

C. PCT 1644

June 27, 2022

Madam,
Sir,

Promulgation of modifications of the Administrative Instructions under the PCT, the PCT Receiving Office Guidelines and the PCT International Search and Preliminary Examination Guidelines

In accordance with Rule 89.2(b) of the Regulations under the Patent Cooperation Treaty (PCT), modifications of the Administrative Instructions under the PCT (“the Administrative Instructions”) are hereby promulgated together with modifications to the PCT Receiving Office Guidelines (“the RO Guidelines”) and the PCT International Search and Preliminary Examination Guidelines (“the ISPE Guidelines”), with effect from July 1, 2022.

The promulgation follows consultation with your Office in its capacity as a receiving Office, an International Searching and Preliminary Examining Authority, an Authority specified for supplementary search, and/or a designated or elected Office and also with certain non-governmental organizations representing users of the PCT system. The modifications are as proposed in Circular C. PCT 1641, dated April 28, 2022, and in Circular C. PCT 1642, dated May 17, 2022, except where further changes have been made as a result of the consultations, as indicated below (editorial and minor drafting changes are not specifically mentioned).

Modifications of the Administrative Instructions

Section 111 is modified as proposed in Circular C. PCT 1641, except that the first sentence in paragraph (b-*bis*) is deleted. The details of the conditions for any waiver under Rule 82*quater*.1(d) are left to the discretion of the relevant Offices.

/...

Annex E is modified as proposed in Circular C. PCT 1641.

Aside from the above, the following corrections are also made in the relevant places which should have been changed but were overlooked when modifying the Administrative Instructions on previous occasions:

1) in Section 102(a)(iii), the reference to PCT/ISA/233 is removed since the form has been deleted (see Circular C. PCT 1636, dated February 9, 2022); and

2) in Sections 710(b) and (c), and 714(a), the references to the notification under Section 705*bis*(a) are deleted, since the requirement for the notification has been removed from Section 705*bis*(a) with effect from January 1, 2019 (see Circular C. PCT 1526, dated February 5, 2018, and Circular C. PCT 1555, dated December 19, 2018).

Modifications of certain paragraphs of the RO Guidelines

Paragraphs 19, 30, and 30E to 30H are modified or added as proposed in Circular C. PCT 1641, with some slight additional wording changes as a result of the consultation. In particular, paragraph 30E is further modified, at the end of the paragraph, to clarify that, for a receiving Office having several branch offices, any period of extension established should be applied across all branch offices instead of only those whose operations were affected.

Paragraphs 41, 55, 56A, 67B, 68, 70, 139, 141, 148, 149 and 205A are modified or added as proposed in Circular C. PCT 1642.

Paragraphs 222 and 222A are modified as proposed in Circular C. PCT 1642, with slight further changes in the wording or the order of the sentences.

Following the consultation via Circular C. PCT 1642, in paragraph 222B, it is further clarified that, in the scenario described therein, the International Bureau of the World Intellectual Property Organization (WIPO) will renumber the sheets ex officio if the receiving Office fails to do so. Moreover, the applicant's payment of the corresponding page fees will be taken as confirmation that the content is to form part of the description. Paragraph 222C is further modified to clarify that, for any electronic sequence listing file furnished in a format which is not compliant with WIPO Standard ST.26, the receiving Office only needs to transmit those in ST.25 TXT format to the International Bureau; there is no need to transmit any such file in PDF format if it is not accepted as part of the description.

Paragraphs 223 to 223B, 227 to 227E, 242, 243, 274, 290 and 307 are modified or added, and paragraphs 224 to 226 deleted, as proposed in Circular C. PCT 1642.

In the heading above paragraph 274 and in paragraph 278, corresponding changes are made to include the reference to Rule 19.4(a)(ii-*bis*).

Modifications of certain paragraphs of the ISPE Guidelines

Paragraphs 19.50, 22.52A, 22.52E to 22.52H are modified or added as proposed in Circular C. PCT 1641, with some slight additional wording changes made in paragraphs 22.52A and 22.52H as a result of the consultation.

/...

The modifications to the ISPE Guidelines proposed in Circular C. PCT 1642 are all made as proposed. Specifically, paragraphs 2.06, 2.10, 4.03, 4.15, 9.39, 15.12, 15.14, 15.14A, 15.86, 15.87, 16.09, 16.19, 16.26, 17.21, 17.37, 18.12, 18.17, 18.18, 22.60 and 22.61 are modified or added, and paragraph 15.13 deleted, as proposed in that Circular.

Other matters

It has been brought to the attention of the International Bureau that the Notes to the request form which has been promulgated and will be effective as of July 1, 2022 contained an error with respect to the language requirement of the RO/US for the language-dependent free text in any sequence listing part of the description (in the last sentence of the part entitled "Language of Filing of the International Application" in relation to Box No. IX). Since the information only concerns the RO/US practice, it has been corrected directly and the Notes to the request form are updated accordingly.

Reminders

The occasion of this Circular is also used to remind your Office, in its capacity as a receiving Office, of the need to notify the International Bureau of the following information:

- 1) Language of language-dependent free text — as already mentioned in Circular C. PCT 1642, in accordance with Section 332(a-bis) of the Administrative Instructions, each receiving Office shall notify the International Bureau of the language or languages of any language-dependent free text which it is prepared to accept under Rule 12.1(d) for the filing of the sequence listing part of the description. Note that, if the accepted language of the language-dependent free text is not a language which the Office accepts for the filing of the main body of the international application, it must meet the requirements of Rule 12.1(b). The notification should also specify whether the Office permits the language-dependent free text to be filed in more than one language and, if so, any limitation on the second language. For more information, please refer to paragraphs 12 and 16 of Annex C of the Administrative Instructions. Until any such notification is received from your Office, after July 1, 2022, the International Bureau will indicate in Annex C of the *PCT Applicant's Guide* that the language that your Office accepts under Rule 12.1(d) is the same language that it accepts for the filing of the international application under Rule 12.1(a).
- 2) Accepted electronic document format for sequence listings — for those receiving Offices that receive international applications filed in electronic form, it should be noted that the notification previously provided to the International Bureau under Rule 89bis.1(d) generally contained a reference to WIPO Standard ST.25 as the accepted electronic document format for the filing of sequence listings. If this is the case with respect to your Office, please update the notification as to the electronic document formats (Section 710(a)(i)) accepted for the filing of sequence listings after July 1, 2022 and inform the International Bureau accordingly. Until the International Bureau is notified of any update, it will be assumed that, from July 1, 2022, your Office will no longer accept sequence listing files in WIPO Standard ST.25 format and will accept such files in WIPO Standard ST.26 format on an ad hoc basis pursuant to Section 703(e).

/...

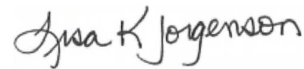
Availability of the modified Administrative Instructions, RO Guidelines and ISPE Guidelines

The consolidated version of the Administrative Instructions as modified is available on the WIPO website at: www.wipo.int/pct/en/texts/, under the corresponding title with an annotation “(as in force from July 1, 2022)”.

The consolidated versions of the RO Guidelines and the ISPE Guidelines as modified are available on the WIPO website at: www.wipo.int/pct/en/texts/gdlines.html, under the respective titles with an annotation “(as in force from July 1, 2022)”.

Offices which need marked-up copies and/or electronic files of the Administrative Instructions, the RO Guidelines or the ISPE Guidelines should contact the PCT Legal and User Relations Division at pct.legal@wipo.int.

Yours sincerely,



Lisa Jorgenson
Deputy Director General
Patents and Technology Sector