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INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)

ASSEMBLY

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MATTERS CONCERNING THE PCT UNION  
(PROPOSED AMENDMENT OF THE SCHEDULE OF FEES  
ANNEXED TO THE REGULATIONS UNDER THE PCT)

*Document prepared by the International Bureau*

## *Introduction*

1. This document contains a proposal for an amendment of the Schedule of Fees annexed to the Regulations under the Patent Cooperation Treaty (PCT) and proposals for modifications of the Administrative Instructions under the PCT.<sup>1</sup> The proposals concern the granting of a fee reduction in relation to international applications filed in electronic form in accordance with Part 7 and Annex F of the Administrative Instructions under the PCT.

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<sup>1</sup> References in this document to "Rules" and "Sections" are, respectively, to those of the Regulations under the Patent Cooperation Treaty (PCT) ("the Regulations") and of the Administrative Instructions under the PCT ("the Administrative Instructions"), or to such provisions as proposed to be amended or added, as the case may be. The current texts are available on WIPO's Internet site at <http://www.wipo.int/pct/eng/index.htm>.

*Fee Reduction for International Applications Filed in Electronic Form*

2. Following the coming into effect on January 7, 2002, of new Part 7 and new Annex F of the Administrative Instructions containing, respectively, the legal framework and technical standards necessary to enable the implementation of electronic filing and processing of international applications under the PCT, as provided for by Rule 89bis.1, any receiving Office having the necessary technical systems in place is able to decide to accept the filing of international applications in electronic form in accordance with Part 7 and Annex F. The receiving Office must, under the provisions of Section 710, notify the International Bureau of its requirements, and any such notification must then be promptly published by the International Bureau in the PCT Gazette.
3. When no receiving Office has yet made such a notification, and it is therefore not yet possible for international applications to be filed in electronic form with any receiving Office pursuant to the new provisions, it is expected that certain receiving Offices will soon (possibly as early as October of this year) make such a notification and that it will therefore soon be possible for international applications to be filed in electronic form with such receiving Offices.
4. In this context, it is proposed that applicants should be given an incentive, in the form of a fee reduction, to file international applications in electronic form, at least of the same amount as is the case today in respect of an international application containing the request in the PCT -EASY format filed with a PCT -EASY diskette. At the same time, noting the important role the PCT -EASY software will continue to play for quite some time to come, the current fee reduction applicable to PCT -EASY filings should not be eliminated but should continue to be granted as an incentive for applicants to use that software.
5. At present, the fee reduction under item 4 of the Schedule of Fees annexed to the PCT Regulations only applies to reduce the fees payable in respect of an international application which is, in accordance with the Administrative Instructions, filed on paper together with a copy thereof in electronic form. Section 102bis(c) specifies that item 4 of the Schedule of Fees only applies to reduce the fees payable in respect of an international application which contains the request in PCT -EASY format and is filed, together with a PCT -EASY diskette, with a receiving Office which, under Section 102bis(a), accepts the filing of such international applications. In other words, at present, item 4 of the Schedule of Fees does not apply to an international application filed in fully electronic form in accordance with Part 7 and Annex F.
6. It is therefore proposed to amend item 4 of the Schedule of Fees and to modify the Administrative Instructions so as to apply a fee reduction of the same amount as that applicable in the context of PCT -EASY also to international applications in electronic form filed with a receiving Office which has notified the International Bureau under Section 710 that it is prepared to receive international applications in electronic form.
7. The proposed amendments of the Schedule of Fees annexed to the Regulations and modifications of the Administrative Instructions are contained, respectively, in Annexes I and II to this document.
8. The proposed modifications of the Administrative Instructions are included in this document (as Annex II) for the purposes of consultation under Rule 89.2(b).

*PCT-SAFE Pilot Project*

9. In this context, it should be noted that the International Bureau intends to apply a fee reduction of the same amount as that applicable in the context of PCT -EASY also to international applications filed, during the PCT -SAFE (Secure Applications Filed Electronically) Pilot Project, with the International Bureau as receiving Office.<sup>2</sup>

10. It is recalled that, under the PCT -SAFE Project (formerly known as the PCT Electronic Filing Project), electronic filing software is being developed by the International Bureau as an extension of the PCT -EASY software and will be made available, in 2003, to applicants and receiving Offices. The objective of the PCT -SAFE Pilot Project is to take the electronic filing legal framework and the technical standard (see Part 7 and Annex F) as well as associated computer developments through a proof-of-concept process; it will enable further development of the software and operational procedures in preparation for full implementation of electronic filing in 2003.

11. The PCT -SAFE Pilot Project is scheduled to last from October 2002 to March 2003. During that period, a limited number of Pilot participants (restricted to applicants registered for participation in the Pilot Project) will have the opportunity to file, with the International Bureau as receiving Office, international applications prepared using the PCT -SAFE software on paper with a parallel submission of the complete application in electronic form.

12. Noting that the PCT -SAFE Pilot "system" for preparing international applications using the PCT -SAFE software is an extension of the present system for preparing international applications using the PCT -EASY software, the similarities of both systems (under both systems, international applications are filed on paper together with an electronic copy of the request (PCT -EASY) and of the entire application (PCT -SAFE), respectively), and the fact that the International Bureau will benefit from streamlined handling of international applications prepared using the PCT -SAFE software filed during the Pilot Project at least as much as it does from PCT -EASY filings (in particular with regard to data capture at the International Bureau), it appears justified to apply a fee reduction of the same amount as that applicable in the context of PCT -EASY also to PCT -SAFE Pilot participants although, strictly speaking, international applications filed under the PCT -SAFE Pilot Project would neither comply with the requirements of Section 102 *bis* nor with the requirements of proposed new Section 707(b).

*Review of PCT Fee Structure*

13. It is to be noted that the question of fee reductions for both international applications containing the request in PCT -EASY format and for international applications filed in fully electronic form (PCT -SAFE) will have to be (re)examined in the course of preparing the program and budget of WIPO for 2004 -2005, in the context of the necessary determination of

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<sup>2</sup> For further information on the PCT -SAFE Project and the PCT -SAFE Pilot Project, see document PCT/A/31/4 rev. and the PCT -SAFE homepage on the Internet at <http://www.wipo.int/pct-safe>

the amount of the new international filing fee proposed to be introduced for international applications filed on or after January 1, 2004 (see documents PCT/A/31/6 and PCT/A/31/6 Add.1) and the ensuing need for a complete review of the PCT fee structure.

*14. The Assembly of the PCT Union is invited:*

*(i) to adopt the proposed amendment to the Schedule of Fees annexed to the Regulations under the PCT as appearing in Annex I to this document and to decide that it will enter into force on October 17, 2002, and that it will apply only in respect of international applications filed on or after that date;*

*(ii) to note that the Director General intends to promulgate modifications of the Administrative Instructions based on Annex II to this document, taking into account consultations pursuant to Rule 89.2(b) during the Assembly's session and subsequently, with effect from October 17, 2002.*

[Annexes follow]

## ANNEXI

PROPOSED AMENDMENT OF  
THE REGULATIONS UNDER THE PCTSCHEDULE OF FEES  
(as proposed to be amended with effect from October 17, 2002)

<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)	140 Swiss francs per designation provided that any designation made under Rule 4.9(a) in excess of 5 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)	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, in accordance with and to the extent provided for in the Administrative Instructions, filed ;
- (a) on paper together with a copy thereof in electronic form ; or
- (b) 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.

[Annex II follows]

PROPOSED MODIFICATIONS OF  
THE ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

**Section 102 bis**

**Filing of Request in PCT -EASY Format Together with  
PCT-EASY Diskette Containing Request Data and Abstract**

(a) [No change]

(b) [No change]

(c) Item 4 [\(a\)](#) of the Schedule of Fees annexed to the Regulations shall apply to reduce the fees payable in respect of an international application containing the request in PCT-EASY format filed, together with a PCT -EASY diskette, with a receiving Office which, under paragraph (a), accepts the filing of such international applications.

**Section 707**

**Basic Fee ; Fee Reduction**

(a) Where an international application is filed in electronic form, the basic fee shall be calculated on the basis of the number of sheets that the application would contain if presented as a print-out on paper complying with the physical requirements prescribed in Rule 11.

(b) Item 4(b) of the Schedule of Fees annexed to the Regulations shall apply to reduce the fees payable in respect of a international application filed in electronic form with a receiving Office which has notified the International Bureau under Section 710 that is prepared to receive international applications in electronic form.

[End of Annex II and of document]