

1. This International Preliminary Examining Authority has received on \_\_\_\_\_  
a document which appears to be/which is/entitled:

\_\_\_\_\_ .

2.  This International Preliminary Examining Authority requires electronic resubmission of documents submitted on paper. The applicant is invited to electronically resubmit the document concerned within two months from the date of this invitation.

3.  This International Preliminary Examining Authority has not received the original of the document within 14 days of the facsimile transmission. The applicant is invited to furnish the original of the document concerned with a letter identifying the earlier transmission within \_\_\_\_\_ months/days.

4. **Failure to comply with this invitation** within the time limit indicated above will result in that document being disregarded or being considered as not having been submitted.

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**PCT**

NOTIFICATION REGARDING RECEIPT  
OF DOCUMENTS VIA ~~TELEGRAPH,~~  
~~TELEPRINTER, FACSIMILE MACHINE, ETC.~~

(PCT Rule 92.4(h))

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**REPLY DUE** NONE  
However, see last paragraph below

International application No.

International filing date  
(day/month/year)

Applicant

1. The applicant is hereby notified that this International Preliminary Examining Authority has received ~~via~~

~~facsimile machine~~       ~~teleprinter~~       ~~telegraph~~

other means (specify):

the following document: \_\_\_\_\_

2. However, this Authority does not accept that documents be transmitted to it by that means.

3. Consequently, **the document concerned is treated as not having been received** by this Authority. ~~The applicant should promptly submit the original document to this Authority by mail, air mail, or another means accepted by this Authority.~~

Name and mailing address of the IPEA/  
  
Facsimile No.

Authorized officer  
  
Telephone No.

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

# PCT

NOTIFICATION REGARDING RECEIPT  
OF DOCUMENTS ON PAPER OR VIA FACSIMILE

(PCT Rules 89bis.2 and 92.4(h))

To:	
	Date of mailing (day/month/year)
Applicant's or agent's file reference	<b>REPLY DUE</b> <span style="float: right;">NONE</span> However, see last paragraph below
International application No.	International filing date (day/month/year)
Applicant	

1. The applicant is hereby notified that this International Preliminary Examining Authority has received

on paper                     
  via facsimile                     
  via other means (specify):

the following document: \_\_\_\_\_ .

2. However, this Authority does not accept that documents be transmitted to it by that means.

3. Consequently, **the document concerned is treated as not having been received** by this Authority. The applicant should resubmit the document by means accepted by this Authority. Please refer to the *PCT Applicant's Guide, Annex C – General Information*.

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**PCT**

NOTIFICATION CONCERNING  
~~PAPER~~ BEING DISREGARDED OR  
~~DOCUMENT~~ CONSIDERED AS NOT  
HAVING BEEN SUBMITTED

(PCT Rules 92.1(b), last sentence, and 92.4(g)(ii))

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**IMPORTANT NOTIFICATION**

International application No.

International filing date  
(day/month/year)

Applicant

1.  An invitation (Form PCT/IPEA/423) ~~to correct defects in correspondence submitted by the applicant~~ was mailed by this International Preliminary Examining Authority on:

\_\_\_\_\_.

However, no response to the invitation was received by this Authority within the time limit indicated in that invitation.

Consequently, this Authority hereby notifies the applicant that **the paper referred to in that invitation is being disregarded.**

2.  ~~An invitation (Form PCT/IPEA/434) to furnish the original of a document transmitted by telegraph, teleprinter, facsimile machine, etc., was mailed by this Authority on:~~

\_\_\_\_\_.

~~However, no response to the invitation was received by this Authority within the time limit indicated in that invitation.~~

~~Consequently, this Authority hereby notifies the applicant that the document referred to in that invitation is considered as not having been submitted.~~

Name and mailing address of the IPEA/  
  
Facsimile No.

Authorized officer  
  
Telephone No.



## PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

# PCT

NOTIFICATION CONCERNING DOCUMENT  
BEING DISREGARDED OR CONSIDERED  
AS NOT HAVING BEEN SUBMITTED

(PCT Rules 89bis.2, 92.1(b), last sentence, and 92.4(g)(ii))

To:	
	Date of mailing (day/month/year)
Applicant's or agent's file reference	<b>IMPORTANT NOTIFICATION</b>
International application No.	International filing date (day/month/year)
Applicant	

1. An invitation

Form PCT/IPEA/423

Form PCT/IPEA/434

was mailed by this this International Preliminary Examining Authority on:

\_\_\_\_\_ .

2. However, no response to the invitation was received by this Authority within the time limit indicated in that invitation. Consequently, this Authority hereby notifies the applicant that the document referred to in that invitation is being disregarded or considered as not having been submitted.

Name and mailing address of the IPEA/  Facsimile No.	Authorized officer  Telephone No.
--	---

PROPOSED MODIFICATIONS OF THE RECEIVING OFFICE GUIDELINES

CHAPTER II  
GENERAL

**Marking of the Sheets of the International Application, Documents and Correspondence Relating Thereto**

14. [No change]

~~Use of Facsimile Machine and Other Like~~ Means of Communication; Date of Receipt

15 to 18 [No change]

18A. If the receiving Office requires electronic resubmission of the international application originally furnished on paper (Rule 89bis.1(d-ter)), it promptly invites the applicant to make the resubmission (Form PCT/RO/141). If the applicant fails to timely respond to the invitation, the receiving Office declares the international application withdrawn (Form PCT/RO/117). Alternatively, the receiving Office may decide in a particular case to convert the international application filed on paper into electronic form in accordance with Section 705bis.

18B. If the receiving Office requires electronic resubmission of any documents submitted on paper (Rule 89bis.1(d-ter), the receiving Office promptly invites the applicant to do so (Form PCT/RO/141). If the applicant fails to timely respond to the invitation, the receiving Office disregards the document submitted on paper (Rule 89bis.2) and notifies the applicant accordingly (Form PCT/RO/149). Alternatively, the receiving Office may decide in a particular case to convert the document submitted on paper into electronic form.

18C. If the receiving Office only accepts submissions in electronic form or by electronic means under Rule 89bis.1(d-bis), it treats any documents submitted to it on paper as not having been received, and the Office promptly notifies (Form PCT/RO/142) the applicant accordingly. Nevertheless, the receiving Office may decide in a particular case to accept any documents submitted on paper (Section 703(e-bis)).

**Computation of Time Limits**

19. [No change]

**Documents and Correspondence**

20. **Documents and Correspondence Submitted by the Applicant.** Any ~~paper document~~ submitted by the applicant in the course of the PCT procedure, other than the international application itself, must, if not itself in the form of a letter, be accompanied by a letter identifying the international application to which it relates; the letter must be signed by the applicant (Rule 92.1(a)). If those requirements are not complied with, the receiving Office informs the applicant as to the non-compliance and invites (Form PCT/RO/131) the applicant to remedy the omission within a time limit fixed in the invitation. The time limit so fixed must be reasonable in the circumstances; even where the time limit so fixed expires later than the time limit ~~applicable to the submission applying to the furnishing of the paper~~ (or even if the latter time limit has already expired), it shall be not less than 10 days and not more than one month from the date of mailing of the invitation. If the omission is remedied within the time limit fixed

in the invitation, the omission shall be disregarded; otherwise, the applicant shall be informed (Form PCT/RO/149) that the ~~paper~~submission has been disregarded (Rule 92.1(b)). Where non-compliance with those requirements has been overlooked and the ~~document~~paper taken into account for the international procedure, the non-compliance is to be disregarded (Rule 92.1(c)).

21 to 27. [No change]

#### CHAPTER IV ARTICLE 11(1) CHECK; REQUIREMENTS FOR INTERNATIONAL FILING DATE

##### Receipt of Purported International Application

35. **Marking.** Upon receipt of ~~documents~~papers purporting to be an international application, the receiving Office indelibly marks the date of actual receipt in the space provided on the last sheet of the request. It then assigns the international application number according to Section 307 and marks that number in the space provided on the first sheet of the request and in the upper right-hand corner of each sheet of the purported international application (Section 308(a) and (b)). Where the request form was not used by the applicant, the receiving Office proceeds as outlined in paragraph 75A. The receiving Office marks the date of receipt also on the fee calculation sheet, in the space provided for that purpose, if such sheet has been submitted.

36 to 38. [No change]

**38A. Electronic Resubmission of Paper Filing.** If the receiving Office requires an electronic resubmission of an international application submitted on paper, it first checks whether the purported international application is a resubmission of an international application already received on paper. If the receiving Office notices any inconsistency between the original text and the electronic resubmission before the expiration of the applicable two-month time limit, it should draw the applicant's attention to the inconsistency and give the applicant an opportunity to make any necessary corrections before the expiration of the two-month time limit.

39 to 48. [No change]

##### Confirmation of Incorporation by Reference of Missing Elements under Rule 20.6(a)

49-49D. [No change]

50. **Negative Determination (Rule 20.4).** If the receiving Office finds that the corrections of defects under Article 11(1) have not been timely received or have been received but the application still does not fulfill the requirements of Article 11(1) or if the defects could not be resolved by way of incorporation by reference of a missing element under Rules 4.18 and 20.6, it proceeds, once the time limit under Rule 20.7(a) has expired, as follows:

(i) it deletes the letters "PCT" from the indication of the international application number on any ~~documents~~papers marked previously with that number, and uses the said number without such letters in any future correspondence relating to the purported international application (Section 308(d));

(ii) it notifies (Form PCT/RO/104) the applicant that the application will not be treated as an international application and that the number marked on the ~~documents~~papers will no longer be used as an international application number (Rule 20.4(i) and (ii)); it sends a copy of that notification to the International Bureau;

(iii) it abstains from transmitting the record copy and the search copy but keeps the application and any correspondence relating thereto (Rule 20.4(iii)); it sends a copy of the said ~~documents~~~~papers~~ to the International Bureau only upon special request in case of a review under Article 25(1) (Rule 20.4(iv)); and

(iv) it refunds (Form PCT/RO/119) any international filing fee and/or search fee received, (Rules 15.4(i) and 16.2(i)); it may also refund any transmittal fee received, subject to the provisions applied by the receiving Office; for the procedure for refunding fees, see paragraphs 268 to 271.

### **Error by the Receiving Office**

51. If the receiving Office discovers or, on the basis of the applicant's reply, realizes that it should not have issued an invitation to correct since the requirements under Article 11(1) were fulfilled when the ~~documents~~~~papers~~ were received, it proceeds as outlined in paragraphs 43 and 44 (Rule 20.3(c)).

52 to 54. [No change]

## **CHAPTER V LANGUAGE CHECK (ARTICLE 3(4)(i); RULES 12.1, 12.3, 12.4 AND 26.3ter)**

52-61. [No change]

### **Language of Abstract and Text Matter of the Drawings**

62. [No change]

63. **Correction of Defects.** Where the language in which the abstract and/or any text matter of the drawings, or any part thereof, is filed is different from the language of the description and claims, the receiving Office invites (Form PCT/RO/106) the applicant to furnish, within the time limit referred to in Rule 26.2 (Rule 26.3ter(a)), a translation of the abstract and/or any text matter of the drawings into the language in which the international application is to be published under Rule 48.3(a) or (b), unless:

(i) a translation of the (entire) international application is required under Rule 12.3(a) into the language in which the application is to be published or 12.4(a) (paragraphs 67 or 67A), or

(ii) the abstract and any text matter of the drawings are (already) in the language in which the international application is to be published.

64. [no change]

65. **Failure to Correct.** Where the receiving Office has sent to the applicant an invitation under Rule 26.3ter and the applicant has not, within the applicable time limit, furnished the required translation, it proceeds as provided for in Rules 26.5 and 29.1, which apply *mutatis mutandis* (Rule 26.3ter(a)). For the procedure applicable in such case, see paragraph 159. In response to the invitation under Rule 26.3ter(a), if the applicant explains that a translation is not necessary for understanding the abstract and/or any text matter in drawings within the relevant technical field, the receiving Office may consider the defect corrected.

65A to 71. [No change]

**CHAPTER VI**  
**ARTICLE 14 CHECK AND**  
**OTHER FORMAL REQUIREMENTS**

72 to 113 [No change]

**The Competent International Searching Authority**

114 [No change]

115. If the International Searching Authority indicated by the applicant is competent, or if only one International Searching Authority is competent, the receiving Office indicates the name of that Authority on the last sheet of the request. Where more than one International Searching Authority is competent and no indication as to the choice of International Searching Authority is made in Box No. VII of the request, the receiving Office checks whether such indication appears on any other ~~document~~<sup>paper</sup> filed in connection with the international application, such as the fee calculation sheet, or on any translation submitted for the purposes of international search. Where no such indication is made, the receiving Office invites the applicant to indicate a choice as to the competent Authority within a time limit so fixed in the invitation. Form PCT/RO/132 may be used for that purpose. The time limit so fixed must be reasonable in the circumstances; it shall be not less than 15 days and not more than one month from the date of mailing of the invitation. The invitation may indicate a particular International Searching Authority as the default should the applicant fail to properly respond to the invitation. Where the Office acting as receiving Office is also an International Authority, that Office should generally be set as the default International Searching Authority. The receiving Office proceeds in the same manner where more than one Authority is competent and the applicant has indicated an Authority which is not competent in respect of the application in question. The receiving Office deletes the indication of any non-competent International Searching Authority *ex officio* (paragraphs 161 to 165) and likewise inserts an indication of a competent International Searching Authority determined through the above-mentioned process.

115A to 152 [No change]

**CORRECTIONS OF DEFECTS**

**Corrections under Article 14(1)(b) and Rule 26**

153 to 158. [No change]

159. **Failure to Correct under Article 14(1)(b) and Rule 26.** If the receiving Office finds that defects under Article 14(1)(a) have not been corrected or have not been timely corrected, it declares the international application withdrawn and promptly notifies (Form PCT/RO/117) the applicant, the International Bureau and (if the search copy has already been transmitted) the International Searching Authority (Rule 29.1(ii) and (iii)). Since international publication can only be stopped if this notification reaches the International Bureau before completion of technical preparations for international publication (Rule 29.1(v)), it is critical that the declaration that the international application is considered withdrawn be made and notified to the International Bureau early enough to be able to have this effect. In urgent cases, it is strongly recommended that the receiving Office send the notification of withdrawal to the International Bureau through ePCT, preferably using the corresponding Action. Using ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and prevent publication if submitted before the completion of technical preparations for international publication. In the rare

situation where ePCT cannot be used, the upload service is available at <https://pctcs.wipo.int/ePCTFiling> ~~www.wipo.int/pct/en/epct/contingencyupload.html~~. The receiving Office should transmit to the International Bureau a copy of Form PCT/RO/117 along with copies of all ~~documents~~ ~~papers~~ and correspondence relating to the decision declaring that the international application is considered withdrawn to facilitate any subsequent review of that decision by a designated Office under Article 25(1). In any event, in view of Rule 26.3, the receiving Office should, in general, not declare the international application withdrawn for failure to comply with the physical requirements under Rule 11; only in extreme cases of non-compliance with those requirements should the receiving Office make such declaration. Where the international application does not contain all the prescribed indications concerning the applicant (Article 14(1)(a)(ii) and Rules 4.4 and 4.5), the receiving Office should not issue a declaration under Rule 26.5 in a case where, for example, there is a minor error in an address (see the opening words of Rule 4.4(c)), or where the applicant's full name is misspelled or not indicated, even if the applicant fails to correct the defect, upon invitation, within the prescribed time limit. If there is more than one applicant, it is sufficient that the indications required under Rule 4.5(a)(ii) and (iii) be provided in respect of one of them who is entitled according to Rule 19.1 to file the international application with the receiving Office (Rule 26.2*bis*(b)) (paragraph 84A). Where failure to correct a defect which would affect the reasonably uniform international publication is noticed at a late stage, it would be inappropriate for the receiving Office to declare the international application withdrawn without first issuing a reminder and extending the time limit under Rule 26.2.

160 to 182. [No change]

#### **Certification of an Earlier Application and Transmittal to the International Bureau**

183. Where the earlier (national, regional or international) application was filed with the same Office that acts as receiving Office and the priority document is therefore to be issued by that Office, the applicant may, instead of obtaining the priority document from that Office and submitting it subsequently to that same Office or the International Bureau, request that Office as receiving Office to prepare the priority document and transmit it directly to the International Bureau. Such a request ("request for priority document") must not be made later than 16 months from the priority date and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)). The request for priority document may be made on the request form by marking the appropriate set of check-boxes in Box No. VI, or by making a request to that effect on any other ~~document~~ ~~paper~~, such as a letter accompanying the international application or on the fee calculation sheet. The latter contains a space for including the amount of the fee concerned. Such a request may also be submitted subsequently within the prescribed time limit by sending a letter to this effect.

184 to 196. [No change]

#### **Sheets Pertaining to the International Application Received without Prior Invitation**

197. The receiving Office may receive other sheets pertaining to a purported international application submitted on a date later than the date on which ~~documents~~ ~~papers~~ were first received, even though there has been no invitation under Rule 20.5(a) or 20.5*bis*(a).

198 to 221. [No change]

### **CHAPTER IX NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTING**

222 to 226. [No change]

267. If the applicant has failed to pay to the receiving Office the amount required under Rule 16*bis* or has paid less than what is needed to cover the transmittal fee, the international filing fee, where required, the late payment fee, and the search fee, the receiving Office declares the international application withdrawn under Article 14(3) and promptly notifies the applicant using Form PCT/RO/117. It sends a copy of that notification to the International Bureau and, where the search copy has already been transmitted, to the International Searching Authority (Rules 16*bis*.1(c) and 29.1). Since international publication can only be stopped if this notification reaches the International Bureau before completion of technical preparations for international publication (Rule 29.1(v)), it is critical that this declaration be made and notified to the International Bureau early enough to be able to have this effect. In urgent cases, it is strongly recommended that the receiving Office send the notification of withdrawal to the International Bureau through ePCT, preferably using the corresponding Action. Using ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and prevent publication if submitted before the completion of technical preparations for international publication. In the rare situation where ePCT cannot be used, the upload service is available at <https://pctcs.wipo.int/ePCTFiling> [www.wipo.int/pct/en/epct/contingencyupload.html](http://www.wipo.int/pct/en/epct/contingencyupload.html).

268 to 295. [No change]

## CHAPTER XIV

[Deleted]

## CHAPTER XV

### RECTIFICATION OF OBVIOUS MISTAKES UNDER RULE 91

#### Request for Rectification Submitted to the Receiving Office

302. **Decision of Receiving Office.** Where the receiving Office receives a request for rectification of an obvious mistake in the international application or other ~~documents~~~~papers~~ submitted by the applicant, such as a power of attorney, it checks whether it is competent to authorize the rectification of the mistake as requested. The receiving Office is competent to do so only if the mistake is in the request or any other ~~document~~~~paper~~ submitted to the receiving Office, other than the international application itself (description, claims, abstract, any drawings, sequence listing part of the description). Where the receiving Office is so competent, it authorizes the rectification if the mistake whose rectification is requested is an obvious mistake as defined in Rule 91.1(c) and the rectification is in the language in which the application is filed, provided that, where a translation of the request is required under Rule 26.3*ter*(c), the rectification need only be filed in the language of that translation (Rule 12.2(b)(ii)). Omissions of entire elements or sheets are not rectifiable (Rule 91.1(g)(i)). As regards the correction or addition of a declaration referred to in Rule 4.17, see paragraphs 192E and 192F.

303 to 306. [No change].

#### Transmittal to Another Authority of a Request for Rectification

307. If the receiving Office receives a request for rectification of an obvious mistake in any part of the international application other than the request or in other ~~documents~~~~papers~~, it transmits that request for rectification together with any proposed replacement sheet to the Authority competent to authorize the rectification (that is, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau, as the case may



be) and informs the applicant accordingly (Rule 91.1(b)(ii) to (iv)). It may, instead of transmitting the request for rectification, inform the applicant that the request for rectification should be sent to the Authority competent to rectify the mistake. For the language(s) in which such request for rectification must be submitted, see Rule 12.2(b).

### **Invitation to the Applicant to Request Authorization of Rectification**

308. If the receiving Office discovers what appears to be an obvious mistake in the international application or any other ~~document~~~~paper~~ submitted to it by the applicant, it may invite (Form PCT/RO/108) the applicant to submit a request for rectification to the Authority competent to authorize the rectification (Rules 91.1(b) and 91.2).

## **CHAPTER XVI CHANGES CONCERNING THE APPLICANT, INVENTOR, AGENT OR COMMON REPRESENTATIVE**

308 to 321. [No change]

### **Transmittal of Notice Effecting Withdrawal**

322. The receiving Office promptly transmits to the International Bureau any notice effecting a withdrawal under Rule 90*bis*.1, 90*bis*.2 or 90*bis*.3 (Form PCT/RO/136), of any notice effecting a withdrawal of kinds of protection (Form PCT/RO/132), with an indication of the date of receipt of the notice. If the record copy has not yet been transmitted to the International Bureau, the receiving Office transmits the notice of withdrawal to that Bureau together with the record copy (Section 326(a)). In the case of a withdrawal of the international application or of the (earliest) priority claim, it is often the applicant's intention to prevent or postpone international publication of the application. In such cases, the receiving Office must take into account the fact that the International Bureau will only be in a position to prevent or postpone that publication if the notice of withdrawal reaches it before technical preparations for international publication have been completed. In urgent cases, it is strongly recommended that the receiving Office send the notice of withdrawal to the International Bureau through ePCT, preferably using the corresponding Action. Using ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and prevent publication if submitted before the completion of technical preparations for international publication. In the rare situation where ePCT cannot be used, the upload service is available at <https://pctcs.wipo.int/ePCTFiling> ~~www.wipo.int/pct/en/epct/contingencyupload.html~~.

323 to 324. [No change].

## **CHAPTER XVIII ITEMS TO BE TRANSMITTED TO ANOTHER AUTHORITY**

325 to 336 [No change]

### **Completion of Technical Preparations for International Publication by the International Bureau**

337. The international application is published promptly after 18 months from the priority date except where early publication has been requested (Article 21(1) and (2)). International applications are usually published on Thursdays, and technical preparations for international publication are generally completed 15 calendar days before the actual publication date. When there is no international publication on a given Thursday because it is a day when the



International Bureau is not open for business, publication may, ~~but does not always~~, take place on the ~~following~~~~preceding~~ day (~~Friday~~~~Wednesday~~). In such cases, the receiving Office may contact the International Bureau for confirmation of the exact day of international publication or look up the target publication date in the ePCT system. A document, notification or communication which is to be published by the International Bureau (Rule 48.2), and might not reach the International Bureau before the date of completion of technical preparations if sent by ordinary communication means, should be transmitted through ePCT, preferably using the specific Action corresponding to the document type or using Documents upload indicating the relevant document type. Using ePCT to transmit documents will ensure that they are made

directly available in the International Bureau's processing system for urgent processing based on proximity to the target publication date. In the rare situation where ePCT cannot be used, the upload service is available at <https://pctcs.wipo.int/ePCTFiling> ~~www.wipo.int/pct/en/epct/contingencyupload.html~~.

338 to 339. [No change]

[Annex IV follows]

PROPOSED MODIFICATIONS OF THE INTERNATIONAL SEARCH AND  
PRELIMINARY EXAMINATION GUIDELINES**Chapter 8****Rule 91 – Obvious Mistakes in Documents***Rule 91.1(a)–(e), Rule 91.2*

8.01 Mistakes which are due to the fact that something other than that which was obviously intended were included in the contents of the international application or in a later submitted document~~paper~~ (for example, linguistic errors, spelling errors) may be rectified if a request for rectification is submitted within 26 months from the priority date and the necessary criteria are met. The mistake must be “obvious” in the sense that it is obvious to the competent authority:

- (i) that something else was intended than what appears in the document concerned; and
- (ii) that nothing else could have been intended than the proposed rectification.

8.02 to 8.10 [No change]

**Transmittal to Another Authority of a Request for Rectification***Rule 91.1(b)*

8.11 The following authorities are competent to authorize rectifications in the international application and associated documents~~papers~~:

- (i) if the mistake is in the request part of the international application or in a correction thereof: the receiving Office;
- (ii) if the mistake is in the description, claims or drawings or in a correction thereof: the International Searching Authority, unless the International Preliminary Examining Authority is competent under item (iii);
- (iii) if the mistake is in the description, claims, drawings or in a correction thereof, or in an amendment under Article 19 or 34, where a demand for international preliminary examination has been made and has not been withdrawn and the date on which the international preliminary examination is to start in accordance with Rule 69.1 has passed: the International Preliminary Examining Authority;
- (iv) in the case of a mistake in a document not referred to in items (i) to (iii) submitted to the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau, other than a mistake in the abstract or in an amendment under Article 19: that Office, Authority or Bureau, as the case may be.

8.12 If an International Authority receives a request for rectification of an obvious mistake in the request (where that International Authority is not also the receiving Office) or where it receives any other document~~paper~~ for which it is not the authority competent to authorize the rectification, it transmits that request together with any proposed replacement sheet to the appropriate authority, as listed above, and informs the applicant accordingly. It may, instead of transmitting the request, inform the applicant that the request should be sent to the authority competent to rectify the mistake. For the language(s) in which a request for rectification must be submitted, see Rule 12.2(b).

**Invitation to the Applicant to Request Rectification***Rule 91.1(h)*

8.13 If an International Authority discovers what appears to be an obvious mistake in the international application or any other document~~paper~~ submitted by the applicant, it may

(optionally using Form PCT/ISA/216 or PCT/IPEA/411, as applicable) invite the applicant to submit a request for rectification to the authority competent to authorize the rectification (Rule 91.1(b) and (h)). Although Rule 91.1(h) allows the International Authorities to invite rectifications, it is not expected that such invitations will be issued since any mistake which can be rectified under Rule 91 will not be an impediment to establishing the search report and should not affect the substance of any written opinion or international preliminary examination report.

### **Submission and Processing of a Request for Rectification**

8.14 to 8.15 [No change]

*Rule 91.1*

8.16 During the international preliminary examination procedure, a request for rectification of an obvious mistake in the international application may be made by the applicant of his own volition. In addition, the examiner, upon study of the international application (other than the request) and any other documents~~papers~~ submitted by the applicant, might also note obvious mistakes.

8.17 to 17.73. [No change]

## **PART VI**

### **THE INTERNATIONAL PRELIMINARY EXAMINATION STAGE (OTHER THAN THE INTERNATIONAL PRELIMINARY REPORT)**

18.01 to 18.18. [No change]

## **Chapter 19**

### **Examination Procedure Before The International Preliminary Examining Authority**

19.01 to 19.35 [No change]

#### **Matters Applicable Generally to Various Stages of International Preliminary Examination**

*Making Amendments: General Considerations*

19.36 [No change]

*Rectification of Obvious Mistakes*

*Rules 66.5, 91.1(b)*

19.37 Mistakes which are due to the fact that something other than that which was obviously intended was written in the contents of the international application (other than the request) or other document~~paper~~ submitted to the International Preliminary Examining Authority (for example, linguistic errors, spelling errors) may be rectified if a request for rectification is submitted within 26 months from the priority date. If a correction is not of this character (for example, if it involves cancellation of claims, omission of passages in the description or omission of certain drawings), it would not be authorized by the Authority (see paragraph 20.09 and Chapter 8).

*Rule 91.1(d)*

19.38 Subject to authorization (see paragraph 19.30), rectification of obvious mistakes in the international application can be made at the request of the applicant on his own volition. In addition, the examiner, upon study of the international application (other than the request) and any other documents~~papers~~ submitted by the applicant, might also note obvious mistakes. (See Chapter 8). Although Rule 91 allows the International Preliminary Examining Authority to invite the applicant to submit a request for rectifications, it is not foreseen that such invitations will be issued since any error which can be rectified under Rule 91 will not be an impediment to establishing the international preliminary examination report.

*Rules 91.1(e), (f), (g)(ii), 91.2; Section 607*

19.39 Rectification of an obvious error cannot be made before the International Preliminary Examining Authority without the express authorization of that Authority. The Authority is permitted to authorize rectification of such mistakes in a part of the international application other than the request or in any documents/papers submitted to it. The Authority may only authorize rectification of obvious mistakes if a request for rectification is submitted within 26 months from the priority date. See paragraph 8.14 to 8.17.

*Rules 66.1(d-bis), 66.4bis*

19.40 to 22.14 [No change] A rectification of an obvious mistake that is authorized under Rule 91.1 shall be taken into account by the International Preliminary Examining Authority for the purposes of the international preliminary examination. However, it need not be so taken into account for purposes of the written opinion or the international preliminary examination report if it is received by, authorized by, or notified to that Authority after it has begun to draw up that opinion or report.

*Informal Communication with the Applicant*

19.41 to A20.21[2] [No change]

**PART VIII**  
**Clerical and Administrative Procedures**  
**Chapter 22**  
**Clerical and Administrative Procedures**

22.01 to 22.51 [No change]

**Handling of Paper Submission by Authorities Requiring Electronic Submissions**

*Rules 89bis.1(d-bis), 89bis.2*

22.51A. If the International Searching Authority or the International Preliminary Examining Authority only accepts submissions in electronic form or by electronic means under Rule 89bis.1(d-bis), it treats any documents submitted to it on paper as not having been received. The Authority promptly notifies the applicant accordingly (Form PCT/ISA/231, Form PCT/IPEA/435). Nevertheless, the Authority may decide in a particular case to accept any documents submitted via other means (Sections 703 (e-bis) and 713).

**Electronic Resubmission of Paper Documents**

*Rules 89bis.1(d-ter), 89bis.2*

22.51B. If the International Searching Authority or the International Preliminary Examining Authority requires electronic resubmission of any documents submitted on paper (Rule 89bis.1(d-ter), 89bis.2), the Authority promptly invites the applicant to make the submission (Form PCT/ISA/230 or Form PCT/IPEA/434). If the applicant fails to timely respond to the invitation, the Authority disregards the document submitted on paper and notifies the applicant accordingly (Form PCT/ISA/232 or Form PCT/IPEA/438). Alternatively, the Authority may decide in a particular case to convert the document submitted on paper into electronic form in accordance with Section 705bis (Sections 703(e-ter) and 713).

22.51C. If the International Searching Authority or the International Preliminary Examining Authority notices any inconsistency between the original text and the electronic resubmission before the expiration of the applicable two-month time limit, it should draw the applicant's attention to the inconsistency and give the applicant an opportunity to make any necessary corrections before the expiration of the two-month time limit.

## Irregularities in the Mail Service

*Rule 82*

22.52 to 22.55 [No change]

*Rules 92.1(a), 92.2(a)*

22.56 It should also be noticed that any document~~paper~~ submitted by the applicant in the course of international preliminary examination other than the international application itself, if not in the form of a letter, must be accompanied by a letter signed by the applicant. The letter should identify the international application to which it relates and be in the same language as the said application or in one of the languages authorized to be used by the International Preliminary Examining Authority. If these requirements are not complied with, the applicant should be informed as to the non-compliance and invited to remedy the omission within a time limit fixed in the invitation. The time limit should be reasonable in the circumstances, but no less than 10 days and no more than one month from the mailing of the invitation. If the omission is remedied within the time limit fixed in the invitation, the omission should be disregarded, otherwise the document~~paper~~ should be disregarded.

*Rules 55, 60.1(a) to (e)*

22.57 to 22.61 [No change]

[End of Annex IV and of Circular]