

# WIPO



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## INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

### ASSEMBLY

### Twenty-Seventh (12<sup>th</sup> Ordinary) Session Geneva, September 20 to 29, 1999

#### PROPOSED AMENDMENTS OF THE SCHEDULE OF FEES ANNEXED TO THE REGULATIONS UNDER THE PCT

*Memorandum prepared by the Director General*

*Proposed reduction in the amount of the designation fee and maximum number of designation fees payable*

1. At its first session, held in Geneva from April 26 to 28, 1999, the WIPO Program and Budget Committee decided to recommend to the Assembly of the PCT Union that, at its September 1999 session, it adopt the fee reduction proposed in the Draft Program and Budget for the 2000-2001 Biennium (see document WO/PBC/1/2, Annex 4, page 3, and the report of the Committee, document WO/PBC/1/6, paragraph 64(ii)).
2. Pursuant to Rule 15.1 of the Regulations under the PCT, each international application is subject to the payment of a fee for the benefit of the International Bureau consisting of a basic fee and as many designation fees as there are national and regional patents sought by the applicant under Rule 4.9(a). Rule 15.1 also provides that the Schedule of Fees annexed to the Regulations may indicate a maximum number of designation fees payable. Rule 15.2(a) further provides that the amount of the designation fee is to be set out in the Schedule of Fees. At present, item 2 of the Schedule of Fees provides for an amount of 150 Swiss francs per designation and for a maximum of 10 designation fees payable.
3. The proposed fee reduction consists of two elements. First, the amount of the designation fee that has to be paid, subject to the maximum referred to below, for each national or regional patent sought by the applicant, would be reduced from 150 to 140 Swiss francs. Second, the maximum number of designation fees payable would be reduced from 10 to 8,

which would mean that the applicant could designate all PCT Contracting States by paying only 8 designation fees.

4. As the International Bureau and other Offices are able to take advantage of modern technology to computerize their processing of international applications, the cost of processing international applications depends less and less on the number of designations made in applications, and the maximum number of designation fees payable may be progressively decreased.

5. It is recalled that, at its 26<sup>th</sup> session, held in Geneva from September 7 to 15, 1998, the Assembly decided to decrease the designation fee by reducing the maximum number of designation fees payable from 11 to 10.

6. The proposed fee reductions will confer some benefit on all applicants and confer the greatest benefit on those applicants who maximize the number of their designations. In this regard, in comparison to the current fees, the proposed fee reductions will decrease the international fee payable by an amount ranging from about 1% for an application containing only 1 designation to about 17% for an application containing 8 or more designations.

7. In the first five months of 1999, the maximum number of designation fees (currently 10) were paid in about 55% of all PCT applications filed. Thus, more than half of all PCT applications can be expected to be entitled to a 17% decrease in the international fee as a result of the proposed fee reductions.

8. For applicants who already benefit from either the 75% fee reduction for international applications filed by natural persons from certain States or the fee reduction for using the PCT-EASY software (see items 4 and 5 in the Schedule of Fees), the proposed fee reductions will further reduce the overall cost of obtaining patent protection using the PCT.

9. The proposed reduction in the amount of the designation fee from 150 Swiss francs per designation to 140 Swiss francs per designation would apply both to those designations specifically indicated under Rule 4.9(a) in the PCT request form and to precautionary designations under Rule 4.9(b) that are confirmed under Rule 4.9(c).

10. The proposed fee reductions would require amendment of the Schedule of Fees as shown in the Annex to this document. Text proposed to be deleted is struck through and text proposed to be added is underlined.

*11. The Assembly of the PCT Union is invited to adopt the proposed amendments to the Schedule of Fees appearing in the Annex to this document and to decide that they will enter into force on January 1, 2000.*

[Annex follows]

## ANNEX

PROPOSED AMENDMENTS OF  
THE REGULATIONS UNDER THE PCT

## SCHEDULE OF FEES

*(as proposed to be amended with effect from January 1, 2000)*

<b>Fees</b>	<b>Amounts</b>
1. Basic Fee: (Rule 15.2(a))	
(a) if the international application contains not more than 30 sheets	650 Swiss francs
(b) if the international application contains more than 30 sheets	650 Swiss francs plus 15 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2(a))	
(a) for designations made under Rule 4.9(a)	<del>150</del> 140 Swiss francs per designation, provided that any designation made under Rule 4.9(a) in excess of <del>10</del> 8 shall not require the payment of a designation fee
(b) for designations made under Rule 4.9(b) and confirmed under Rule 4.9(c)	<del>150</del> 140 Swiss francs per designation
3. Handling Fee: (Rule 57.2(a))	233 Swiss francs

**Reductions**

4. The total amount of the fees payable under items 1 and 2(a) is reduced by 200 Swiss francs if the international application is filed, in accordance with and to the extent provided for in the Administrative Instructions, on paper together with a copy thereof in electronic form.
5. All fees payable (where applicable, as reduced under item 4) are reduced by 75% for international applications filed by any applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below US\$3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997); if there are several applicants, each must satisfy those criteria.

[End of Annex and of document]