# Questionnaire

Your Office is kindly requested to fill in this questionnaire. Please note the following additional information:

* *Background information: document PCT/WG/6/20, in Annex II to this Circular.*
* *Deadline for reply :* ***April 4, 2014***
* *When answering, please provide a detailed reasoning and examples if possible.*

RESPONSE FROM:

Name of responsible official:

On behalf of *[State, Office or Organization]*:

**Q1.** Is the incorporation by reference of a full specification (set of claims and description) as a missing part under Rule 20 PCT allowable at your Office?

**Q2.** Does your Office allow the incorporation by reference of missing parts under Rule 20 PCT where multiple priorities are claimed e.g. the applicant incorporates by reference some claims from two priority documents and a set of drawings from a third priority document? If so, how does your Office proceed in practice?

**Q3.** Irrespective of whether your Office currently applies missing parts provisions under Rule 20 PCT, is your Office of the opinion that a full specification (set of claims and description) may qualify as a missing part under Rule 20 PCT and thus get as the international filing date the date of receipt of the originally filed erroneous documents (erroneous filing)?

**Q4.** Does your Office believe that Rule 20 PCT is not clear on the matter of incorporation by reference of a full specification (set of claims and description) and should thus be reviewed in order to reduce legal uncertainty (see paragraph 6 of document PCT/WG/6/20, in Annex II to this Circular)?

**Q5.** If Rule 20 PCT were to be reviewed, would your Office be in favor of amending that Rule to cover the incorporation of a full specification (set of claims and description) into erroneous filings, or on the contrary to clarify that this practice should not be acceptable?

**Q6.** If Rule 20 PCT (were to) cover the incorporation of a full specification (set of claims and description) into erroneous filings, would your Office agree that International Searching Authorities (ISAs) be entitled to charge an additional search fee to the applicant in cases where the search copy was already sent to the ISA?

**Q7.** Would your Office agree that receiving Offices be entitled to charge a fee for incorporation by reference of missing parts to cover additional administrative costs?

**Q8.** Is your Office of the opinion that the replacement of erroneous parts or elements of an international application by new parts incorporated by reference (as proposed in paragraphs 8 and 9 of the Annex to document PCT/WG/6/15 “Discussion of Expanded PCT 20/20 Proposals”) could potentially affect the disclosure of the invention, and hence should rather be dealt with as an amendment in the Chapter II procedure?

**Q9.** With a view to incorporate by reference missing parts under Rule 20 PCT, certain receiving Offices accept that applicants indicate priority claims which bear the same date as the international filing date. Does your Office follow or support such practice (also under the applicable national law)?

**Q10.** Is your Office of the opinion that the practice of certain receiving Offices to accept priority claims which bear the same date as the international filing date is in line with the Paris Convention so that the priority claim is valid?

**Q11.** Is your Office of the opinion that the practice of certain receiving Offices to accept priority claims which bear the same date as the international filing date is in line with the PCT? If not, does your Office believe that PCT provisions (Rules, Receiving Office Guidelines) should be amended to allow receiving Offices to accept priority claims which bear the same date as the international filing date?