

C. PCT 1586

February 4, 2020

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-first session held in Geneva on September 30 to October 9, 2019 (see documents PCT/A/51/2 and PCT/A/51/4), which will enter into force on July 1, 2020.

The amendments to the Regulations relate to the following matters: (a) safeguards in case of outages affecting Offices (Rule 82*quater*), (b) correction or addition of indications under Rule 4.11 (Rule 26*quater*), (c) erroneously filed elements and parts of the international application (Rules 4, 12, 20, 40*bis*, 48, 51*bis*, 55 and 82*ter*), (d) transfer of PCT Fees (Rules 15, 16, 57 and 96), and (e) availability of the file held by the IPEA (Rules 71 and 94), as set out in Annexes I to V of document PCT/A/51/2 respectively. The present Circular consults on the proposed modifications relating to all of the above matters except for the transfer of PCT fees, which will be consulted on via a separate Circular later. The occasion of this Circular is also used to propose modifications concerning certain other matters that are not related to the amendments to the Regulations mentioned above. Detailed explanations may not be

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provided in all instances, especially when the proposed modifications are self-evident or of an editorial nature.

I. Proposed modifications of the Administrative Instructions

Section 111 and Annex E are proposed to be modified as a result of the amendments to Rule 82*quater*. For increasing the transparency and legal certainty of the procedure, it is proposed that any Office providing for the excuse of delays under Rule 82*quater*.2 should notify the International Bureau (IB) of the existence of such provisions (before notifying the IB of any specific outage as required by the Rule), so that the IB can publish the information in the Gazette and make applicants aware of such potential remedies (Section 111(c) and (d)). For the information notified to the IB concerning any specific outages, it is proposed that the IB will also publish this information in the Gazette (Section 111(e)).

Sections 308*bis*, 309 to 310*bis*, 311, 410 and 413 and Annexes C and D are proposed to be modified consequential to the amendments of Rules 4, 12, 20, 40*bis*, 48, 51*bis*, 55 and 82*ter*. Specifically, based on the Understanding adopted by the Assembly (see paragraph 17(ii) of document PCT/A/51/4 and paragraph 7(a) of document PCT/A/51/2), it is proposed to specify in Section 309(g) that, where incorporation by reference cannot be applied because of a reservation made under Rule 20.8(a-*bis*), the receiving Office and the IB should automatically agree to the transmittal of the international application to the IB as receiving Office. Furthermore, in the case where a correct element or part is incorporated by reference and the erroneously filed element or part remains in the international application, it is proposed that the receiving Office (and if it fails to do so, the IB) should number the sheets of the correct element or part in the same manner which applies to all substitute sheets, and simply move the sheets containing the erroneously filed element or part to the end of the corresponding element of the application without affecting the page numbers (Sections 309(b)(iv), 311(b)(iii) and 410(c)).

New Sections 317*bis* and 419*bis* are proposed to be added consequential to the amendments of Rule 26*quater*. Section 317*bis*, modelled on Section 317, would provide a legal basis for treating the date of receipt at the receiving Office as the date of receipt at the IB in the specified case. Section 419*bis* is as proposed by the United States of America in document PCT/WG/12/8.

New Sections 420*bis* and 602*bis* are proposed to be added as a result of the amendments to Rules 71 and 94. Based on the views expressed on the matter (see document PCT/WG/12/12 and document PCT/WG/12/25, paragraphs 235 to 254), it is proposed that the IPEA should transmit to the IB the documents listed in Section 602*bis*(a). It is further proposed that the IPEA may transmit these documents to the IB at any time but not later than at the time of transmitting a copy of the international preliminary examination report to the IB, so as to allow some flexibility in time for effecting such transmittal. Moreover, paragraph (c) of Section 602*bis* would permit an IPEA to postpone the implementation of this requirement for up to three years if it is not technically prepared to do so by July 1, 2020. Furthermore, it is also proposed to clarify in Section 420*bis* that the documents received by the IB should be communicated to the elected Offices, as this seems to be a precondition for permitting the IB to make those documents available on PATENTSCOPE on behalf of certain elected Offices under Rule 94.1(c). In practice, the communication would be effected only upon request by the Office concerned (Rule 93*bis*.1(a)) and, if no such a request is received, the IB would not need to actually send the documents to the elected Offices, which could always directly retrieve them from PATENTSCOPE if needed.

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./ The proposed modifications of the Administrative Instructions are set out in Annex I to this Circular. Certain paragraphs that are not proposed to be modified have been included for ease of reference.

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

Forms PCT/RO/101 (Request), PCT/RO/107, PCT/RO/114, PCT/RO/118 and PCT/RO/126 are proposed to be modified, and a new Form PCT/ISA/208 created, consequential to the amendments of Rules 4, 12, 20, 40*bis*, 48, 51*bis*, 55 and 82*ter* and the proposed modifications to the Administrative Instructions in this respect as explained above. With respect to the invitation to pay the (special) additional fees in the circumstance described in Rule 40*bis*.1, it is proposed not to change the existing Form (PCT/ISA/206) for inviting the applicant to pay the (usual) additional fees where unity of invention is found to be lacking. It is further proposed to create a new Form PCT/RO/129 for notifying the applicant of the decision following the applicant's request to disregard the later submitted sheets; this notification is currently mixed into Form PCT/RO/126 which has led to some confusion.

Forms PCT/IB/310 and PCT/IPEA/415 are proposed to be modified as a result of the amendments to Rules 71 and 94 and the proposed modifications to the Administrative Instructions in this respect as explained above.

A new Form PCT/IB/324 is proposed to be created as a result of the amendments to Rule 26*quater*. It serves the purpose of notifying the applicant of the decision concerning a request for adding or correcting an indication under Rule 4.11, as required by the new Rule 26*quater* and the proposed new Section 419*bis*.

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

III. *Proposed modifications of the RO Guidelines*

Paragraphs 30 to 30D are proposed to be modified as a result of the amendments to Rule 82*quater* and the proposed modifications to Section 111 as explained above. Noting that the excuse of a delay in the circumstance referred to in Rule 82*quater*.2 is not automatic and the applicant should present a request to this effect, which is different from the circumstance referred to in Rule 80.5(i), it is proposed to clarify the procedure and provide appropriate guidance in paragraphs 30A to 30C.

Paragraphs 45A, 47 and Chapter VIII (concerning paragraphs 194A to 199, 200A, 203A, 203B, and 204 to 206) are proposed to be modified consequential to the amendments of Rules 4, 12, 20, 40*bis*, 48, 51*bis*, 55 and 82*ter* and the proposed modifications to the Administrative Instructions in this respect as explained above.

Paragraphs 116 and 325 are proposed to be modified consequential to the amendments of Rule 26*quater*. Although the receiving Office is not obliged to check any defect in relation to an indication under Rule 4.11, it is suggested to clarify that it *may* do so and, where any such

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defect is found, notify the applicant of the appropriate procedure for making a correction (paragraph 116). Where a notice of correction or addition under Rule 26*quater* is submitted to the receiving Office, it should transmit it to the IB (paragraph 325).

Paragraph 208 is proposed to be modified to clarify that, where the receiving Office notices discrepancies between a replacement sheet furnished under Rule 26 and the replaced sheet, and it informs the applicant about the possible ways of correction, it also mentions, where appropriate, the possibility of incorporation by reference in addition to rectification of obvious mistakes. This would provide the applicant with a full picture of legal remedies available.

./. 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*

Paragraphs 19.50 and 22.52A to 22.52D are proposed to be modified as a result of the amendments to Rule 82*quater* and the proposed modifications to Section 111 as explained above.

Paragraphs 2.12, 6.01, 15.11 to 15.11C, 17.13, 17.16A, 17.16B, 18.07 and 22.27 are proposed to be modified consequential to the amendments of Rules 4, 12, 20, 40*bis*, 48, 51*bis*, 55 and 82*ter* and the proposed modifications to the Administrative Instructions in this respect as explained above. The proposed modifications in paragraphs 15.11A to 15.11C and 17.16A also take into account the corresponding Understanding adopted by the Assembly (see paragraph 17(ii) of document PCT/A/51/4 and paragraph 7(b) of document PCT/A/51/2). With respect to the invitation to pay the (special) additional fees in the circumstance described in Rule 40*bis*.1, it is proposed not to change the existing practice of inviting the applicant to pay the (usual) additional fees where unity of invention is found to be lacking. Moreover, it is proposed that, when (and only when) a missing part or a correct element or part has *not* been taken into account following an invitation to pay additional fees, the ISA will make a corresponding remark in item 5 "Additional comments" of Box No. I of the written opinion (paragraph 17.16A). This would avoid placing an unnecessary burden on the ISA examiners in the vast majority of cases.

Paragraphs 3.25 to 3.28, 22.58A and 22.58B are proposed to be modified consequential to the amendments of Rules 71 and 94 and the proposed modifications to the Administrative Instructions in this respect as explained above.

./. 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.

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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 March 9, 2020, by e-mail to: pct.legal@wipo.int.

Yours sincerely,



John Sandage
Deputy Director General

Enclosures: Annex I — Proposed modifications of the Administrative Instructions

Annex II — Proposed modified PCT Forms PCT/RO/101 (Request), PCT/RO/107, PCT/RO/114, PCT/RO/118, PCT/RO/126, PCT/RO/129, PCT/ISA/208, PCT/IB/310, PCT/IB/324 and PCT/IPEA/415 (modified pages only)

Annex III — Proposed modifications of the PCT Receiving Office Guidelines

Annex IV — Proposed modifications of the PCT International Search and Preliminary Examination Guidelines

PROPOSED MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS

Section 111

Procedure and Considerations in the Case of Excuse of the Delay in Meeting Certain Time Limits under Rule 82*quater*

(a) Where the receiving Office, the International Searching Authority, the Authority specified for supplementary search, the International Preliminary Examining Authority, or the International Bureau receives a request under Rule 82*quater* for the excuse of a delay in meeting a time limit, it shall promptly:

(i) communicate its decision whether or not to excuse such a delay to the interested party; and

(ii) where applicable, transmit a copy of such a request, a copy of any evidence furnished and of its decision to the International Bureau.

(b) An interested party desiring to have delays excused due to general unavailability of electronic communications services [under Rule 82*quater*.1](#) must establish that the outage of electronic communications services affected a widespread geographical area rather than being a localized problem, that it was unexpected or unforeseen, and that there was no alternative communication means available to him.

[\(c\) Where any Office that acts as the receiving Office, the International Searching Authority, the Authority specified for supplementary search, or the International Preliminary Examining Authority provides for the excuse of a delay in meeting time limits due to the unavailability of electronic means of communication at the Office under Rule 82*quater*.2, it shall notify the International Bureau accordingly. The International Bureau shall promptly publish this information in the Gazette.](#)

[\(d\) Where the International Bureau provides for the excuse of a delay in meeting time limits due to the unavailability of electronic means of communication at the Bureau under Rule 82*quater*.2, it shall publish this information in the Gazette.](#)

[\(e\) The International Bureau shall also promptly publish in the Gazette any notification received by it under Rule 82*quater*.2\(a\), last sentence.](#)

Section 308*bis*

Marking of Later Submitted Sheets

The receiving Office shall indelibly mark any sheet containing an element referred to in Article 11(1)(iii)(d) or (e), or a part referred to in Rule 20.5(a) [or 20.5*bis*\(a\)](#), received on a date later than the date on which sheets were first received ("later submitted sheet"), in the upper right-hand corner of each sheet, with the international application number referred to in Section 307 and the date of actual receipt of that sheet.

Section 309

Procedure in the Case of Later Submitted Sheets Furnished for the Purposes of Incorporation by Reference

(a) This Section applies, subject to paragraph (f), to later submitted sheets which accompany a notice confirming under Rule 20.6 that an element or part embodied in those sheets was incorporated by reference.

(b) Where later submitted sheets as referred to in paragraph (a) are received within the applicable time limit referred to in Rule 20.7 and the receiving Office makes a finding under Rule 20.6(b), the receiving Office shall:

(i) indelibly mark, in the middle of the bottom margin of each later submitted sheet, the words "INCORPORATED BY REFERENCE (RULE 20.6)", or their equivalent in the language of publication of the international application;

(ii) notify the applicant that the element or part contained in the later submitted sheets is considered to have been contained in the international application or purported international application on the date when sheets were first received and that that date has been accorded or retained, as the case may be, as the international filing date;

(iii) keep in its files a copy of the later submitted sheets marked under item (i) and of the notice under Rule 20.6(a);

(iv) where the later submitted sheets are furnished under Rule 20.5bis to correct any sheets that have been erroneously filed ("erroneously filed sheets"), indelibly mark, in the middle of the bottom margin of each erroneously filed sheet, the words "ERRONEOUSLY FILED (RULE 20.5bis)", or their equivalent in the language of publication of the international application, and move the erroneously filed sheets to the end of the corresponding element of the purported international application;

~~(iv)~~ where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority accordingly, and transmit the later submitted sheets marked under item (i) to the said Bureau and a copy thereof to the said Authority; and

~~(v)~~ where transmittals under Article 12(1) have not yet been made, attach the later submitted sheets marked under item (i) and the notice under Rule 20.6(a) to the record copy and a copy thereof to the search copy.

(c) Where later submitted sheets referred to in paragraph (a) are received within the applicable time limit referred to in Rule 20.7 and the receiving Office makes a finding under Rule 20.6(c), the receiving Office shall, subject to Section 310bis:

(i) effect the required correction of the international filing date or accord as the international filing date the date of receipt of the later submitted sheets;

(ii) notify the applicant that the content of the later submitted sheets is not considered to have been contained in the international application or purported international application on the date when sheets were first received and that the international filing date has been accorded as, or corrected to, as the case may be, the date on which the new sheets were received;

(iii) keep in its files a copy of the later submitted sheets and of the notice under Rule 20.6(a);

(iv) where the later submitted sheets are furnished under Rule 20.5bis to correct any erroneously filed sheets, remove the erroneously filed sheets from the international application and notify the applicant accordingly, and keep a copy in the file;

~~(iv)~~ where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority accordingly and transmit a copy of the corrected first and last sheets of the request, the later submitted sheets and the notice under Rule 20.6(a) to the said Bureau and a copy thereof to the said Authority; and

~~(v)~~ where transmittals under Article 12(1) have not yet been made, attach the later submitted sheets and the notice under Rule 20.6(a) to the record copy and a copy thereof to the search copy.

(d) Where later submitted sheets referred to in paragraph (a) are received within the applicable time limit referred to in Rule 20.7 but the purported international application still does not fulfill the requirements of Article 11(1), the receiving Office shall proceed as provided in Rule 20.4, but not before the expiration of the time limit under Rule 20.7.

(e) Where later submitted sheets referred to in paragraph (a) are received after the expiration of the applicable time limit referred to in Rule 20.7, the receiving Office shall proceed as provided in Section 310*ter*.

(f) Where later submitted sheets referred to in paragraph (a) are received but a missing element or part contained in those sheets cannot be incorporated by reference in the international application under Rules 4.18 and 20.6 because of the operation of Rule 20.8(a), the receiving Office shall:

(i) inform the applicant that the notice under Rule 20.6(a) confirming the incorporation by reference of the missing element or part has been disregarded;

(ii) proceed in accordance with Section 310(b), which shall apply *mutatis mutandis*, as if the notice under Rule 20.6(a) were a correction furnished under Rule 20.3(b)(i), or a missing part furnished under Rules 20.5(b) or (c), as the case may be; and

(iii) proceed in accordance with Section 310*bis*(b) where the applicant requests, within the time limit under Rule 20.5(e), that the missing part concerned be disregarded.

(g) Where later submitted sheets referred to in paragraph (a) are furnished under Rule 20.5*bis* to correct any erroneously filed element or part but the correct element or part embodied in those sheets cannot be incorporated by reference in the international application under Rules 4.18 and 20.6 because of the operation of Rule 20.8(a-*bis*), the receiving Office shall:

(i) subject to subparagraph (ii), transmit the international application to the International Bureau as receiving Office;

(ii) if the applicant does not authorize the transmittal of the international application under Rule 19.4(a)(iii) or does not pay the required fee within the applicable time limit, proceed in accordance with Section 333(c) and apply the procedure provided in paragraph (f) *mutatis mutandis* as if the notice under Rule 20.6(a) were a correction furnished under Rule 20.5*bis*(b) or (c), as the case may be.

Section 310

Procedure in the Case of Later Submitted Sheets Not Furnished for the Purposes of Incorporation by Reference

(a) This Section applies to later submitted sheets which do not accompany a notice confirming under Rule 20.6 that an element or part embodied in those sheets was incorporated by reference.

(b) Where later submitted sheets as referred to in paragraph (a) are received within the applicable time limit referred to in Rule 20.7 and where the international filing date is to be accorded under Rules 20.3(b)(i), ~~or~~ 20.5(b) or 20.5*bis*(b), or corrected under Rule 20.5(c) or 20.5*bis*(c), the receiving Office shall, subject to Section 310*bis*:

(i) accord the international filing date in accordance with Rules 20.3(b)(i), ~~or~~ 20.5(b) or 20.5*bis*(b), or effect the required correction of the international filing date in accordance with Rule 20.5(c) or 20.5*bis*(c), as the case may be;

(ii) notify the applicant of the correction or the according of the international filing date effected under item (i);

(iii) keep in its files a copy of the later submitted sheets;

(iv) where the later submitted sheets are furnished under Rule 20.5*bis* to replace any erroneously filed sheets, remove the erroneously filed sheets from the international application and notify the applicant accordingly, and keep a copy in the file;

~~(iv)~~ where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority accordingly and transmit a copy of the corrected first and last sheets of the request and the later submitted sheets to the said Bureau and a copy thereof to the said Authority; and

~~(vi)~~ where transmittals under Article 12(1) have not yet been made, attach the later submitted sheets to the record copy and a copy thereof to the search copy.

(c) Where later submitted sheets referred to in paragraph (a) are received within the applicable time limit referred to in Rule 20.7 but the purported international application still does not fulfill the requirements of Article 11(1), the receiving Office shall proceed as provided in Rule 20.4.

(d) Where later submitted sheets referred to in paragraph (a) are received after the expiration of the applicable time limit referred to in Rule 20.7, the receiving Office shall proceed as provided in Section 310*ter*.

Section 310*bis*
Procedure in the Case of Later Submitted Sheets
Resulting in the Correction of the International Filing Date under Rule 20.5(c)
or 20.5*bis*(c)

(a) Where, following the receipt of later submitted sheets referred to in Sections 309(a) or 310(a) within the applicable time limit referred to in Rule 20.7, the international filing date has been corrected under Rule 20.5(c) or 20.5*bis*(c), the receiving Office shall, in addition to proceeding under Sections ~~309(c)(i) to (iii)~~, or 310(b)(i) to (iii), as the case may be:

(i) draw the attention of the applicant to the procedure available under Rule 20.5(e) or 20.5*bis*(e), as the case may be;

(ii) proceed under Sections ~~309(c)(iv)–or (v) to (vi)~~, or 310(b)(iv)–~~or (v) to (vi)~~, as the case may be, but only after the expiration of the time limit under Rule 20.5(e) or 20.5*bis*(e) and only where the applicant has not made a request under that Rule.

(b) Where the applicant requests within the time limit under Rule 20.5(e) or 20.5*bis*(e) that the missing part or the correct element or part concerned be disregarded, the receiving Office shall:

(i) restore the international filing date to that which had applied prior to its correction under Rule 20.5(c) or 20.5*bis*(c);

(ii) indelibly mark, in the middle of the bottom margin of each sheet containing the missing part concerned, the words “NOT TO BE CONSIDERED (RULE 20.5(e))”, or in the middle of the bottom margin of each sheet embodying the correct element or part concerned, the words “NOT TO BE CONSIDERED (RULE 20.5*bis*(e))”, as the case may be, or their equivalent in the language of publication of the international application;

(iii) notify the applicant that the missing part or the correct element or part is considered not to have been furnished and that the international filing date has been restored to that which had applied prior to its correction under Rule 20.5(c) or 20.5*bis*(c);

(iv) keep in its files a copy of the later submitted sheets marked under item (ii) and of the request made under Rule 20.5(e) or 20.5*bis*(e);

(v) where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority accordingly, and transmit a copy of the corrected first and last sheets of the request, the later submitted sheets marked under item (ii) and the request made under Rule 20.5(e) or 20.5*bis*(e) to the said Bureau and a copy thereof to the said Authority;

(vi) where transmittals under Article 12(1) have not yet been made, notify the International Bureau accordingly and attach the later submitted sheets marked under item (ii), the notice under Rule 20.6(a) and the request under Rule 20.5(e) [or 20.5bis\(e\)](#) to the record copy.

Section 310ter
Procedure in the Case of Later Submitted Sheets
Furnished after the Expiration of the Applicable Time Limit Referred to in Rule 20.7

Where later submitted sheets referred to in Sections 309(a) or 310(a) are received after the expiration of the applicable time limit referred to in Rule 20.7, the receiving Office shall:

(i) notify the applicant of the fact and of the date of receipt of the later submitted sheets, and of the fact that they will not be considered for the PCT procedure;

(ii) indelibly mark, in the middle of the bottom margin of each sheet containing the missing element or part concerned, the words "NOT TO BE CONSIDERED (RULE 20.7)", or their equivalent in the language of publication of the international application;

(iii) keep in its files a copy of the later submitted sheets marked under item (ii) and, where applicable, of the notice under Rule 20.6(a);

(iv) where transmittals under Article 12(1) have already been made, notify the International Bureau accordingly, and transmit the later submitted sheets marked under item (ii) and, where applicable, the notice under Rule 20.6(a) to the said Bureau;

(v) where transmittals under Article 12(1) have not yet been made, notify the International Bureau accordingly, and attach the later submitted sheets marked under item (ii) and, where applicable, the notice under Rule 20.6(a) to the record copy.

Section 311
Renumbering in the Case of Deletion, Substitution or Addition
of Sheets of the International Application and of the Translation Thereof

(a) The receiving Office shall, subject to Section 207, sequentially renumber the sheets of the international application when necessitated by the addition of any new sheet, the deletion of entire sheets, a change in the order of the sheets or any other reason.

(b) The sheets of the international application shall be provisionally renumbered in the following manner:

(i) [subject to paragraph \(iii\)](#), when a sheet is deleted, the receiving Office shall either include a blank sheet with the same number and with the word "DELETED," or its equivalent in the language of publication of the international application, below the number, or insert, in brackets, below the number of the following sheet, the number of the deleted sheet with the word "DELETED" or its equivalent in the language of publication of the international application;

(ii) when one or more sheets are added, each sheet shall be identified by the number of the preceding sheet followed by a slant and then by another Arabic numeral such that the additional sheets are numbered consecutively, starting always with number one for the first sheet added after an unchanged sheet (e.g., 10/1, 15/1, 15/2, 15/3, etc.); when later additions of sheets to an existing series of added sheets are necessary, an extra numeral shall be used for identifying the further additions (e.g., 15/1, 15/1/1, 15/1/2, 15/2, etc.).

[\(iii\) where a correct element or part furnished under Rule 20.5bis to correct an erroneously filed element or part is added to the international application, the sheets of the correct element or part shall be numbered without taking into account the sheets of the erroneously filed element or part, and no action referred to in paragraph \(i\) need be taken with respect to the sheets of the erroneously filed element or part, either when they are removed from the international application under Section 309\(c\)\(iv\) or 310\(b\)\(iv\), or when they are](#)

moved to the end of the corresponding element of the international application under Section 309(b)(iv).

(c) In the cases mentioned in paragraph (b), it is recommended that the receiving Office should write, below the number of the last sheet, the total number of the sheets of the international application followed by the words "TOTAL OF SHEETS" or their equivalent in the language of publication of the international application. It is further recommended that, at the bottom of any last sheet added, the words "LAST ADDED SHEET" or their equivalent in the language of publication of the international application should be inserted.

(d) Paragraphs (a) to (c) shall apply *mutatis mutandis* to any translation of the international application furnished under Rule 12.3 or 12.4.

Section 317bis
Transmittal of a Notice of Correction or Addition
of an indication under Rule 26quater.1

If a notice under Rule 26quater.1 is submitted by the applicant to the receiving Office, that Office shall mark the date of receipt on the notice and transmit it promptly to the International Bureau. The notice shall be considered to have been received by the International Bureau on the date marked.

Section 410
Numbering of Sheets for the Purposes of International Publication;
Procedure in Case of Missing or Erroneously Filed Sheets

(a) In the course of preparing the international application for international publication, the International Bureau shall sequentially renumber the sheets to be published only when necessitated by the addition of any new sheet, the deletion of entire sheets or a change in the order of the sheets. Otherwise, the numbering provided under Section 207 shall be maintained.

(b) Where a sheet has not been filed or is not to be taken into consideration for the purposes of international processing under Section 310bis or 310ter, the International Bureau shall include an indication to that effect in the published international application.

(c) Where the receiving Office fails to correct the numbering of the sheets in accordance with Section 311(b)(iii), the International Bureau shall number the sheets accordingly.

Section 413
Incorporations by Reference under Rule 20.6, Corrections of Defects under Rule 26.4
and Rectifications of Obvious Mistakes under Rule 91

(a) Where the International Bureau receives from the receiving Office a letter containing a correction of any defects under Rule 26.4, or a replacement sheet and the letter accompanying it, the International Bureau shall transfer the correction to the record copy, together with the indication of the date on which the receiving Office received the letter, or shall insert the replacement sheet in the record copy. Any letter and any replaced sheet shall be kept in the file of the international application.

(b) Paragraph (a) shall apply *mutatis mutandis* to rectifications of obvious mistakes under Rule 91 authorized by the receiving Office, by the International Searching Authority or, where a demand has been made, by the International Preliminary Examining Authority.

(b-bis) Where the International Bureau receives from the receiving Office, under Sections 309(c)(~~iv~~), 310(b)(~~iv~~), or 310bis(b)(v), corrected sheets of the request or later submitted sheets, the International Bureau shall transfer any correction to the record copy and insert any later submitted sheets in the record copy.

(c) Where the International Bureau is notified by the International Searching Authority under Rule 43.6bis(b) that the rectification of an obvious mistake authorized under Rule 91 has not been taken into account for the purposes of the international search, the International Bureau shall notify the designated Offices and, where a demand has been made, the International Preliminary Examining Authority accordingly.

(d) Where the International Bureau is notified by the International Preliminary Examining Authority under Rule 70.2(e) that the rectification of an obvious mistake authorized under Rule 91 has not been taken into account for the purposes of the international preliminary examination, the International Bureau shall notify the elected Offices accordingly.

Section 419bis
Processing of Corrections or Additions under Rule 26quater

(a) Where any indication referred to in Rule 4.11, or any correction thereof under Rule 26quater.1, is submitted to the International Bureau within the time limit under Rule 26quater.1, the International Bureau shall enter the correction or addition in the request, draw a line through, while still leaving legible, any indication deleted as a result of the correction, and enter, in the margin, the letters "IB".

(b) The International Bureau shall promptly notify the applicant of any indication corrected or added under Rule 26quater.1.

(c) Where any indication referred to in Rule 4.11, or any correction thereof under Rule 26quater.1, is submitted to the International Bureau after the expiration of the time limit under Rule 26quater.1, the International Bureau shall notify the applicant accordingly and inform the applicant that such an indication or correction should be submitted directly to the designated Office or Offices concerned.

Section 420bis
Communication of Other Documents to Elected Offices

The International Bureau shall communicate the documents received from the International Preliminary Examining Authority under Rule 71.1(b) to each elected Office, at the same time as it effects the communication provided for in Article 36(3)(a) in accordance with Rule 73.2.

Section 602bis
Transmittal of Other Documents to the International Bureau under Rule 71.1(b)

(a) The International Preliminary Examining Authority shall transmit a copy of the following documents to the International Bureau under Rule 71.1(b):

(i) any written opinion issued by the International Preliminary Examining Authority;

(ii) any replacement sheet containing amendments under Article 34 and any letter accompanying the amendments;

(iii) any letter containing arguments that the applicant submitted to the International Preliminary Examining Authority under Rule 66.3;

(iv) any invitation to restrict the claims or pay additional fees issued by the International Preliminary Examining Authority; and

(v) any protest against the invitation to restrict the claims or pay additional fees and the decision thereon, regardless of whether or not the applicant has so requested in accordance with Rule 68.3(c).

The International Preliminary Examining Authority may transmit to the International Bureau a copy of any other document in its file.

(b) The International Preliminary Examining Authority may transmit the documents referred to in paragraph (a) to the International Bureau at any time after they have become available, but generally not later than at the time of transmitting a copy of the international preliminary examination report to that Bureau.

(c) Any International Preliminary Examining Authority may decide to postpone the application of paragraphs (a) and (b) until such time as it is technically prepared to do so, but in any case, not later than 1 July 2023.

ANNEX C
STANDARD FOR THE PRESENTATION
OF NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS
IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT

1. [No change]

DEFINITIONS

2. For the purposes of this Standard:

(i) [no change]

(i-*bis*) the expression “sequence listing forming part of the international application” means a sequence listing contained in the international application as filed (as referred to in paragraph 3), including any sequence listing or part thereof which is included in the international application under Rule 20.5(b) or (c), or 20.5bis(b) or (c), which is considered to have been contained in the international application under Rule 20.6(b), or which has been corrected under Rule 26, rectified under Rule 91 or amended under Article 34(2); or a sequence listing included in the international application by way of an amendment under Article 34(2)(b) of the description in relation to sequences contained in the international application as filed (as referred to in paragraphs 3*bis* and 3*ter*);

(i-*ter*) to (viii) [no change]

3. to 42. [No change]

ANNEX D
INFORMATION FROM FRONT PAGE OF PUBLISHED INTERNATIONAL
APPLICATION TO BE INCLUDED IN THE GAZETTE UNDER RULE 86.1(i)

The following information shall be extracted from the front page of the publication of the international publication for each published international application and shall, in accordance with Rule 86.1(i), appear in the corresponding entry of the Gazette:

1. as to the international publication:
 - 1.1 the international publication number
 - 1.2 the date of the international publication
 - 1.3 an indication whether the following items were published in the published international application:
 - 1.31 international search report
 - 1.32 declaration under Article 17(2)
 - 1.33 claims amended under Article 19(1)
 - 1.34 statement under Article 19(1)
 - 1.35 ~~Information~~ [information concerning the removal of an erroneously filed element or part under Rule 20.5bis\(b\) or \(c\)](#)
 - 1.36 request for rectification under the first sentence of Rule 91.3(d)
 - 1.37 information concerning the incorporation by reference of a ~~missing~~ [missing](#) element or part [or a correct element or part](#) as referred to in Rule 48.2(b)(v)
 - 1.38 information concerning a priority claim under Rule 26bis.2(d)
 - 1.39 information concerning a request under Rule 26bis.3 for restoration of the right of priority
 - 1.4 the language in which the international application was filed
 - 1.5 the language of publication of the international application
2. to 8. [No change]

ANNEX E
INFORMATION TO BE PUBLISHED IN THE GAZETTE UNDER RULE 86.1(v)

1. The time limits applicable under Articles 22 and 39 in respect of each Contracting State.
2. The list of the non-patent literature agreed upon by the International Searching Authorities for inclusion in the minimum documentation.
3. The names of the national Offices which do not wish to receive copies under Article 13(2)(c).
4. The provisions of the national laws of Contracting States concerning international-type search.
5. The text of the agreements entered into between the International Bureau and the International Searching Authorities or the International Preliminary Examining Authorities.
6. The names of the national Offices which entirely or in part waived their rights to any communication under Article 20.
7. The names of the Contracting States which are bound by Chapter II of the PCT.
8. Index of concordance of international application numbers and international publication numbers, listed according to international application numbers.
9. Index of applicants' names giving, for each name, the corresponding international publication number(s).
10. Index of international publication numbers, grouped according to the International Patent Classification symbols.
11. Indication of any subject matter that will not be searched or examined by the various International Searching and Preliminary Examining Authorities under Rules 39 and 67.
12. Requirements of designated and elected Offices under Rules 49.5 and 76.5 in relation to the furnishing of translations.
13. The dates defining the period referred to in Rule 32.1(b) during which the international application, whose effects may be extended to a successor State under Rule 32.1, must have been filed.
14. The criteria for restoration of the right of priority applied by receiving Offices under Rule 26*bis*.3 or designated Offices under Rule 49*ter*.2, and any subsequent changes in that respect.
15. [Information about the receiving Offices, the International Bureau and the International Searching and Preliminary Examining Authorities which provide for the excuse of delays in meeting time limits under Rule 82*quater*.2.](#)

[End of Annex I]

PCT**REQUEST**

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference (*if desired*) (25 characters maximum)

Box No. I	TITLE OF INVENTION	
Box No. II	APPLICANT	<input type="checkbox"/> This person is also inventor
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.</i>)		Telephone No.
		Facsimile No.
		Applicant's registration No. with the Office
E-mail authorization: Marking one of the check-boxes below authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application to that e-mail address if those offices are willing to do so. <input type="checkbox"/> as advance copies followed by paper notifications; or <input type="checkbox"/> exclusively in electronic form (no paper notifications will be sent). E-mail address:		
State (<i>that is, country</i>) of nationality:		State (<i>that is, country</i>) of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box		
Box No. III	FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)	
<input type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet.		
Box No. IV	AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE	
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:		<input type="checkbox"/> agent <input type="checkbox"/> common representative
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>)		Telephone No.
		Facsimile No.
		Agent's registration No. with the Office
E-mail authorization: Marking one of the check-boxes below authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application to that e-mail address if those offices are willing to do so. <input type="checkbox"/> as advance copies followed by paper notifications; or <input type="checkbox"/> exclusively in electronic form (no paper notifications will be sent). E-mail address:		
<input type="checkbox"/> Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.		

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference (*if desired*) (25 characters maximum)

Box No. I	TITLE OF INVENTION	
Box No. II	APPLICANT	<input type="checkbox"/> This person is also inventor
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.</i>)		Telephone No.
		Facsimile No.
		Applicant's registration No. with the Office
<p>E-mail authorization: Marking one of the check-boxes below authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application to that e-mail address if those offices are willing to do so.</p> <p><input type="checkbox"/> as advance copies followed by paper notifications; or <input type="checkbox"/> exclusively in electronic form (no paper notifications will be sent).</p> <p>E-mail address:</p>		
State (<i>that is, country</i>) of nationality:		State (<i>that is, country</i>) of residence:
<p>This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box</p>		
Box No. III	FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)	
<input type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet.		
Box No. IV	AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE	
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:		<input type="checkbox"/> agent <input type="checkbox"/> common representative
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>)		Telephone No.
		Facsimile No.
		Agent's registration No. with the Office
<p>E-mail authorization: Marking one of the check-boxes below authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application to that e-mail address if those offices are willing to do so.</p> <p><input type="checkbox"/> as advance copies followed by paper notifications; or <input type="checkbox"/> exclusively in electronic form (no paper notifications will be sent).</p> <p>E-mail address:</p>		
<input type="checkbox"/> Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.		

Sheet No.

Box No. V DESIGNATIONS				
The filing of this request constitutes under Rule 4.9(a) the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.				
However,				
<input type="checkbox"/> DE Germany is not designated for any kind of national protection				
<input type="checkbox"/> JP Japan is not designated for any kind of national protection				
<input type="checkbox"/> KR Republic of Korea is not designated for any kind of national protection				
<i>(The check-boxes above may only be used to exclude (irrevocably) the designations concerned if, at the time of filing or subsequently under Rule 26bis.1, the international application contains in Box No. VI a priority claim to an earlier national application filed in the particular State concerned, in order to avoid the ceasing of the effect, under the national law, of this earlier national application.)</i>				
Box No. VI PRIORITY CLAIM AND DOCUMENT				
The priority of the following earlier application(s) is hereby claimed:				
Filing date of earlier application <i>(day/month/year)</i>	Number of earlier application	Where earlier application is:		
		national application: country or Member of WTO	regional application: regional Office	international application: receiving Office
item (1)				
item (2)				
item (3)				
<input type="checkbox"/> Further priority claims are indicated in the Supplemental Box.				
Furnishing the priority document(s):				
<input type="checkbox"/> The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) <i>(only if the earlier application(s) was filed with the receiving Office which, for the purposes of this international application, is the receiving Office)</i> identified above as:				
<input type="checkbox"/> all items <input type="checkbox"/> item (1) <input type="checkbox"/> item (2) <input type="checkbox"/> item (3) <input type="checkbox"/> other, see Supplemental Box				
<input type="checkbox"/> The International Bureau is requested to obtain from a digital library a certified copy of the earlier application(s) identified above, using, where applicable, the access code(s) indicated below <i>(if the earlier application(s) is available to it from a digital library)</i> :				
<input type="checkbox"/> item (1) access code _____ <input type="checkbox"/> item (2) access code _____ <input type="checkbox"/> item (3) access code _____ <input type="checkbox"/> other, see Supplemental Box				
Restore the right of priority: the receiving Office is requested to restore the right of priority for the earlier application(s) identified above or in the Supplemental Box as item(s) (_____). <i>(See also the Notes to Box No. VI; further information must be provided to support a request to restore the right of priority.)</i>				
Incorporation by reference: where an element of the international application referred to in Article 11(1)(iii)(d) or (e) or a part of the description, claims or drawings referred to in Rule 20.5(a) is not otherwise contained in this international application but is completely contained in an earlier application whose priority is claimed on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, that element or part is, subject to confirmation under Rule 20.6, incorporated by reference in this international application for the purposes of Rule 20.6.				
Box No. VII INTERNATIONAL SEARCHING AUTHORITY				
Choice of International Searching Authority (ISA) <i>(if more than one International Searching Authority is competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):</i>				
ISA/ _____				

Sheet No.

Box No. V DESIGNATIONS				
The filing of this request constitutes under Rule 4.9(a) the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.				
However,				
<input type="checkbox"/> DE Germany is not designated for any kind of national protection				
<input type="checkbox"/> JP Japan is not designated for any kind of national protection				
<input type="checkbox"/> KR Republic of Korea is not designated for any kind of national protection				
<i>(The check-boxes above may only be used to exclude (irrevocably) the designations concerned if, at the time of filing or subsequently under Rule 26bis.1, the international application contains in Box No. VI a priority claim to an earlier national application filed in the particular State concerned, in order to avoid the ceasing of the effect, under the national law, of this earlier national application.)</i>				
Box No. VI PRIORITY CLAIM AND DOCUMENT				
The priority of the following earlier application(s) is hereby claimed:				
Filing date of earlier application <i>(day/month/year)</i>	Number of earlier application	Where earlier application is:		
		national application: country or Member of WTO	regional application: regional Office	international application: receiving Office
item (1)				
item (2)				
item (3)				
<input type="checkbox"/> Further priority claims are indicated in the Supplemental Box.				
Furnishing the priority document(s):				
<input type="checkbox"/> The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) <i>(only if the earlier application(s) was filed with the receiving Office which, for the purposes of this international application, is the receiving Office)</i> identified above as:				
<input type="checkbox"/> all items <input type="checkbox"/> item (1) <input type="checkbox"/> item (2) <input type="checkbox"/> item (3) <input type="checkbox"/> other, see Supplemental Box				
<input type="checkbox"/> The International Bureau is requested to obtain from a digital library a certified copy of the earlier application(s) identified above, using, where applicable, the access code(s) indicated below <i>(if the earlier application(s) is available to it from a digital library)</i> :				
<input type="checkbox"/> item (1) access code _____ <input type="checkbox"/> item (2) access code _____ <input type="checkbox"/> item (3) access code _____ <input type="checkbox"/> other, see Supplemental Box				
Restore the right of priority: the receiving Office is requested to restore the right of priority for the earlier application(s) identified above or in the Supplemental Box as item(s) (_____). <i>(See also the Notes to Box No. VI; further information must be provided to support a request to restore the right of priority.)</i>				
Incorporation by reference: where an element of the international application referred to in Article 11(1)(iii)(d) or (e) or a part of the description, claims or drawings referred to in Rule 20.5(a), or an element or part of the description, claims or drawings referred to in Rule 20.5bis(a) is not otherwise contained in this international application but is completely contained in an earlier application whose priority is claimed on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, that element or part is, subject to confirmation under Rule 20.6, incorporated by reference in this international application for the purposes of Rule 20.6.				
Box No. VII INTERNATIONAL SEARCHING AUTHORITY				
Choice of International Searching Authority (ISA) <i>(if more than one International Searching Authority is competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):</i>				
ISA/ _____				

NOTES TO THE REQUEST FORM (PCT/RO/101)

These Notes are intended to facilitate the filling in of the request form. For more detailed information, see the *PCT Applicant's Guide*, a WIPO publication, which is available, together with other PCT related documents, at WIPO's website: www.wipo.int/pct/en/. The Notes are based on the requirements of the Patent Cooperation Treaty (PCT), the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the request form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

The request form should be typed or printed; check-boxes may be marked by hand with black ink (Rule 11.9(a) and (b)).

The request form and these Notes may be downloaded from WIPO's website at the address given above.

WHERE TO FILE THE INTERNATIONAL APPLICATION

The international application (request, description, claims, abstract and drawings, if any) must be filed with a competent receiving Office (Article 11(1)(i)) – that is, subject to any applicable prescriptions concerning national security, at the choice of the applicant, either:

(i) the receiving Office of, or acting for, a PCT Contracting State of which the applicant or, if there are two or more applicants, at least one of them, is a resident or national (Rule 19.1(a)(i) or (ii) or (b)), or

(ii) the International Bureau of WIPO in Geneva, Switzerland, if the applicant or, if there are two or more applicants, at least one of the applicants is a resident or national of any PCT Contracting State (Rule 19.1(a)(iii)).

CONFIRMATION COPY OF THE REQUEST FORM

Where the international application was initially filed by facsimile with a receiving Office that accepts such filings (see the *PCT Applicant's Guide*, Annex C) this should be indicated on the first sheet of the form by the annotation "CONFIRMATION COPY" followed by the date of the facsimile transmission.

APPLICANT'S OR AGENT'S FILE REFERENCE

A **File Reference** may be indicated, if desired. It should not exceed 25 characters. Characters in excess of 25 may be disregarded by the receiving Office or any International Authority (Rule 11.6(f) and Section 109).

BOX No. I

Title of Invention (Rules 4.3 and 5.1(a)): The title must be short (preferably two to seven words when in English or translated into English) and precise. It must be identical with the title heading the description.

BOXES Nos. II AND III

General: At least one of the applicants named must be a resident or national of a PCT Contracting State for which the receiving Office acts (Articles 9 and 11(1)(i) and Rules 18 and 19). If the international application is filed with the International Bureau under Rule 19.1(a)(iii), at least one of the applicants must be a resident or national of any PCT Contracting State.

Indication Whether a Person is Applicant and/or Inventor (Rules 4.5(a) and 4.6(a) and (b)):

Check-box "This person is also inventor" (Box No. II): Mark this check-box if the applicant named is also the inventor or one of the inventors; do not mark this check-box if the applicant is a legal entity.

Check-box "applicant and inventor" (Box No. III): Mark this check-box if the person named is both applicant and inventor; do not mark this check-box if the person is a legal entity.

Check-box "applicant only" (Box No. III): Mark this check-box if the person named is a legal entity or if the person named is not also inventor.

Check-box "inventor only" (Box No. III): Mark this check-box if the person named is inventor but not also applicant. This would be the case, for example, where the inventor is deceased or has assigned the invention and the assignee is the applicant for all designated States. Do not mark this check-box if the person is a legal entity.

In Box No. III, one of the three check-boxes must always be marked for each person named.

A person must not be named more than once in Boxes Nos. II and III, even where that person is both applicant and inventor.

Different Applicants for Different Designated States (Rules 4.5(d), 18.3 and 19.2): It is possible to indicate different applicants for the purposes of different designated States. At least one of all the applicants named must be a national or resident of a PCT Contracting State for which the receiving Office acts, irrespective of the designated State(s) for the purposes of which that applicant is named.

For the indication of the designated States for which a person is applicant, mark the applicable check-box (only one for each person). If the person is not an applicant for all designated States, the check-box "the States indicated in the Supplemental Box" must be marked, and the name of the person must be repeated in the Supplemental Box with an indication of the States for which that person is applicant (see item 1(ii) in that Box).

Naming of Inventor (Rule 4.1(a)(iv) and (c)(i)): It is strongly recommended to always name the inventor since such information is generally required in the national phase. For details, see the *PCT Applicant's Guide*, Annex B.

Different Inventors for Different Designated States (Rule 4.6(c)): Different persons may be indicated as inventors for different designated States (for example, where, in this respect, the requirements of the national laws of the designated States are not the same); in such a case, the Supplemental Box must be used (see item 1(iii) in that Box). In the absence of any indication, it will be assumed that the inventor(s) named is (are) inventor(s) for all designated States.

Names and Addresses (Rule 4.4): The family name (preferably in capital letters) must be indicated before the given name(s). Titles and academic degrees must be omitted. Names of legal entities must be indicated by their full official designations.

The address must be indicated in such a way that it allows prompt postal delivery; it must consist of all the relevant administrative units (up to and including the indication of the house number, if any), the postal code (if any), and the name of the country.

Only one address may be indicated per person. For the indication of a special "address for correspondence", see the notes to Box No. IV.

NOTES TO THE REQUEST FORM (PCT/RO/101)

These Notes are intended to facilitate the filling in of the request form. For more detailed information, see the *PCT Applicant's Guide*, a WIPO publication, which is available, together with other PCT related documents, at WIPO's website: www.wipo.int/pct/en/. The Notes are based on the requirements of the Patent Cooperation Treaty (PCT), the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the request form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

The request form should be typed or printed; check-boxes may be marked by hand with black ink (Rule 11.9(a) and (b)).

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WHERE TO FILE THE INTERNATIONAL APPLICATION

The international application (request, description, claims, abstract and drawings, if any) must be filed with a competent receiving Office (Article 11(1)(i)) – that is, subject to any applicable prescriptions concerning national security, at the choice of the applicant, either:

(i) the receiving Office of, or acting for, a PCT Contracting State of which the applicant or, if there are two or more applicants, at least one of them, is a resident or national (Rule 19.1(a)(i) or (ii) or (b)), or

(ii) the International Bureau of WIPO in Geneva, Switzerland, if the applicant or, if there are two or more applicants, at least one of the applicants is a resident or national of any PCT Contracting State (Rule 19.1(a)(iii)).

CONFIRMATION COPY OF THE REQUEST FORM

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APPLICANT'S OR AGENT'S FILE REFERENCE

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Indication Whether a Person is Applicant and/or Inventor (Rules 4.5(a) and 4.6(a) and (b)):

Check-box "This person is also inventor" (Box No. II): Mark this check-box if the applicant named is also the inventor or one of the inventors; do not mark this check-box if the applicant is a legal entity.

Check-box "applicant and inventor" (Box No. III): Mark this check-box if the person named is both applicant and inventor; do not mark this check-box if the person is a legal entity.

Check-box "applicant only" (Box No. III): Mark this check-box if the person named is a legal entity or if the person named is not also inventor.

Check-box "inventor only" (Box No. III): Mark this check-box if the person named is inventor but not also applicant. This would be the case, for example, where the inventor is deceased or has assigned the invention and the assignee is the applicant for all designated States. Do not mark this check-box if the person is a legal entity.

In Box No. III, one of the three check-boxes must always be marked for each person named.

A person must not be named more than once in Boxes Nos. II and III, even where that person is both applicant and inventor.

Different Applicants for Different Designated States (Rules 4.5(d), 18.3 and 19.2): It is possible to indicate different applicants for the purposes of different designated States. At least one of all the applicants named must be a national or resident of a PCT Contracting State for which the receiving Office acts, irrespective of the designated State(s) for the purposes of which that applicant is named.

For the indication of the designated States for which a person is applicant, mark the applicable check-box (only one for each person). If the person is not an applicant for all designated States, the check-box "the States indicated in the Supplemental Box" must be marked, and the name of the person must be repeated in the Supplemental Box with an indication of the States for which that person is applicant (see item I(ii) in that Box).

Naming of Inventor (Rule 4.1(a)(iv) and (c)(i)): It is strongly recommended to always name the inventor since such information is generally required in the national phase. For details, see the *PCT Applicant's Guide*, Annex B.

Different Inventors for Different Designated States (Rule 4.6(c)): Different persons may be indicated as inventors for different designated States (for example, where, in this respect, the requirements of the national laws of the designated States are not the same); in such a case, the Supplemental Box must be used (see item I(iii) in that Box). In the absence of any indication, it will be assumed that the inventor(s) named is (are) inventor(s) for all designated States.

Names and Addresses (Rule 4.4): The family name (preferably in capital letters) must be indicated before the given name(s). Titles and academic degrees must be omitted. Names of legal entities must be indicated by their full official designations.

The address must be indicated in such a way that it allows prompt postal delivery; it must consist of all the relevant administrative units (up to and including the indication of the house number, if any), the postal code (if any), and the name of the country.

Only one address may be indicated per person. For the indication of a special "address for correspondence", see the notes to Box No. IV.

Telephone, Facsimile Numbers and/or E-mail Addresses should be indicated for the persons named in Boxes Nos. II and IV in order to allow rapid communication with them (see Rule 4.4(c)). Any telephone or facsimile number should include the applicable country and area codes. A single e-mail address only should be indicated.

Unless one of the applicable check-boxes is marked, any e-mail address supplied will be used only for the types of communication which might be made by telephone. If one of the applicable check-boxes is marked, the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority may send notifications in respect of the international application to the applicant, avoiding processing or postal delays. Note that not all Offices will send such notifications by e-mail, (for details about each Office's procedure see the *PCT Applicant's Guide*, Annex B). If the first check-box is marked, any such e-mail notification will always be followed by the official notification on paper. Only that paper copy of the notification is considered the legal copy of the notification and only the date of mailing of that paper copy will commence any time limit within the meaning of Rule 80. If the second check-box is marked, the applicant requests the discontinuation of the sending of paper copies of notifications and acknowledges that the date of mailing indicated on the electronic copy will commence any time limit within the meaning of Rule 80.

Note that it is the applicant's responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked for any reason on the recipient's side. Changes to the e-mail address indicated in the request should be requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis*. Where the e-mail authorization is given both in respect of the applicant and in respect of an agent or common representative, the International Bureau will send e-mail communications only to the appointed agent or common representative.

Applicant's Registration Number with the Office (Rule 4.5(e)): Where the applicant is registered with the national or regional Office acting as receiving Office, the request may indicate the number or other indication under which the applicant is so registered.

Nationality (Rules 4.5(a) and (b) and 18.1): For each applicant, the nationality must be indicated by the name or two-letter code of the State (that is, country) of which the person is a national. A legal entity constituted according to the national law of a State is considered a national of that State. The indication of the nationality is not required where a person is inventor only.

Residence (Rules 4.5(a) and (c) and 18.1): For each applicant, the residence must be indicated by the name or two-letter code of the State (that is, country) of which the person is a resident. If the State of residence is not indicated, it will be assumed to be the same as the State indicated in the address. Possession of a real and effective industrial or commercial establishment in a State is considered residence in that State. The indication of the residence is not required where a person is inventor only.

Names of States (Section 115): For the indication of names of States, the two-letter codes appearing in WIPO Standard ST.3 and in the *PCT Applicant's Guide*, Annex K, may be used.

BOX No. IV

Who Can Act as Agent? (Article 49 and Rule 83.1*bis*): For each of the receiving Offices, information as to who can act as agent is given in the *PCT Applicant's Guide*, Annex C.

Agent or Common Representative (Rules 4.7, 4.8, 90.1 and 90.2 and Section 108): Mark the applicable check-box in order to indicate whether the person named is (or has been) appointed as "agent" or "common representative" (the "common representative" must be one of the applicants). For the manner in which name(s), address(es) (including names of States), telephone, facsimile numbers and/or e-mail addresses must be indicated, see the notes to Boxes Nos. II and III. Where

several agents are listed, the agent to whom correspondence should be addressed is to be listed first. If there are two or more applicants but no common agent is appointed to represent all of them, one of the applicants who is a national or resident of a PCT Contracting State may be appointed by the other applicants as their common representative. If this is not done, the applicant first named in the request who is entitled to file an international application with the receiving Office concerned will be considered to be the common representative.

Manner of Appointment of Agent or Common Representative (Rules 90.4 and 90.5 and Section 106): The appointment of an agent or a common representative may be effected by designating the agent or common representative in Box No. IV and by the applicant signing the request or a separate power of attorney. Where there are two or more applicants, the appointment of a common agent or common representative must be effected by each applicant signing, at his choice, the request or a separate power of attorney. If the separate power of attorney is not signed, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney will be considered non-existent unless the defect is corrected. However, the receiving Office may waive the requirement that a separate power of attorney be submitted to it (for details about each receiving Office, see the *PCT Applicant's Guide*, Annex C).

Where a general power of attorney has been filed and is referred to in the request, a copy thereof must be attached to the request. Any applicant who did not sign the general power of attorney must sign either the request or a separate power of attorney, unless the receiving Office has waived the requirement that a separate power of attorney be submitted to it (for details, see the *PCT Applicant's Guide*, Annex C).

Agent's Registration Number with the Office (Rule 4.7(b)): Where the agent is registered with the national or regional Office that is acting as receiving Office, the request may indicate the number or other indication under which the agent is so registered.

Address for Correspondence (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. IV will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II or III, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address must be indicated in Box No. IV instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. IV must be marked (that is, the last check-box must not be marked if either of the check-boxes "agent" or "common representative" has been marked).

Telephone, Facsimile Numbers and/or E-mail Addresses
See Notes to Boxes Nos II and III.

BOX No. V

Designations (Regional and national patents) (Rule 4.9): Upon filing of the request, the applicant will obtain an automatic and all-inclusive coverage of all designations available under the PCT on the international filing date, in respect of every kind of protection available and, where applicable, in respect of both regional and national patents. If the applicant wishes the international application to be treated, in a certain designated or elected State, as an application not for a patent but for another kind of protection available under the national law of the designated or elected State concerned, the applicant will have to indicate his choice directly to the designated or elected Office

Telephone, Facsimile Numbers and/or E-mail Addresses should be indicated for the persons named in Boxes Nos. II and IV in order to allow rapid communication with them (see Rule 4.4(c)). Any telephone or facsimile number should include the applicable country and area codes. A single e-mail address only should be indicated.

Unless one of the applicable check-boxes is marked, any e-mail address supplied will be used only for the types of communication which might be made by telephone. If one of the applicable check-boxes is marked, the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority may send notifications in respect of the international application to the applicant, avoiding processing or postal delays. Note that not all Offices will send such notifications by e-mail, (for details about each Office's procedure see the *PCT Applicant's Guide*, Annex B). If the first check-box is marked, any such e-mail notification will always be followed by the official notification on paper. Only that paper copy of the notification is considered the legal copy of the notification and only the date of mailing of that paper copy will commence any time limit within the meaning of Rule 80. If the second check-box is marked, the applicant requests the discontinuation of the sending of paper copies of notifications and acknowledges that the date of mailing indicated on the electronic copy will commence any time limit within the meaning of Rule 80.

Note that it is the applicant's responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked for any reason on the recipient's side. Changes to the e-mail address indicated in the request should be requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis*. Where the e-mail authorization is given both in respect of the applicant and in respect of an agent or common representative, the International Bureau will send e-mail communications only to the appointed agent or common representative.

Applicant's Registration Number with the Office (Rule 4.5(e)): Where the applicant is registered with the national or regional Office acting as receiving Office, the request may indicate the number or other indication under which the applicant is so registered.

Nationality (Rules 4.5(a) and (b) and 18.1): For each applicant, the nationality must be indicated by the name or two-letter code of the State (that is, country) of which the person is a national. A legal entity constituted according to the national law of a State is considered a national of that State. The indication of the nationality is not required where a person is inventor only.

Residence (Rules 4.5(a) and (c) and 18.1): For each applicant, the residence must be indicated by the name or two-letter code of the State (that is, country) of which the person is a resident. If the State of residence is not indicated, it will be assumed to be the same as the State indicated in the address. Possession of a real and effective industrial or commercial establishment in a State is considered residence in that State. The indication of the residence is not required where a person is inventor only.

Names of States (Section 115): For the indication of names of States, the two-letter codes appearing in WIPO Standard ST.3 and in the *PCT Applicant's Guide*, Annex K, may be used.

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more applicants but no common agent is appointed to represent all of them, one of the applicants who is a national or resident of a PCT Contracting State may be appointed by the other applicants as their common representative. If this is not done, the applicant first named in the request who is entitled to file an international application with the receiving Office concerned will be considered to be the common representative.

Manner of Appointment of Agent or Common Representative (Rules 90.4 and 90.5 and Section 106): The appointment of an agent or a common representative may be effected by designating the agent or common representative in Box No. IV and by the applicant signing the request or a separate power of attorney. Where there are two or more applicants, the appointment of a common agent or common representative must be effected by each applicant signing, at his choice, the request or a separate power of attorney. If the separate power of attorney is not signed, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney will be considered non-existent unless the defect is corrected. However, the receiving Office may waive the requirement that a separate power of attorney be submitted to it (for details about each receiving Office, see the *PCT Applicant's Guide*, Annex C).

Where a general power of attorney has been filed and is referred to in the request, a copy thereof must be attached to the request. Any applicant who did not sign the general power of attorney must sign either the request or a separate power of attorney, unless the receiving Office has waived the requirement that a separate power of attorney be submitted to it (for details, see the *PCT Applicant's Guide*, Annex C).

Agent's Registration Number with the Office (Rule 4.7(b)): Where the agent is registered with the national or regional Office that is acting as receiving Office, the request may indicate the number or other indication under which the agent is so registered.

Address for Correspondence (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. IV will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II or III, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address must be indicated in Box No. IV instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. IV must be marked (that is, the last check-box must not be marked if either of the check-boxes "agent" or "common representative" has been marked).

Telephone, Facsimile Numbers and/or E-mail Addresses
See Notes to Boxes Nos II and III.

BOX No. V

Designations (Regional and national patents) (Rule 4.9): Upon filing of the request, the applicant will obtain an automatic and all-inclusive coverage of all designations available under the PCT on the international filing date, in respect of every kind of protection available and, where applicable, in respect of both regional and national patents. If the applicant wishes the international application to be treated, in a certain designated or elected State, as an application not for a patent but for another kind of protection available under the national law of the designated or elected State concerned, the applicant will have to indicate his choice directly to the designated or elected Office when performing the acts, referred to in Articles 22 or 39(1), for entry into the national phase. For details about various kinds of protection available in designated or elected States, see the *PCT Applicant's Guide*, Annex B.

when performing the acts, referred to in Articles 22 or 39(1), for entry into the national phase. For details about various kinds of protection available in designated or elected States, see the *PCT Applicant's Guide*, Annex B.

However, for the reasons explained below, it is possible to indicate, by marking the applicable check-box(es), that DE Germany, JP Japan and/or KR Republic of Korea are not designated for any kind of national protection. Each of those States has notified the International Bureau that Rule 4.9(b) applies to it since its national law provides that the filing of an international application which contains the designation of that State and claims the priority, **at the time of filing** or subsequently under Rule 26bis.1, of an earlier national application (for DE: for the same kind of protection) having effect in that State shall have the result that the earlier national application ceases, where applicable, after the expiration of certain time limits, to have effect with the same consequences as the withdrawal of the earlier national application. The designation of DE Germany for the purposes of a EP European patent is not affected by what is said above. For details see the *PCT Applicant's Guide*, in the relevant Annex B.

Only the three States mentioned above may be excluded from the all-inclusive coverage of all designations in Box No. V. For any other PCT Contracting State which the applicant wishes to exclude from the all-inclusive coverage of all designations, the applicant should submit a separate notice of withdrawal of the designation concerned under Rule 90bis.2. **Important: Should a notice of withdrawal be filed, that notice will have to be signed by the applicant or, if there are two or more applicants, by all of them (Rule 90bis.5), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney (Rule 90.4(a)).**

BOX No. VI

Priority Claim(s) (Rule 4.10): If the priority of an earlier application is claimed, the declaration containing the priority claim must be made in the request.

The request must indicate the *date* on which the earlier application from which priority is claimed was filed and the *number* it was assigned. Note that that date must fall within the period of 12 months preceding the international filing date.

Where the earlier application is a national application, the *country* party to the Paris Convention for the Protection of Industrial Property, or the *Member* of the World Trade Organization that is not a party to that Convention, in which that earlier application was filed must be indicated. Where the earlier application is a regional application, the *regional Office* concerned must be indicated. Where the earlier application is an international application, the *receiving Office* with which that earlier application was filed must be indicated.

Where the earlier application is a regional application (see however below), or an international application, the priority claim may also, if the applicant so wishes, indicate one or more countries party to the Paris Convention for which that earlier application was filed (Rule 4.10(b)(i)); such an indication is not, however, mandatory. Where the earlier application is a regional application and at least one of the countries party to the regional patent treaty is neither party to the Paris Convention nor a Member of the World Trade Organization, at least one country party to the Paris Convention or one Member of the World Trade Organization for which that earlier application was filed must be indicated (Rule 4.10(b)(ii)) in the Supplemental Box.

As to the possibility of correcting or adding a priority claim, see Rule 26bis.1 and the *PCT Applicant's Guide*, International Phase.

Restoration of the Right of Priority (Rules 4.1(c)(v) and 26bis.3): The procedure for restoration of the right of priority is not applicable to a receiving Office which has provided notice to the International Bureau under Rule 26bis.3(j) of the

incompatibility of Rule 26bis.3(a) to (i) with the national law applied by that Office. Where the international application is filed on a date which is later than the date on which the priority period (see Rule 2.4) expired but within the period of two months from that date, the applicant may request the receiving Office to restore the right of priority (Rule 26bis.3). Such a request must be filed with the receiving Office within two months from the date on which the priority period expired; it may be included in the request (Rule 4.1(c)(v)) by identifying the priority claim(s) in Box No. VI. If, in Box No. VI, a priority claim is identified in respect of which a request to restore the right of priority is made, in such case, a separate document should be submitted entitled "Statement for Restoration of the Right of Priority". This separate document should indicate, for each earlier application concerned, the filing date, the earlier application number and the name or two-letter code of the country, Member of WTO, regional Office or receiving Office. Then, for each earlier application concerned, the applicant should state the reasons for the failure to file the international application within the priority period (Rules 26bis.3(a) and 26bis.3(b)(ii)). Note that such a request may be subjected by the receiving Office to the payment to it of a fee, payable within the time limit referred to above (Rule 26bis.3(e)). According to Rule 26bis.3(d), the time limit for payment of the fee may be extended, at the option of the receiving Office, for a period of up to two months from the expiration of the time limit applicable under Rule 26bis.3(e). Note further that the receiving Office may require the furnishing, within a reasonable time limit, of a declaration or other evidence in support of the statement of reasons; preferably, such declaration or other evidence should already be submitted to the receiving Office together with the request for restoration (Rule 26bis.3(b) and (f)). The receiving Office shall restore the right of priority if it finds that a criterion for restoration applied by the Office is satisfied (Rule 26bis.3(a)). For information on which criteria a receiving Office applies see the *PCT Applicant's Guide*, Annex C.

Incorporation by Reference (Rules 4.18 and 20): The procedure for incorporation by reference is not applicable to a receiving Office which has provided notice to the International Bureau under Rule 20.8(a) of the incompatibility of ~~Rules 20.3(a)(ii) and (b)(ii), 20.5(a)(ii) and (d), and 20.6~~ with the national law applied by that Office. Where the receiving Office finds that any of the requirements of Article 11(1)(iii)(d) and (e) are not or appear not to be fulfilled, it will invite the applicant to either furnish the required correction or confirm that the element concerned referred to in Article 11(1)(iii)(d) or (e) is incorporated by reference under Rule 4.18. Where the applicant furnishes the required correction under Article 11(2), the international filing date will be the date on which the receiving Office receives the required correction (see Rule 20.3(a)(ii) and (b)(i)), provided that all other requirements of Article 11(1) are fulfilled. However, where the applicant confirms the incorporation by reference of an element referred to in Article 11(1)(iii)(d) or (e) which is completely contained in an earlier application the priority of which is claimed in the international application, that element will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, and the international filing date will be the date on which all Article 11(1) requirements are fulfilled (see Rule 20.3(a)(ii) and (b)(ii)).

Where the applicant furnishes a missing part to the receiving Office after the date on which all of the requirements of Article 11(1) were fulfilled but within the applicable time limit under Rule 20.7, that part will be included in the international application and the international filing date will be corrected to the date on which the receiving Office received that part (see Rule 20.5(c)). In such a case, the applicant will be given the opportunity to request the receiving Office to disregard the missing part concerned, in which case the missing part would be considered not to have been furnished and the correction of the international filing date not to have been made (see Rule 20.5(e)). However, where the applicant confirms the incorporation by reference of a part ~~of the description, claims or drawings under Rule 4.18~~ and the receiving Office finds that all the requirements of Rules 4.18 and 20.6(a) are complied with, that part will be considered to have been contained in the purported international application on the date on which one or more elements referred

However, for the reasons explained below, it is possible to indicate, by marking the applicable check-box(es), that DE Germany, JP Japan and/or KR Republic of Korea are not designated for any kind of national protection. Each of those States has notified the International Bureau that Rule 4.9(b) applies to it since its national law provides that the filing of an international application which contains the designation of that State and claims the priority, **at the time of filing** or subsequently under Rule 26bis.1, of an earlier national application (for DE: for the same kind of protection) having effect in that State shall have the result that the earlier national application ceases, where applicable, after the expiration of certain time limits, to have effect with the same consequences as the withdrawal of the earlier national application. The designation of DE Germany for the purposes of a EP European patent is not affected by what is said above. For details see the *PCT Applicant's Guide*, in the relevant Annex B.

Only the three States mentioned above may be excluded from the all-inclusive coverage of all designations in Box No. V. For any other PCT Contracting State which the applicant wishes to exclude from the all-inclusive coverage of all designations, the applicant should submit a separate notice of withdrawal of the designation concerned under Rule 90bis.2. **Important: Should a notice of withdrawal be filed, that notice will have to be signed by the applicant or, if there are two or more applicants, by all of them (Rule 90bis.5), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney (Rule 90.4(a)).**

BOX No. VI

Priority Claim(s) (Rule 4.10): If the priority of an earlier application is claimed, the declaration containing the priority claim must be made in the request.

The request must indicate the *date* on which the earlier application from which priority is claimed was filed and the *number* it was assigned. Note that that date must fall within the period of 12 months preceding the international filing date.

Where the earlier application is a national application, the *country* party to the Paris Convention for the Protection of Industrial Property, or the *Member* of the World Trade Organization that is not a party to that Convention, in which that earlier application was filed must be indicated. Where the earlier application is a regional application, the *regional Office* concerned must be indicated. Where the earlier application is an international application, the *receiving Office* with which that earlier application was filed must be indicated.

Where the earlier application is a regional application (see however below), or an international application, the priority claim may also, if the applicant so wishes, indicate one or more countries party to the Paris Convention for which that earlier application was filed (Rule 4.10(b)(i)); such an indication is not, however, mandatory. Where the earlier application is a regional application and at least one of the countries party to the regional patent treaty is neither party to the Paris Convention nor a Member of the World Trade Organization, at least one country party to the Paris Convention or one Member of the World Trade Organization for which that earlier application was filed must be indicated (Rule 4.10(b)(ii)) in the Supplemental Box.

As to the possibility of correcting or adding a priority claim, see Rule 26bis.1 and the *PCT Applicant's Guide*, International Phase.

Restoration of the Right of Priority (Rules 4.1(c)(v) and 26bis.3): The procedure for restoration of the right of priority is not applicable to a receiving Office which has provided notice to the International Bureau under Rule 26bis.3(j) of the incompatibility of Rule 26bis.3(a) to (i) with the national law applied by that Office. Where the international application is filed on a date which is later than the date on which the priority period (see Rule 2.4) expired but within the period of two months from that date, the applicant may request the receiving Office to restore the right of priority (Rule 26bis.3). Such a request must

be filed with the receiving Office within two months from the date on which the priority period expired; it may be included in the request (Rule 4.1(c)(v)) by identifying the priority claim(s) in Box No. VI. If, in Box No. VI, a priority claim is identified in respect of which a request to restore the right of priority is made, in such case, a separate document should be submitted entitled "Statement for Restoration of the Right of Priority". This separate document should indicate, for each earlier application concerned, the filing date, the earlier application number and the name or two-letter code of the country, Member of WTO, regional Office or receiving Office. Then, for each earlier application concerned, the applicant should state the reasons for the failure to file the international application within the priority period (Rules 26bis.3(a) and 26bis.3(b)(ii)). Note that such a request may be subjected by the receiving Office to the payment to it of a fee, payable within the time limit referred to above (Rule 26bis.3(e)). According to Rule 26bis.3(d), the time limit for payment of the fee may be extended, at the option of the receiving Office, for a period of up to two months from the expiration of the time limit applicable under Rule 26bis.3(e). Note further that the receiving Office may require the furnishing, within a reasonable time limit, of a declaration or other evidence in support of the statement of reasons; preferably, such declaration or other evidence should already be submitted to the receiving Office together with the request for restoration (Rule 26bis.3(b) and (f)). The receiving Office shall restore the right of priority if it finds that a criterion for restoration applied by the Office is satisfied (Rule 26bis.3(a)). For information on which criteria a receiving Office applies see the *PCT Applicant's Guide*, Annex C.

Incorporation by Reference (Rules 4.18 and 20): The procedure for incorporation by reference is not applicable to a receiving Office which has provided notice to the International Bureau under Rule 20.8(a) or (a-bis) of the incompatibility of the Rules concerned with the national law applied by that Office. Where the receiving Office finds that any of the requirements of Article 11(1)(iii)(d) and (e) are not or appear not to be fulfilled, it will invite the applicant to either furnish the required correction or confirm that the element concerned referred to in Article 11(1)(iii)(d) or (e) is incorporated by reference under Rule 4.18. Where the applicant furnishes the required correction under Article 11(2), the international filing date will be the date on which the receiving Office receives the required correction (see Rule 20.3(a)(ii) and (b)(i)), provided that all other requirements of Article 11(1) are fulfilled. However, where the applicant confirms the incorporation by reference of an element referred to in Article 11(1)(iii)(d) or (e) which is completely contained in an earlier application the priority of which is claimed in the international application, that element will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, and the international filing date will be the date on which all Article 11(1) requirements are fulfilled (see Rule 20.3(a)(ii) and (b)(ii)).

Where the applicant furnishes a missing part to the receiving Office after the date on which all of the requirements of Article 11(1) were fulfilled but within the applicable time limit under Rule 20.7, that part will be included in the international application and the international filing date will be corrected to the date on which the receiving Office received that part (see Rule 20.5(c)). In such a case, the applicant will be given the opportunity to request the receiving Office to disregard the missing part concerned, in which case the missing part would be considered not to have been furnished and the correction of the international filing date not to have been made (see Rule 20.5(e)). However, where the applicant confirms the incorporation by reference of a missing part in accordance with Rule 20.6(a) and the receiving Office finds that all the requirements of Rules 4.18 and 20.6(a) are complied with, that part will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, and the international filing date will be the date on which all of the requirements of Article 11(1) are fulfilled (see Rule 20.5(d)).

Where, in the case of an element or part having been erroneously filed, the applicant furnishes the correct element or part to the receiving Office after the date on which all of

to in Article 11(1)(iii) were first received by the receiving Office, and the international filing date will be the date on which all of the requirements of Article 11(1) are fulfilled (see Rule 20.5).

Furnishing the priority document(s) (Rule 17.1): A certified copy of each earlier application the priority of which is claimed (priority document) must be submitted by the applicant, irrespective of whether that earlier application is a national, regional or international application. The priority document must be submitted to the receiving Office or to the International Bureau before the expiration of 16 months from the (earliest) priority date or, where an early start of the national phase is requested, not later than at the time such request is made. Any priority document received by the International Bureau after the expiration of the 16-month time limit but before the date of international publication shall be considered to have been received on the last day of that time limit (Rule 17.1(a)).

Where the priority document was issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office (not later than 16 months after the priority date) to prepare and transmit the priority document to the International Bureau (Rule 4.1(c)(ii)). Such requests may be made by marking the applicable check-boxes in Box No. VI. Note that where such a request is made, the applicant must, where applicable, pay to the receiving Office the *fee for priority document*, otherwise, the request will be considered not to have been made (see Rule 17.1(b)).

Where the priority document is available from an Office that participates in the WIPO Digital Access Service for Priority Documents (DAS) (www.wipo.int/das/en), the applicant may use DAS to provide the priority document to the International Bureau. Once the applicant requests the depositing Office to provide a copy of the priority document to DAS (see *PCT Applicant's Guide*, Annex B of the DAS depositing Office for further indications of the procedure to be followed), the applicant will receive an access code (unless the applicant has already automatically received the access code from the depositing Office in the priority application filing process). The applicant should then mark the applicable check-boxes in Box No. VI, and indicate the access code for each specific priority document.

Information concerning whether and which priority documents are available to the International Bureau from a digital library is published in the *Official Notices (PCT Gazette)* pursuant to Section 715(c) and the *PCT Applicant's Guide*, Annex B(IB).

Dates (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year – in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order and separated by periods, slants or hyphens, for example, “26 October 2018 (26.10.2018)”, “26 October 2018 (26/10/2018)” or “26 October 2018 (26-10-2018)”.

BOX No. VII

Choice of International Searching Authority (ISA) (Rules 4.1(b)(iv) and 4.14bis): If two or more International Searching Authorities are competent for carrying out the international search in relation to the international application – depending on the language in which that application is filed and the receiving Office with which it is filed – the name of the competent Authority chosen by the applicant must be indicated in the space provided, either by its full name or two-letter code.

Continuation of BOX No. VII, item 1

Request to Use Results of Earlier Search; Submission of Earlier Search Results (Rules 4.12, 12bis, 16.3 and 41.1). The applicant may request the ISA to take into account, in carrying out the international search, the results of an earlier search carried out either by that Authority, by another ISA or by a national or regional Office (Rule 4.12). Where the applicant has made such a request and complied with the requirements under Rule 12bis,

and where the earlier search was carried out by the same ISA or by the same national or regional Office as that which is acting as the ISA, the ISA shall, to the extent possible, take into account the results of the earlier search. If, on the other hand, the earlier search was carried out by another ISA or by a national or regional Office other than that is acting as the ISA, the ISA may, but is not obliged to, take the results of the earlier search into account (Rule 41.1). Where the ISA takes into account the results of an earlier search, it shall (partially) refund the search fee to the extent and under the conditions provided for in the agreement under Article 16(3)(b) (see, for each ISA, the *PCT Applicant's Guide*, Annex D).

Any request to take into account the results of an earlier search should identify: the filing date and number of the application in respect of which the earlier search was carried out and the Authority or Office which carried out the earlier search (Rules 4.1(b)(ii) and 4.12(i)).

The applicant shall submit to the receiving Office, together with the international application at the time of filing, a copy of the results of the earlier search (Rule 12bis.1(a)), except:

- where the earlier search was carried out by the same Office as that which is acting as the receiving Office or where the earlier search results are otherwise available to the receiving Office, the applicant may, instead of submitting a copy of the results of the earlier search, request the receiving Office to transmit a copy of those results to the ISA by marking the appropriate check-box (Rule 12bis.1(b) and (d));
- where the earlier search was carried out by the same Authority or Office as that which is acting as ISA, no copy of the results of the earlier search is required to be submitted to the receiving Office or to the ISA (Rules 12bis.1(c) and 12bis.2(b));
- where a copy of the results of the earlier search is available to the receiving Office or to the ISA in a form and manner acceptable to it, and if so indicated in the request form by the applicant by marking the appropriate check-box, no copy of the results is required to be submitted to the receiving Office or to the ISA (Rules 12bis.1(d) and 12bis.2(b));

Where the applicant has made a request under Rule 4.12, the earlier search results to be submitted by the receiving Office to the ISA shall include, where applicable, a copy of any earlier classification results (Rule 23bis.1(b)).

Use of Results of more than one Earlier Search: Where the ISA is requested to use the results of more than one earlier search, please mark the relevant check-box, and furnish duplicates of this page, marked “continuation sheet of item 1 of Continuation of Box No. VII”, attached to the request form.

Continuation of BOX NO. VII, item 2

Transmission of the Earlier Search and Classification Results to the ISA by the Receiving Office where the applicant did not make a request under Rule 4.12 Where the international application claims priority of an earlier application, subject to Article 30(2) and (3), the receiving Office shall transmit to the ISA a copy of the results of the earlier search and classification (unless such copy is already available to the ISA) if the earlier application was filed with the same national or regional Office as that which is acting as the receiving Office, and that Office has carried out the earlier search in respect of the earlier application (Rule 23bis.2(a)); the receiving Office may transmit a copy of the results of the earlier search and classification if the earlier application was filed with a different Office but where the results of that earlier search and classification are nevertheless available to the receiving Office (Rule 23bis.2(c)).

Request not to Transmit the Earlier Search Results by the receiving Office to the ISA: Where the international application is filed with a receiving Office which has notified the International Bureau under Rule 23bis.2(b) that it may, on request of the applicant, **decide not** to transmit the results of an earlier search to the ISA, the applicant

the requirements of Article 11(1) were fulfilled but within the applicable time limit under Rule 20.7, the correct element or part will be included in the international application, the erroneously filed element or part will be removed from the international application, and the international filing date will be corrected to the date on which the receiving Office received that element or part (see Rule 20.5bis(c)). In such a case, the applicant will be given the opportunity to request the receiving Office to disregard the correct element or part concerned, in which case the correct element or part would be considered not to have been furnished and the correction of the international filing date not to have been made (see Rule 20.5bis(e)). However, where the applicant confirms the incorporation by reference of the correct element or part in accordance with Rule 20.6(a) and the receiving Office finds that all the requirements of Rules 4.18 and 20.6(a) are complied with, the correct element or part will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, and the international filing date will be the date on which all of the requirements of Article 11(1) are fulfilled.

Furnishing the priority document(s) (Rule 17.1): A certified copy of each earlier application the priority of which is claimed (priority document) must be submitted by the applicant, irrespective of whether that earlier application is a national, regional or international application. The priority document must be submitted to the receiving Office or to the International Bureau before the expiration of 16 months from the (earliest) priority date or, where an early start of the national phase is requested, not later than at the time such request is made. Any priority document received by the International Bureau after the expiration of the 16-month time limit but before the date of international publication shall be considered to have been received on the last day of that time limit (Rule 17.1(a)).

Where the priority document was issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office (not later than 16 months after the priority date) to prepare and transmit the priority document to the International Bureau (Rule 4.1(c)(ii)). Such requests may be made by marking the applicable check-boxes in Box No. VI. Note that where such a request is made, the applicant must, where applicable, pay to the receiving Office the *fee for priority document*, otherwise, the request will be considered not to have been made (see Rule 17.1(b)).

Where the priority document is available from an Office that participates in the WIPO Digital Access Service for Priority Documents (DAS) (www.wipo.int/das/en), the applicant may use DAS to provide the priority document to the International Bureau. Once the applicant requests the depositing Office to provide a copy of the priority document to DAS (see *PCT Applicant's Guide*, Annex B of the DAS depositing Office for further indications of the procedure to be followed), the applicant will receive an access code (unless the applicant has already automatically received the access code from the depositing Office in the priority application filing process). The applicant should then mark the applicable check-boxes in Box No. VI, and indicate the access code for each specific priority document.

Information concerning whether and which priority documents are available to the International Bureau from a digital library is published in the *Official Notices (PCT Gazette)* pursuant to Section 715(c) and the *PCT Applicant's Guide*, Annex B(IB).

Dates (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year – in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order and separated by periods, slants or hyphens, for example, “26 October 2018 (26.10.2018)”, “26 October 2018 (26/10/2018)” or “26 October 2018 (26-10-2018)”.

BOX No. VII

Choice of International Searching Authority (ISA) (Rules 4.1(b)(iv) and 4.14bis): If two or more International Searching Authorities are competent for carrying out the

international search in relation to the international application – depending on the language in which that application is filed and the receiving Office with which it is filed – the name of the competent Authority chosen by the applicant must be indicated in the space provided, either by its full name or two-letter code.

Continuation of BOX No. VII, item 1

Request to Use Results of Earlier Search; Submission of Earlier Search Results (Rules 4.12, 12bis, 16.3 and 41.1). The applicant may request the ISA to take into account, in carrying out the international search, the results of an earlier search carried out either by that Authority, by another ISA or by a national or regional Office (Rule 4.12). Where the applicant has made such a request and complied with the requirements under Rule 12bis, and where the earlier search was carried out by the same ISA or by the same national or regional Office as that which is acting as the ISA, the ISA shall, to the extent possible, take into account the results of the earlier search. If, on the other hand, the earlier search was carried out by another ISA or by a national or regional Office other than that which is acting as the ISA, the ISA may, but is not obliged to, take the results of the earlier search into account (Rule 41.1). Where the ISA takes into account the results of an earlier search, it shall (partially) refund the search fee to the extent and under the conditions provided for in the agreement under Article 16(3)(b) (see, for each ISA, the *PCT Applicant's Guide*, Annex D).

Any request to take into account the results of an earlier search should identify: the filing date and number of the application in respect of which the earlier search was carried out and the Authority or Office which carried out the earlier search (Rules 4.1(b)(ii) and 4.12(i)).

The applicant shall submit to the receiving Office, together with the international application at the time of filing, a copy of the results of the earlier search (Rule 12bis.1(a)), except:

- where the earlier search was carried out by the same Office as that which is acting as the receiving Office or where the earlier search results are otherwise available to the receiving Office, the applicant may, instead of submitting a copy of the results of the earlier search, request the receiving Office to transmit a copy of those results to the ISA by marking the appropriate check-box (Rule 12bis.1(b) and (d));
- where the earlier search was carried out by the same Authority or Office as that which is acting as ISA, no copy of the results of the earlier search is required to be submitted to the receiving Office or to the ISA (Rules 12bis.1(c) and 12bis.2(b));
- where a copy of the results of the earlier search is available to the receiving Office or to the ISA in a form and manner acceptable to it, and if so indicated in the request form by the applicant by marking the appropriate check-box, no copy of the results is required to be submitted to the receiving Office or to the ISA (Rules 12bis.1(d) and 12bis.2(b));

Where the applicant has made a request under Rule 4.12, the earlier search results to be submitted by the receiving Office to the ISA shall include, where applicable, a copy of any earlier classification results (Rule 23bis.1(b)).

Use of Results of more than one Earlier Search: Where the ISA is requested to use the results of more than one earlier search, please mark the relevant check-box, and furnish duplicates of this page, marked “continuation sheet of item 1 of Continuation of Box No. VII”, attached to the request form.

Continuation of BOX NO. VII, item 2

Transmission of the Earlier Search and Classification Results to the ISA by the Receiving Office where the applicant did not make a request under Rule 4.12 Where the international application claims priority of an earlier application, subject to Article 30(2) and (3), the receiving Office shall transmit to the ISA a copy of the results of the earlier search and classification (unless such copy is already available to the ISA) if the earlier application was filed with the same national or regional Office as that which is acting as the receiving Office, and that Office has carried out the earlier search in respect of the earlier application

may check the check-box in item 2.2 of Continuation of Box No. VII. This only concerns international applications filed with the following receiving Offices: DE, FI and SE (see www.wipo.int/pct/en/texts/reservations/res_incomp.html).

Authorization to Transmit the Earlier Search and Classification Results by the receiving Office to the ISA: Where the international application is filed with a receiving Office which has notified the International Bureau under Rule 23*bis*.2(e) that the transmission of copies of earlier search and classification results without the authorization of the applicant is not compatible with the national law applied by the receiving Office, the applicant may check the first check-box in item 2.3 of Continuation of Box No. VII to nevertheless **authorize** the receiving Office to transmit the earlier search and classification results to the ISA. This only concerns international applications filed with the following receiving Offices: AU, CZ, FI, HU, IL, JP, NO, SE, SG and US. (see www.wipo.int/pct/en/texts/reservations/res_incomp.html).

In respect of all receiving Offices, the second check-box in item 2.3 of Continuation of Box No. VII may also be used to expressly authorize the receiving Office to transmit the earlier search and classification results where the earlier search was carried out in respect of an international application, the priority of which is subsequently claimed in this international application and where the earlier international search was carried out by a **different** ISA than the ISA chosen in Box No. VII.

Use of Results of more than one Earlier Search: Where the international application claims priority of more than one earlier application, and where the applicant is entitled and wishes to make an indication under item 2.2 or 2.3 (Rule 23*bis*.2(a)(b) and (e)) for each earlier application, please mark the relevant check-box, and furnish duplicates of this page that lists each priority claim concerned, marked “continuation sheet of item 2 of Continuation of Box No. VII”, attached to the request form.

BOX No. VIII

Declarations Containing Standardized Wording (Rules 4.1(c)(iii) and 4.17): At the option of the applicant, the request may, for the purposes of the national law applicable in one or more designated States, contain one or more of the following declarations:

- (i) declaration as to the identity of the inventor;
- (ii) declaration as to the applicant’s entitlement, as at the international filing date, to apply for and be granted a patent;
- (iii) declaration as to the applicant’s entitlement, as at the international filing date, to claim the priority of the earlier application;
- (iv) declaration of inventorship (only for the purposes of the designation of the United States of America);
- (v) declaration as to non-prejudicial disclosures or exceptions to lack of novelty;

which must conform to the standardized wording provided for in Sections 211 to 215, respectively, and which must be set forth in Boxes Nos. VIII (i) to (v), as detailed below. Where any such declarations are included, the appropriate check-boxes in Box No. VIII should be marked and the number of each type of declaration should be indicated in the right-hand column. As to the possibility of correcting or adding a declaration, see Rule 26*ter*, Section 216 and the *PCT Applicant’s Guide*, International Phase.

If the circumstances of a particular case are such that the standardized wordings are not applicable, the applicant should not attempt to make use of the declarations provided for in Rule 4.17 but rather will have to comply with the national requirements concerned upon entry into the national phase.

The fact that a declaration is made under Rule 4.17 does not of itself establish the matters declared; the effect of those matters in the designated States concerned will be determined by the designated Offices in accordance with the applicable national law.

Even if the wording of a declaration does not conform to the standardized wording provided for in the Administrative Instructions pursuant to Rule 4.17, any designated Office may accept that declaration for the purposes of the applicable national law, but is not required to do so.

Details as to National Law Requirements: For information on the declarations required by each designated Office, see the *PCT Applicant’s Guide*, in the relevant National Chapter.

Effect in Designated Offices (Rule 51*bis*.2): Where the applicant submits any of the declarations provided for in Rule 4.17(i) to (iv) containing the required standardized wording (either with the international application, or to the International Bureau within the relevant time limit under Rule 26*ter*, or directly to the designated Office during the national phase), the designated Office may not, in the national phase, require further documents or evidence on the matter to which the declaration relates, unless that designated Office may reasonably doubt the veracity of the declaration concerned.

BOXES Nos. VIII (i) TO (v) (IN GENERAL)

Different Declaration Boxes: There are six different declaration boxes in the pre-printed request form – one box for each of the five different types of declarations provided for in Rule 4.17 (Box No. VIII (i) to Box No. VIII (v)) and a continuation sheet (Continuation of Box No. VIII (i) to (v)) to be used in case any single declaration does not fit in the corresponding box. The title of each type of declaration which is found in the standardized wording provided for in the Administrative Instructions is pre-printed on the appropriate sheet of the request.

Separate Sheet for Each Declaration: Each declaration must start on a separate sheet of the request form in the appropriate Declaration Box.

Titles, Items, Item Numbers, Dotted Lines, Words in Parentheses and Words in Brackets: The prescribed standardized wording of the declarations includes titles, various items, item numbers, dotted lines, words in parentheses and words in brackets. Except for Box No. VIII (iv) which contains the pre-printed standardized wording, only those items which are applicable should be included in a declaration where necessary to support the statements in that declaration (that is, omit those items which do not apply) and item numbers need not be included. Dotted lines indicate where information is required to be inserted. Words in parentheses are instructions to applicants as to the information which may be included in the declaration depending upon the factual circumstances. Words in brackets are optional and should appear in the declaration without the brackets if they apply; if they do not apply, they should be omitted together with the corresponding brackets.

Naming of Several Persons: More than one person may be named in a single declaration. In the alternative, with one exception, a separate declaration may be made for each person. With respect to the declaration of inventorship set forth in Box No. VIII (iv), which is applicable only for the purposes of the designation of the United States of America, all inventors must be indicated in a single declaration (see Notes to Box No. VIII (iv), below). The wording of declarations to be set forth in Boxes Nos. VIII (i), (ii), (iii) and (v) may be adapted from the singular to the plural as necessary.

BOX No. VIII (i)

Declaration as to the Identity of the Inventor (Rule 4.17(i) and Section 211): The declaration must be worded as follows:

“Declaration as to the identity of the inventor (Rules 4.17(i) and 51*bis*.1(a)(i)):

in relation to [this] international application [No. PCT/...],

(Rule 23bis.2(a)); the receiving Office may transmit a copy of the results of the earlier search and classification if the earlier application was filed with a different Office but where the results of that earlier search and classification are nevertheless available to the receiving Office (Rule 23bis.2(c)).

Request not to Transmit the Earlier Search Results by the receiving Office to the ISA: Where the international application is filed with a receiving Office which has notified the International Bureau under Rule 23bis.2(b) that it may, on request of the applicant, **decide not to** transmit the results of an earlier search to the ISA, the applicant may check the check-box in item 2.2 of Continuation of Box No. VII. This only concerns international applications filed with the following receiving Offices: DE, FI and SE (see www.wipo.int/pct/en/texts/reservations/res_incomp.html).

Authorization to Transmit the Earlier Search and Classification Results by the receiving Office to the ISA: Where the international application is filed with a receiving Office which has notified the International Bureau under Rule 23bis.2(e) that the transmission of copies of earlier search and classification results without the authorization of the applicant is not compatible with the national law applied by the receiving Office, the applicant may check the first check-box in item 2.3 of Continuation of Box No. VII to nevertheless **authorize** the receiving Office to transmit the earlier search and classification results to the ISA. This only concerns international applications filed with the following receiving Offices: AU, CZ, FI, HU, IL, JP, NO, SE, SG and US. (see www.wipo.int/pct/en/texts/reservations/res_incomp.html).

In respect of all receiving Offices, the second check-box in item 2.3 of Continuation of Box No. VII may also be used to expressly authorize the receiving Office to transmit the earlier search and classification results where the earlier search was carried out in respect of an international application, the priority of which is subsequently claimed in this international application and where the earlier international search was carried out by a **different ISA** than the ISA chosen in Box No. VII.

Use of Results of more than one Earlier Search: Where the international application claims priority of more than one earlier application, and where the applicant is entitled and wishes to make an indication under item 2.2 or 2.3 (Rule 23bis.2(a)(b) and (e)) for each earlier application, please mark the relevant check-box, and furnish duplicates of this page that lists each priority claim concerned, marked “continuation sheet of item 2 of Continuation of Box No. VII”, attached to the request form.

BOX No. VIII

Declarations Containing Standardized Wording (Rules 4.1(c)(iii) and 4.17): At the option of the applicant, the request may, for the purposes of the national law applicable in one or more designated States, contain one or more of the following declarations:

- (i) declaration as to the identity of the inventor;
- (ii) declaration as to the applicant’s entitlement, as at the international filing date, to apply for and be granted a patent;
- (iii) declaration as to the applicant’s entitlement, as at the international filing date, to claim the priority of the earlier application;
- (iv) declaration of inventorship (only for the purposes of the designation of the United States of America);
- (v) declaration as to non-prejudicial disclosures or exceptions to lack of novelty;

which must conform to the standardized wording provided for in Sections 211 to 215, respectively, and which must be set forth in Boxes Nos. VIII (i) to (v), as detailed below. Where any such declarations are included, the appropriate check-boxes in Box No. VIII should be marked and the number of each type of declaration should be indicated in the right-hand column. As to the possibility of correcting or adding a declaration, see Rule 26ter, Section 216 and the *PCT Applicant’s Guide*, International Phase.

If the circumstances of a particular case are such that the

standardized wordings are not applicable, the applicant should not attempt to make use of the declarations provided for in Rule 4.17 but rather will have to comply with the national requirements concerned upon entry into the national phase.

The fact that a declaration is made under Rule 4.17 does not of itself establish the matters declared; the effect of those matters in the designated States concerned will be determined by the designated Offices in accordance with the applicable national law.

Even if the wording of a declaration does not conform to the standardized wording provided for in the Administrative Instructions pursuant to Rule 4.17, any designated Office may accept that declaration for the purposes of the applicable national law, but is not required to do so.

Details as to National Law Requirements: For information on the declarations required by each designated Office, see the *PCT Applicant’s Guide*, in the relevant National Chapter.

Effect in Designated Offices (Rule 51bis.2): Where the applicant submits any of the declarations provided for in Rule 4.17(i) to (iv) containing the required standardized wording (either with the international application, or to the International Bureau within the relevant time limit under Rule 26ter, or directly to the designated Office during the national phase), the designated Office may not, in the national phase, require further documents or evidence on the matter to which the declaration relates, unless that designated Office may reasonably doubt the veracity of the declaration concerned.

BOXES Nos. VIII (i) TO (v) (IN GENERAL)

Different Declaration Boxes: There are six different declaration boxes in the pre-printed request form – one box for each of the five different types of declarations provided for in Rule 4.17 (Box No. VIII (i) to Box No. VIII (v)) and a continuation sheet (Continuation of Box No. VIII (i) to (v)) to be used in case any single declaration does not fit in the corresponding box. The title of each type of declaration which is found in the standardized wording provided for in the Administrative Instructions is pre-printed on the appropriate sheet of the request.

Separate Sheet for Each Declaration: Each declaration must start on a separate sheet of the request form in the appropriate Declaration Box.

Titles, Items, Item Numbers, Dotted Lines, Words in Parentheses and Words in Brackets: The prescribed standardized wording of the declarations includes titles, various items, item numbers, dotted lines, words in parentheses and words in brackets. Except for Box No. VIII (iv) which contains the pre-printed standardized wording, only those items which are applicable should be included in a declaration where necessary to support the statements in that declaration (that is, omit those items which do not apply) and item numbers need not be included. Dotted lines indicate where information is required to be inserted. Words in parentheses are instructions to applicants as to the information which may be included in the declaration depending upon the factual circumstances. Words in brackets are optional and should appear in the declaration without the brackets if they apply; if they do not apply, they should be omitted together with the corresponding brackets.

Naming of Several Persons: More than one person may be named in a single declaration. In the alternative, with one exception, a separate declaration may be made for each person. With respect to the declaration of inventorship set forth in Box No. VIII (iv), which is applicable only for the purposes of the designation of the United States of America, all inventors must be indicated in a single declaration (see Notes to Box No. VIII (iv), below). The wording of declarations to be set forth in Boxes Nos. VIII (i), (ii), (iii) and (v) may be adapted from the singular to the plural as necessary.

BOX No. VIII (i)

... (name) of ... (address) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application”

Such a declaration is not necessary in respect of any inventor who is indicated as such (either as inventor only or applicant and inventor) in Box No. II or No. III in accordance with Rule 4.5 or 4.6. However, where the inventor is indicated as applicant in Box No. II or No. III in accordance with Rule 4.5, a declaration as to the applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii)) may be appropriate. Where indications regarding the inventor in accordance with Rule 4.5 or 4.6 are not included in Box No. II or No. III, this declaration may be combined with the prescribed wording of the declaration as to the applicant's entitlement to apply for and be granted a patent (Rule 4.17(ii)). For details on such a combined declaration, see Notes to Box No. VIII (ii), below. For details as to the declaration of inventorship for the purposes of the designation of the United States of America, see Notes to Box No. VIII (iv), below.

BOX No. VIII (ii)

Declaration as to the Applicant's Entitlement to Apply for and Be Granted a Patent (Rule 4.17(ii) and Section 212): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant's entitlement:

“Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

in relation to [this] international application [No. PCT/...],

... (name) is entitled to apply for and be granted a patent by virtue of the following:

- (i) ... (name) of ... (address) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application
- (ii) ... (name) [is] [was] entitled as employer of the inventor, ... (inventor's name)
- (iii) an agreement between ... (name) and ... (name), dated ...
- (iv) an assignment from ... (name) to ... (name), dated ...
- (v) consent from ... (name) in favor of ... (name), dated ...
- (vi) a court order issued by ... (name of court), effecting a transfer from ... (name) to ... (name), dated ...
- (vii) transfer of entitlement from ... (name) to ... (name) by way of ... (specify kind of transfer), dated ...
- (viii) the applicant's name changed from ... (name) to ... (name) on ... (date)”

Items (i) to (viii) may be incorporated as is necessary to explain the applicant's entitlement. **This declaration is only applicable to those events which have occurred prior to the international filing date.** The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the inventor, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement. Where the inventor is not indicated in Box No. II or No. III, this declaration may be presented as a combined declaration explaining the applicant's entitlement to apply for and be granted a patent and identifying the inventor. In such a case, the introductory phrase of the declaration must be as follows:

“Combined declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)) and as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)), in a case where the declaration under Rule 4.17(iv) is not appropriate:”

Notes to the request form (PCT/RO/101) (page 6) (~~July 2019~~)

The remainder of the combined declaration must be worded as indicated in the preceding paragraphs.

For details as to the declaration as to the identity of the inventor, see the Notes to Box No. VIII (i), above.

BOX No. VIII (iii)

Declaration as to the Applicant's Entitlement to Claim Priority of the Earlier Application (Rule 4.17(iii) and Section 213): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant's entitlement:

“Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

in relation to [this] international application [No. PCT/...],

... (name) is entitled to claim priority of earlier application No. ... by virtue of the following:

- (i) the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application
- (ii) ... (name) [is] [was] entitled as employer of the inventor, ... (inventor's name)
- (iii) an agreement between ... (name) and ... (name), dated ...
- (iv) an assignment from ... (name) to ... (name), dated ...
- (v) consent from ... (name) in favor of ... (name), dated ...
- (vi) a court order, issued by ... (name of court), effecting a transfer from ... (name) to ... (name), dated ...
- (vii) transfer of entitlement from ... (name) to ... (name) by way of ... (specify kind of transfer), dated ...
- (viii) the applicant's name changed from ... (name) to ... (name) on ... (date)”

Items (i) to (viii) may be incorporated as is necessary to explain the applicant's entitlement. **This declaration is only applicable to those events which have occurred prior to the international filing date.** In addition, this declaration is only applicable where the person or name of the applicant is different from that of the applicant who filed the earlier application from which priority is claimed. For example, this declaration may be applicable where only one applicant out of five is different from the applicants indicated in respect of an earlier application. The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the applicant in respect of the earlier application, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement.

BOX No. VIII (iv)

Declaration of Inventorship (Rule 4.17(iv) and Section 214): The standardized wording for the declaration is pre-printed in Box No. VIII (iv).

The name, residence and address must be included for each inventor. If the name and address of an inventor is not written in the Latin alphabet, the name and address must be indicated in the Latin alphabet. All inventors must sign and date the declaration even if they do not all sign the same copy of the declaration (Section 214(b)).

If there are more than three inventors, those other inventors must be indicated on the “Continuation of Box No. VIII (i) to (v)” sheet. The continuation sheet should be entitled “Continuation of Box No. VIII (iv),” must indicate the name, residence and address for those other inventors, and at least the name and address in the Latin alphabet. In such a case, the “complete declaration”

Declaration as to the Identity of the Inventor (Rule 4.17(i) and Section 211): The declaration must be worded as follows:

“Declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)):

in relation to [this] international application [No. PCT/...],

... (name) of ... (address) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application”

Such a declaration is not necessary in respect of any inventor who is indicated as such (either as inventor only or applicant and inventor) in Box No. II or No. III in accordance with Rule 4.5 or 4.6. However, where the inventor is indicated as applicant in Box No. II or No. III in accordance with Rule 4.5, a declaration as to the applicant’s entitlement to apply for and be granted a patent (Rule 4.17(ii)) may be appropriate. Where indications regarding the inventor in accordance with Rule 4.5 or 4.6 are not included in Box No. II or No. III, this declaration may be combined with the prescribed wording of the declaration as to the applicant’s entitlement to apply for and be granted a patent (Rule 4.17(ii)). For details on such a combined declaration, see Notes to Box No. VIII (ii), below. For details as to the declaration of inventorship for the purposes of the designation of the United States of America, see Notes to Box No. VIII (iv), below.

BOX No. VIII (ii)

Declaration as to the Applicant’s Entitlement to Apply for and Be Granted a Patent (Rule 4.17(ii) and Section 212): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant’s entitlement:

“Declaration as to the applicant’s entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

in relation to [this] international application [No. PCT/...],

... (name) is entitled to apply for and be granted a patent by virtue of the following:

- (i) ... (name) of ... (address) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application
- (ii) ... (name) [is] [was] entitled as employer of the inventor, ... (inventor’s name)
- (iii) an agreement between ... (name) and ... (name), dated ...
- (iv) an assignment from ... (name) to ... (name), dated ...
- (v) consent from ... (name) in favor of ... (name), dated ...
- (vi) a court order issued by ... (name of court), effecting a transfer from ... (name) to ... (name), dated ...
- (vii) transfer of entitlement from ... (name) to ... (name) by way of ... (specify kind of transfer), dated ...
- (viii) the applicant’s name changed from ... (name) to ... (name) on ... (date)”

Items (i) to (viii) may be incorporated as is necessary to explain the applicant’s entitlement. **This declaration is only applicable to those events which have occurred prior to the international filing date.** The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the inventor, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant’s entitlement. Where the inventor is not indicated in Box No. II or No. III, this declaration may be presented as a combined declaration explaining the applicant’s entitlement to apply for

and be granted a patent and identifying the inventor. In such a case, the introductory phrase of the declaration must be as follows:

“Combined declaration as to the applicant’s entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)) and as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)), in a case where the declaration under Rule 4.17(iv) is not appropriate:”

The remainder of the combined declaration must be worded as indicated in the preceding paragraphs.

For details as to the declaration as to the identity of the inventor, see the Notes to Box No. VIII (i), above.

BOX No. VIII (iii)

Declaration as to the Applicant’s Entitlement to Claim Priority of the Earlier Application (Rule 4.17(iii) and Section 213): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant’s entitlement:

“Declaration as to the applicant’s entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant’s name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

in relation to [this] international application [No. PCT/...],

... (name) is entitled to claim priority of earlier application No. ... by virtue of the following:

- (i) the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application
- (ii) ... (name) [is] [was] entitled as employer of the inventor, ... (inventor’s name)
- (iii) an agreement between ... (name) and ... (name), dated ...
- (iv) an assignment from ... (name) to ... (name), dated ...
- (v) consent from ... (name) in favor of ... (name), dated ...
- (vi) a court order, issued by ... (name of court), effecting a transfer from ... (name) to ... (name), dated ...
- (vii) transfer of entitlement from ... (name) to ... (name) by way of ... (specify kind of transfer), dated ...
- (viii) the applicant’s name changed from ... (name) to ... (name) on ... (date)”

Items (i) to (viii) may be incorporated as is necessary to explain the applicant’s entitlement. **This declaration is only applicable to those events which have occurred prior to the international filing date.** In addition, this declaration is only applicable where the person or name of the applicant is different from that of the applicant who filed the earlier application from which priority is claimed. For example, this declaration may be applicable where only one applicant out of five is different from the applicants indicated in respect of an earlier application. The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the applicant in respect of the earlier application, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant’s entitlement.

BOX No. VIII (iv)

Declaration of Inventorship (Rule 4.17(iv) and Section 214): The standardized wording for the declaration is pre-printed in Box No. VIII (iv).

The name, residence and address must be included for each inventor. If the name and address of an inventor is not written in the Latin alphabet, the name and address must be indicated in the

includes Box No. VIII (iv) and the continuation sheet. All inventors must sign and date a complete declaration even if they do not all sign the same copy of the complete declaration, and a copy of each separately signed complete declaration must be submitted (Section 214(b)).

Where the declaration was not included in the request, but is furnished later, the PCT application number MUST be indicated within the text of Box No. VIII (iv).

BOX No. VIII (v)

Declaration as to Non-prejudicial Disclosures or Exceptions to Lack of Novelty (Rule 4.17(v) and Section 215): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (iv) as is necessary:

“Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51*bis*.1(a)(v)):

in relation to [this] international application [No. PCT/...],

... (*name*) declares that the subject matter claimed in [the] [this] international application was disclosed as follows:

- (i) kind of disclosure (*include as applicable*):
 - (a) international exhibition
 - (b) publication
 - (c) abuse
 - (d) other: ... (*specify*)
- (ii) date of disclosure: ...
- (iii) title of disclosure (*if applicable*): ...
- (iv) place of disclosure (*if applicable*): ...”

Either (a), (b), (c) or (d) of item (i) should always be included in the declaration. Item (ii) should also always be included in the declaration. Items (iii) and (iv) may be incorporated depending upon the circumstances.

BOX No. IX

Sheets Constituting the International Application: The number of sheets of the various parts of the international application must be indicated in the check list using Arabic numerals. Sheets containing any of the Boxes Nos. VIII(i) to (v) (declaration sheets) must be counted as part of the request. It is noted that any tables, including those related to a sequence listing, should be an integral part of the description and the pages containing such tables will be counted as sheets of the international application. There is no longer any provision for submission of those tables separately or a reduced fee for such a submission.

Nucleotide and/or amino acid sequences: Paper Filings: Where the international application is filed on paper (using the sheet “last sheet - paper”) and contains disclosure of one of more nucleotide and/or amino acid sequences, a sequence listing must be presented as a separate part of the description (“sequence listing part of description”) in accordance with the standard contained in Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.25. The number of pages of the sequence listing must be indicated under item (f) in Box No. IX and included in the total number of sheets. Furthermore, where the sequence listing is filed on paper, a copy of the sequence listing in the form of an Annex C/ST.25 text file saved on physical data carrier(s) (together with the required statement) should accompany the international application, if so required by the ISA but **only** for the purposes of international search under Rule 13*ter*. In such cases therefore, check-boxes Nos. 8 and 9 must be marked in Box No. IX. In addition, the type and number of carriers such as diskettes, CD-ROMs, CD-Rs or other data carriers accepted by the ISA, should be indicated in item 8.

For EFS-Web filing with RO/US

Nucleotide and/or amino acid sequences: Electronic Filings via EFS-Web with RO/US: There exist two alternative last sheets of the request form which contain two distinct Boxes No. IX. The sheet “last sheet – paper”, described earlier, should be used if the applicant intends to file the international application on paper. The sheet “last sheet – EFS” should **only** be used if the request form is filed online with the receiving Office of the United States of America via EFS-Web.

(a) EFS-Web and text file: Where the international application is filed via EFS-Web (using the sheet “last sheet - EFS”) and contains disclosure of one or more nucleotide and/or amino acid sequences, a sequence listing must be presented as a separate part of the description (“sequence listing part of description”) in accordance with the standard contained in Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.25. The sequence listing should **preferably** be furnished as an Annex C/ST.25 text file; in such cases, the first check-box of check-box (g) in Box No. IX should be marked. When furnished in this manner, the number of sheets of the sequence listing is **not** included in the total number of sheets making up the international application. Whenever the sequence listing is furnished as an Annex C/ST.25 text file, there is no need to file another copy of the text file for search purposes under Rule 13*ter* since the text file submitted will be used for both disclosure of the international application and for search purposes.

(b) EFS-Web and image file: If the sequence listing is filed online via EFS-Web as an image file (e.g. PDF file) rather than the recommended text file, the corresponding boxes in check-box (f) in Box No. IX should be marked. The number of sheets of the sequence listing **must be** included in the total number of sheets making up the international application. Where the sequence listing is filed in image format, a copy of the sequence listing in the form of an Annex C/ST.25 text file (together with the required statement) should accompany the international application, if so required by the ISA but **only** for the purposes of international search under Rule 13*ter*. In such cases, check-boxes Nos. 8 and 9 must be marked in Box No. IX.

(c) EFS-Web and physical data carriers: The receiving Office of the United States of America has two distinct limitations on the size of the sequence listing file it can accept via EFS-Web. If the text file containing the sequence listing is larger than 100MB, or if the image file (e.g. PDF file) containing the sequence listing is larger than 25MB, the applicant must file the sequence listings as an Annex C/ST.25 text file on physical data carrier(s). The receiving Office does not accept the filing of image (e.g. PDF file) on physical data carrier(s). In such cases, the data carrier(s) must be furnished on the same day that the international application is filed online. This may be furnished via “Express Mail Post Office to Addressee” with a date-in by the United States Postal Service the same date as the online filing date, or via commercial delivery services or by hand, provided that it reaches the receiving Office on the same day as the international application filed online. In such cases, the corresponding check-boxes in check-box (g) in Box No. IX must be marked. The number and type of carrier(s) should be indicated in check-box (g). Whenever the sequence listing is furnished as an Annex C/ST.25 text file, there is no need to file another copy of the text file for search purposes under Rule 13*ter* since the text file submitted will be used for both disclosure of the international application and for search purposes.

Items Accompanying the International Application: Where the international application is accompanied by certain items, the applicable check-boxes must be marked, any applicable indication must be made on the dotted line after the applicable item, and the number of such items should be indicated at the end of the relevant line; detailed explanations are provided below only in respect of those items which so require.

Latin alphabet. All inventors must sign and date the declaration even if they do not all sign the same copy of the declaration (Section 214(b)).

If there are more than three inventors, those other inventors must be indicated on the "Continuation of Box No. VIII (i) to (v)" sheet. The continuation sheet should be entitled "Continuation of Box No. VIII (iv)," must indicate the name, residence and address for those other inventors, and at least the name and address in the Latin alphabet. In such a case, the "complete declaration" includes Box No. VIII (iv) and the continuation sheet. All inventors must sign and date a complete declaration even if they do not all sign the same copy of the complete declaration, and a copy of each separately signed complete declaration must be submitted (Section 214(b)).

Where the declaration was not included in the request, but is furnished later, the PCT application number MUST be indicated within the text of Box No. VIII (iv).

BOX No. VIII (v)

Declaration as to Non-prejudicial Disclosures or Exceptions to Lack of Novelty (Rule 4.17(v) and Section 215): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (iv) as is necessary:

"Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v)):

in relation to [this] international application [No. PCT/...],

... (*name*) declares that the subject matter claimed in [the] [this] international application was disclosed as follows:

- (i) kind of disclosure (*include as applicable*):
 - (a) international exhibition
 - (b) publication
 - (c) abuse
 - (d) other: ... (*specify*)
- (ii) date of disclosure: ...
- (iii) title of disclosure (*if applicable*): ...
- (iv) place of disclosure (*if applicable*): ..."

Either (a), (b), (c) or (d) of item (i) should always be included in the declaration. Item (ii) should also always be included in the declaration. Items (iii) and (iv) may be incorporated depending upon the circumstances.

BOX No. IX

Sheets Constituting the International Application: The number of sheets of the various parts of the international application must be indicated in the check list using Arabic numerals. Sheets containing any of the Boxes Nos. VIII(i) to (v) (declaration sheets) must be counted as part of the request. It is noted that any tables, including those related to a sequence listing, should be an integral part of the description and the pages containing such tables will be counted as sheets of the international application. There is no longer any provision for submission of those tables separately or a reduced fee for such a submission.

Nucleotide and/or amino acid sequences: Paper Filings: Where the international application is filed on paper (using the sheet "last sheet - paper") and contains disclosure of one of more nucleotide and/or amino acid sequences, a sequence listing must be presented as a separate part of the description ("sequence listing part of description") in accordance with the standard contained in Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.25. The number of pages of the sequence listing must be indicated under item (f) in Box No. IX and included in the total number of sheets. Furthermore, where the sequence listing is filed on paper, a copy of the sequence listing in the form of an Annex C/ST.25 text file saved on physical data carrier(s) (together with the required statement) should accompany the international application, if so required by the ISA but **only** for the purposes of international

search under Rule 13ter. In such cases therefore, check-boxes Nos. 8 and 9 must be marked in Box No. IX. In addition, the type and number of carriers such as diskettes, CD-ROMs, CD-Rs or other data carriers accepted by the ISA, should be indicated in item 8.

For EFS-Web filing with RO/US

Nucleotide and/or amino acid sequences: Electronic Filings via EFS-Web with RO/US: There exist two alternative last sheets of the request form which contain two distinct Boxes No. IX. The sheet "last sheet - paper", described earlier, should be used if the applicant intends to file the international application on paper. The sheet "last sheet - EFS" should **only** be used if the request form is filed online with the receiving Office of the United States of America via EFS-Web.

(a) **EFS-Web and text file:** Where the international application is filed via EFS-Web (using the sheet "last sheet - EFS") and contains disclosure of one or more nucleotide and/or amino acid sequences, a sequence listing must be presented as a separate part of the description ("sequence listing part of description") in accordance with the standard contained in Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.25. The sequence listing should **preferably** be furnished as an Annex C/ST.25 text file; in such cases, the first check-box of check-box (g) in Box No. IX should be marked. When furnished in this manner, the number of sheets of the sequence listing is **not** included in the total number of sheets making up the international application. Whenever the sequence listing is furnished as an Annex C/ST.25 text file, there is no need to file another copy of the text file for search purposes under Rule 13ter since the text file submitted will be used for both disclosure of the international application and for search purposes.

(b) **EFS-Web and image file:** If the sequence listing is filed online via EFS-Web as an image file (e.g. PDF file) rather than the recommended text file, the corresponding boxes in check-box (f) in Box No. IX should be marked. The number of sheets of the sequence listing **must be** included in the total number of sheets making up the international application. Where the sequence listing is filed in image format, a copy of the sequence listing in the form of an Annex C/ST.25 text file (together with the required statement) should accompany the international application, if so required by the ISA but **only** for the purposes of international search under Rule 13ter. In such cases, check-boxes Nos. 8 and 9 must be marked in Box No. IX.

(c) **EFS-Web and physical data carriers:** The receiving Office of the United States of America has two distinct limitations on the size of the sequence listing file it can accept via EFS-Web. If the text file containing the sequence listing is larger than 100MB, or if the image file (e.g. PDF file) containing the sequence listing is larger than 25MB, the applicant must file the sequence listings as an Annex C/ST.25 text file on physical data carrier(s). The receiving Office does not accept the filing of image (e.g. PDF file) on physical data carrier(s). In such cases, the data carrier(s) must be furnished on the same day that the international application is filed online. This may be furnished via "Express Mail Post Office to Addressee" with a date-in by the United States Postal Service the same date as the online filing date, or via commercial delivery services or by hand, provided that it reaches the receiving Office on the same day as the international application filed online. In such cases, the corresponding check-boxes in check-box (g) in Box No. IX must be marked. The number and type of carrier(s) should be indicated in check-box (g). Whenever the sequence listing is furnished as an Annex C/ST.25 text file, there is no need to file another copy of the text file for search purposes under Rule 13ter since the text file submitted will be used for both disclosure of the international application and for search purposes.

Items Accompanying the International Application: Where the international application is accompanied by certain items, the applicable check-boxes must be marked, any applicable indication must be made on the dotted line after the applicable item, and the number of such items should be indicated at the end of the

Check-box No. 4: Mark this check-box where a copy of a general power of attorney is filed with the international application; where the general power of attorney has been deposited with the receiving Office, and that Office has accorded to it a reference number, that number may be indicated.

Check-box No. 6: Mark this check-box where a translation of the international application for the purposes of international search (Rule 12.3) is filed together with the international application and indicate the language of that translation.

Check-box No. 7: Mark this check-box where a filled-in Form PCT/RO/134 or any separate sheet containing indications concerning deposited microorganisms and/or other biological material is filed with the international application. If Form PCT/RO/134 or any sheet containing the said indications is included as one of the sheets of the description (as required by certain designated States (see the *PCT Applicant's Guide*, Annex L)), do not mark this check-box (for further information, see Rule 13*bis* and Section 209).

Check-boxes Nos. 8 and 9: Where the sequence listing part of the description is submitted on paper, a copy of the sequence listing in the form of an Annex C/ST.25 text file (together with the required statement) should accompany the international application, if so required by the ISA, but **only** for the purposes of international search under Rule 13*ter*. In this case, check-boxes Nos. 8 and 9, must be marked in Box No. IX.

Language of Filing of the International Application (Rules 12.1(a) and 20.1(c) and (d)): With regard to the language in which the international application is filed, for the purposes of according an international filing date, it is, subject to the following sentence, sufficient that the description and the claims are in the language, or one of the languages, accepted by the receiving Office for the filing of international applications; that language should be indicated in that check-box (as regards the language of the abstract and any text matter in the drawings, see Rule 26.3*ter*(a) and (b); as regards the language of the request, see Rules 12.1(c) and 26.3*ter*(c) and (d)). Note that where the international application is filed with the United States Patent and Trademark Office as receiving Office, all elements of the international application (request, description, claims, abstract, text matter of drawings) must, for the purposes of according an international filing date, be in English except that the free text in any sequence listing part of the description, complying with the standard set out in Annex C of the Administrative Instructions, may be in a language other than English.

BOX No. X

Signature (Rules 4.1(d), 4.15, 26.2*bis*(a), 51*bis*.1(a)(vi) and 90): The signature must be that of the applicant; if there are several applicants, all must sign. However, if the signature of one or more of the applicants is missing, the receiving Office will not invite the applicant to furnish the missing signature(s) provided that at least one of the applicants signed the request.

Important: Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicants by all of them (Rule 90*bis*.5), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand, a separate power of attorney (Rule 90.4(a)) or a general power of attorney (Rule 90.5(a)).

Furthermore, for the purposes of the national phase processing, each designated Office will be entitled to require the applicant to furnish the confirmation of the international application by the signature of any applicant for the designated State concerned, who has not signed the request.

Where the signature on the request is not that of the applicant but that of the agent, or the common representative, a

separate power of attorney appointing the agent or the common representative, respectively, or a copy of a general power of attorney already in the possession of the receiving Office, must be furnished. The power of attorney must be signed by the applicant, or if there is more than one applicant, by at least one of them. If the power is not filed with the request, the receiving Office will invite the applicant to furnish it, unless it has waived the requirement for a separate power of attorney (for details about each receiving Office, see the *PCT Applicant's Guide*, Annex C).

SUPPLEMENTAL BOX

The cases in which the Supplemental Box may be used and the manner of making indications in it are explained in the left column of that Box.

Items 2 and 3: Even if an indication is made in respect of items 2 and 3 under Rule 49*bis*.1(a), (b) or (d), the applicant will be required to make an indication to this effect upon entry into the national phase before the designated offices concerned.

If the applicant wishes to specify that the international application be treated in any designated State as an application for a utility model, see Notes to Box No. V.

GENERAL REMARKS

Language of Correspondence (Rule 92.2 and Section 104): Any letter from the applicant to the receiving Office must be in the language of filing of the international application provided that, where the international application is to be published in the language of a translation required under Rule 12.3, such letter should be in the language of that translation; however, the receiving Office may authorize the use of another language.

Any letter from the applicant to the International Bureau must be in the same language as the international application if that language is English or French; otherwise, it must be in English or French, at the choice of the applicant.

Any letter from the applicant to the ISA must be in the same language as the international application, provided that, where a translation of the international application for the purposes of international search has been transmitted under Rule 23.1(b), such letter is in the language of that translation. However, the ISA may authorize the use of another language.

Arrangement of Elements and Numbering of Sheets of the International Application (Rule 11.7 and Section 207): The elements of the international application must be placed in the following order: the request, the description (excluding the sequence listing part, if any), the claim(s), the abstract, the drawings (if any), the sequence listing part of the description (if any).

All sheets of the description (excluding the sequence listing part), claims and abstract must be numbered in consecutive Arabic numerals, which must be placed at the top or bottom of the sheet, in the middle, but not in the margin which must remain blank. The number of each sheet of the drawings must consist of two Arabic numerals separated by an oblique stroke, the first being the sheet number and the second being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3). For numbering of the sheets of the sequence listing part of the description, see Section 207.

Indication of the Applicant's or Agent's File Reference on the sheets of the description (excluding the sequence listing part, if any), claim(s), abstract, drawings and sequence listing part of the description (Rule 11.6(f)): The file reference indicated on the request may also be indicated in the left-hand corner of the top margin, within 1.5 cm from the top of any sheet of the international application.

relevant line; detailed explanations are provided below only in respect of those items which so require.

Check-box No. 4: Mark this check-box where a copy of a general power of attorney is filed with the international application; where the general power of attorney has been deposited with the receiving Office, and that Office has accorded to it a reference number, that number may be indicated.

Check-box No. 6: Mark this check-box where a translation of the international application for the purposes of international search (Rule 12.3) is filed together with the international application and indicate the language of that translation.

Check-box No. 7: Mark this check-box where a filled-in Form PCT/RO/134 or any separate sheet containing indications concerning deposited microorganisms and/or other biological material is filed with the international application. If Form PCT/RO/134 or any sheet containing the said indications is included as one of the sheets of the description (as required by certain designated States (see the *PCT Applicant's Guide*, Annex L)), do not mark this check-box (for further information, see Rule 13*bis* and Section 209).

Check-boxes Nos. 8 and 9: Where the sequence listing part of the description is submitted on paper, a copy of the sequence listing in the form of an Annex C/ST.25 text file (together with the required statement) should accompany the international application, if so required by the ISA, but **only** for the purposes of international search under Rule 13*ter*. In this case, check-boxes Nos. 8 and 9, must be marked in Box No. IX.

Language of Filing of the International Application (Rules 12.1(a) and 20.1(c) and (d)): With regard to the language in which the international application is filed, for the purposes of according an international filing date, it is, subject to the following sentence, sufficient that the description and the claims are in the language, or one of the languages, accepted by the receiving Office for the filing of international applications; that language should be indicated in that check-box (as regards the language of the abstract and any text matter in the drawings, see Rule 26.3*ter*(a) and (b); as regards the language of the request, see Rules 12.1(c) and 26.3*ter*(c) and (d)). Note that where the international application is filed with the United States Patent and Trademark Office as receiving Office, all elements of the international application (request, description, claims, abstract, text matter of drawings) must, for the purposes of according an international filing date, be in English except that the free text in any sequence listing part of the description, complying with the standard set out in Annex C of the Administrative Instructions, may be in a language other than English.

BOX No. X

Signature (Rules 4.1(d), 4.15, 26.2*bis*(a), 51*bis*.1(a)(vi) and 90): The signature must be that of the applicant; if there are several applicants, all must sign. However, if the signature of one or more of the applicants is missing, the receiving Office will not invite the applicant to furnish the missing signature(s) provided that at least one of the applicants signed the request.

Important: Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicants by all of them (Rule 90*bis*.5), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand, a separate power of attorney (Rule 90.4(a)) or a general power of attorney (Rule 90.5(a)).

Furthermore, for the purposes of the national phase processing, each designated Office will be entitled to require the applicant to furnish the confirmation of the international application by the signature of any applicant for the designated State concerned, who has not signed the request.

Where the signature on the request is not that of the applicant but that of the agent, or the common representative, a separate power of attorney appointing the agent or the common representative, respectively, or a copy of a general power of attorney already in the possession of the receiving Office, must be furnished. The power of attorney must be signed by the applicant, or if there is more than one applicant, by at least one of them. If the power is not filed with the request, the receiving Office will invite the applicant to furnish it, unless it has waived the requirement for a separate power of attorney (for details about each receiving Office, see the *PCT Applicant's Guide*, Annex C).

SUPPLEMENTAL BOX

The cases in which the Supplemental Box may be used and the manner of making indications in it are explained in the left column of that Box.

Items 2 and 3: Even if an indication is made in respect of items 2 and 3 under Rule 49*bis*.1(a), (b) or (d), the applicant will be required to make an indication to this effect upon entry into the national phase before the designated offices concerned.

If the applicant wishes to specify that the international application be treated in any designated State as an application for a utility model, see Notes to Box No. V.

GENERAL REMARKS

Language of Correspondence (Rule 92.2 and Section 104): Any letter from the applicant to the receiving Office must be in the language of filing of the international application provided that, where the international application is to be published in the language of a translation required under Rule 12.3, such letter should be in the language of that translation; however, the receiving Office may authorize the use of another language.

Any letter from the applicant to the International Bureau must be in the same language as the international application if that language is English or French; otherwise, it must be in English or French, at the choice of the applicant.

Any letter from the applicant to the ISA must be in the same language as the international application, provided that, where a translation of the international application for the purposes of international search has been transmitted under Rule 23.1(b), such letter is in the language of that translation. However, the ISA may authorize the use of another language.

Arrangement of Elements and Numbering of Sheets of the International Application (Rule 11.7 and Section 207): The elements of the international application must be placed in the following order: the request, the description (excluding the sequence listing part, if any), the claim(s), the abstract, the drawings (if any), the sequence listing part of the description (if any).

All sheets of the description (excluding the sequence listing part), claims and abstract must be numbered in consecutive Arabic numerals, which must be placed at the top or bottom of the sheet, in the middle, but not in the margin which must remain blank. The number of each sheet of the drawings must consist of two Arabic numerals separated by an oblique stroke, the first being the sheet number and the second being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3). For numbering of the sheets of the sequence listing part of the description, see Section 207.

Indication of the Applicant's or Agent's File Reference on the sheets of the description (excluding the sequence listing part, if any), claim(s), abstract, drawings and sequence listing part of the description (Rule 11.6(f)): The file reference indicated on the request may also be indicated in the left-hand corner of the top margin, within 1.5 cm from the top of any sheet of the international application.

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

PCT

INVITATION RELATING TO ~~CERTAIN PARTS OF THE INTERNATIONAL APPLICATION THAT ARE, OR APPEAR TO BE,~~ MISSING

(PCT Rule 20.5(a))

Applicant's or agent's file reference		Date of mailing (day/month/year)
		REPLY DUE within TWO MONTHS from the above date of mailing. See also item 4 below.
International application No.	Date of receipt (day/month/year)	Priority date (day/month/year)
Applicant		

1. This receiving Office has found:

a. parts of the description are, or appear to be, missing (*specify pages*): _____

b. a part of a claim or a part of the claims are, or appear to be, missing (*specify pages*): _____

c. parts or all of the drawings are, or appear to be, missing (*specify pages*): _____

d. references to drawings, which appear to be missing, are made on pages _____

2. The applicant is hereby invited, within the time limit indicated above, at the applicant's option:

(i) to complete the purported international application by furnishing the missing part(s); or

(ii) to confirm in accordance with Rule 20.6(a) that the part was incorporated by reference under Rule 4.18 (see Annex for details);

and to make observations, if any.

3. Where missing drawings are not furnished to this receiving Office within the time limit indicated above, any references to such drawings in the international application will be considered non-existent (Article 14(2)).

4. **Attention:**

Where the applicant furnishes to this receiving Office, after the date on which all of the requirements of Article 11(1) were fulfilled (and an international filing date has been accorded) but within the time limit indicated above, the missing part so as to complete the international application, this receiving Office will correct the international filing date to the date on which it received that part (Rule 20.5(c)).

The time limit for responding to this invitation expires later than 12 months from the filing date of the earliest application the priority of which is claimed. In the case referred to in paragraph 2.(i), any missing part received by this receiving Office after the expiration of this 12-month period may result not only in the international filing date being corrected but also in that priority claim being considered void for the purposes of the procedure under the PCT (Rule 26bis.2(b)), except if the international application was filed within 14 months from the filing date of the earliest application whose priority is claimed (Rule 26bis.2(c)(iii)).

A copy of this Invitation is being sent to the International Bureau and the International Searching Authority.

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

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCT

To:

INVITATION RELATING TO MISSING PARTS OR
ERRONEOUSLY FILED ELEMENTS OR PARTS

(PCT Rules 20.5(a) and 20.5bis(a))

Applicant's or agent's file reference		Date of mailing (day/month/year)
International application No.		REPLY DUE within TWO MONTHS from the above date of mailing. See also item 4 below.
Date of receipt (day/month/year)	Priority date (day/month/year)	
Applicant		

1. This receiving Office has found:

a. parts of the description are, or appear to be, missing (*specify pages*): _____

b. a part of a claim or a part of the claims are, or appear to be, missing (*specify pages*): _____

c. parts or all of the drawings are, or appear to be, missing (*specify pages*): _____

d. references to drawings, which appear to be missing, are made on pages _____

e. the entire description, or parts of the description have or appear to have been, erroneously filed (*specify pages*): _____

f. all claims, a part of a claim, or a part of the claims have or appear to have been, erroneously filed (*specify pages*): _____

g. parts or all of the drawings have or appear to have been, erroneously filed (*specify pages*): _____

2. The applicant is hereby invited, within the time limit indicated above, at the applicant's option:

(i) to complete or correct the purported international application by furnishing the missing part(s) or the correct element(s) or part(s); or

(ii) to confirm in accordance with Rule 20.6(a) that the missing part(s) or the correct element(s) or part(s) was incorporated by reference under Rule 4.18 (see Annex for details);

and to make observations, if any.

3. Where missing drawings are not furnished to this receiving Office within the time limit indicated above, any references to such drawings in the international application will be considered non-existent (Article 14(2)).

4. **Attention:**

Where the applicant furnishes to this receiving Office, after the date on which all of the requirements of Article 11(1) were fulfilled (and an international filing date has been accorded) but within the time limit indicated above, the missing part or the correct element or part so as to complete or correct the international application, as the case may be, this receiving Office will correct the international filing date to the date on which it received that element or part (Rule 20.5(c) or 20.5bis(c)).

The time limit for responding to this invitation expires later than 12 months from the filing date of the earliest application the priority of which is claimed. In the case referred to in paragraph 2.(i), any missing part or correct element or part received by this receiving Office after the expiration of this 12-month period may result not only in the international filing date being corrected but also in that priority claim being considered void for the purposes of the procedure under the PCT (Rule 26bis.2(b)), except if the international application was filed within 14 months from the filing date of the earliest application whose priority is claimed (Rule 26bis.2(c)(iii)).

A copy of this Invitation is being sent to the International Bureau and the International Searching Authority.

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

ANNEX TO FORM PCT/RO/107

International application No.

Continuation of item 2:

Where the applicant wishes to confirm in accordance with Rule 20.6(a) that the missing part was incorporated by reference under Rule 4.18, the applicant shall furnish, within two months from the date of mailing of this invitation (Rule 20.7(a)(i)), the following:

1. Written notice confirming that the ~~missing~~ part was incorporated by reference in the international application under Rule 4.18 (*no special Form required*).
2. Sheet or sheets embodying the part concerned as contained in the earlier application, which applicant desires to be part of the international application, in the following language (Rule 12.1*bis*):
 - a. language of filing of the international application, that is, in _____
 - b. language of translation under Rule 12.3(a), that is, in _____
 - c. language of translation under Rule 12.4(a), that is, in _____
3. Where the applicant has not already complied with Rules 17.1(a), (b) or (b-*bis*) in relation to the priority document, a copy of the earlier application as filed.
4. Translation of the earlier application into the following language (Rule 20.6(a)(iii)):
 - a. language of filing of the international application, that is, into _____
 - b. language of translation under Rule 12.3(a), that is, into _____
 - c. language of translation under Rule 12.4(a), that is, into _____
5. Indication(s) where the ~~missing~~ part is contained in the earlier application and, where applicable any translation referred to under item (2), where the missing part is only a part of the description, claims or drawings.

If this receiving Office finds that the requirements of Rules 4.18 and 20.6 have been complied with and that the ~~missing~~ part was completely contained in the earlier application, that part will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office.

ANNEX TO FORM PCT/RO/107

International application No.

Continuation of item 2:

Where the applicant wishes to confirm in accordance with Rule 20.6(a) that the missing part or the correct element or part was incorporated by reference under Rule 4.18, the applicant shall furnish, within two months from the date of mailing of this invitation (Rule 20.7(a)(i)), the following:

1. Written notice confirming that the element or part was incorporated by reference in the international application under Rule 4.18 (*no special Form required*).
2. Sheet or sheets embodying the element or part concerned as contained in the earlier application, which the applicant desires to be part of the international application, in the following language (Rule 12.1*bis*):
 - a. language of filing of the international application, that is, in _____
 - b. language of translation under Rule 12.3(a), that is, in _____
 - c. language of translation under Rule 12.4(a), that is, in _____
3. Where the applicant has not already complied with Rules 17.1(a), (b) or (b-*bis*) in relation to the priority document, a copy of the earlier application as filed.
4. Translation of the earlier application into the following language (Rule 20.6(a)(iii)):
 - a. language of filing of the international application, that is, into _____
 - b. language of translation under Rule 12.3(a), that is, into _____
 - c. language of translation under Rule 12.4(a), that is, into _____
5. Indication(s) where the element or part is contained in the earlier application and, where applicable any translation referred to under item (2), where the missing or correct part is only a part of the description, claims or drawings.

If this receiving Office finds that the requirements of Rules 4.18 and 20.6 have been complied with and that the element or part was completely contained in the earlier application, that element or part will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office. Any erroneously filed element or part will remain in the international application (see Rule 20.5*bis*(d)).

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

PCT

NOTIFICATION ON DECISION OF CONFIRMATION
OF INCORPORATION BY REFERENCE
OF ELEMENT OR PART

(PCT Rule 20.6(b) and (c))

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

This receiving Office has found that:

1. the requirements of Rules 4.18 and 20.6(a) have been complied with and that ~~an~~ element or part is considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office (for further details on the international filing date accorded see Form PCT/RO/105 issued separately) (Rule 20.6(b)).

This decision concerns page number(s) _____

 received on _____

For the purposes of Rule 20.6(a)(ii), this decision has been based on:

- a. the priority document furnished under Rule 17.1(a), (b) or (b-bis).
 b. a copy of the earlier application as filed (Rule 20.6(a)(ii)).

2. the requirements of Rules 4.18 and 20.6(a) have **not** been complied with and that ~~an~~ element or part is **not** considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office (Rule 20.6(c)), for the reasons indicated in the Annex to this form.

This decision concerns page number(s) _____

For further details concerning the processing of the later submitted ~~parts~~, only where item 2. applies, see Form PCT/RO/126.

A copy of this Notification is being sent to the International Bureau and the International Searching Authority.

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

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCT

To:

NOTIFICATION ON DECISION OF CONFIRMATION
OF INCORPORATION BY REFERENCE
OF ELEMENT OR PART

(PCT Rule 20.6(b) and (c))

Date of mailing
(day/month/year)

Applicant's or agent's file reference

IMPORTANT NOTIFICATION

International application No.

International filing date/Date of first receipt of papers
(day/month/year)

Applicant

This receiving Office has found that:

1. the requirements of Rules 4.18 and 20.6(a) have been complied with and that the element or part is considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office (for further details on the international filing date accorded, see Form PCT/RO/105 issued separately) (Rule 20.6(b)).

This decision concerns page number(s) _____

received on _____

For the purposes of Rule 20.6(a)(ii), this decision has been based on:

- a. the priority document furnished under Rule 17.1(a), (b) or (b-bis).
b. a copy of the earlier application as filed (Rule 20.6(a)(ii)).

2. the requirements of Rules 4.18 and 20.6(a) have **not** been complied with and that the element or part is **not** considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office (Rule 20.6(c)), for the reasons indicated in the Annex to this form.

This decision concerns page number(s) _____

For further details concerning the processing of the later submitted sheets, only where item 2. applies, see Form PCT/RO/126.

A copy of this Notification is being sent to the International Bureau and the International Searching Authority.

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

International application No.

ANNEX TO FORM PCT/RO/114

Continuation of item 2: this receiving Office refuses the request for incorporation by reference of ~~an~~ element or part for the following reason(s):

- One or more of the following items is not available to the receiving Office and has not been submitted within the applicable time limit under Rule 20.7:
- a sheet or sheets embodying the entire element contained in the earlier application or the part concerned (Rule 20.6(a)(i));
 - a copy of the earlier application as filed (Rule 20.6(a)(ii));
 - a translation of the earlier application (Rule 20.6(a)(iii));
 - an indication as to where the ~~missing~~ part is contained in the earlier application and, where applicable, in any translation thereof (Rule 20.6(a)(iv));
- The ~~missing~~ element or part is not completely contained in the earlier application, the priority of which is claimed (*specify*):

Additional comments, where necessary:

International application No.

ANNEX TO FORM PCT/RO/114

Continuation of item 2: this receiving Office refuses the request for incorporation by reference of the element or part for the following reason(s):

- One or more of the following items is not available to the receiving Office and has not been submitted within the applicable time limit under Rule 20.7:
- a sheet or sheets embodying the entire element contained in the earlier application or the part concerned (Rule 20.6(a)(i));
 - a copy of the earlier application as filed (Rule 20.6(a)(ii));
 - a translation of the earlier application (Rule 20.6(a)(iii));
 - in the case of a part of the description, claims or drawings, an indication as to where that part is contained in the earlier application and, where applicable, in any translation thereof (Rule 20.6(a)(iv));
- The element or part is not completely contained in the earlier application, the priority of which is claimed (*specify*):

- Additional comments, where necessary:

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

PCT

NOTIFICATION CONCERNING
DOCUMENTS TRANSMITTED

Date of mailing
(day/month/year)

The receiving Office transmits herewith the following documents:

(number)

1. _____ record copies (Article 12(1))
2. _____ search copies (Article 12(1))
3. _____ translations of international applications (Rule 12.3 or 12.4)
4. _____ copies of purported international applications (Rule 20.4(iv))
5. _____ translation of earlier application (Rule 20.6(a)(iii) and Administrative Instructions, Section 305ter)
6. _____ copies of the request from the applicant to restore the right of priority under Rule 26bis.3(a) and any related document(s), with the exception of any document(s) or part(s) thereof found by the receiving Office to meet the criteria of Rule 26bis.3(h-bis)
7. _____ record copies and corrections not already transmitted in respect of the international applications which have been considered withdrawn (Rule 29.1(a)(i))
8. _____ (copies of the) letters of corrections or rectifications (Administrative Instructions, Section 325(b) and (c))
9. _____ (copies of) replacement sheets (Administrative Instructions, Section 325(b) and (c))
10. _____ (copies of) later submitted sheets (Administrative Instructions, Sections 309(b)(iv), 309(c)(iv), 310(b)(iv), 310bis(b)(v), or 310ter(iv))
11. _____ copy(ies) of the results of the earlier search(es) and/or related documents and copy(ies) of the results of any earlier classification (Rules 12bis.1(a) and (b) and 23bis) (as specified in the Annex)
12. _____ other documents (specify):

The Annex contains a list identifying each document transmitted by the type of document, the corresponding international application number and, if necessary, other information.

This Notification is sent to the addressee in its capacity as:

- the International Searching Authority
 the International Bureau

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

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

PCT

NOTIFICATION CONCERNING
DOCUMENTS TRANSMITTED

Date of mailing
(day/month/year)

The receiving Office transmits herewith the following documents:

(number)

1. _____ record copies (Article 12(1))
2. _____ search copies (Article 12(1))
3. _____ translations of international applications (Rule 12.3 or 12.4)
4. _____ copies of purported international applications (Rule 20.4(iv))
5. _____ translation of earlier application (Rule 20.6(a)(iii) and Administrative Instructions, Section 305ter)
6. _____ copies of the request from the applicant to restore the right of priority under Rule 26bis.3(a) and any related document(s), with the exception of any document(s) or part(s) thereof found by the receiving Office to meet the criteria of Rule 26bis.3(h-bis)
7. _____ record copies and corrections not already transmitted in respect of the international applications which have been considered withdrawn (Rule 29.1(a)(i))
8. _____ (copies of the) letters of corrections or rectifications (Administrative Instructions, Section 325(b) and (c))
9. _____ (copies of) replacement sheets (Administrative Instructions, Section 325(b) and (c))
10. _____ (copies of) later submitted sheets (Administrative Instructions, Sections 309(b)(v), 309(c)(v), 310(b)(v), 310bis(b)(v), or 310ter(iv))
11. _____ copy(ies) of the results of the earlier search(es) and/or related documents and copy(ies) of the results of any earlier classification (Rules 12bis.1(a) and (b) and 23bis) (as specified in the Annex)
12. _____ other documents (specify):

The Annex contains a list identifying each document transmitted by the type of document, the corresponding international application number and, if necessary, other information.

This Notification is sent to the addressee in its capacity as:

- the International Searching Authority
- the International Bureau

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

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

To:

PCT

NOTIFICATION CONCERNING LATER
SUBMITTED ~~PARTS OF AN~~
~~INTERNATIONAL APPLICATION~~

(PCT Rule 20.5~~(b) and (c)~~,
Administrative Instructions, Sections 310 and 310ter)

Date of mailing
(day/month/year)

Applicant's or agent's file reference	IMPORTANT NOTIFICATION
International application No.	International filing date/Date of first receipt of papers (day/month/year)
Applicant	

1. The applicant is hereby notified that a missing part ~~or parts of the description, claims or drawings pertaining to~~ the (purported) international application furnished by the applicant to complete the international application were received by this receiving Office on _____ that is, on a date later than the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office.

2. As the date of receipt of those later submitted ~~parts~~ is within two months from the date of the invitation issued under Rule 20.5(a) (Form PCT/RO/107, dated _____) or, where no such invitation was issued, within two months from the date on which one or more elements of this international application referred to in Article 11(1)(iii) were first received by this receiving Office, and since an incorporation by reference of these later submitted ~~parts~~ was not confirmed in accordance with Rules 4.18 and 20.6(a):

a. the later submitted ~~parts~~ are included in the application and since, to date, not all of the requirements of Article 11(1) are fulfilled, this receiving Office will accord an international filing date once all of those requirements are fulfilled (Rule 20.5(b));

b. the later submitted ~~parts~~ are included in the application and the international filing date is corrected to the date on which this receiving Office received those later submitted ~~parts~~, that is, to _____ (corrected international filing date). The applicant may, in a notice submitted to the receiving Office within one month from the date of mailing of this notification, **request that the missing part concerned be disregarded**, in which case the ~~missing part~~ shall be considered not to have been furnished and the correction of the international filing date shall be considered not to have been made (Rule 20.5(e)).

3. ~~Following issuance of this Form, the applicant has requested that the missing part concerned be disregarded according to Rule 20.5(e) (see paragraph 2.b. above). The international filing date is therefore _____~~

4. As the date of receipt of those later submitted ~~parts~~ is not within two months from the date of the invitation issued under Rule 20.5(a) (Form PCT/RO/107, dated _____) or, where no such invitation was issued, is not within two months from the date on which one or more elements of this international application referred to in Article 11(1)(iii) were first received by this receiving Office, the later submitted ~~parts~~ will not be included in the application and will not be taken into account for the purposes of international processing.

5. A copy of this notification has been sent to:

the International Bureau the International Searching Authority

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

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCT

NOTIFICATION CONCERNING LATER
SUBMITTED SHEETS NOT FOR
INCORPORATION BY REFERENCE

(PCT Rules 20.5 and 20.5bis,
Administrative Instructions, Sections 310 and 310ter)

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

1. The applicant is hereby notified that later submitted sheets embodying a missing part or a correct element or part of the (purported) international application furnished by the applicant to complete or correct the international application were received by this receiving Office on _____ that is, on a date later than the date on which one or more elements referred to in Article 11(1)(iii) were first received by this receiving Office.

2. As the date of receipt of those later submitted sheets is within two months from the date of the invitation issued under Rule 20.5(a) or 20.5bis(a) (Form PCT/RO/107, dated _____) or, where no such invitation was issued, within two months from the date on which one or more elements of this international application referred to in Article 11(1)(iii) were first received by this receiving Office, and since an incorporation by reference of these later submitted sheets was not confirmed in accordance with Rules 4.18 and 20.6(a):

a. the later submitted sheets embodying the missing part are included in the application and since, to date, not all of the requirements of Article 11(1) are fulfilled, this receiving Office will accord an international filing date once all of those requirements are fulfilled (Rule 20.5(b));

b. the later submitted sheets embodying the correct element or part are included in the application, the erroneously filed element or part is removed from the application, and since, to date, not all of the requirements of Article 11(1) are fulfilled, this receiving Office will accord an international filing date once all of those requirements are fulfilled (Rule 20.5bis(b));

c. the later submitted sheets embodying the missing part are included in the application and the international filing date is corrected to the date on which this receiving Office received those later submitted sheets, that is, to _____ (corrected international filing date) (Rule 20.5(c));

d. the later submitted sheets embodying the correct element or part are included in the application, the erroneously filed element or part is removed from the application, and the international filing date is corrected to the date on which this receiving Office received those later submitted sheets, that is, to _____ (corrected international filing date) (Rule 20.5bis(c)).

WARNING: Where item c. or d. is checked, the applicant may, in a notice submitted to the receiving Office within **one month** from the date of mailing of this notification, **request that the later submitted sheets be disregarded**, in which case the later submitted sheets shall be considered not to have been furnished and the correction of the international filing date shall be considered not to have been made **and, where applicable, the erroneously filed element or part shall be considered not to have been removed from the application** (Rule 20.5(e) or 20.5bis(e)).

3. As the date of receipt of those later submitted sheets is not within two months from the date of the invitation issued under Rule 20.5(a) or 20.5bis(a) (Form PCT/RO/107, dated _____) or, where no such invitation was issued, is not within two months from the date on which one or more elements of this international application referred to in Article 11(1)(iii) were first received by this receiving Office, the later submitted sheets will not be included in the application and will not be taken into account for the purposes of international processing.

4. A copy of this notification has been sent to:
 the International Bureau the International Searching Authority

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

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCT

NOTIFICATION CONCERNING
REQUEST TO RESTORE THE
INTERNATIONAL FILING DATE

(PCT Rules 20.5 and 20.5bis(e),
Administrative Instructions, Section 310bis)

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

1. The applicant is hereby notified that, following the *Notification Concerning Later Submitted Sheets Not for Incorporation by Reference* (Form PCT/RO/126) issued by this receiving Office which corrected the international filing date to a later date, this receiving Office has received a notice from the applicant requesting that the later submitted sheets be disregarded.

2. Since the request was received within the prescribed time limit, according to Rule 20.5(e) or 20.5bis(e):

- a. **the international filing date of this international application has been restored to _____**, that is, the date which had applied prior to its correction referred to above;
- b. the later submitted sheets are considered not to have been furnished; and
- c. where applicable, the erroneously filed element or part concerned will remain in the international application.

Since the request was received beyond the prescribed time limit, it is considered not to have been submitted.

3. A copy of this notification has been sent to:

the International Bureau the International Searching Authority

<p>Name and mailing address of the receiving Office</p>	<p>Authorized officer</p>
<p>Facsimile No.</p>	<p>Telephone No.</p>

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

INVITATION TO PAY ADDITIONAL FEES
IN CASE OF LATER SUBMITTED SHEETS

(PCT Rule 40bis.1)

<p>To:</p>	
<p><u>Applicant's or agent's file reference</u></p>	<p><u>Date of mailing</u> <i>(day/month/year)</i></p>
<p><u>International application No.</u></p>	<p><u>PAYMENT DUE</u> within ONE MONTH from <u>the above date of mailing</u></p>
<p><u>Applicant</u></p>	<p><u>International filing date</u> <i>(day/month/year)</i></p>

1. This International Searching Authority has received a notification from the receiving Office that a missing part or a correct element or part:

is included in the international application under Rule 20.5(c) or 20.5bis(c) (Form PCT/RO/126);

is incorporated by reference in accordance with Rule 20.6(b) (Form PCT/RO/114),

on _____, after this Authority had begun to draw up the international search report.

2. Consequently, the applicant is hereby invited to pay, within the time limit indicated above, additional fees in the amount indicated below (Rule 40bis.1):

_____ (amount of additional fees/currency)

3. Failure to comply with this invitation will result in the international search report and the written opinion of the International Searching Authority being established without taking into account the missing part or the correct element or part.

<p><u>Name and mailing address of the ISA/</u></p>	<p><u>Authorized officer</u></p>
<p><u>Facsimile No.</u></p>	<p><u>Telephone No.</u></p>

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
DOCUMENTS TRANSMITTED

To:

Date of mailing (day/month/year)	
International application No.	International filing date (day/month/year)
Applicant	

The International Bureau transmits herewith the following number of copy(ies) of the:
(number)

- _____ written opinion of the International Searching Authority (Article 23(2), Rules 44bis.2(b), 45bis.4(e)(v) or 73.2(b)(ii))
- _____ English translation of the written opinion of the International Searching Authority for the Authority(ies) specified for supplementary search (Rule 45bis.4(f))
- _____ English translation of the written opinion of the International Searching Authority for the designated or elected Office(s) (Article 23(2), Rules 44bis.3(d) or 72.2bis)
- _____ English translation of the written opinion of the International Searching Authority for the International Preliminary Examining Authority (Rule 62bis.1(b))
- _____ international preliminary report on patentability (Chapter I) (Rule 44bis.2(a))
- _____ English translation of the international preliminary report on patentability (Chapter I) (Rule 44bis.3(c))
- ~~_____ international preliminary report on patentability (Chapter II) (Article 36(3)(a), Rule 73.2(a))~~
- _____ international preliminary report on patentability (Chapter II) and annexes (Article 36(3)(a), Rule 70)
- _____ English translation of the international preliminary report on patentability (Chapter II) (Article 36(3)(a), Rule 72)
- _____ supplementary international search report, or declaration, and, if applicable, its English translation (Rule 45bis.8(b))
- _____ priority document(s) (Rule 17.2(a))
- _____ priority document(s) (Rule 66.7(a))
- _____ supplementary search request (Rule 45bis.4(e)(i))
- _____ international application and international search report or declaration (Administrative Instructions, Section 420, or Rule 45bis.4(e)(ii) and (v))
- _____ invitation by the International Searching Authority to pay additional fees (Rule 45bis.4(e)(vi))
- _____ international application (Article 13(1), (2)(b))
- _____ translation of the international application (Rule 45bis.4(e)(iv))
- _____ document(s) in the file (Article 25(1)(a), (b))
- _____ text of the protest concerning the payment of additional fees and of the decision thereon (Rules 40.2(c) and 45bis.4(e)(vii))
- _____ request for review and of the decision thereof, together with the supplementary international search report for the designated Offices (Rule 45bis.6(e))
- _____ request for rectification refused by the competent Authority (Rule 91.3(d))
- _____ sequence listing (Rules 45bis.1(c)(ii) and 45bis.4(e)(iii))
- _____ other document(s):

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Telephone No. +41 22 338 XX XX
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PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
DOCUMENTS TRANSMITTED

To:

Date of mailing (day/month/year)	
International application No.	International filing date (day/month/year)
Applicant	

The International Bureau transmits herewith the following number of copy(ies) of the:
(number)

- _____ written opinion of the International Searching Authority (Article 23(2), Rules 44bis.2(b), 45bis.4(e)(v) or 73.2(b)(ii))
- _____ English translation of the written opinion of the International Searching Authority for the Authority(ies) specified for supplementary search (Rule 45bis.4(f))
- _____ English translation of the written opinion of the International Searching Authority for the designated or elected Office(s) (Article 23(2), Rules 44bis.3(d) or 72.2bis)
- _____ English translation of the written opinion of the International Searching Authority for the International Preliminary Examining Authority (Rule 62bis.1(b))
- _____ international preliminary report on patentability (Chapter I) (Rule 44bis.2(a))
- _____ English translation of the international preliminary report on patentability (Chapter I) (Rule 44bis.3(c))
- _____ amendments under Article 34 and accompanying letter submitted by the applicant (Section 420bis)
- _____ letter containing arguments submitted by the applicant (Section 420bis)
- _____ written opinion of the International Preliminary Examining Authority (Section 420bis)
- _____ international preliminary report on patentability (Chapter II) and any annexes (Article 36(3)(a), Rule 73.2(a))
- _____ English translation of the international preliminary report on patentability (Chapter II) (Article 36(3)(a), Rule 72)
- _____ invitation by the International Preliminary Examining Authority to restrict or pay additional fees (Section 420bis)
- _____ protest against the invitation to restrict or pay additional fees and the decision thereon (Section 420bis)
- _____ supplementary international search report, or declaration, and, if applicable, its English translation (Rule 45bis.8(b))
- _____ priority document(s) (Rule 17.2(a))
- _____ priority document(s) (Rule 66.7(a))
- _____ supplementary search request (Rule 45bis.4(e)(i))
- _____ international application and international search report or declaration (Administrative Instructions, Section 420, or Rule 45bis.4(e)(ii) and (v))
- _____ invitation by the International Searching Authority to pay additional fees (Rule 45bis.4(e)(vi))
- _____ international application (Article 13(1), (2)(b))
- _____ translation of the international application (Rule 45bis.4(e)(iv))
- _____ document(s) in the file (Article 25(1)(a), (b))
- _____ text of the protest concerning the payment of additional fees and of the decision thereon (Rules 40.2(c) and 45bis.4(e)(vii))
- _____ request for review and of the decision thereof, together with the supplementary international search report for the designated Offices (Rule 45bis.6(e))
- _____ request for rectification refused by the competent Authority (Rule 91.3(d))
- _____ sequence listing (Rules 45bis.1(c)(ii) and 45bis.4(e)(iii))
- _____ other document(s):

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Telephone No. +41 22 338 XX XX
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PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

**NOTIFICATION CONCERNING REQUEST
FOR ADDITION OR CORRECTION OF
INDICATIONS UNDER RULE 4.11**

**(PCT Rule 26^{quater} and
Administrative Instructions, Section 419^{bis})**

To:

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

1. The applicant is hereby **notified** that a notice to correct or add an indication in the Request Form (PCT/RO/101) under Rule 4.11 was received by the International Bureau on:

2. This date is

within the time limit under Rule 26^{quater}.1.

Consequently, the correction/addition will be reflected on the front page of the published international application.

after the expiration of the time limit under Rule 26^{quater}.1.

Consequently, the correction/addition will not be reflected on the front page of the published international application. The applicant is further informed that such an indication or correction should be submitted directly to the designated/elected Offices concerned.

3. A copy of this notification is being sent to

the Receiving Office

the International Searching Authority

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Telephone No. +41 22 338 XX XX

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION CONCERNING
DOCUMENTS TRANSMITTED

To:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Date of mailing
(day/month/year)

This International Preliminary Examining Authority transmits herewith the following documents:

(number)

1. _____ demands (Rule 61.1(a)).

2. _____ copies of international preliminary examination reports and their annexes (Rule 71.1).

3. _____ other documents (*specify*):

The Annex contains a list identifying each document transmitted by the type of document it is, the corresponding international application number and, if necessary, other information.

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

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20
Switzerland

NOTIFICATION CONCERNING
DOCUMENTS TRANSMITTED

Date of mailing
(day/month/year)

This International Preliminary Examining Authority transmits herewith the following documents:

(number)

1. _____ demands (Rule 61.1(a)).
2. _____ copies of amendments under Article 34 and accompanying letter submitted by the applicant (Rule 71.1(b)).
3. _____ copies of letter containing arguments submitted by the applicant (Rule 71.1(b)).
4. _____ copies of written opinion of the International Preliminary Examining Authority (Rule 71.1(b)).
5. _____ copies of international preliminary examination reports and their annexes (Rule 71.1(a)).
6. _____ copies of invitation by the International Preliminary Examining Authority to restrict or pay additional fees (Rule 71.1(b)).
7. _____ copies of protest against the invitation to pay additional fees and the decision thereon (Rule 71.1(b)).
8. _____ other documents (specify):

The Annex contains a list identifying each document transmitted by the type of document it is, the corresponding international application number and, if necessary, other information.

Name and mailing address of the IPEA/ Facsimile No.	Authorized officer Telephone No.
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PROPOSED MODIFICATIONS OF THE PCT RECEIVING OFFICE GUIDELINES

30. ***Excuse of Delay in Meeting Time Limits under Rule 82quater.1.*** For actions to be performed before the receiving Office, any delay in meeting a time limit is to be excused under Rule 82quater.1 if the receiving Office is satisfied that the following conditions are met:

(a) the time limit was not met due to war, revolution, civil disorder, strike, natural calamity, general unavailability of electronic communication services or other like reason in the locality where the interested party resides, has his place of business or is staying;

(b) the relevant action has been taken as soon as reasonably possible;

(c) the evidence provided by the interested party is in a form acceptable to the receiving Office; and

(d) the evidence is received by the receiving Office not later than six months after the expiration of the time limit applicable in the given case. In the particular case of general unavailability of electronic communications services, the interested party must establish that the outage affected a widespread geographical area rather than being a localized problem, that it was unexpected or unforeseen, and that there was no alternative communication means available to him. Actions to be performed include the submission of documents, responses to invitations and the payment of fees. Whether the interested party has taken the relevant action “as soon as reasonably possible” is to be judged by the receiving Office on the facts of the case. Commonly, this would mean within a short period of the cause of the delay ceasing to apply. For example, in cases where a strike prevented an agent from reaching his office, it would be expected that the action should in most cases be taken either the next working day or shortly thereafter, depending on how much preparatory work had been disrupted. On the other hand, where a disaster has resulted in the complete destruction of an agent’s files, it would reasonably be expected to take longer to reassemble all the necessary documents and systems to allow the necessary action to be taken. Rule 82quater.1 does not specifically refer to the action being taken “as soon as reasonably possible after the removal of the cause of the delay”, because an interested party should still be expected to take reasonable steps to overcome problems in cases where it can be seen that the relevant emergency situation will continue for a considerable period and the interested party is not himself prevented by the emergency from taking remedial action. As to the form of evidence acceptable to the receiving Office, for example, a news report from a reliable mass media outlet, or a statement or announcement from the relevant national authority should normally be acceptable for this purpose. In the case of general unavailability of electronic communications services, a statement from the provider of Internet services or the company providing electricity to the interested party may also be acceptable. The excuse of delay only applies to time limits fixed in the Regulations and not to the priority period (for restoration of the right of priority, see paragraphs 166A to 166M). The receiving Office should promptly inform the interested party of its decision (Form PCT/RO/132). A copy of the request, any evidence furnished and the decision should be sent to the International Bureau ([Section 111](#)).

30A. Excuse of Delay in Meeting Time Limits under Rule 82quater.2. [Rule 82quater.2 allows the receiving Office to excuse delays in meeting PCT time limits due to the unavailability of permitted electronic means of communication at the Office. When a receiving Office which offers such excuse of delays becomes aware of planned or unforeseen outages in the electronic means of communication at the Office, it:](#)

(a) publishes information about the unavailability including its duration; and
(b) notifies the International Bureau, which will accordingly publish the information to that effect in the Gazette.

30B. Receiving Offices will excuse delays in meeting time limits for this reason if the following conditions are met:

(a) the applicant requests the excuse indicating that the time limit was not met due to the unavailability of one of the permitted electronic means of communication at the receiving Office;

(b) the receiving Office acknowledges that the said electronic means of communication at the receiving Office was not available at the time the applicant attempted to use it; and

(c) the relevant action was performed on the next working day on which the said electronic means of communication became available.

30C. The receiving Office promptly informs the applicant of its decision (Form PCT/RO/132) and sends to the International Bureau a copy of the request, any evidence furnished and the decision (Section 111).

30D. Rule 82^{quater}.2 only applies to time limits fixed in the Regulations and not to the priority period.

Defects under Article 11(1)

45. **Invitation to Correct.** If the receiving Office finds that the international application does not comply with any of the requirements of Article 11(1), it invites (Form PCT/RO/103) the applicant to submit the required correction(s) or, where the requirements concerned are those relating to a missing element, to confirm in accordance with Rule 20.6(a) that the element is incorporated by reference under Rule 4.18 (Rule 20.3(a)), unless the receiving Office has notified the International Bureau under Rule 20.8(a) that Rule 20.6 is incompatible with its national law.

45A. If, in determining whether the purported international application fulfills the requirements of Article 11(1), the receiving Office finds that an entire element referred to in Article 11(1)(iii)(d) or (e), or a part of the description, claims or drawings (including the case of all drawings), has or appears to have been erroneously filed, it proceeds as described in paragraphs 195 to 199 and 203A to 206.

46. **Time Limit.** The time limit, according to Rule 20.7, is two months from the date of the invitation. If this time limit expires after the expiration of 12 months from the filing date of the earliest application whose priority is claimed, the receiving Office must draw this circumstance to the attention of the applicant (Rule 20.3(a)); Form PCT/RO/103 contains a check-box for that purpose. This time limit is not extendible. Where neither a correction under Article 11(2) nor a notice under Rule 20.6(a) confirming the incorporation by reference of missing elements referred to in Article 11(1)(iii)(d) or (e) is received by the receiving Office prior to the expiration of this two-month time limit, any such correction or notice received by that Office after the expiration of that time limit but before it sends a notification under Rule 20.4(i) to the applicant (Form PCT/RO/104) shall be considered to have been received within the time limit (Rule 20.7(b)).

47. The applicant may respond to an invitation to correct the purported international application (Form PCT/RO/103) either by submitting a correction under Article 11(2), or, where the defect relates to the omission of an element referred to in Article 11(1)(iii)(d) (description) or (e) (claims), by confirming, under Rule 20.6(a), the incorporation by reference

of the missing element. The second option is not available if the receiving Office has notified the International Bureau under Rule 20.8(a) that Rule 20.6(a) is incompatible with its national law. Such an Office either proceeds as described in Rule 20.8(a-*bis*) or promptly requests the International Bureau as receiving Office to agree, in accordance with the procedure outlined in paragraphs 278 to 281, to the transmittal of the international application under Section 333(b) and (c). Missing drawings are treated as “missing parts”, not “missing elements” since they are not required for an international filing date to be accorded under Article 11 (see Chapter VIII).

Reference to Parent Application or Grant

116. If, for purposes of national processing, the applicant intends to make an indication under Rule 49*bis*.1(a) or (b) of the wish that the international application be treated, in any designated State, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition (Rule 4.11(a)(i)), or the applicant intends to make an indication under Rule 49*bis*.1(d) of the wish that the international application be treated, as an application for a continuation or a continuation-in-part of an earlier application (Rule 4.11(a)(ii)), the request shall so indicate under item 2 or 3 in the supplemental box and shall indicate the relevant parent application or parent patent or other parent grant. Where an indication made under Rule 4.11 does not appear to be correct or complete, the receiving Office may draw the applicant's attention to this fact and inform him of the possibility of making a correction under Rule 26*quater*.1 before the International Bureau (Form PCT/RO/132). The inclusion in the request of such an indication shall have no effect on the all-inclusive designation for every kind of protection available under Rule 4.9(a).

CHAPTER VIII - MISSING PARTS OR ERRONEOUSLY FILED ELEMENTS OR PARTS IN THE INTERNATIONAL APPLICATION

Missing Parts and Reference to Drawings in the International Application

193. The receiving Office checks whether the international application appears to be complete and that no pages are missing or appear not to contain all the information intended by comparing the number of pages indicated in the check list with the number of pages actually received, by checking the page numbering throughout and by checking the individual pages for any obvious omissions and legibility of all parts. See paragraphs 45 to 50 for the processing of international applications where entire elements appear to be missing. See paragraphs 39 to 54 for the processing of international applications which appear to have an Article 11(1) defect.

194. The receiving Office examines the check list in the request and the text of the international application for reference to drawings (including flow sheets and diagrams (Rule 7.1)) and checks whether drawings are included. If the receiving Office finds a reference to drawings and those drawings are not included or not all drawings referred to are included in the international application, it indicates that fact on the last sheet of the request, in the right-hand side of the box “for receiving Office use only” by marking the check-box relating to the non-receipt of drawings. That check-box must only be marked where a reference to drawings is made and any of the drawings referred to is missing. Where that check-box is marked, the receiving Office indicates in that same box, under the marked check-box, which sheet(s) or figure(s) has (have) not been received. The check list (Box No. IX of the request) may need to be corrected (paragraphs 149, 150 and 161 to 165). If the record copy and the search copy have already been transmitted, the receiving Office

sends a copy of that last sheet to the International Bureau and the International Searching Authority.

Erroneously Filed Elements or Parts

194A. The receiving Office does not specifically check whether the international application contains any erroneously filed element or part but only checks the title of the invention as appearing in the beginning of the description against the one appearing in the request. However, in performing the checks referred to in the preceding paragraphs or otherwise, if it finds that any element or part of the international application has or appears to have been erroneously filed, it brings the applicant's attention to this fact and proceeds as described in paragraphs 195 to 199 and 203A to 206.

Invitation to Applicant

195. If the receiving Office finds that any part of the international application appears to be missing or any element or part of the international application appears to have been erroneously filed, it invites (Form PCT/RO/107) the applicant under Rule 20.5(a) or 20.5bis(a), as the case may be, either to complete or correct the purported international application by furnishing the missing parts or the correct element or part, or, where ~~a statement of incorporation by reference under Rule 4.18 was contained in the request or submitted with the international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received~~ the missing part or the correct element or part is completely contained in the earlier application the priority of which is claimed in the international application, to confirm, in accordance with Rule 20.6(a), that the missing parts or the correct element or part ~~is~~ are incorporated by reference. The ~~second~~ option of incorporation by reference is not available if the receiving Office has notified the International Bureau under Rule 20.8(a) or (a-bis) that ~~Rule 20.6(a) is the Rules concerned are~~ incompatible with its national law. In the case of a missing part, ~~S~~ such an Office either proceeds as described in Rule 20.8(a-~~bis~~ter) or promptly requests the International Bureau as receiving Office to agree, in accordance with the procedure outlined in paragraphs 278 to 281, to the transmittal of the international application under Section 333(b) and (c). In the case of an erroneously filed element or part, the Office transmits the international application to the International Bureau as receiving Office under Rule 19.4, unless the applicant does not agree with the transmittal or does not pay the required fee within the time limit, in which case the Office proceeds as described in Rule 20.8(a-~~ter~~) (Section 309(g)). A copy of the invitation (Form PCT/RO/107) is sent to the International Bureau and to the International Searching Authority.

196. **Time Limit to Respond.** The applicant may, within two months from the date of the invitation (Rule 20.7(a)), respond by either completing or correcting the international application according to Rule 20.5(a)(i) or 20.5bis(a)(i), or by confirming, under Rule 20.5(a)(ii) or 20.5bis(a)(ii), the incorporation by reference of the missing part or the correct element or part, as the case may be. Where the time limit for responding to the notification expires later than one year from the filing date of the earliest application whose priority is claimed, the receiving Office draws the applicant's attention to that fact (Rule ~~20.3(a)~~ 20.5(a) or 20.5bis(a)). Form PCT/RO/107 contains a check-box for that purpose.

Sheets ~~Completing~~ 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 papers were first received, even though there has been no invitation under Rule 20.5(a) or 20.5bis(a).

198. **Time Limit.** Where no invitation has been issued by the receiving Office under Rule 20.5(a) or 20.5bis(a), the time limit to submit sheets completing or correcting the international application is two months from the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office (Rule 20.7(a)(ii)).

Processing of Later Received Sheets

199. Where the receiving Office receives sheets pertaining to an international application after the date on which one or more elements referred to in Article 11(1)(iii) were first received, following an invitation under Rule 20.5(a) or 20.5bis(a) or without such invitation, the receiving Office determines whether these sheets are furnished to complete or correct the international application or whether the applicant intends to confirm the incorporation by reference of those sheets in accordance with Rule 20.6(a). The ~~second~~ option of incorporation by reference is not available if the receiving Office has notified the International Bureau under Rule 20.8(a) or (a-bis) that ~~Rule 20.6(a) is the Rules concerned are~~ incompatible with its national law.

Sheets Completing an International Application under Rule 20.5(b) or (c)

200. Where the applicant did not confirm the incorporation by reference of missing parts but nevertheless furnished sheets completing the international application within the time limit under Rule 20.7, the receiving Office marks each later submitted sheet in accordance with Section 308bis. The receiving Office marks the date of receipt of the sheets completing the international application in the relevant box on the last sheet of the request, where applicable, corrects the international filing date marked on the first sheet of the request, still leaving legible the earlier date (Sections 310 and 310bis) and notifies (Form PCT/RO/126) the applicant accordingly. Since Rule 20.5(e) permits the applicant, after the international filing date has been corrected, to request that the missing part concerned be disregarded in order to retain the initial international filing date, the receiving Office should ~~preferably~~ not transmit the later submitted sheets to the International Bureau and the International Searching Authority before the expiration of one month from the date of the notification (Form PCT/RO/126), unless the applicant has already confirmed his position before the expiration of that time limit.

200A. Where the applicant requests that the missing part concerned be disregarded, the receiving Office restores the international filing date to that which had applied prior to its correction, proceeds as outlined in Section 310bis(b) and notifies the applicant (Form ~~PCT/RO/126~~ PCT/RO/129) that the initial filing date has been reinstated. A copy of this form should be sent to the International Bureau and, where the search copy has already been transmitted, to the International Searching Authority.

201. Where the later submitted sheets concern drawings, the receiving Office deletes on the last sheet of the request, in the right-hand side of the box "for receiving Office use only", the marking of the check-box relating to the non-receipt of drawings and marks the check-box relating to the receipt of drawings. The earlier marking should remain legible.

202. If it appears, after clarification with the applicant, that a reference in the text of the international application to a missing drawing is the result of a clerical error (for example, it appears that no drawing is in fact missing and the reference was intended to be a reference to a drawing which is in fact included in the international application), the applicant's attention should be directed to the fact that a request for rectification of an obvious mistake may be submitted by the applicant directly to the International Searching Authority under Rule 91.

Procedure Where No Drawings Are Received in Response to the Invitation

203. Where an invitation has been issued as outlined in paragraph 195 but no drawings are submitted, any reference to the said drawings is considered non-existent (Article 14(2)) and no further action is required from the receiving Office.

Sheets Correcting an International Application under Rule 20.5bis(b) or (c)

203A. Where the applicant did not confirm the incorporation by reference of correct elements or parts but nevertheless furnished correct sheets to replace the sheets that have been erroneously filed so as to correct the international application within the time limit under Rule 20.7, the receiving Office marks each later submitted sheet in accordance with Section 308bis. The receiving Office marks the date of receipt of the correct sheets in the relevant box on the last sheet of the request, where applicable, corrects the international filing date marked on the first sheet of the request, still leaving legible the earlier date (Sections 310 and 310bis) and notifies (Form PCT/RO/126) the applicant accordingly. The receiving Office will also remove the erroneously filed sheets from the international application (Sections 310 and 310bis). However, since Rule 20.5bis(e) permits the applicant, after the international filing date has been corrected, to request that the correct element or part be disregarded in order to retain the initial international filing date, the receiving Office should not transmit the later submitted sheets to the International Bureau and the International Searching Authority and remove the erroneously filed sheets from the international application before the expiration of one month from the date of the notification (Form PCT/RO/126), unless the applicant has already confirmed his position before the expiration of that time limit.

203B. Where the applicant requests that the correct element or part be disregarded, the receiving Office restores the international filing date to that which had applied prior to its correction, proceeds as outlined in Section 310bis(b) and notifies the applicant (Form PCT/RO/129) that the initial filing date has been reinstated and that the erroneously filed element or part will remain in the international application. A copy of this form should be sent to the International Bureau and, where the search copy has already been transmitted, to the International Searching Authority.

Confirmation of Incorporation by Reference of Missing Parts or Correct Elements or Parts under Rule 20.6(a)

204. If, within the time limit under Rule 20.7, the receiving Office receives a notice confirming the incorporation by reference of a missing part or a correct element or part, it checks whether all the requirements of Rule 20.6 have been complied with, as outlined in the following paragraphs.

205. The receiving Office checks whether:

(a) the request (Form PCT/RO/101) contains a statement under Rule 4.18 or, if such a statement was not in the request at the time of filing, if it was otherwise contained in, or submitted with, the international application;

(b) sheets embodying the element or part concerned as contained in the earlier application have been submitted;

(c) the applicant had claimed priority of an earlier application at the time of filing;

(d) the applicant has submitted the priority document for that earlier application or at least a simple copy of that earlier application;

(e) under the circumstances of Rule 20.6(a)(iii), the applicant submitted a translation or translations of the earlier application (see Section 305*ter*); and

(f) in the case of a part of the description, claims or drawings, the applicant has submitted an indication as to where the ~~missing~~ part is contained in the earlier application and, where applicable, in any translation of the earlier application.

205A. The receiving Office checks whether the missing part or the correct element or part sheets submitted by the applicant ~~are~~ is completely contained in the earlier application. For that purpose, the Office compares the relevant element or part in the earlier application with the sheets submitted by the applicant under Rule 20.6(a)(i). Where the later submitted sheets seem to go beyond the correction of formal defects and to modify the substantive content of the application, the receiving Office may, where applicable, invite the applicant to request the authorization of the rectification of an obvious mistake from the competent ISA under Rule 91(Form PCT/RO/108).

205B. Where the international application contains more than one priority claim at the time of filing, the applicant may incorporate by reference elements or parts from any of these earlier applications. If, in an effort to comply with the physical requirements of Rule 11, the sheets submitted contain a different numbering of claims, pages or paragraphs, differently numbered references or different reference signs in drawings than in the earlier application(s), these modifications as to formal aspects of the application should generally not be considered as changing what was contained in the earlier application(s).

205C. **Positive Finding.** Where the receiving Office finds that all the requirements of Rules 4.18 and 20.6(a) have been complied with, the Office proceeds as described in Section 309(b) and issues Form PCT/RO/114 accordingly. A copy of the notice, which should also include the indication by the applicant as to where the relevant element or part is contained in the earlier application, is sent to the International Bureau and to the International Searching Authority. The receiving Office considers that the missing parts or the correct elements or parts concerned have already been filed on the date on which one or more elements referred to in Article 11(1)(iii) were first received and maintains (or grants, if at this point this has not yet been done) the international filing date accordingly. In case the receiving Office does not receive all subsequently furnished sheets on the same day, the receiving Office issues as many Forms PCT/RO/114 as required, indicating on each Form on which date the later submitted sheets were received.

205D. **Negative Finding.** Where the receiving Office finds that not all the requirements of Rules 4.18 and 20.6(a) have been complied with or that the element or part concerned is not completely contained in the earlier application, the receiving Office issues Form PCT/RO/114 accordingly and treats the subsequently furnished sheets as if the incorporation by reference had not been confirmed and proceeds, after the expiration of the time limit under Rule 20.7, as described in Section 309(c) (see also paragraphs 200 to ~~202~~203B). A copy of the notice (Form PCT/RO/114) is sent to the International Bureau and to the International Searching Authority.

Sheets Submitted under Rule 20.6(a)(i) Which Contain Matter Not Completely Contained in Earlier Application

205E. Where the applicant timely confirms the incorporation by reference of missing or correct elements or parts and furnishes a sheet or sheets containing such missing or correct elements or parts, but such sheets contain matter which was not completely contained in the earlier application and therefore cannot be incorporated by reference, the receiving Office may, according to its own practice, and depending on the case, correct the sheets *ex officio* with a view to bring them into conformity with the earlier application. The general manner of making *ex officio* corrections by the receiving Office is provided in paragraphs 161 to 163. Where there is more than one possibility of correcting the defect, the receiving Office should contact the applicant by telephone and/or in writing to clarify the applicant's intention before making any *ex officio* correction. Alternatively, the receiving Office may informally contact the applicant informing him that he should re-submit the sheet(s) the contents of which correspond with the earlier application within the applicable time limit under Rule 20.7(a); otherwise the receiving Office proceeds under Rule 20.6(c).

Processing of Erroneously Filed Elements or Parts Following Incorporation by Reference of Correct Elements or Parts ~~Cannot Replace Elements/Parts of the International Application as Originally Filed~~

205F. Where sheets submitted under Rule 20.6(a)(i) are furnished as a correct element or part to replace an element or part that has been erroneously filed and the receiving Office finds that all the requirements of Rules 4.18 and 20.6(a) have been complied with, it proceeds as described in Section 309(b) and includes the sheets embodying the correct element or part in the international application. Meanwhile, the sheets embodying the erroneously filed element or part should not be removed but still remain in the international application (Rule 20.5bis(d)). The receiving Office marks the words "ERRONEOUSLY FILED (RULE 20.5bis)" in the middle of the bottom margin of each of the sheets, and moves those sheets to the end of the corresponding element of the purported international application. Specifically, each element of the international application should be arranged in such an order that the correct element incorporated by reference is placed first, followed by the erroneously filed element, or, in the case of a part, the correct sheets are inserted in the appropriate place, and the erroneously filed sheets are moved to the end of the description, the claims or the drawings, as the case may be. The sheets of the correct element or part shall be numbered without taking into account the sheets of the erroneously filed element or part (Section 311(b)(iii)). The sheets of the erroneously filed element or part need not be renumbered.

~~205G. The description, the set of claims and/or the set of drawings as contained in the earlier application which are to be incorporated by reference after a positive determination (see paragraph 205C) cannot replace the description, the set of claims and/or the set of drawings already contained in the international application as filed. Rather, and subject to paragraph 205G, the description, the set of claims and/or the set of drawings to be incorporated by reference should be combined with the description, the set of claims and/or the set of drawings contained in the international application as filed and should be checked~~
The receiving Office checks for compliance with the physical requirements referred to in Rule 11 to the extent that compliance is necessary for the purpose of reasonably uniform international publication (Rule 26.3(b)(ii)), including image scanning and OCR by the International Bureau. The receiving Office ~~should~~ may either invite the applicant to ~~order~~ arrange the pages of the ~~combined~~ international application in the manner as described in paragraph 205F, or in such a manner that the sheets incorporated by reference are placed first, sequentially followed by the pages which were originally filed (alternatively, if at all feasible and if the receiving Office so wishes, ~~the receiving Office it~~ may so order arrange the

pages of the ~~combined~~ international application in this manner by way of an *ex officio* correction ([Section 311\(b\)\(iii\)](#));:

~~Example:— the international application contains what is or appears to be a complete description, a complete set of claims and a complete set of drawings; the applicant requests the incorporation by reference of the drawings as contained in the earlier application; the receiving Office makes a positive finding (paragraph 205C) and orders the pages of the combined international application as follows:~~

~~Description as originally filed~~

~~Set of claims as originally filed~~

~~Drawings incorporated from earlier application~~

~~Drawings as originally filed~~

~~Incorporation by Reference of “Missing Parts” where International Application Already Contains what is or Appears to Be Complete Description and Set of Claims~~

~~205G. Where an international application already contains what is or appears to be a complete description and a complete set of claims and where the applicant requests the incorporation by reference of the description and/or the set of claims as contained in an earlier application as a “missing part”, the receiving Office may, at the Office’s option, either:~~

~~— (a) where it finds that all the requirements of Rules 4.18 and 20.6(a) have been complied with, proceed as outlined under paragraphs 205C and add the indication “Incorporation by Reference of Missing Parts — Positive Finding (Receiving Office Guidelines, paragraph 205G(a))” in the check box “Additional comments” of the Annex to Form PCT/RO/114; in this case, the description and/or the set of claims as contained in the earlier application is incorporated by reference, the sheets incorporated by reference are placed first, sequentially followed by the pages which were originally filed, as set out in the following examples.~~

~~Example 1:— the international application contains what is or appears to be a complete description and a complete set of claims; the applicant requests the incorporation by reference of the entire description as contained in the earlier application; the receiving Office makes a positive finding (paragraph 205G(a)) and orders the pages of the combined international application as follows:~~

~~Description incorporated from earlier application~~

~~Description as originally filed~~

~~Set of claims as originally filed~~

~~Drawings as originally filed~~

~~Example 2:— the international application contains what is or appears to be a complete description and a complete set of claims; the applicant requests the incorporation by reference of the entire description and the entire set of claims as contained in the earlier application; the receiving Office makes a positive finding (paragraph 205G(a)) and orders the pages of the combined international application as follows:~~

~~Description incorporated from earlier application~~

~~Description as originally filed~~

~~Set of claims incorporated from earlier application~~

~~Set of claims as originally filed~~

~~Drawings as originally filed~~

~~or;~~

~~— (b) consider that the description and the set of claims as contained in the earlier application do not qualify as “missing parts” within the meaning of Rule 20.5 on the grounds that the international application already contained a complete description and a complete set of claims. In this case the Office should proceed as outlined in paragraph 205D and add the indication “Incorporation by Reference of Missing Parts — Negative Finding (Receiving Office Guidelines, paragraph 205G(b))” in the check box “Additional comments” of the Annex to Form PCT/RO/114. Alternatively, the receiving Office may, instead of proceeding to a negative finding under paragraph 205D for the reasons set out above, decide to transmit the international application to the International Bureau in accordance with Rule 19.4(a)(iii) (see paragraphs 278 to 281).~~

Procedure Where Later Submitted Sheets Are Received outside the Time Limit

206. Where the date of receipt of the later submitted sheets is not within the applicable time limit under Rule 20.7, the later submitted sheets are not taken into account for the purposes of international processing. The date of receipt of the application and the international filing date remain those accorded earlier. The receiving Office proceeds as described in Section 310ter and notifies the applicant using Form PCT/RO/126 ~~is used to notify the applicant (Section 310ter).~~

Later Receipt of Abstract

207. The receiving Office may receive a sheet containing a missing abstract. The late receipt of the abstract does not affect the date of receipt of the international application and consequently does not affect the international filing date.

SUBSTITUTE SHEETS UNDER RULE 26 AND OTHER REPLACEMENT SHEETS

Substitute Sheets under Rule 26

208. Where sheets containing corrections of formal defects are submitted to the receiving Office under Rule 26.4, the receiving Office checks whether:

- (i) the defects have been corrected;
- (ii) the contents of the proposed replacement sheet are identical with those of the sheet to be replaced; in case of doubt as to the identity of text matter or drawings contained in the proposed sheet with the relevant part of the international application other than the request, the receiving Office does not accept the proposed replacement sheet and invites the applicant to submit to it a new sheet containing only the corrections of the formal defects concerned. It may draw the applicant's attention to the possibility of confirming incorporation by reference under Rule 20.6 (if the contents of the proposed replacement sheet are completely contained in the earlier application the priority of which is claimed in the international application and the time limit under Rule 20.7 has not expired), or submitting to the International Searching Authority a request for rectification of any obvious mistake which may be contained in the original sheet (paragraphs 302 to 308). Alternatively, with the applicant's consent, the receiving Office may itself forward the sheet containing the discrepancy to the International Searching Authority. In any event, the receiving Office does not insert a copy of that sheet into the home copy and does not send the sheet to the International Bureau. If replacement sheets filed by the applicant result in a change in the total number of sheets of the international application, the numbers of sheets indicated upon filing in Box No. IX of the request (check list) need not be changed; if the applicant files a

replacement sheet for the last sheet of the request containing corrected numbers of sheets, such sheet should not be inserted into the international application;

(iii) the corrections have been filed within the time limit under Rule 26.2 (paragraphs 153 to 155) and in time to be included for publication of the international application, provided that any corrections received after the expiration of the time limit (and eventually even after international publication) but before a decision under Rule 26.5 is taken by the receiving Office must still be accepted (paragraph 154) (in such a case, the international application will be republished).

209. If the above requirements are fulfilled, the procedure set out in Section 325(a) applies. Substitute sheets under Rule 26 may also be submitted on the applicant's own initiative.

Items to Be Transmitted to the International Bureau

325. Where the receiving Office receives from the applicant items which should have been filed with the International Bureau, it marks the date of receipt on the items concerned and transmits them promptly to the International Bureau. The receiving Office may inform the applicant about the transmittal. This applies, in particular, to the following items:

(i) references to deposited microorganisms or other biological material filed later than the international application (Rule 13*bis*.3 and paragraphs 228 to 234);

(ii) a request to publish indications relating to a priority claim considered void (Rule 26*bis*.2(d) and paragraphs 171, 172 and 175);

(iii) a request to publish a request for rectification of an obvious mistake where the rectification was refused under Rule 91.3(d) together with substitute sheets that might have been proposed by the applicant (paragraph 306);

(iv) the correction or addition of declarations relating to national requirements under Rule 4.17 (Rule 26*ter* and paragraph 192F);

(v) amendments to the claims filed under Article 19 (Rule 46.1);

(vi) a notice of correction or addition of a declaration under Rule 26*ter*.1 (Section 317);

(vii) a notice of correction or addition of an indication referred to in Rule 4.11 (Rule 26*quater*.1); and

~~(viii)~~ (viii) a supplementary search request under Rule 45*bis*.1.

326. The above listed items, as well as other items filed later than the international application, such as corrections of formal defects, rectifications of obvious mistakes under Rule 91 or requests for recording of changes under Rule 92*bis*, must reach the International Bureau before technical preparations for international publication are completed so that the publication will reflect all the changes made, see paragraph 312. For the contents of the publication of the international application, see Rule 48.2. For completion of technical preparations for international publication, see paragraph 337.

[End of Annex III]

PROPOSED MODIFICATIONS OF THE PCT INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES

2.12 In a few situations leading up to the establishment of the international search report, the International Searching Authority may specifically invite a response, such as where the international application is considered to lack unity of invention (see Chapter 10) in which case additional fees may be required to be paid for searching the other invention(s), either under protest together with a reasoned statement or without a protest. The International Searching Authority may, also, require a protest fee for the examination of the protest. [Another example is where the International Searching Authority is notified by the receiving Office that a missing part or a correct element or part is included or incorporated by reference into the international application after it has begun to draw up the international search report, in which case it may also invite the applicant to pay additional fees \(see paragraphs 15.11A to 15.11C\).](#)

Transmittal of the International Preliminary Examination Report [and Related Documents](#)

Rule 71.1(a)

3.25 The report is transmitted by the International Preliminary Examining Authority to both the applicant and the International Bureau.

Rule 71.1(b), Section 602bis

[3.25A The International Preliminary Examining Authority also transmits a number of other documents in its file to the International Bureau. The documents to be transmitted include, but are not limited to, any written opinion issued by the Authority, any amendments and letter furnished by the applicant under Article 34, and any letter submitted by the applicant under Rule 66.3.](#)

Further Processing of the International Preliminary Examination Report

Confidential Treatment

Article 38; Rule 94.2

3.26 Until the international preliminary examination report has been established ~~it~~[the file of the international preliminary examination](#) remains confidential. Neither the International Bureau nor the International Preliminary Examining Authority may therefore allow access to the file of the international preliminary examination unless requested or authorized by the applicant. The International Preliminary Examining Authority should provide documents to any elected Office which so requests once the international preliminary examination report has been established. Subject to the reimbursement of cost, authorized copies of the documents concerned may be provided to a third party at the request of the applicant or any person authorized by the applicant.

Making Available of the International Preliminary Examination Report [and Related Documents](#)

Rule 94.1(c)

3.27 Once the report has been transmitted to the elected Offices by the International Bureau, 30 months from the priority date, the International Bureau will make the report [and the other documents received under Rule 71.1\(b\)](#) available to the public on behalf of those elected Offices who have notified their wish for the International Bureau to supply this service, together with any translation and observations made by the applicant on the translation.

Transmission of the International Preliminary Examination Report to Elected Offices

Rules 73.2, 93bis.1

3.28 The International Bureau transmits the international preliminary examination report [and the other documents received under Rule 71.1\(b\)](#) to the elected Offices after 30 months from the priority date, or earlier if the applicant makes a request for early national processing of the international application under Article 40(2). The transmittal by the International Bureau to any elected Office is effected only upon request by the Office concerned and at the time specified by that Office.

Translation of International Preliminary Examination Report

Rule 72

3.29 Where the international preliminary examination report is established in a language other than English, the International Bureau translates the report into English and transmits the translation to elected Offices who have requested such translations and also to the applicant. The applicant is entitled to make written observations on the correctness of the translation and sends copies of these observations to the International Bureau and to each of the interested elected Offices.

The Right to Priority

Articles 11, 14; Rule 20

6.01 An international application is accorded as its international filing date the date on which it satisfies the requirements of Article 11. This date remains unchanged except in the special circumstances of later-filed drawings as provided in Article 14(2) and/or later-filed parts of the description, claims and drawings that were missing at the time of original filing (~~see Rule 20.5(c),~~ [or later-filed correct elements or parts to correct the ones that have been erroneously filed \(see Rules 20.5\(c\) and 20.5bis\(c\)\)](#), subject to the possibility of incorporation by reference without loss of the original filing date as provided by Rule 20.6). The international filing date may be the only effective date of the international application. It will be of importance for fixing the expiration of certain time limits and for determining the state of the art relevant for the purposes of the international search and examination.

Basis of the Search

Article 19; Rules 5.2, 13ter, 91.1; Section 208; AI Annex C

15.10 There is no right to amend the application until after the international search has been established, consequently the international search must be carried out on the basis of the search copy of the application as transmitted to the International Searching Authority by the receiving Office, except that obvious mistakes may be corrected (see Chapter 8).

15.11 The application may contain later filed pages marked "INCORPORATED BY REFERENCE (~~R-~~[Rule 20.6](#))". These are pages containing missing parts [or correct elements or parts](#) which have been incorporated by reference from the priority document under Rules 4.18 and 20.6 by the receiving Office. Such pages should be considered as originally filed and should be so indicated on the forms. In case the examiner notices that the incorporated ~~missing elements or~~ parts were not completely contained in the priority document, then it may be noted in the written opinion of the International Searching Authority (in ~~the item 5~~ "Additional Comments" ~~part of Box I~~ ~~on the separate sheet~~ that there are doubts as to whether the missing parts [or correct elements or parts](#) were actually completely contained in the priority document. In such a case the search report may further include additional documents ("L") which would be relevant if a re-dating of the application would be made. The application may also contain sheets stamped "Not to be considered (~~R-RULE 20.5(e)~~)", "[NOT TO BE CONSIDERED \(RULE 20.5bis\(e\)\)](#)", or "[NOT TO BE CONSIDERED \(RULE 20.7\)](#)". This means that these sheets were not allowed by the receiving Office under the ~~above-discussed~~ [relevant](#) provisions (for formal or substantive

reasons) ~~and~~ or that the applicant has withdrawn those parts in order to avoid re-dating of the application. Such sheets thus do not belong to the application documents and should be ignored for search and examination. The application may also contain sheets stamped "ERRONEOUSLY FILED (RULE 20.5bis)". These are the sheets that were erroneously filed by the applicant and have been superseded by the sheets marked "INCORPORATED BY REFERENCE (Rule 20.6)", but remain in the international application pursuant to Rule 20.5bis(d). These sheets usually need not be taken into account for search and examination (except in the case described in paragraph 15.11C, second sentence).

Rule 40bis.1

15.11A If the International Searching Authority receives from the receiving Office a notification of later filed pages (either marked "INCORPORATED BY REFERENCE (Rule 20.6)" as described above, or otherwise included in the international application following a change of the international filing date under Rule 20.5(c) or 20.5bis(c)) after it has begun to draw up the international search report, it may invite the applicant to pay additional fees (using Form PCT/ISA/208). The examiner should exercise his discretion and make a reasonable decision as to whether the additional effort in taking into account the later filed pages would justify an invitation to pay additional fees.

15.11B Where the International Searching Authority decides to issue such an invitation to pay additional fees under Rule 40bis.1, it indicates in the invitation the date of receipt of the notification from the receiving Office referred to in the paragraph above and the amount of the additional fees to be paid, and invites the applicant to pay the fees within one month from the date of the invitation.

15.11C If the additional fees have been paid within the prescribed time limit, or no such an invitation has been issued, the International Searching Authority draws up the international search report and written opinion on the basis of the international application including the later submitted pages (in the case of incorporation by reference of correct elements or parts, any erroneously filed elements or parts which remain in the application pursuant to Rule 20.5bis(d) need not be considered). Otherwise, it will draw up the international search report and written opinion without taking into account the later submitted pages containing the missing parts or correct elements or parts (in the case of incorporation by reference of correct elements or parts, the report and opinion will be established on the international application including the erroneously filed elements or parts). In this case, it will make a corresponding remark in the written opinion (see paragraph 17.16A).

Basis of the Report

16.25 If the search has been conducted on the basis of a translation of the international application (see paragraph 15.14), this is indicated in item 1 of the first sheet of the international search report. This item also includes indications of whether a rectification of an obvious mistake has been taken into account, and a reference to any details relating to sequence listings used (see also paragraphs 15.15 to 15.17).

Box No. I: Basis of the Written Opinion

Rules 66.2(a)(iv), 70.2(a), (c)

17.13 Since the written opinion of the International Searching Authority is drawn up at the same time as the international search report, it is always established on the basis of the application as filed, or a translation thereof, and subject to the possibility of sequence listings being furnished later for the purposes of international search (see paragraphs 17.15 and 17.21). (See paragraphs 17.16 and 17.16A for a definition of "originally filed sheets.") However, any written opinion drawn up after rectifications (before the International Searching Authority and International Preliminary Examining Authority) or amendments and/or rectifications (before the International Preliminary Examining Authority) should take these into account and indicate the relevant replacement sheets in the opinion.

17.14 Any amendment submitted must not add subject matter which goes beyond the disclosure of the international application as originally filed (see Chapter 20).

– *Language Considerations*

Rules 23.1 (b), 48.3(b), 55.2, 55.3

17.15 With regard to the language, item 1 of Box No. I need not be filled if all the elements of the application (originally filed sheets and amended sheets, if any) were available or furnished to the International Authority in the language in which the international application was filed. Otherwise, an appropriate indication must be checked as to whether the elements were available or furnished to the International Authority in the language which is:

(i) the language of a translation furnished for the purposes of international search (under Rule 23.1(b));

(ii) the language of publication of the international application (under Rule 48.3(b)); or

(iii) the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

For further discussions of language, refer to Chapter 18.

– *Replacement Sheets Deemed to Be Part of the Application as Originally Filed*

17.16 Replacement pages or sheets, filed in response to an invitation by the receiving Office to correct defects in the international application, are deemed to be part of the international application “as originally filed”. If the applicant responds to the invitation to correct defects by replacing sheets of the application, these sheets are identified with “SUBSTITUTE SHEET (RULE 26)” stamped on them. Also, replacement pages or sheets for rectification of obvious errors under Rule 91 are deemed to be part of the international application “as originally filed”. These sheets are identified with “RECTIFIED SHEET (RULE 91)”.

Rule 40bis.1

17.16A The application may also contain sheets submitted by the applicant after the date on which all of the requirements of Article 11(1) were fulfilled and accepted by the receiving Office after a change of the international filing date, or sheets accepted by the receiving Office under Rule 20.6(b) and marked “INCORPORATED BY REFERENCE (Rule 20.6)”. These sheets are also deemed to be part of the international application “as originally filed”. However, in the case where these sheets are notified to the International Searching Authority after it has begun to draw up the international search report, it may invite the applicant to pay additional fees so that they can be considered for the purpose of the international search (see paragraphs 15.11 to 15.11C). Consequently, if the applicant does not pay the additional fees within the time limit, the written opinion of the International Searching Authority will be based on the international application without taking these sheets into account. A corresponding remark is then made in item 5 “Additional comments” of Box No. I of the written opinion.

17.16B The application may also contain sheets stamped “ERRONEOUSLY FILED (RULE 20.5bis)”. These sheets usually need not be taken into account for examination, except in the case described above (see also paragraph 15.11).

Language for the Purposes of International Preliminary Examination

Rule 55.2

18.07 The second part of Box No. IV of the demand Form provides for the indication (on the dotted line) of the language in which international preliminary examination is to be carried out; it also provides check boxes to be marked depending on what that language is. That language will be:

Rule 55.2(a)

(i) the language in which the international application was filed (that will be the case in most instances);

Rule 55.2(b)

(ii) the language of a translation furnished for the purposes of the international search (in a case where the language in which the international application was filed is not a language in which the international search is to be carried out);

Rules 48.3(b), 55.2(b)

(iii) the language in which the international application was published (in a case where the language in which the international application was filed and the language in which the international search was carried out are not languages of publication; or

Rule 55.2(a), (a-bis), (b)

(iv) the language of a translation furnished for the purposes of international preliminary examination, provided that that language is a language accepted by the Authority and a language of publication (in a case where neither the language of a translation furnished for the purposes of international search nor the language of publication are languages accepted for the purposes of international preliminary examination). This translation must include any element referred to in Article 11(1)(iii)(d) or (e) furnished by the applicant under Rule 20.3(b), [20.5bis\(b\)](#), [20.5bis\(c\)](#) or 20.6(a) and any part of the description, claims or drawings furnished by the applicant under Rule 20.5(b), [20.5\(c\)](#), [20.5bis\(b\)](#), [20.5bis\(c\)](#) or 20.6(a) which is considered to have been contained in the international application under Rule 20.6(b).

Determination of Time Limits

Articles 35(1), 47(1)

19.49 When it is a matter for the Authority to determine applicable time limits referred to in the PCT, the examiner must consult all the factors relevant to the particular international application under consideration as well as the Regulations under the PCT which govern such time limits. The most important time limits for international preliminary examination so far as International Preliminary Examining Authorities are concerned, have been considered in more detail in the various chapters and paragraphs as follows:

- (i) translations of priority document: see Chapter 6 and Chapter 18;
- (ii) amendments: see Chapter 20 and paragraph 17.57;
- (iii) rectifications of obvious mistakes: see paragraph 19.39 and Chapter 8;
- (iv) response by the applicant to first written opinion: see Chapter 17;
- (v) restricting claims or payment of additional fees: see Chapter 10;
- (vi) furnishing priority documents: see Chapter 6;
- (vii) establishment of the international preliminary examination report: see paragraphs 19.10 and 19.11.

Rules 80, 82, 82quater

19.50 Any time limit fixed by the International Preliminary Examining Authority will usually be specified in full months, which should be calculated from the day following the

date of mailing of a particular communication inviting a response by the applicant. Rules 80.1 to 80.4 provide precise details for the determination of the day of expiration of the prescribed time limit. Rule 80.5 contains provisions covering certain contingencies, for example, that the Office of the International Preliminary Examining Authority is not open on the day on which the time limit to respond by the applicant expires (or there is an official holiday in the locality of any branch of the Office, or in a part of the Contracting State for which the Office is the government authority, such that the national law of the Office provides that such periods for national applications expire on a subsequent working day). Rule 82 covers the situation where there is a general disruption in the postal service. Rule 82^{quater} provides for an excuse of delays in meeting time limits because of force majeure reasons [or the unavailability of electronic means of communication at the International Preliminary Examining Authority](#).

Language

Rules 23.1(b), 55.2, 62bis.1

22.27 Where neither the language in which the international application is filed nor the language in which the international application is published is accepted by the International Preliminary Examining Authority, the applicant must furnish with the demand a translation of the international application into a language in which the international preliminary examination may be carried out, that is, a language which is both a language accepted by that Authority and a language of publication. This translation must include any element referred to in Article 11(1)(iii)(d) or (e) furnished by the applicant under Rule 20.3(b), [20.5bis\(b\)](#), [20.5bis\(c\)](#) or 20.6(a) and any part of the description, claims or drawings furnished by the applicant under Rule 20.5(b), [20.5\(c\)](#), [20.5bis\(b\)](#), [20.5bis\(c\)](#) or 20.6(a) which is considered to have been contained in the international application under Rule 20.6(b). Where a translation into such a language has already been furnished to the International Searching Authority under Rule 23.1(b) and the International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the International Searching Authority, the international preliminary examination is carried out on the basis of that translation, unless the applicant furnishes a translation to the International Preliminary Examining Authority as outlined above. Upon request of the International Preliminary Examining Authority, the written opinion established by the International Searching Authority, when not in English or a language accepted by the International Preliminary Examining Authority, will be translated into English by or under the responsibility of the International Bureau. The International Bureau will forward a copy of the translation of the written opinion within two months from the date of request.

Excuse of Delay in Meeting Time Limits

Rule 82^{quater}.1, Section 111

22.52A Any delay in meeting a time limit is to be excused under Rule 82^{quater}.1 if the International Searching Authority, the Authority specified for supplementary search, or the International Preliminary Examining Authority, as the case may be, is satisfied that the following conditions are met:

- (a) the time limit was not met due to war, revolution, civil disorder, strike, natural calamity, general unavailability of electronic communication services or other like reason in the locality where the interested party resides, has his place of business or is staying;
- (b) the relevant action has been taken as soon as reasonably possible;
- (c) the evidence provided by the interested party is in a form acceptable to the Authority; and
- (d) the evidence is received by the Authority not later than six months after the expiration of the time limit applicable in the given case.

In the particular case of general unavailability of electronic communications services, the interested party must establish that the outage affected a widespread geographical area rather than being a localized problem, that it was unexpected or unforeseen, and that there was no alternative communication means available to him. Actions to be performed include the submission of documents, responses to invitations and the payment of fees. Whether the interested party has taken the relevant action “as soon as reasonably possible” is to be judged by the Authority on the facts of the case. Commonly, this would mean within a short period of the cause of the delay ceasing to apply. For example, in cases where a strike prevented an agent from reaching his office, it would be expected that the action should in most cases be taken either the next working day or shortly thereafter, depending on how much preparatory work had been disrupted. On the other hand, where a disaster has resulted in the complete destruction of an agent’s files, it would reasonably be expected to take longer to reassemble all the necessary documents and systems to allow the necessary action to be taken. Rule 82^{quater}.1 does not specifically refer to the action being taken “as soon as reasonably possible after the removal of the cause of the delay”, because an interested party should still be expected to take reasonable steps to overcome problems in cases where it can be seen that the relevant emergency situation will continue for a considerable period and the interested party is not himself prevented by the emergency from taking remedial action. As to the form of evidence acceptable to the Authority, for example, a news report from a reliable mass media outlet, or a statement or announcement from the relevant national authority should normally be acceptable for this purpose. In the case of general unavailability of electronic communications services, a statement from the provider of Internet services or the company providing electricity to the interested party may also be acceptable.

[Rule 82^{quater}.2, Section 111](#)

[22.52B](#) [Rule 82^{quater}.2 allows the International Searching Authority, the Authority specified for supplementary search, and the International Preliminary Examining Authority to provide for the excuse of any delay in meeting time limits due to the unavailability of any of the permitted electronic means of communication at the Authority. If this is the case, the Authority notifies the International Bureau, which will publish the information in the Gazette. Moreover, at the time when such an event has taken place \(e.g., unforeseen outage\) or is scheduled to take place \(e.g., scheduled maintenance\), the Authority also publishes the information on any such unavailability, including the period of the unavailability, and notifies the International Bureau accordingly.](#)

[22.52C](#) [Where the International Searching Authority, the Authority specified for supplementary search, or the International Preliminary Examining Authority, as the case may be, provides for the excuse of a delay in meeting time limits under Rule 82^{quater}.2, it excuses any delay in meeting a time limit if:](#)

[\(a\)](#) [the applicant requests the excuse indicating that the time limit was not met due to the unavailability of one of the permitted electronic means of communication at the Authority;](#)

[\(b\)](#) [the Authority acknowledges that the said electronic means of communication at the Authority was not available at the time the applicant attempted to use it; and](#)

[\(c\)](#) [the relevant action was performed on the next working day on which the said electronic means of communication became available.](#)

[22.52BD](#) [The Authority should promptly inform the interested party of its decision \(using Form PCT/ISA/224 or Form PCT/IPEA/424, as the case may be\). A copy of the request, any evidence furnished and the decision should be sent to the International Bureau.](#)

Transmittal of the International Preliminary Examination Report and Related Documents

Rule 71.1

22.58 The International Preliminary Examining Authority must on the same day:

(i) transmit one copy of the international preliminary examination report (Form PCT/IPEA/409) and its annexes, if any, to the International Bureau under the cover of Form PCT/IPEA/415, and one copy of the report under cover of Form PCT/IPEA/416 to the applicant;

(ii) place a copy of the notification, report and amendment/rectifications in the examination file; and

(iii) where belated filing of Article 34 amendments means that such amendments have not been taken into account by the International Preliminary Examining Authority, notify the applicant of this fact, optionally using Form PCT/IPEA/432 (second check box action).

Rule 71.1(b), Section 602bis

22.58A The International Preliminary Examining Authority also transmits a number of other documents in its file to the International Bureau (using Form PCT/IPEA/415). The documents to be transmitted are those referred to in Section 602bis(a). The Authority may decide to transmit any other document in its file to the International Bureau.

Rule 94.1(c), Section 420bis

22.58B The International Bureau will communicate the above documents received from the International Preliminary Examining Authority to the elected Offices together with the international preliminary examination report, and will make them publicly available after the expiration of 30 months from the priority date.

[End of Annex IV and of Circular]