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PCT/A/31/6 Add.2  
ORIGINAL: English  
DATE: August 19, 2002

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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)

ASSEMBLY

Thirty-First (18<sup>th</sup> Extraordinary) Session  
Geneva, September 23 to October 1, 2002

MATTERS CONCERNING THE PCT UNION  
("CLEAN" COPY OF PROPOSED AMENDMENTS TO THE REGULATIONS UNDER  
THE PCT SET OUT IN THE ANNEXES TO DOCUMENT PCT/A/31/6)

*Document prepared by the International Bureau*

1. The Committee on Reform of the Patent Cooperation Treaty (PCT) requested that, in addition to a "marked -up" copy of the proposals for amendment of the Regulations under the PCT related to reform of the PCT, indicating proposed additions and deletions, respectively, by underlining and striking-through the text concerned, the International Bureau produce a "clean" copy of the relevant Rules as they would stand after amendment, for information and clarity.
2. This present document contains such a "clean copy" of the relevant Rules as they would stand after amendment as proposed in the Annexes to document PCT/A/31/6.
3. *The Assembly is invited to take note of the contents of this document and its Annexes.*

[Annexes follow]

## ANNEXI

CLEAN COPY OF PROPOSED AMENDMENTS TO THE PCT REGULATIONS  
SET OUT IN ANNEX I O DOCUMENT PCT/A/31/ 6

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**Rule 12<sup>1</sup>**  
**Language of the International Application and Translation**  
**for the Purposes of International Search and International Publication**

12.1 *Languages Accepted for the Filing of International Applications*

(a) and (b) [No change]

(c) Notwithstanding paragraph (a), the request shall be filed in any language of publication which the receiving Office accepts for the purposes of this paragraph .

(d) [No change]

12.2 *Language of Changes in the International Application*

(a) [No change]

(b) Any rectification under Rule 91.1 of an obvious error in the international applications shall be in the language in which the application is filed, provided that:

(i) where a translation of the international application is required under Rule 12.3(a), 12.4(a) or 55.2(a), rectifications referred to in Rule 91.1(e)(ii) and (iii) shall be filed in both the language of the application and the language of that translation;

(ii) [No change]

12.3 [No change]

12.4 *Translation for the Purposes of International Publication*

(a) Where the language in which the international application is filed is not a language of publication and no translation is required under Rule 12.3(a), the applicant shall, within 14 months from the priority date, furnish to the receiving Office a translation of the international application into any language of publication which the receiving Office accepts for the purposes of this paragraph.

(b) Paragraph (a) shall not apply to the request nor to any sequence listing part of the description.

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<sup>1</sup> While the amendments of Rule 12 set out in this Annex (Annex I) would enter into force on January 1, 2003, further proposed amendments to Rule 12 set out in Annex II would enter into force on January 1, 2004 (see document PCT/A/31/6Add.1).

*[Rule 12.4, continued]*

(c) Where the applicant has not, within the time limit referred to in paragraph (a), furnished a translation required under that paragraph, the receiving Office shall invite the applicant to furnish the required translation, and to pay, where applicable, the late furnishing fee required under paragraph (e), within 16 months from the priority date. Any translation received by the receiving Office before that Office sends the invitation under the previous sentence shall be considered to have been received before the expiration of the time limit under paragraph (a). s

(d) Where the applicant has not, within the time limit under paragraph (c), furnished the required translation and paid any required late furnishing fee, the international application shall be considered withdrawn and the receiving Office shall so declare. Any translation and any payment received by the receiving Office before that Office makes the declaration under the previous sentence and before the expiration of 17 months from the priority date shall be considered to have been received before the expiration of that time limit.

(e) The furnishing of a translation after the expiration of the time limit under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late furnishing fee equal to 50% of the basic fee.

**Rule 22**  
**Transmittal of the Record Copy and Translation**

22.1 *Procedure*

(a) to (g) [No change]

(h) Where the international application is to be published in the language of a translation furnished under Rule 12.3 or 12.4, that translation shall be transmitted by the receiving Office to the International Bureau together with the record copy under paragraph (a) or, if the receiving Office has already transmitted the record copy to the International Bureau under that paragraph, promptly after receipt of the translation.

22.2 *[Remains deleted]*

22.3 [No change]

**Rule 26<sup>2</sup>**  
**Checking by, and Correcting Before, the Receiving Office of  
Certain Elements of the International Application**

26.1 and 26.2 [No change]

26.3 *Checking of Physical Requirements Under Article 14(1)(a)(v)*

(a) [No change]

(b) Where the international application is filed in a language which is not a language of publication, the receiving Office shall check:

(i) [No change]

(ii) any translation furnished under Rule 12.3 or 12.4 and the drawings for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication.

26.3*bis* to 26.6 [No change]

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<sup>2</sup> While the amendments of Rule 26 set out in this Annex (Annex I) would enter into force on January 1, 2003, further proposed amendments of Rule 26 set out in Annex II would enter into force on January 1, 2004 (see document PCT/A/31/6Add.1).

**Rule 29<sup>3</sup>**  
**International Applications or Designations Considered Withdrawn**

29.1 *Finding by Receiving Office*

(a) If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 (failure to correct certain defects), or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1(a)), or under Article 14(4) (later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)), or under Rules 12.3(d) or 12.4(d) (failure to furnish a required translation or, where applicable, to pay a late furnishing fee), or under Rule 92.4(g)(i) (failure to furnish the original of a document), that the international application is considered withdrawn:

(i) to (iv) [No change]

(b) [No change]

29.2 *[Remains deleted]*

29.3 and 29.4 [No change]

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<sup>3</sup> While the amendments of Rule 29 set out in this Annex (Annex I) would enter into force on January 1, 2003, further proposed amendments of Rule 29 set out in Annex II would enter into force on January 1, 2004 (see document PCT/A/31/6Add.1).

**Rule 48<sup>4</sup>**  
**International Publication**

48.1 and 48.2 [No change]

48.3 *Languages of Publication*

(a) [No change]

(a-bis) If the international application is not filed in a language of publication and a translation into a language of publication has been furnished under Rule 12.3 or 12.4, that application shall be published in the language of that translation.

(b) [Deleted]

(c) [No change]

48.4 to 48.6 [No change]

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<sup>4</sup> While the amendments of Rule 48 set out in this Annex (Annex I) would enter into force on January 1, 2003, further proposed amendments of Rule 48 set out in Annex II would enter into force on January 1, 2004 (see document PCT/A/31/6Add.1).



**Rule 49**  
**Copy, Translation and Fee Under Article 22**

49.1 to 49.5 [No change]

49.6 *Reinstatement of Rights After Failure to Perform the Acts Referred to in Article 22* 22

(a) Where the effect of the international application provided for in Article 11(3) has ceased because the applicant failed to perform the acts referred to in Article 22 within the applicable time limit, the designated Office shall, upon request of the applicant, notwithstanding Rule 82 and subject to paragraphs (b) to (e) of this Rule, reinstate the rights of the applicant with respect to that international application if it finds that any delay in meeting that time limit was unintentional or, at the option of the designated Office, that the failure to meet that time limit occurred in spite of due care required by the circumstances having been taken.

(b) The request under paragraph (a) shall be submitted to the designated Office, and the acts referred to in Article 22 shall be performed, within whichever of the following periods expires first:

(i) two months from the date of removal of the cause of the failure to meet the applicable time limit under Article 22; or

(ii) 12 months from the date of the expiration of the applicable time limit under Article 22.

(c) The request under paragraph (a) shall state the reasons for the failure to comply with the applicable time limit under Article 22.

(d) The national law applicable by the designated Office may require:

(i) that a fee be paid in respect of the request under paragraph (a);

(ii) that a declaration or other evidence in support of the reasons referred to in paragraph (a) be filed.

(e) The designated Office shall not refuse a request under paragraph (a) without giving the applicant the opportunity to make observations on the intended refusal within a time limit which shall be reasonable under the circumstances.

(f) If, on October 1, 2002, paragraphs (a) to (e) are not compatible with the national law applied by the designated Office, those paragraphs shall not apply in that respect of that designated Office for as long as they continue not to be compatible with that law, provided that the said Office inform the International Bureau accordingly by January 1, 2003. The information received shall be promptly published by the International Bureau in the Gazette.

[Annex II follows]

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**Rule4**  
**TheRequest(Contents)**

4.1 *MandatoryandOptionalContents;Signature*

(a) Therequestshallcontain:

(i) to(iii) [Nochange]

(iv) indicationsconcerningtheinventorwherethenationallawofatleastoneofthe designatedStatesrequires thatthenameoftheinventorbefurnishedatthetimeoffilinga nationalapplication.

(b) Therequestshall,whereapplicable,contain:

(i) and(ii) [Nochange]

(iii) areferencetoaparentapplicationorparentpatent,

(iv) anindicationoftheapplicant'schoiceofcompetentInternationalSearching Authority.

(c) and (d) Nochange

4.2to4.4 [Nochange]

4.5 *TheApplicant*

(a) Therequestshallindicate:

(i) thename,

(ii) theaddress, and

(iii) thenationalityandresidence

oftheapplicantor,ifthereareseveralapplicants,ofeachofthem.

4.6to4.8 [Nochange]

4.9 *Designation of States ; Kind of Protection, National and Regional Patents*

(a) The filing of a request shall constitute:

(i) the designation of all Contracting States that are bound by the Treaty on the international filing date;

(ii) an indication that the international application is, in respect of each designated State to which Article 43 or 44 applies, for the grant of every kind of protection which is available by way of the designation of that State;

(iii) an indication that the international application is, in respect of each designated State to which Article 45(1) applies, for the grant of a regional patent and also, unless Article 45(2) applies, a national patent.

(b) Notwithstanding paragraph (a)(i), if, on October 1, 2002, the national law of a Contracting State provides that the filing of an international application which contains the designation of that State and claims the priority of an earlier national application having effect in that State shall have the result that the earlier national application ceases to have effect with the same consequences as the withdrawal of the earlier national application, any request may, for as long as that national law continues to so provide, contain an indication that the designation of that State is not made, provided that the designated Office informs the International Bureau by January 1, 2003 that this paragraph shall apply in respect of designations of that State. The information received shall be promptly published by the International Bureau in the Gazette.

4.10 [No change]

4.11 *Reference to Earlier Search , Continuation or Continuation -in-Part, or Parent Application or Grant*

(a) If:

(i) an international or international -type search has been requested on an application under Article 15(5);

(ii) the applicant wishes the International Searching Authority to base the international search report wholly or in part on the results of a search, other than an international or international -type search, made by the national Office or intergovernmental organization which is the International Searching Authority competent for the international application;

(iii) 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; or



*[Rule4.11(a),continued]*

- (iv) the applicant intend to make an indication under Rule 49 *bis*.1(c) of the wish that the international application be treated, in any designated State, as an application for a continuation or a continuation -in-part of an earlier application;

the request shall so indicate and shall, as the case may be, identify the application in respect of which the earlier search was made or otherwise identify the search, or indicate the relevant parent application or parent patent or other parent grant.

(b) The inclusion in the request of an indication under paragraph (a)(iii) or (iv) shall have no effect on the operation of Rule 4.9.

4.12 [Deleted]

4.13 [Deleted]

4.14 [Deleted]

4.14*bis* to 4.18 [No change]

**Rule 12<sup>1</sup>**  
**Language of the International Application and Translation**  
**for the Purposes of International Search and International Publication**

12.1 and 12.2 [No change]

12.3 *Translation for the Purposes of International Search*

(a) to (d) [No change]

(e) The furnishing of a translation after the expiration of the time limit under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late furnishing fee equal to 25% of the international filing fee.

12.4 *Translation for the Purposes of International Publication*

(a) to (d) [No change]

(e) The furnishing of a translation after the expiration of the time limit under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late furnishing fee equal to 25% of the international filing fee.

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<sup>1</sup> These amendments are based on the text of Rule 12 as proposed to be amended, with effect from January 1, 2003, in Annex I of this document.

**Rule15**  
**TheInternational FilingFee**

15.1 *TheInternational FilingFee*

Eachinternationalapplicationshallbesubjecttothepaymentofafeeforthebenefitof theInternationalBureau(“international filingfee”)tobecollectedbythereceivingOffice.

15.2 *Amount*

(a) The amountofthe internationalfiling fee isassetoutin theScheduleofFees.

(b) The internationalfiling feeshallbepayableinthecurrencyoroneofthecurrencies prescribedbythereceivingOffice(“prescribedcurrency”),itbeingunderstoodthat,when transferredbythereceivingOfficetotheInternationalBureau, itshallbefreelyconvertible intoSwisscurrency.The amountofthe internationalfiling feeshallbeestablished,foreach receivingOfficewhichprescribesthepaymentof thatfeeinanycurrencyotherthanSwiss currency,bytheDirectorGeneralafterconsultationwiththereceivingOfficeof,oracting underRule 19.1(b)for,theStatewhoseofficialcurrencyisthesameastheprescribed currency.Theamountsoestablishedshallbetheequivalent,inroundfigures,oftheamount inSwisscurrencysetoutintheScheduleofFees. ItshallbenotifiedbytheInternational BureauoeachreceivingOfficeprescribingpaymentinthatprescribedcurrencyandshallbe publishedintheGazette.

(c) Wherethe amountofthe internationalfilingfee setoutintheScheduleofFees is changed,the correspondingamountintheprescribedcurrenciesshallbeappliedfromthe samedateastheamountsetoutintheamendedScheduleofFees.

(d) WheretheexchangeratebetweenSwisscurrencyandany prescribedcurrency becomesdifferentfromtheexchangeratelastapplied,theDirectorGeneralshallestablish the newamountintheprescribedcurrencyaccordingtodirectivesgivenbytheAssembly.The newlyestablishedamountshallbecomeapplicabletwo monthsafterthedateof itspublication intheGazette,providedthatthereceivingOffice referred tointhesecond sentence of paragraph(b)andtheDirectorGeneralmayagreeonadatefallingduringthesaid two monthperiod,inwhichcasethesaid amountshallbecomeapplicablefromthatdate.

15.3 *[Remainsdeleted]*

15.4 *TimeLimitforPayment;AmountPayable*

The internationalfiling feeshallbepaidwithinonemonthfromthedateofreceiptof theinternationalapplication.Theamountpayable shallbetheamountapplicableonthatdate ofreceipt.

15.5 [Deleted]

15.6 *Refund*

The receiving Offices shall refund the international filing fee to the applicant:

(i) to (iii) [No change]

**Rule16**  
**TheSearchFee**

16.1 *RighttoAskforaFee*

(a)to(e) [Nochange]

(f) Astothetimelimitforpaymentofthesearchfeeandtheamountpayable,the provisionsofRule15.4relatingtothe internationalfiling feeshallapply *mutatismutandis* .

16.2 [Nochange]

**Rule 16 bis**  
**Extension of Time Limits for Payment of Fees**

*16bis.1 Invitation by the Receiving Office*

(a) Where, by the time they are due under Rules 14.1(c), 15.4 and 16.1(f), the receiving Office finds that no fees were paid to it, or that the amount paid to it is insufficient to cover the transmittal fee, the international filing fee and the search fee, the receiving Office shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 16 bis.2, within a time limit of one month from the date of the invitation.

(b) [Deleted]

(c) Where the receiving Office has sent to the applicant an invitation under paragraph (a) and the applicant has not, within the time limit referred to in that paragraph, paid in full the amount due, including, where applicable, the late payment fee under Rule 16 bis.2, the receiving Office shall, subject to paragraph (d):

(i) [Deleted]

(ii) make the applicable declaration under Article 14(3), and

(iii) proceed as provided in Rule 29.

(d) Any payment received by the receiving Office before that Office sends the invitation under paragraph (a) shall be considered to have been received before the expiration of the time limit under Rule 14.1(c), 15.4 or 16.1(f), as the case may be.

(e) Any payment received by the receiving Office before that Office makes the applicable declaration under Article 14(3) shall be considered to have been received before the expiration of the time limit referred to in paragraph (a).

*16bis.2 Late Payment Fee*

(a) The payment of fees in response to an invitation under Rule 16 bis.1(a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late payment fee. The amount of that fee shall be:

(i) 50% of the amount of unpaid fees which is specified in the invitation, or,

(ii) if the amount calculated under item (i) is less than the transmittal fee, an amount equal to the transmittal fee.

*[Rule16bis.2,continued]*

(b) The amount of the late payment fee shall not, however, exceed the amount of 25% of the international filing fee referred to in item I of the Schedule of Fees, not taking into account any fee for each sheet of the international application in excess of 30 sheets.

**Rule 17**  
**The Priority Document**

17.1 *Obligation to Submit Copy of Earlier National or International Application*

(a) Where the priority of an earlier national or international application is claimed under Article 8, a copy of that earlier application, certified by the authority with which it was filed ("the priority document"), shall, unless that priority document has already been filed with the receiving Office together with the international application in which the priority claim is made, and subject to paragraph (b) and (b-bis), be submitted by the applicant to the International Bureau or to the receiving Office not later than 16 months after the priority date, provided that any copy of the said earlier application which is received by the International Bureau after the expiration of that time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the date of international publication of the international application.

(b) [No change]

(b-bis) Where the priority document is, in accordance with the Administrative Instructions, available to the receiving Office or to the International Bureau from a digital library, the applicant may, as the case may be, instead of submitting the priority document:

- (i) request the receiving Office to obtain the priority document from such digital library and transmit it to the International Bureau; or
- (ii) request the International Bureau to obtain the priority document from such digital library.

Such requests shall be made not later than 16 months after the priority date and may be subjected by the receiving Office or the International Bureau to the payment of a fee.

(c) If the requirements of none of the three preceding paragraphs are complied with, any designated Office may, subject to paragraph (d), disregard the priority claim, provided that non-designated Offices shall disregard the priority claim before giving the applicant an opportunity to furnish the priority document within a time limit which shall be reasonable under the circumstances.

(d) Non-designated Offices shall disregard the priority claim under paragraph (c) if the earlier application referred to in paragraph (a) was filed with it in its capacity as national Office or if the priority document is, in accordance with the Administrative Instructions, available to it from a digital library.

17.2 [No change]



**Rule19**  
**TheCompetentReceivingOffice**

19.1 to19.3 [Nochange]

19.4 *TransmittaltotheInternationalBureauasReceivingOffice*

(a) and (b) [Nochange]

(c) Forthepurpo sesofRules14.1(c),15.4and16.1(f),wheretheinternational applicationwastransmittedtotheInternationalBureauunderparagraph(b),thedataof receiptoftheinternationalapplicationshallbeconsideredtobethedataonwhichthe international applicationwasactuallyreceivedbytheInternationalBureau.Forthepurposes ofthisparagraph,thelastsentenceofparagraph(b)shallnotapply.

**Rule24**  
**ReceiptoftheRecordCopybytheInternationalBureau**

24.1 *[Remainsdeleted]*

24.2 *NotificationofReceiptoftheRecordCopy*

(a) TheInternationalBureaushallpromptlynotify:

(i) to(iii) [Nochange]

ofthefactandthedateofreceiptoftherecordcopy.Thenotificationshallidentifythe internationalapplicationbyitsnumber,thinternationalfilingdateandthenameofthe applicant,andshallindicatethefilingdateofanyearlierapplicationwhosepriorityis claimed.Thenotificationsenttotheapplicantshallalsocontainalistofthedesignated Officesunderand, inthecas eofadesignatedOfficewhichisresponsibleforgranting regionalpatents,oftheContractingStatesdesignatedforsuchregionalpatent .

(b) [Deleted]

(c) [Nochange]

**Rule26<sup>2</sup>**  
**Checkingby,andCorrectingBefore,theReceivingOfficeof**  
**CertainElementsoftheInternationalApplication**

26.1 and26.2 [Nochange]

26.2bis *CheckingofRequirementsUnderArticle 14(1)(a)(i)and (ii)*

(a) ForthepurposesofArticle14(1)(a)(i),ifthereismorethanoneapplicant,itshallbe sufficientthatther equestbesignedbyoneofthem.

(b) ForthepurposesofArticle14(1)(a)(ii),ifthereismorethanoneapplicant,itshall besufficientthattheindicationsrequiredunderRule4.5(a)(ii)and(iii)beprovidedinrespect ofoneofthemwhoisentitled accordingtoRule19.1tofiletheinternationalapplicationwith thereceivingOffice.

26.3 to26.6 [Nochange]

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<sup>2</sup> Theseamendmentsarebasedonthetextof Rule 26asproposedtobeamended,witheffect fromJanuary1,2003,inAnnex Iofthisdocument.

**Rule27**  
**LackofPaymentofFees**

27.1 *Fees*

(a) ForthepurposesofArticle14(3)(a),“feesprescribedunderArticle 3(4)(iv)”means: thetransmittalfee(Rule14),theinternational filingfee(Rule15.1),thesearchfee(Rule16), and,whererequired,thelatepaymentfee(Rule16 *bis.2*).

(b) ForthepurposesofArticle14(3)(a)and(b),“thefeeprescribedunderArticle4(2)” meansth einternational filingfee(Rule 15.1)and,whererequired,thelatepaymentfee (Rule 16*bis.2*).

**Rule29<sup>3</sup>**  
**InternationalApplicationsConsideredWithdrawn**

29.1 *FindingbyReceivingOffice*

IfthereceivingOfficedeclares,underArticle14(1)(b)andRule 26.5(failureto correct certaindefects),orunderArticle14(3)(a)(failuretopaytheprescribedfeesunder Rule 27.1(a)),orunderArticle 14(4)(laterfindingofnon-compliancewiththerequirements listedinitems (i)to(iii)ofArticle11(1)),or underRules12.3(d)or12.4(d)(failuretofurnish arequiredtranslationor,whereapplicable,topayalatefurnishingfee),orunder Rule 92.4(g)(i)(failuretofurnishtheoriginalofadocument),thattheinternational applicationisconsideredwithd rawn:

(i) to(iv) [Nochange]

29.2 *[Remainsdeleted]*

29.3 and29.4 [Nochange]

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<sup>3</sup> TheseamendmentsarebasedonthetextofRule 29asproposedtobeamended,withtheeffect fromJanuary1,2003,inAnnex Iofthisdocument.

**Rule32**  
**ExtensionofEffectsofInternationalApplicationto**  
**CertainSuccessorStates**

*32.1 RequestforExtensionofInternationalApplicationtoSuccessorState*

(a) Theeffectsofanyinternationalapplicationwhoseinternationalfilingdatefallsin theperioddefinedinparagraph(b) areextendedtoaState(“thesuccessorState”)whose territorywas,beforetheindependenceofthatState,partoftheterritoryof aContractingState designatedintheinternationalapplication whichsubsequentlyceasedtoexist(“the predecessorState”),providedthatthesuccessorStatehasbecomeaContractingStatethrough thedeposit,withtheDirectorGeneral,ofadeclaration ofcontinuationtheeffectofwhichis thattheTreatyisappliedbythesuccessorState.

(b) [Nochange]

(c) Informationon anyinternationalapplicationwhosefilingdatefallswithinthe applicableperiodunderparagraph(b) andwhoseeffectisextendedtothesuccessorState shallbepublishedby theInternationalBureau intheGazette.

(d) [Deleted]

*32.2 EffectsofExtensiontoSuccessorState*

(a) Where theeffectsoftheinternationalapplicationareextendedtothesuccessorState inaccordancewithRule 32.1,

(i) [Nochange]

(ii) theapplicabletimelimitunderArticle22or39(1)inrelationtothatStateshall beextendeduntiltheexpirationofatleast sixmonthsfromthedataofthe publicationofthe informationunderRule32.1(c ).

(b) ThesuccessorStatemayfix atimelimitwhichexpireslaterthanthatprovidedin paragraph(a)(ii).TheInternationalBureaushallpublishinformationonsuchtimelimitsin theGazette.

**Rule36**  
**MinimumRequirementsforInternationalSearching Authorities**

36.1 *DefinitionofMinimumRequirements*

TheminimumrequirementsreferredtoinArticle16(3)(c)shallbethefollowing:

(i) and (ii) [Nochange]

(iii) thatOfficeororganizationmusthaveastaffwhichiscapableofsearchingthe requiredtechnicalfieldsandwhichhasthelanguagefacilitiestounderstandatleastthose languagesinwhichtheminimumdocumentationreferredtoinRule34iswrittenoris translated;

(iv) thatOfficeororganizationmustholdanappointmentasanInternational PreliminaryExaminingAuthority .

**Rule43 bis**  
**WrittenOpinionoftheInternationalSearchingAuthority**

43bis.1 *WrittenOpinion*

(a) SubjecttoRule 69.1(b-*bis*),theInternationalSearchingAuthorityshall,atthesame timeasitestablishesthe internationalsearchreport,establishawrittenopinionasto:

- (i) whethertheclaimedinventionappearstobenovel,toinvolveaninventivestep (tobenon -obvious),andtobeindustriallyapplicable;
- (ii) whethertheinternationalapplicationcomplieswiththerequirementsofthe TreatyandtheseRegulationsinsofarascheckedbytheInternational SearchingAuthority.

Thewrittenopinionshallalsobeaccompaniedbysuchotherobservationsasthese Regulationsprovidefor.

(b) Forthepurposesof establishingthewrittenopinion,Article33(2)to(6),35(2) and 35(3)andRules43.4,64,65,66.1(e),66.2(a),(b)and(e),66.7,67,70.2(b)and(d),70.3, 70.4(ii),70.5(a),70.6to70.10,70.12,70.14and70.15(a)shallapply *mutatismutandis* .

(c) Thewrittenopinionshallcontainanotificationinformingtheapplicantthat,ifa demandforinternationalpreliminaryexaminationismade,thewrittenopinionshall,under Rule 66.1*bis*(a)butsubjecttoRule 66.1*bis*(b),beconsideredtobeawrittenopi nionofthe InternationalPreliminaryExaminingAuthorityforthepurposesofRule 66.2(a),inwhich casetheapplicantisinvitedtosubmittothatAuthority,beforetheexpirationofthetimelimit underRule54 *bis*.1(a),awrittenreplytogether,wherea ppropriate,withamendments.



**Rule44**  
**TransmittaloftheInternationalSearchReport, WrittenOpinion, Etc.**

44.1 *CopiesofReportorDeclaration andWrittenOpinion*

TheInternationalSearchingAuthorityshall,onthesameday,transmitonecopyofthe internationalsearchreport andthewrittenopinionestablishedunderRule43 *bis.1*,or ofth e declarationreferredtoinArticle17(2)(a),totheInternationalBureauandonecopytothe applicant.

44.2 and 44.3 [Nochange]

**Rule 44 bis**  
**International Preliminary Report on Patentability by**  
**the International Searching Authority**

*44bis.1 Issuance of Report*

(a) Unless an international preliminary examination report has been or is to be established, the International Bureau shall issue a report on behalf of the International Searching Authority (in this Rule referred to as "the report") as to the matters referred to in Rule 43 bis.1(a). The report shall have the same contents as the written opinion established under Rule 43 bis.1.

(b) The report shall bear the title "international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)" together with an indication that it is issued under this Rule by the International Bureau on behalf of the International Searching Authority.

*44bis.2 Communication to Designated Offices*

(a) Where a report has been issued under Rule 44 bis.1, the International Bureau shall communicate it to each designated Office in accordance with Rule 93 bis.1 but not before the expiration of 30 months from the priority date.

(b) Where the applicant makes an express request to a designated Office under Article 23(2), the International Bureau shall communicate a copy of the written opinion established by the International Searching Authority under Rule 43 bis.1 to that Office promptly upon the request of that Office or of the applicant.

*44bis.3 Translation for Designated Offices*

(a) Any designated State may, where a report has been issued under Rule 44bis.1 in a language other than the official language, or one of the official languages, of its national Office, require a translation of the report into English. Any such requirements shall be notified to the International Bureau, which shall promptly publish it in the Gazette.

(b) If a translation is required under paragraph (a), it shall be prepared by or under the responsibility of the International Bureau.

(c) The International Bureau shall transmit a copy of the translation to any interested designated Office and to the applicant at the same time as it communicates the report to that Office.

*[Rule44bis.3,continued]*

(d) InthecasereferredtoinRule 44bis.2(b),thewrittenopinionestablishedunder Rule 43bis.1shall,uponrequestofthedesignatedOfficeconcerned,betranslatedintoEnglish byorundert heresponsibilityoftheInternationalBureau.TheInternationalBureaushall transmitacopyofthetranslationtothedesignatedOfficeconcernedwithintwomonthsfrom thedateofreceiptoftherequestfortranslation,andshallatthesametimetrans mitacopyto theapplicant.

*44bis.4 ObservationsontheTranslation*

Theapplicantmaymakewrittenobservationsastothe correctnessofthetranslation referredtoinRule44 bis.3(b)or(d)andshallsendacopyoftheobservationsto eachofthe interesteddesignatedOfficesandtotheInternationalBureau.

**Rule44 *ter***  
**ConfidentialNatureofWrittenOpinion,Report,TranslationandObservations**

*44ter.1 ConfidentialNature*

(a) TheInternationalBureauandtheInternationalSearchingAuthorityshal Inot,unless requestedorauthorizedbytheapplicant,allowaccessbyanypersonorauthoritybeforethe expirationof30monthsfromtheprioritydate:

(i) tothewrittenopinionestablishedunderRule43 *bis.1*,toanytranslationthereof preparedunder Rule44 *bis.3(d)*orRule 72.2*bis*,ortoanywrittenobservationsonsuch translationsentbytheapplicantunderRule 44*bis.4*orRule 72.3;

(ii) ifareportisissuedunderRule44 *bis.1*,tothatreport,toanytranslationofit preparedunderRules44 *bis.3(b)*or62 *bis.1(a)*ortoanywrittenobservationsonthat translationsentbytheapplicantunderRule 44*bis.4*.

(b) Forthepurposesofparagraph(a),theterm“access”coversanymeansbywhich thirdpartiesmayacquirecognizance,includingindividual communicationandgeneral publication.

**Rule47**  
**CommunicationtoDesignatedOffices**

47.1 *Procedure*

(a) The communication provided for in Article 20 shall be effected by the International Bureau to each designated Office in accordance with Rule 93bis.1 but, subject to Rule 47.4, not prior to the international publication of the international application .

(a-bis) The International Bureau shall notify each designated Office, in accordance with Rule 93bis.1, of the fact and date of receipt of the record copy and of the fact and date of receipt of any priority document.

(a-ter) [No change]

(b) Any amendment received by the International Bureau within the time limit under Rule 46.1 which was not included in the communication provided for in Article 20 shall be communicated promptly to the designated Offices by the International Bureau, and the latter shall notify the applicant accordingly.

(c) The International Bureau shall , promptly after the expiration of 28 months from the priority date, send a notice to the applicant indicating:

(i) the designated Offices which have requested that the communication provided for in Article 20 be effected under Rule 93 bis.1 and the date of such communication to those Offices; and

(ii) the designated Offices which have not requested that the communication provided for in Article 20 be effected under Rule 93 bis.1.

(c-bis) The notice referred to in paragraph (c) shall be accepted by designated Offices:

(i) in the case of a designated Office referred to in paragraph (c)(i), as conclusive evidence that the communication provided for in Article 20 was effected on the dates specified in the notice;

(ii) in the case of a designated Office referred to in paragraph (c)(ii), as conclusive evidence that the Contracting State for which that Office acts as designated Office does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

(d) [No change]

*[Rule47.1,continued]*

(e) Where any designated Office has not, before the expiration of 28 months from the priority date, requested the International Bureau to effect the communication provided for in Article 20 in accordance with Rule 93bis.1, the Contracting State for which that Office acts as designated Office shall be considered to have notified the International Bureau, under Rule 49.1(a-bis), that it does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

#### 47.2 *Copies*

(a) The copies required for communications shall be prepared by the International Bureau. Further details concerning the copies required for communication may be provided for in the Administrative Instructions.

(b) [Deleted]

(c) [Deleted]

#### 47.3 [No change]

#### 47.4 *Express Request Under Article 23(2) Prior to International Publication*

Where the applicant makes an express request to a designated Office under Article 23(2) prior to the international publication of the international application, the International Bureau shall, upon request of the applicant or the designated Office, promptly effect the communication provided for in Article 20 to that Office.

**Rule 48<sup>4</sup>**  
**International Publication**

48.1 to 48.5 [No change]

48.6 *Announcing of Certain Facts*

(a) If any notification under Rule 29.1(ii) reaches the International Bureau at a time later than that at which it was able to prevent the international publication of the international application, the International Bureau shall promptly publish a notice in the Gazette reproducing the essence of such notification.

(b) *[Remains deleted]*

(c) [No change]

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<sup>4</sup> These amendments are based on the text of Rule 48 as proposed to be amended, with effect from January 1, 2003, in Annex I of this document.

**Rule 49 bis**  
**Indications as to Protection Sought for Purposes of National Processing**

*49bis.1 Choice of Certain Kinds of Protection*

(a) If the applicant wishes the international application to be treated, in a designated State in respect of which Article 43 applies, as an application not for the grant of a patent but for the grant of another kind of protection referred to in that Article, the applicant, when performing the acts referred to in Article 22, shall so indicate to the designated Office.

(b) If the applicant wishes the international application to be treated, in a designated State in respect of which Article 44 applies, as an application for the grant of more than one kind of protection referred to in Article 43, the applicant, when performing the acts referred to in Article 22, shall so indicate to the designated Office and shall indicate, if applicable, which kind of protection is sought primarily and which kind is sought subsidiarily.

(c) In the cases referred to in paragraphs (a) and (b), if the applicant wishes the international application to be treated, in a designated State, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition, the applicant, when performing the acts referred to in Article 22, shall indicate the relevant parent application, parent patent or other parent grant.

(d) If the applicant wishes the international application to be treated, in a designated State, as an application for a continuation or a continuation-in-part of an earlier application, the applicant, when performing the acts referred to in Article 22, shall so indicate to the designated Office and shall indicate the relevant parent application.

(e) Where no express indication under paragraph (a) is made by the applicant when performing the acts referred to in Article 22 but the national fee referred to in Article 22 paid by the applicant corresponds to the national fee for a particular kind of protection, the payment of that fee shall be considered to be an indication of the wish of the applicant that the international application is to be treated as an application for that kind of protection and the designated Office shall inform the applicant accordingly.

*49bis.2 Time of Furnishing Indications*

(a) No designated Office shall require the applicant to furnish, before performing the acts referred to in Article 22, any indication referred to in Rule 49 bis.1 or, where applicable, any indication as to whether the applicant seeks the grant of a national patent or a regional patent.

(b) The applicant may, if so permitted by the national law applicable by the designated Office concerned, furnish such indication or, if applicable, convert from one kind of protection to another, at any later time.



**Rule51**  
**ReviewbyDesignatedOffices**

51.1 *TimeLimitforPresentingtheRequesttoSendCopies*

The timelimitreferredtoinArticle25(1)(c)shallbetwomonthscomputedfromthe dateofthenotificationsenttotheapplicantunderRules 20.7(i),24.2(c) or29.1(ii).

51.2and51.3 [Nochange]

**Rule51 bis**  
**CertainNationalRequirementsAllowedUnderArticle27**

*51bis.1 CertainNationalRequirementsAllowed*

(a) SubjecttoRule5 1bis.2,thenationallawapplicablebythedesignatedOfficemay, inaccordancewithArticle27,requiretheapplicanttofurnish,inparticular:

(i) to(iv) [Nochange]

(v) anyevidenceconcerningnon -prejudicialdisclosuresorexceptionstolackof novelty,suchasdisclosuresresultingfromabuse,disclosuresatcertainexhibitionsand disclosuresbytheapplicantduringacertainperiodoftime;

(vi) theconfirmationoftheinternationalapplicationbythesignatureofany applicantforthedesignat edStatewhohasnotsignedtherequest;

(vii) anymissingindicationrequiredunderRule4.5(a)(ii)and(iii) inrespectofany applicantforthedesignatedState .

(b) to (f) [Nochange]

*51bis.2 and 51bis.3* [Nochange]

**Rule52**  
**AmendmentoftheClaims,theDescription,andtheDrawings,**  
**BeforeDesignatedOffices**

52.1 *TimeLimit*

(a) InanydesignatedStateinwhichprocessingorexaminationstartswithoutspecial request,theapplicantshall,ifhesowishes,exercisetherightunderArticle28withinone monthfromthefulfillmentoftherequirementsunderArticle22,providedthat,ifthe communicationunderRule47.1hasnotbeeneffectedbytheexpirationofthetimelimit applicableunderArticle22,heshallexercisethesaidrightnotlater thanfourmonthsafter suchexpirationdate.Ineithercase,theapplicantmayexercisethesaidrightatany latertime ifsopermittedbythenationallawofthesaidState.

(b) [Nochange]

**Rule53**  
**TheDemand**

53.1 to53.3 [Nochange]

53.4 *TheAp plicant*

Astotheindicationsconcerningtheapplicant,Rules 4.4and4.16shallapply,and  
Rule 4.5shallapply *mutatismutandis*.

53.5 and53.6 [Nochange]

53.7 *ElectionofStates*

The filingofa demandshall constitutetheelectionofalContracti ngStateswhichare  
designatedandareboundbyChapter IIoftheTreaty.

53.8 and53.9 [Nochange]

**Rule54 bis**  
**TimeLimitforMakingaDemand**

*54bis.1 TimeLimitforMakingaDemand*

(a) Ademandmaybemadeatanytimepriortotheexpirationofwhicheverofthe followingperiodsexpireslater:

(i) threemonthsfromthedataoftransmittaltotheapplicantoftheinternational searchreportandthewrittenopinionestablishedunderRule43 bis.1,orofthedeclaration referredtoinArticle17(2)(a); or

(ii) 22monthsfromtheprioritydate.

(b) Anydemandmadeaftertheexpirationofthetimelimitapplicableunder paragraph (a)shallbeconsideredasifithadnotbeensubmittedandtheInternational PreliminaryExaminingAuthorityshallsodeclare.

**Rule56**  
**[Deleted]**

**Rule57**  
**TheHandlingFee**

57.1 and 57.2 [Nochange]

57.3 *TimeLimitforPayment;AmountPayable*

(a) Subjecttoparagraphs (b)and(c),the handlingfeeshallbepaidwithinonemonth fromthedateonwhichthedemandwassub mitted or22monthsfromtheprioritydate, whicheverexpireslater .

(b) Subjecttoparagraph(c),where thedemandwastransmittedtotheInternational PreliminaryExaminingAuthorityunderRule59.3,thehandlingfeeshallbepaidwithinone monthfromthedateofreceiptbythatAuthority or22monthsfromtheprioritydate, whicheverexpireslater.

(c) Where,inaccordancewithRule 69.1(b),theInternationalPreliminaryExamining Authoritywishesstarttheinternationalpreliminaryexaminationa tthesametimeasthe internationalsearch,thatAuthorityshallinvitetheapplicanttopaythehandlingfeewithin onemonthfromthedateoftheinvitation .

(d) Theamount ofthehandlingfee payableshallbetheamountapplicableon thedate ofpaym ent.

57.4and57.5 [Remaindeleted]

57.6 *Refund*

TheInternationalPreliminaryExaminingAuthorityshallrefundthehandlingfeetothe applicant:

(i) [Nochange]

(ii) ifthedemandisconsidered,underRule54.4 or54 bis.1(b),nottohavebeen submitted.

**Rule58 bis**  
**ExtensionofTimeLimitsforPaymentofFees**

*58bis.1 InvitationbytheInternationalPreliminaryExaminingAuthority*

(a) Where the International Preliminary Examining Authority finds:

- (i) that the amount paid to it is insufficient to cover the handling fee and the preliminary examination fee; or
- (ii) by the time they are due under Rules 57.3 and 58.1(b), that no fees were paid to it;

the Authority shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 58 bis.2, within a time limit of one month from the date of the invitation.

(b) to (d) [No change]

*58bis.2* [No change]



**Rule59**  
**TheCompetentInternationalPreliminaryExaminingAuthority**

59.1 and 59.2 [Nochange]

59.3 *TransmittalofDemandtotheCompetentInternationalPreliminaryExamining Authority*

(a) and (b) [Nochange]

(c) Where the demand is transmitted to the International Bureau under paragraph (a) or submitted to it under paragraph (b), the International Bureau shall promptly:

(i) [Nochange]

(ii) if two or more International Preliminary Examining Authorities are competent, invite the applicant to indicate, within the time limit applicable under Rule 54bis.1(a) or 15 days from the date of the invitation, whichever is later, the competent International Preliminary Examining Authority to which the demand should be transmitted.

(d) to (f) [Nochange]

**Rule60**  
**CertainDefectsintheDemandorElections**

60.1 *Defectsinthe Demand*

(a) Subjecttoparagraphs (a-*bis*)and(a -*ter*),if thedemanddoesnotcomplywiththe requirementsspecifiedinRules53.1,53.2(a)(i)to(iv),53.2(b),53.3to53.8and55.1,the InternationalPreliminaryExaminingAuthorityshallinvitetheapplicanttocorrectthedefects withinatimelimitwhichshallbereasonableunderthecircumstances.Thattimelimitshall notbelessthanonemonthfromthedateoftheinvitation.Itmaybeextendedbythe InternationalPreliminaryExaminingAuthorityat anytimebeforeadecisionistaken.

(a-*bis*) ForthepurposesofRule 53.4,iftherearetwoormoreapplicants,itshallbe sufficientthattheindicationsreferredtoinRule4.5(a)(ii)and(iii)asrequiredunder Rule 53.4beprovidedinrespectof oneofthemwhohastherightaccordingtoRule54.2to makeademand.

(a-*ter*) ForthepurposesofRule 53.8,iftherearetwoormoreapplicants,itshallbe sufficientthatthedemandbesignedbyoneofthem.

(b) to (g) [Nochange]

60.2 [Deleted]

**Rule61**  
**NotificationoftheDemandandElections**

61.1 *NotificationtotheInternationalBureauandtheApplicant*

(a) and (b) [Nochange]

(c) [Deleted]

61.2 *NotificationtotheElectedOffices*

(a) [Nochange]

(b) Thenotificationshallind icate thenumberandfilingdateoftheinternational application,thenameoftheapplicant,thefilingdateoftheapplicationwhosepriorityis claimed(wherepriorityisclaimed) andthedateofreceiptbytheInternationalPreliminary ExaminingAuthor ityofthedemand.

(c) [Nochange]

(d) Where the applicant makes an express request to an elected Office under Article 40(2) prior to the international publication of the international application , the International Bureau shall, upon request of the ap plicant or the elected Office, promptly effect the communication provided for in Article 20 to that Office.

61.3 [Nochange]

61.4 *PublicationintheGazette*

The International Bureau shall, promptly after the filing of the demand but not before the international publication of the international application, publish in the Gazette information on the demand and the elected States concerned, as provided in the Administrative Instructions.

**Rule62**

**Copyof WrittenOpinionbyInternationalSearchingAuthori tyandof Amendments  
UnderArticle19fortheInternationalPreliminaryExaminingAuthority**

62.1 *CopyofWrittenOpinionbyInternationalSearchingAuthorityandofAmendments  
MadeBeforetheDemandIsFiled*

Uponreceiptofademand,oracopythereof, fromtheInternationalPreliminary  
ExaminingAuthority,theInternationalBureaushallpromptlytransmit tothatAuthority:

(i) acopyofthewrittenopinionestablishedunderRule43 *bis*.1,unless  
thenationalOfficeorintergovernmentalorganizationthathasbeen  
designatedasInternationalSearching  
AuthorityisalsoactingasInternationalPreliminaryExaminingAuthority;and

(ii) acopyofanyamendmentunderArticle19,andanystatementreferredtoin  
thatArticle,unlessthatAuthorityhasindicatedthatithas  
alreadyreceivedsuchacopy.

62.2 [Nochange]

**Rule62 bis**  
**TranslationforInternationalPreliminaryExaminingAuthority**  
**ofWrittenOpinionofInternationalSearchingAuthority**

*62bis.1 TranslationandObservations*

(a) UponrequestoftheInternationalPreliminaryExaminingAuthority,thewrittenopinionestablishedunderRule43 bis.1 shall,whennotinEnglishorinalanguageacceptedbythatAuthority,betranslatedintoEnglishbyorundertheresponsibilityoftheInternationalBureau.

(b) TheInternationalBureaushalltransmitacopyofthetranslationtotheInternationalPreliminaryExaminingAuthoritywithintwomonthsfromthedateofreceiptoftherequestfortranslation,andshallatthesametimetransmitacopytotheapplicant.

(c) TheapplicantmaymakewrittenobservationsastothecorrectnessofthetranslationandshallsendacopyoftheobservationstotheInternationalPreliminaryExaminingAuthorityandtotheInternationalBureau.

**Rule63**  
**MinimumRequirementsfor**  
**InternationalPreliminaryExaminingAuthorities**

63.1 *DefinitionofMinimumRequirements*

TheminimumrequirementsreferredtoinArticle32(3)shallbethefollowing:

(i) and(ii) [Nochange]

(iii) thatOfficeororganizationmusthaveastaffwhichiscapableofexaminingin therequiredtechnicalfieldsandwhichhasthelanguagefacilitiestounderstandatleastthose languagesinwhichtheminimumdocumentationreferredtoinRule34iswrittenoris translated;

(iv) thatOfficeororganizationmustholdanappointmentasanInternational SearchingAuthority .

**Rule66**  
**ProcedureBeforetheInternationalPreliminaryExaminingAuthority**

66.1 [Nochange]

66.1bis *WrittenOpinionoftheInternationalSearchingAuthority*

(a) Subjecttoparagraph(b),th ewrittenopinioneestablishedbytheInternational SearchingAuthorityunderRule43 *bis.1*shallbeconsideredtobeawrittenopinionofthe InternationalPreliminaryExaminingAuthorityforthepurposesofRule66.2(a).

(b) AnInternationalPreliminary ExaminationAuthoritymaynotifytheInternational Bureauthatparagraph(a)shallnotapplytotheprocedurebeforeitinspectofwritten opinionseestablishedunderRule43 *bis.1*bytheInternationalSearchingAuthorityor Authorityspecifiedinthenotification,providedthatsuchanotificationshallnotapplyto caseswherethenationalOfficeorintergovernmentalorganizationthatactedasInternational SearchingAuthorityisalsoactingasInternationalPreliminaryExaminingAuthority.The InternationalBureaushallpromptlypublishanysuchnotificationintheGazette.

(c) WherethewrittenopinioneestablishedbytheInternationalSearchingAuthority underRule43 *bis.1*isnot,byvirtueofanotificationunderparagraph(b),consideredtobe a writtenopinionoftheInternationalPreliminaryExaminingAuthorityforthepurposesof Rule 66.2(a),theInternationalPreliminaryExaminingAuthorityshallnotifytheapplicant accordinglyinwriting.

(d) AwrittenopinioneestablishedbytheInternati onalSearchingAuthorityunder Rule 43*bis.1*whichisnot,byvirtueofanotificationunderparagraph(b),consideredtobe a writtenopinionoftheInternationalPreliminaryExaminingAuthorityforthepurposesof Rule 66.2(a)shallneverthelessbetaken intoaccountbytheInternationalPreliminary ExaminingAuthorityinproceedingunderRule 66.2(a).

66.2 *WrittenOpinionoftheInternationalPreliminaryExaminingAuthority*

(a) to(c) [Nochange]

(d) Thenotificationshallfixatimelimitforthe reply.Thetimelimitshallbe reasonableunderthecircumstances.Itshallnormallybetwomonthsafterthedateof notification.Innocaseshallitbeshorterthanonemonthafterthesaiddate.Itshallbeat leasttwomonthsafterthesaiddatethe retheinternationalsearchreportistransmittedatthe sametimeasthenotification.Itshall ,subjecttoparagraph (e),notbemorethanthreemonths afterthesaiddate .

(e) Thetimelimitforreplyingtothenotification maybeextendediftheapp licantso requestsbeforeitsexpiration.

66.3 to 66.6 [Nochange]

66.7 *CopyandTranslationofEarlierApplicationWhose Priority isClaimed*

(a) IftheInternationalPreliminaryExaminingAuthorityneedsacopyofthe earlier applicationwhoseprior ityisclaimedintheinternationalapplication,theInternationalBureau shall,onrequest,promptlyfurnishsuchcopy.IfthatcopyisnotfurnishedtotheInternational PreliminaryExaminingAuthoritybecausetheapplicantfailedtocomplywiththe requirements ofRule17.1 ,andifthat earlierapplicationwasnotfiledwiththatAuthorityin itscapacityasanationalOfficeortheprioritydocument isnot availabletothatAuthority fromadigital libraryinaccordancewiththeAdministrativeInstructi ons,theinternational preliminaryexaminationreportmaybeestablishedasifthepriorityhadnotbeenclaimed.

(b) [Nochange]

66.8and66.9 [Nochange]



**Rule 69**  
**Start of and Time Limit for International Preliminary Examination**

69.1 *Start of International Preliminary Examination*

(a) Subject to paragraphs (b) to (e), the International Preliminary Examining Authority shall start the international preliminary examination when it is in possession of all of the following:

- (i) the demand;
- (ii) the amount due (in full) for the handling fee and the preliminary examination fee, including, where applicable, the late payment fee under Rule 58bis.2; and
- (iii) either the international search report and the written opinion established under Rule 43bis.1 or a notice of the declaration by the International Searching Authority under Article 17(2)(a) that no international search report will be established;

provided that the International Preliminary Examination Authority shall not start the international preliminary examination before the expiration of the applicable time limit under Rule 54bis.1(a) unless the applicant expressly requests an earlier start.

(b) If the national Office or intergovernmental organization that acts as International Searching Authority also acts as International Preliminary Examining Authority, the international preliminary examination may, if that national Office or intergovernmental organization so wishes and subject to paragraphs (d) and (e), start at the same time as the international search.

(b-bis) Where, in accordance with paragraph (b), the national Office or intergovernmental organization that acts as both International Searching Authority and International Preliminary Examining Authority wishes to start the international preliminary examination at the same time as the international search and considers that all of the conditions referred to in Article 34(2)(c)(i) to (iii) are fulfilled, that national Office or intergovernmental organization need not, in its capacity as International Searching Authority, establish a written opinion under Rule 43bis.1.

(c) [No change]

(d) Where the statement concerning amendments contains an indication that the start of the international preliminary examination is to be postponed (Rule 53.9(b)), the International Preliminary Examining Authority shall not start the international preliminary examination before whichever of the following occurs first:

- (i) it has received a copy of any amendments made under Article 19;

*[Rule69.1(d),continued ]*

(ii) it has received a notice from the applicant that he does not wish to make amendments under Article 19; or

(iii) the expiration of the applicable time limit under Rule 54bis.1(a).

(e) [No change]

*69.2 Time Limit for International Preliminary Examination*

The time limit for establishing the international preliminary examination report shall be whichever of the following periods expires last :

(i) 28 months from the priority date; or

(ii) six months from the time provided under Rule 69.1 for the start of the international preliminary examination; or

(iii) six months from the date of receipt by the International Preliminary Examining Authority of the translation furnished under Rule 55.2.

**Rule70**  
**InternationalPreliminary ReportonPatentabil ityby**  
**theInternationalPreliminaryExaminingAuthority**  
**(InternationalPreliminaryExaminationReport)**

70.1to70.14 [Nochange]

70.15 *Form; Title*

(a) Thephysicalrequirementsastotheformofthereportshallbeprescribedbythe  
Administrative Instructions.

(b) Thereportshallbearthetitle“ internationalpreliminaryreportonpatentability  
(ChapterIIofthePatentCooperationTreaty) ”togetherwithanindicationthatitisthe  
internationalpreliminaryexaminationreportestablishedbythe InternationalPreliminary  
ExaminingAuthority.

70.16and70.17 [Nochange]

**Rule72**  
**TranslationoftheInternationalPreliminaryExaminationReport andofWritten  
OpinionoftheInternationalSearchingAuthority**

72.1and72.2 [Nochange]

*72.2bis TranslationofWrittenOpinionoftheInternationalSearchingAuthorityestablished  
underRule 43bis.1*

InthecasereferredtoinRule 73.2(b)(ii),thewrittenopinionestablishedbythe  
InternationalSearchingAuthorityunderRule 43bis.1shall,uponrequestoftheelectedOffice  
concerned,betranslatedintoEnglishbyorundertheresponsibilityoftheInternational  
Bureau.TheInternationalBureaushalltransmitacopyofthetranslationtotheelectedOffice  
concernedwithintwomonthsfromthedateof receiptoftherequestfortranslation,andshall  
atthesametimetransmitacopytotheapplicant.

*72.3 ObservationsontheTranslation*

Theapplicantmaymakewrittenobservations astothecorrectnessof thetranslationof  
theinternationalpreliminaryexaminationreport orofthewrittenopinionestablishedbythe  
InternationalSearchingAuthorityunderRule 43bis.1 andshallsendacopyof the  
observationstoeachoftheinterestedelectedOfficesandtotheInternationalBureau.

**Rule73**  
**CommunicationoftheInternationalPreliminaryExaminationReport  
ortheWrittenOpinionofInternationalSearchingAuthority**

73.1 [Nochange]

73.2 *Communication toElectedOffices*

(a) TheInternationalBureaushalleffectthecommunication providedforin Article 36(3)(a) toeachelectedOfficeinaccordancewithRule93 *bis.1*butnotbeforethe expirationof30 monthsfromtheprioritydate.

(b) WheretheapplicantmakesanexpressrequesttoanelectedOfficeunder Article 40(2),theInternationalBureau shall,upontherequestofthatOfficeorofthe applicant,

(i) iftheinternationalpreliminaryexaminationreporthasalreadybeentransmitted totheInternationalBureauunderRule 71.1,promptlyeffectthecommunicationprovidedfor inArticle 36(3)(a)tothatOffice;

(ii) iftheinternationalpreliminaryexaminationreporthasnotbeentransmittedto theInternationalBureauunderRule 71.1,promptlycommunicateacopyofthewritten opinionestablishedbytheInternationalSearchingAuthorityunderR ule43 *bis.1*tothat Office.

(c) Wheretheapplicanthaswithdrawnthedemandoranyorallelections,the communicationprovidedforin paragraph (a)shallneverthelessbeeffected,ifthe InternationalBureauhasreceivedtheinternationalpreliminarye xaminationreport,tothe electedOfficeorOfficesaffectedbythewithdrawal.

**Rule76**  
**Copy,TranslationandFeeUnderArticle39(1);**  
**TranslationofPriorityDocument**

76.1,76.2and76.3 *[Remaindeleted]*

76.4 [Nochange]

76.5 *ApplicationofRules 22.1(g), 47.1,49, 49bisand51bis*

Rules22.1(g), 47.1,49 ,49 *bis*and51 *bis*shallapply,providedthat:

(i) to(iii) [Nochange]

(iv) forthepurposesofArticle39(1),whereaninternationalpreliminary examinationreporthasbeenestablished,atran slationofanyamendmentunderArticle19 shallonlyberequiredifthatamendmentisannexedtothatreport ;

(v) thereferenceinRule47.1(a)toRule47.4shallbeconstruedasareferenceto Rule61.2(d) .

76.6 [Deleted]

**Rule78**  
**AmendmentoftheC laims,theDescription,andtheDrawings,**  
**BeforeElectedOffices**

78.1 *TimeLimit*

(a) Theapplicantshall,ifhesowishes,exercisetherightunderArticle41toamendthe claims,thedescriptionandthedrawings,beforetheelectedOfficeconcernedwithinone monthfromthefulfillmentoftherequirementsunderArticle 39(1)(a),providedthat,ifthe transmittaloftheinternationalpreliminaryexaminationreportunderArticle36(1)hasnot takenplacebytheexpirationofthetimelimitapplicableunderArticle39,heshallexercise thesaidrightnotlaterthanfourmonthsaftersuchexpirationdate.Ineithercase,the applicantmayexercisethesaidrightatany latertimeifsopermittedbythenationallawof thesaidState.

(b) Inanyelected Stateinwhichthenationallawprovidesthatexaminationstartsonly onspecialrequest,thenationallawmayprovidethatthetimelimitwithinorthetimeatwhich theapplicantmayexercisetherightunderArticle41shallbethesameasthatprovided bythe nationallawforthefilingofamendmentsinthecaseoftheexamination,onspecialrequest, ofnationalapplications,providedthatsuchtimelimitshallnotexpirepriorto,orsuchtime shallnotcomebefore,theexpirationofthetimelimitapplicableunderparagraph(a).

78.2 [Deleted]

**Rule89 bis**  
**Filing,Processingand CommunicationofInternationalApplicationsandOther DocumentsinElectronicFormorbyElectronicMeans**

89bis.1 and89 bis.2 [Nochange]

89bis.3 *CommunicationBetweenOf fices*

WheretheTreaty,theseRegulationsortheAdministrativeInstructionsprovidefor the communication,notificationortransmittal(“communication”)ofaninternationalapplication , notification, communication,correspondence orotherdocument byone nationalOfficeor intergovernmentalorganizationtoanother,such communicationmay,wheresoagreedby boththesenderandthereceiver,beeffectedinelectronicformorbyelectronicmeans.



**Rule90**  
**AgentsandCommonRepresentatives**

90.1 [Nochange]

90.2 *CommonRepresentative*

(a) Where there are two or more applicants and the applicants have not appointed an agent representing all of them (a “common agent”) under Rule 90.1(a), one of the applicants who is entitled to file an international application according to Article 9 and in respect of whom all indications required under Rule 4.5(a) to (c) have been provided may be appointed by the other applicants as their common representative.

(b) Where there are two or more applicants and all the applicants have not appointed a common agent under Rule 90.1(a) or a common representative under paragraph (a), the applicant first named in the request who is entitled according to Rule 19.1 to file an international application with the receiving Office and in respect of whom all indications required under Rule 4.5(a) to (c) have been provided shall be considered to be the common representative of all the applicants.

90.3 [Nochange]

90.4 *MannerofAppointmentofAgentorCommonRepresentative*

(a) to (c) [Nochange]

(d) Subject to paragraph (e), any receiving Office, any International Searching Authority, any International Preliminary Examining Authority and the International Bureau may waive the requirement under paragraph (b) that a separate power of attorney be submitted to it, in which case paragraph (c) shall not apply.

(e) Where the agent or the common representative submits any notice of withdrawal referred to in Rules 90bis.1 to 90bis.4, the requirement under paragraph (b) for a separate power of attorney shall not be waived under paragraph (d).

90.5 and 90.6 [Nochange]

**Rule90 bis  
Withdrawals**

90bis.1 to 90bis.4 [Nochange]

90bis.5 *Signature*

(a) AnynoticeofwithdrawalreferredtoinRules90 bis.1to90 bis.4shall,subjectto paragraph ( b),besignedbytheapplicant or,iftherearetwoormoreapplicants,byallof them. An applicantwho isconsideredtobethecommonrepresentativeunderRule 90.2(b) shall,subjecttoparagraph(b),notbeentitledtosignsuchanoticeonbehalfof heother applicants.

(b) Wheretwoormoreapplicantsfileaninternationalapplicationwhichdesignatesa Statewhosenationallawrequiresthatnationalapplicationsbefiledbytheinventorandwhere anapplicantforthatdesignatedStatewhois an inventorcouldnotbefoundorreachedafter diligenteffort,anoticeofwithdrawalreferredtoinRules90 bis.1to90 bis.4neednotbe signedbythatapplicant(“theapplicantconcerned”)ifitissignedbyatleastoneapplicant and

(i) and (ii) [Nochange]

(iii) inthecaseofanoticeofwithdrawalreferredtoinRule 90bis.4(b),the applicantconcerneddidnotsignthedemandbuttherequirementsofRule 53.8(b)were compliedwith

90bis.6 and90 bis.7 [Nochange]

**Rule92 bis**  
**RecordingofChanges inCertainIndications**  
**intheRequestortheDemand**

*92bis.1 RecordingofChangesbytheInternationalBureau*

(a) [Nochange]

(b) TheInternationalBureaushallnotrecordtherequestedchangeiftherequestfor recordingisreceivedbyitafterthee xpiration of30monthsfromtheprioritydate.

**Rule93 bis**  
**MannerofCommunicationofDocuments**

*93bis.1 CommunicationonRequest;CommunicationviaDigitalLibrary*

(a) Where the Treaty, these Regulations or the Administrative Instructions provide for the communication, notification or transmittal (“communication”) of an international application, notification, communication, correspondence or other document (“document”) by the International Bureau to any designated or elected Office, such communication shall be effected only upon request by the Office concerned and at the times specified by that Office. Such request may be made in relation to individually specified documents or as specified class or classes of documents.

(b) A communication under paragraph (a) shall, where so agreed by the International Bureau and the designated or elected Office concerned, be considered to be effected at the time when the International Bureau takes action to make the document available to that Office in electronic form in a digital library, in accordance with the Administrative Instructions, from which that Office is entitled to retrieve that document.

**Rule94**  
**AccessstoFiles**

94.1 *AccessstotheFileHeldbytheInternationalBureau*

(a) [Nochange]

(b) TheInternationalBureaushall,attherequestofanypersonbutnotbeforethe internationalpublicationoftheinternationalapplicationandsubjecttoArticle 38 and Rule 44*ter*.1,furnish,subjecttothereimbursementofthecostoftheservice,copiesofany documentcontainedinitsfile.

(c) TheInternationalBureaushall,ifsorequestedbyanelectedOffice,furnishcopies oftheinternationalpreliminaryexaminationreportunderparagraph(b)onbehalfofthat Office.TheInternationalBureaushallpromptlypublishdetailsofanysuchrequestinthe Gazette.

94.2 and94.3 [Nochange]

SCHEDULEOFFEES

<b>Fees</b>	<b>Amounts</b>
1. International Filing Fee: (Rule15.2)	[...] <sup>5</sup> Swissfrancs plus 15 Swissfrancs for each sheet of the international application in excess of 30 sheets
2. Handling Fee: (Rule57.2)	233 Swissfrancs

**Reductions**

3. The international filing fee is reduced by 200 Swissfrancs if the international application is, in accordance with and to the extent provided for in the Administrative Instructions, filed on paper together with a copy thereof in electronic form.

4. All fees payable (where applicable, as reduced under item 3) 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.

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[End of Annex II and of document]

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<sup>5</sup> See document PCT/A/31/6, paragraph 59 of the Introduction.