

# WIPO



PCT/A/II/3

ORIGINAL: English

DATE: September 11, 1978

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)

ASSEMBLY

Second Session (1st Ordinary)\*  
Geneva, September 25 to October 3, 1978

AMENDMENT AND INTERPRETATION OF THE PCT REGULATIONS,  
MODIFICATIONS OF THE PCT ADMINISTRATIVE INSTRUCTIONS

*Memorandum of the Director General*

#### ABBREVIATED EXPRESSIONS

1. For the purposes of this document:

“PCT” means the Patent Cooperation Treaty

“Regulations” means the Regulations under the PCT

“Administrative Instructions” means the Administrative Instructions) under the PCT

“Article” means an Article of the PCT

“Rule” means a Rule of the Regulations

“Section” means a Section of the Administrative Instructions

“Form” means a Form annexed to the Administrative Instructions and referred to in Section 102.

---

\* *Editor's Note:* This electronic document has been created from the paper original and may contain errors. Please bring any such errors to the attention of the PCT Legal Division by e-mail at [pct.legal@wipo.int](mailto:pct.legal@wipo.int)

## I. AMENDMENT OF THE REGULATIONS

### AMENDMENT OF RULE 15

2. Practice shows that in some international applications, the same State is designated twice, namely as a State in which a national patent is desired and as a State in which a European patent is desired. It is believed that there is no reason, in the international phase, not to accept such a “double designation,” since a double designation has no influence on the international search, the international preliminary examination, or other steps to be made during that phase. Once the international application enters the procedure before the Office of the designated State and the European Patent Office, it will depend on the national law of that State and the European Patent Convention whether the application can be processed before both instances or the applicant has to choose between them.

3. The international applications so far filed with one or several double designations were not objected to by the receiving Offices or the International Bureau. In such cases, the designation fee has been calculated for each designated State as many times as is their number and once for the European patent.

4. It seems to be desirable to reflect this possibility and practice in Rule 15, by changing Rule 15.1(ii), now reading as follows:

“(ii) as many “designation fees” as there are States designated in the international application, provided that, where a regional patent is sought for certain designated States, only one designation fee shall be due for those States.”

To read as follows:

“(ii) as many “designation fees” as there are States designated in the international application for which a national patent is sought, provided that, where a regional patent is sought for certain designated States, only one designation fee shall be due for such purpose.”

*5. The Assembly is invited to amend the Regulations as proposed in the preceding paragraph.*

6. A consequential modification of the Administrative Instructions is dealt with in paragraph 12 below.

## II. INTERPRETATION OF THE REGULATIONS

### INTERPRETATION OF RULE 47.2

7. Rule 47.2 provides that the copies of the international application required for communication to the designated Offices under Article 20 “shall be prepared by the International Bureau” and that “they shall be on sheets of A4 size.” Rule 48.1(a) provides that

“the international application shall be published in the form of a pamphlet” and Section 406(b) provides that all pamphlets “shall be of A4 size.” It is the intention of the International Bureau to use, to the extent possible, copies of the pamphlets for the purpose of communications under Article 20. This is proposed to economize the additional work and expense that would result if copies for the purposes of the said communication would have to be prepared independently--at another time and/or by a different or separate process--from the pamphlets. It is recognized that in certain cases the pamphlet may be too late for the communication under Article 20 or may not be enough in itself for such communication (for example, because the pamphlet as first published does not reflect the definitive content of what has to be communicated under Article 20). In such cases, the communication under Article 20 will have to be effected by using copies specially prepared for that purpose or by completing the pamphlet by sheets specially prepared for that purpose.

8. Since Rule 47.2 provides that the copies must be prepared by the International Bureau and since the pamphlets are prepared by that Bureau, it is believed that the pamphlets may be regarded, to the extent they are copies of the international application to be communicated under Article 20, as copies under the said Rule.

#### INTERPRETATION OF RULE 48.3(B)

9. The European Patent Organization requested the Director General to submit to the Assembly the following interpretation of Rule 48.3(b):

1. PCT Rule 48.3(b) does not prevent the International Searching Authority from leaving the preparation of the required translation to the applicant and/or to the receiving Office, provided that the International Searching Authority ensures to have the translation ready in time to permit the communication under PCT Article 20 by the prescribed date, or, if the international publication is due at an earlier date than the said communication, to permit international publication by the prescribed date.

2. PCT Rule 48.3(b) contains no ground for the applicant or third parties to hold the International Searching Authority liable for damages caused by inaccuracy of the translation.

*10. The Assembly is invited to pronounce on the interpretations suggested in paragraphs 8 and 9, above.*

### III. MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS

#### SECTION 201

11. Practice shows that the designations of States which are not party to the PCT are not always cancelled as they should under Section 201(b) of the Administrative Instructions before the record copy of the international application is transmitted by the receiving Office to the International Bureau. It is, therefore, the intention of the Director General to add the following two sentences to Section 201(b):

“If the international application has already been sent to the International Bureau and the International Searching Authority, the receiving Office shall also notify promptly that Bureau and that Authority. In any event, the International Bureau shall, where the receiving Office fails to do so, cancel ex officio the designation of States other than Contracting States and inform the applicant, the receiving Office and the International Searching Authority promptly of such action.”

#### SECTION 203bis (NEW)

12. As a consequence to what is stated in paragraphs 2 to 4, above, concerning the double designation of States, it is the intention of the Director General to add a new Section (Section 203bis) to the Administrative Instructions, reading as follows:

#### SECTION 203BIS

##### NATIONAL AND REGIONAL PATENTS

“Where the request of the international application contains a designation of a Contracting State without an indication of the wish to obtain a regional patent and also a designation of the same Contracting State with an indication of the wish to obtain a regional patent and the national law of the Contracting State does not contain a provision referred to in Article 45(2), the receiving Office shall calculate the designation fees on the basis that a separate fee is payable in respect of the designation of the Contracting State in addition to the designation fee payable in respect of that Contracting State as a Contracting State or as one of a group of Contracting States for which a regional patent is sought.”

#### SECTION 317 (NEW)

13. Rule 18.4(b) provides that if, in respect of any of the designated States, no applicant is indicated who is entitled to file an international application, “the designation of that State shall be considered as not to have been made.” However, no indications are contained either in the Regulations or the Administrative Instructions as to the procedure to be followed in such a case. Practice shows that such indications may be useful. It is, therefore, the intention of the Director General to add anew section (Section 317) reading as follows:

#### SECTION 317

##### PROCEDURE IN THE CASE OF THE DESIGNATION OF A STATE BEING CONSIDERED NOT TO HAVE BEEN MADE

“Where the receiving Office finds that, under Rule 18.4(b), the designation of a State is to be considered as not having been made, it shall indicate that fact in the international application by enclosing the designation of that State within square brackets and entering the words “CONSIDERED NOT TO HAVE BEEN MADE”, or their equivalent in the language of the international application, in the right-hand margin adjacent to the designation so enclosed within square brackets, and shall promptly notify the applicant accordingly. If copies of the international application have already been sent to the International Bureau and the International Searching Authority, the receiving Office shall also notify promptly that Bureau and that Authority.”

## SECTION 412 (NEW)

14. It is the intention of the Director General to fix in the Administrative Instructions fees for the furnishing of copies of priority documents referred to in Rule 17.2(a) and of cited documents referred to in Rules 44.3(c) and 71.2(c). The proposed (new) Section 412 would read as follows:

SECTION 412  
FEE FOR COPIES OF CERTAIN DOCUMENTS

(a) The International Bureau shall charge the following fees to designated Offices for a copy of

(i) the priority document requested under Rule 17.2(a): 3 Swiss francs;

(ii) any document cited in the international search report requested under Rule 44.3(c) or any document cited in the international preliminary examination report requested under Rule 71.2(c): 6 francs.

(b) Where mailing by air is requested the actual cost of such mailing shall be additionally charged.

## SECTION 503

15. It is the intention of the Director General to correct, in the example given in Section 503(a), the number of the patent document to read as follows:

“JP, B, 50-14535”

## ANNEX C OF THE ADMINISTRATIVE INSTRUCTIONS

16. It is the intention of the Director General to replace the entries concerning Japan and the United States of America appearing in Annex C, Appendix II, of the Administrative Instructions by the following two entries:

Japan	(Kôkai tokkyo kôhô)	Published unexamined patent application	Patent application published before examination as to novelty in the sense of paragraphs 6 (i) and 6 (ii).	A	
	(Tokkyo kôhô)	Published examined patent	Patent application published after		

		application	examination as to novelty in the sense of paragraphs 6 (i) and 6 (ii).		
			1 <sup>st</sup> publication A Kokai tokkyo koho not published “T” headed the numerical number of Tokkyo kôhō published from 1922 to 1926	B	1
			2 <sup>nd</sup> publication normally following an A Kôkai tokkyo kôhō	B	2
	(Tokkyo hatsumei meisaisyō)	Patent specification	Patent (old law) published in the sense of paragraphs 6 (i) and 6 (ii).		
			1 <sup>st</sup> publication Tokkyo kôhō not published	C	1
			2 <sup>nd</sup> publication normally following a B 1 Tokkyo kôhō	C	2
	(Tokkyo shinpan Seikyū kôkoku)	Corrected patent specification	Corrected patent published in the sense of paragraphs 6 (i) and 6 (ii)	H	
	(Isyō kôhō)	Registered design publication	Registered design application published after examination as to novelty in the sense of paragraphs 6 (i) and 6 (ii)	S	
	(Kôkai jitsuyō shinan kôhō)	Published unexamined utility model application	Utility model application published before examination as to novelty in the sense of paragraphs 6 (i) and 6 (ii)	U	

	(Jitsuyô shinan kôhô)	Published examined utility application	Utility model application published after examination as to novelty in the sense of paragraphs 6 (i) and 6 (ii)		
			1 <sup>st</sup> publication U Kôkai jitsuyô shinan kôhô not published	Y	1
			“T” headed the numerical number of Jitsuyô shinan kôhô published from 1922 to 1926.		
			2 <sup>nd</sup> publication normally following a U Kôkai jitsuyô shinan kôhô	Y	2
	(Tôroku jitsuyô shinan)	Registered utility model specification	Registered utility model published in the sense of paragraphs 6 (i) and 6 (ii)		
			1 <sup>st</sup> publication Jitsuyô shinan kôhô not published	Z	1
			2 <sup>nd</sup> publication normally following a Y 1 Jitsuyô shinan kôhô	Z	2
	(Tôroku jitsuyô shinan shinpan seikyû kôkoku)	Corrected registered utility model specification	Corrected registered utility model published in the sense of paragraphs 6 (i) and 6 (ii)	I	
United States of America	Patent Plant Patent Design Patent		Patent published in the sense of paragraph 6 (ii)	A P S	
	Reissue Patent		Patent reissued and	E	

	Defensive Publication		republished in the sense of paragraph 6 (ii)		
	Defensive Publication		Patent application published without examination or assertion as to novelty, in the sense of paragraph 6 (i)	H	
	Defensive Publication		Patent document published in the sense of paragraph 5: Entry of an abstract of the application in the Official Gazette	H	
	Defensive Publication		Patent document published in the sense of paragraph 6 (ii): Abstract of an application published in a discreet document form distinctively numbered in a numerical series unique to Defensive Publications	H	

## FORM PCT/RO/101

17. The Director General intends to make the following changes in Form PCT/RO/101 ("Request") and the Notes thereto:

- (i) the height of Box I will be diminished by three millimeters;
- (ii) in the heading, of Sox II, the following text will be added: "The data concerning each applicant named in Box IX must appear in this Box."
- (iii) In the heading of Box IX, the following text will be added: "The indications given in this box can relate only to applicants indicated in Box II and must cover all of them." Furthermore, in this Box, "Name of Applicant," will be replaced by "Names of Applicants."
- (iv) note 2 will read as follows:  
Applicant (Rule 4.1 (a) (iii))



The request shall indicate the name, address, nationality and residence of the applicant or, if there are several applicants, of each of them.” (Rule 4.5(a)). These data must be indicated in Box II -- and not in Box IX -- for each and all applicants named in Box IX.

“Where the United States of America is one of the designated States, the applicant or applicants named in respect of the United States of America must be the inventor or inventors.”

(v) Note 10 will be completed by the following sentence:

“Where one or more States are designated twice (once for the purposes of a national patent and once for the purposes of a regional patent), designation fees must be paid in respect of each such State and in respect of the regional patent. (See section 203bis and Rule 15.1(ii) [as proposed under paragraph 4 above].”

(vi) Note 18 will be completed by the following sentences:

“Where Box IX is used, only those names may appear in it which are also indicated in Box II. All the names appearing in Box II must be covered also in Box IX.

“Where the United States of America is one of the designated States, the applicant or applicants named in respect of the United States of America must be the inventor or inventors.”

#### ANNEX TO FORM PCT/RO/101

18. It is the intention of the Director General to recommend to all receiving Offices which admit that the applicant choose between two International Searching Authorities to add an asterisk after the words “Search fee” and to add the following text on the reverse side of this sheet:

“Please indicate the International Searching Authority to which the international application is to be transmitted. Note that the amount of the search fee depends on the identity of the International Searching Authority.

“International search to be effected by .....  
[indicate name of the International Searching Authority].”

#### FORMS PCT/IB/301, 302, 308, 331 AND 332

19. The Director General intends to replace the April 1978 edition of Forms 301, 302, 308, 331 and 332 by those appearing in Annexes I to V to this document.

*20. The Offices and Authorities having a direct interest in the proposed modifications as described in paragraphs 11 to 19, above, are invited to make their views known.*

[The Annexes follow]

## PATENT COOPERATION TREATY

TO

FROM

the INTERNATIONAL BUREAU of the  
WORLD INTELLECTUAL PROPERTY ORGANIZATIONNOTIFICATION OF RECEIPT OF RECORD COPY  
issued pursuant to PCT Rule 24.2(a)<sup>(2)</sup>

Inscribe NAME and ADDRESS of the AGENT and if there is no agent, of the APPLICANT <sup>(1)</sup>		DATE OF MAILING by the International Bureau
		APPLICANT'S OR AGENT'S FILE REFERENCE <sup>(1)</sup>
IDENTIFICATION OF THE INTERNATIONAL APPLICATION		
International Application No.	International Filing Date	
Receiving Office	Priority Date Claimed	
Applicant (Name)		
NOTIFICATION		
<p>The applicant is hereby notified that the record copy of the above-identified international application has been received by the International Bureau on .....<sup>(2)</sup>. This date is within the prescribed time limit.<sup>(3)</sup></p> <p>The International Bureau has notified each designated Office specified in the Annex to this notification of the fact and date of receipt of the record copy. The Annex to this notification also indicates whether, in respect of any of the designated Offices, there is an applicable time limit under Article 22(3).</p> <p>The numbers--if any--used in the Annex to this notification against the names of the designated Offices indicate, by reference to corresponding numbers appearing above against the names of the applicants, which applicants have been indicated as applicants in respect of which designated Offices.</p> <p>A copy of this notification has been sent<sup>(2)</sup> to the receiving Office and the International Searching Authority.</p>		
THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION		
Mailing Address	WIPO 34 chemin des Colombettes 1211 Geneva 20 Switzerland	Authorized Officer

## NOTES TO FORM PCT/IB/301

These Notes are intended to facilitate the use of the present form. For full information, see the text of the Patent Cooperation Treaty and the texts of the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and the said texts, the latter are applicable. “Article” refers to Articles of the Treaty, “Rule” refers to Rules of the Regulations and “Section” refers to Sections of the Administrative Instructions.

(1) This applicant is, in the cases contemplated in Rule 4.8, the “Common Representative.”

“Where the applicant has designated or appointed one agent, correspondence shall be addressed to that agent. Where, in the case of several applicants, the applicants are represented by a common representative or a common agent, correspondence shall be addressed to that representative or that agent. (Section 108 (a) (i))

“Where the applicant has designated several agents in the request, correspondence shall be addressed to the agent first mentioned therein. Where, in the case of several applicants, the applicants have designated several common agents in the request, correspondence shall be addressed to the common agent first mentioned therein. (Section 108 (a) (ii))

“Where the applicant has appointed several agents in one or more separate powers of attorney, correspondence shall be addressed to the agent first mentioned in the earliest filed and still valid separate power of attorney. Where, in the case of several applicants, the applicants have appointed several common agents in one or more, separate powers of attorney, correspondence shall be addressed to the common agent first mentioned in the earliest filed and still valid separate power of attorney.” (Section 108 (a) (iii))

“Any correspondence from an International Authority to the applicant or his agent shall be marked with the file reference, composed either of letters or numbers, or both, of the applicant or the agent, if so indicated on the request form, provided this reference does not exceed ten characters.” (Section 108 (b))

(2) “Subject to the provisions of paragraph (b), the International Bureau shall promptly notify the applicant, the receiving Office, the International Searching Authority, and all designated Offices, of the fact and the date of receipt of the record copy. The notification shall identify the international application by its number, the international filing date, the name of the applicant, and the name of the receiving Office, and shall indicate the filing date of any earlier application whose priority is claimed. The notification sent to the applicant shall also contain the list of the designated Offices which have been notified under this paragraph, and shall, in respect of each designated Office, indicate any applicable time limit under Article 22(3).” (Rule 24.2 (a))

“If the record copy is received after the expiration of the time limit fixed in Rule 22.3, the International Bureau shall promptly notify the applicant, the receiving Office, and the International Searching Authority, accordingly.” (Rule 24.2(b))

(3) “The international application shall be considered withdrawn if the record copy has not been received by the International Bureau within the prescribed time limit.” (Article 12 (3))

“The time limit referred to in Article 12(3) shall be:

(i) where the procedure under Rule 22.1 or Rule 22.2(c) applies, 14 months from the priority date;

(ii) where the procedure under Rule 22.2(d) applies, 13 months from the priority date, except that, where a provisional record copy is filed under Rule 22.2(e), it shall be 13 months from the priority date for the filing of the provisional record copy, and 14 months from the priority date for the filing of the record copy.” (Rule 22.3(a))

“Article 48(1) and Rule 82 shall not apply to the transmittal of the record copy. Article 48(2) remains applicable.” (Rule 22.3(b))

(4) Article 22 entitled “Copy, Translation, and Fee, to Designated Offices” reads as follows:

(1) The applicant shall furnish a copy of the international application (unless the communication provided for in Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each designated Office not later than at the expiration of 20 months from the priority date. Where the national law of the designated State requires the indication of the name of and other prescribed data concerning the inventor but allows that these indications be furnished at a time later than that of the filing of a national application, the applicant shall, unless they were contained in the request, furnish the said indications to the national Office of or acting for that State not later than at the expiration of 20 months from the priority date.

“(2) Notwithstanding the provisions of paragraph (1), where the International Searching Authority makes a declaration, under Article 17(2) (a), that no international search report will be established, the time limit for performing the acts referred to in paragraph (1) of this Article shall be two months from the date of the notification sent to the applicant of the said declaration.

“(3) Any national law may, for performing the acts referred to in paragraphs (1) or (2), fix time limits which expire later than the time limit provided for in those paragraphs.”

## PATENT COOPERATION TREATY

### ANNEX

The designated Offices notified are those shown opposite the indications of the designations made in the international application.

Designations made in the international application:  
Contracting State

Designated Office notified

<input type="checkbox"/> Brazil	National Institute of Industrial Property, Rio de Janeiro
<input type="checkbox"/> Cameroon	African Intellectual Property Organization
<input type="checkbox"/> Central African Empire	African Intellectual Property Organization
<input type="checkbox"/> Chad	African Intellectual Property Organization
<input type="checkbox"/> Congo	African Intellectual Property Organization
<input type="checkbox"/> Denmark	Danish Patent Office
<input type="checkbox"/> France	European Patent Office
<input type="checkbox"/> Gabon	African Intellectual Property Organization
Germany (Federal Republic of)	
a. <input type="checkbox"/> National patent	German Patent Office
b. <input type="checkbox"/> Regional (European) patent	European Patent Office
<input type="checkbox"/> Japan	Japanese Patent Office
Luxembourg	
a. <input type="checkbox"/> National patent	Ministry of National Economy, Patent Office, Luxembourg
b. <input type="checkbox"/> Regional (European) patent	European Patent Office
<input type="checkbox"/> Madagascar	Ministry of Industry and Commerce, Department of Industry and Mines
<input type="checkbox"/> Malawi	Ministry of Justice, Department of the Registrar General
<input type="checkbox"/> Senegal	African Intellectual Property Organization
<input type="checkbox"/> Soviet Union	The USSR State Committee for Inventions and Discoveries
Sweden	
a. <input type="checkbox"/> National patent	Swedish Patent Office
b. <input type="checkbox"/> Regional (European) patent	European Patent Office

# PATENT COOPERATION TREATY

Annex, page 2

Switzerland

a.  National patent

Swiss Office of  
Intellectual Property

b.  Regional (European) patent

European Patent Office

Togo

African Intellectual  
Property Organization

United Kingdom

a.  National patent

United Kingdom Patent Office

b.  Regional (European) patent

European Patent Office

United States of America

United States Patent  
and Trademark Office

None of the designated Offices notified has a time limit for the performance of the acts referred to in Article 22(1) and (2) which has been extended beyond the time limit referred to therein.

The time limit for the payment of the national fee to the European Patent Office has been extended under Article 22(3) to one month after that specified in Article 22(1) and (2); otherwise the time limits specified in Article 22(1) and (2) apply to all designated Offices for the performance of the acts referred to therein.

## PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL BUREAU of the  
WORLD INTELLECTUAL PROPERTY ORGANIZATIONNOTIFICATION OF DESIGNATION  
issued pursuant to PCT Rule 24.2(a)

IN ITS CAPACITY AS DESIGNATED OFFICE		DATE OF MAILING by the International Bureau
IDENTIFICATION OF THE INTERNATIONAL APPLICATION		
International Application No.	International Filing Date	
Receiving Office	Priority Date Claimed	
Applicant (Name)		
NOTIFICATION		
<p>The International Bureau hereby gives notice of the designation in the above-identified international application</p> <p>1. <input type="checkbox"/> of the Contracting State for which your Office acts as designated Office</p> <p>2. <input type="checkbox"/> of the Contracting State(s) named below for which a regional patent is sought and for which your Office acts in that respect as designated Office</p> <p>The record copy of the said application has been received by the International Bureau on ..... This date is within the time limit prescribed by Rule 22.3(a).</p>		
THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION		
Mailing Address	WIPO 34 chemin des Colombettes 1211 Geneva 20 Switzerland	Authorized Officer



## PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL BUREAU of the  
WORLD INTELLECTUAL PROPERTY ORGANIZATION  
NOTIFICATION INFORMING THE APPLICANT OF  
THE COMMUNICATION OF THE INTERNATIONAL  
APPLICATION TO THE DESIGNATED OFFICES  
issued pursuant to PCT Rule 47.1(c) <sup>(2)</sup>

Inscribe NAME and ADDRESS of the AGENT and if there is no agent, of the APPLICANT (1)		DATE OF MAILING by the International Bureau
		APPLICANT'S OR AGENT'S FILE REFERENCE(1)
IDENTIFICATION OF THE INTERNATIONAL APPLICATION		
International Application No.	International Filing Date	
Applicant (Name)		
NOTIFICATION		
<p>The applicant is hereby notified that the International Bureau has effected the communication referred to in Article 20 <sup>(3)</sup> to the designated Offices specified in the Annex. This notice is being sent to the applicant on the same day as that on which the said communication was effected, the said day being that indicated above as the date of mailing.</p>		
ANNEX		
<p>The designated Offices to which the communication has been effected are those shown opposite the indications appearing below of the designations made in the international application.</p>		
<u>Designations made in the international application:</u>	<u>Designated Office</u>	
<u>Contracting State</u>		
<input type="checkbox"/> Brazil	National Institute of Industrial Property, Rio de Janeiro	
<input type="checkbox"/> Cameroon	African Intellectual Property Organization	
<input type="checkbox"/> Central African Empire	African Intellectual Property Organization	
<input type="checkbox"/> Chad	African Intellectual Property Organization	
<input type="checkbox"/> Congo	African Intellectual Property Organization	
<input type="checkbox"/> Denmark	Danish Patent Office	
[Continued on attached sheet]		
THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION		
Mailing Address	WIPO 34 chemin des Colombettes 1211 Geneva 20 Switzerland	Authorized Officer

## NOTES TO FORM PCT/IB/308

These Notes are intended to facilitate the use of the present form. For full information, see the text of the Patent Cooperation Treaty and the texts of the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and the said texts, the latter are applicable. “Article” refers to Articles of the Treaty, “Rule” refers to Rules of the Regulations and “Section” refers to Sections of the Administrative Instructions.

(1) This applicant is, in the cases contemplated in Rule 4.8, the “Common Representative.”

“Where the applicant has designated or appointed one agent, correspondence shall be addressed to that agent. Where, in the case of several applicants, the applicants are represented by a common representative or a common agent, correspondence shall be addressed to that representative or that agent.” (Section 108 (a) (i))

“Where the applicant has designated several agents in the request, correspondence shall be addressed to the agent first mentioned therein. Where, in the case of several applicants the applicants have designated several common agents in the request, correspondence shall be addressed to the common agent first mentioned therein.” (Section 108 (a) (ii))

“Where the applicant has appointed several agents in one or more separate powers of attorney, correspondence shall be addressed to the agent first mentioned in the earliest filed and still valid separate power of attorney. Where, in the case of several applicants, the applicants have appointed several common agents in one or more separate powers of attorney, correspondence shall be addressed to the common agent first mentioned in the earliest filed and still valid separate power of attorney.” (Section 108(a) (iii))

“Any correspondence from an International Authority to the applicant or his agent shall be marked with the file reference, composed either of letters or numbers, or both, of the applicant or the agent, if so indicated on the request form, provided this reference does not exceed ten characters.” (Section 108 (b))

(2) “The International Bureau shall send a notice to the applicant indicating the designated Offices to which the communication provided for in Article 20 has been effected and the date of such communication. Such notice shall be sent on the same-day as the communication.” (Rule 47.1(c))

(3) “The international application, together with the international search report (including any indication referred to in Article 17(2) (b)) or the declaration referred to in Article 17(2) (a), shall be communicated to each designated Office, as provided in the Regulations, unless the designated Office waives such requirement in its entirety or in part.” (Article 20 (1) (a))

“The communication shall include the translation (as prescribed) of the said report or declaration.” (Article 20(1) (b))

“If the claims have been amended by virtue of Article 19(1), the communication shall either contain the full text of the claims both as filed and as amended or shall contain the full text of the claims as filed and specify the amendments, and shall include the statement, if any, referred to in Article 19(1).” (Article 20 (2))

PATENT COOPERATION TREATY

ANNEX (Continued)

Designations made in  
international application:  
Contracting State (Continued)

Designated Office  
(Continued)

<input type="checkbox"/> France	European Patent Office
<input type="checkbox"/> Gabon	African Intellectual Property Organization
Germany (Federal Republic of)	
a. <input type="checkbox"/> National patent	German Patent Office
b. <input type="checkbox"/> Regional (European) patent	European Patent Office
<input type="checkbox"/> Japan	Japanese Patent Office
Luxembourg	
a. <input type="checkbox"/> National patent	Ministry of National Economy, Patent Office, Luxembourg
b. <input type="checkbox"/> Regional (European) patent	European Patent Office
<input type="checkbox"/> Madagascar	Ministry of Industry and Commerce, Department of Industry and Mines
<input type="checkbox"/> Malawi	Ministry of Justice, Department of the Registrar General
<input type="checkbox"/> Senegal	African Intellectual Property Organization
<input type="checkbox"/> Soviet Union	The USSR State Committee for Inventions and Discoveries
Sweden	
a. <input type="checkbox"/> National patent	Swedish Patent Office
b. <input type="checkbox"/> Regional (European) patent	European Patent Office
Switzerland	
a. <input type="checkbox"/> National patent	Swiss Office of Intellectual Property
b. <input type="checkbox"/> Regional (European) patent	European Patent Office
<input type="checkbox"/> Togo	African Intellectual Property Organization
United Kingdom	
a. <input type="checkbox"/> National patent	United Kingdom Patent Office
b. <input type="checkbox"/> Regional (European) patent	European Patent Office
<input type="checkbox"/> United States of America	United States Patent and Trademark Office

## PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL BUREAU of the  
WORLD INTELLECTUAL PROPERTY ORGANIZATION

NOTIFICATION OF ELECTION

issued pursuant to PCT Rule 61.2

IN ITS CAPACITY AS AN ELECTED OFFICE	DATE OF MAILING by the International Bureau
IDENTIFICATION OF THE INTERNATIONAL APPLICATION	
International Application No.	International Filing Date
Receiving Office	Priority Date Claimed
Applicant (Name)	
NOTIFICATION	
<p>The International Bureau hereby gives notice of the election</p> <p>1. <input type="checkbox"/> of the Contracting State for which your Office acts as elected Office</p> <p>2. <input type="checkbox"/> of the Contracting State(s) named below for which a regional patent is sought by the above-identified international application and for which your Office acts in that respect as elected Office</p>	
<p>The said election was made in the</p> <p>1. <input type="checkbox"/> Demand received by the International Preliminary Examining Authority on: ..... (date of receipt)</p> <p>2. <input type="checkbox"/> Later Elections of States received by the International Bureau on: ..... (date of receipt)</p>	
THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION	
Mailing Address WIPO 34 chemin des Colombettes 1211 Geneva 20 Switzerland	Authorized Officer

## PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL BUREAU of the  
WORLD INTELLECTUAL PROPERTY ORGANIZATIONINFORMATION CONCERNING ELECTED OFFICES  
NOTIFIED OF THEIR ELECTION

Isobata purmalis no. 1/72 (1972/12) (p.1)

Inscribe NAME and ADDRESS of the AGENT and if there is no agent, of the APPLICANT (1)		DATE OF MAILING by the International Bureau
		APPLICANT'S OR AGENT'S FILE REFERENCE (1)
IDENTIFICATION OF THE INTERNATIONAL APPLICATION		
International Application No.	International Filing Date	
Applicant (Name)		
INFORMATION		
The elected Offices specified in the Annex have been notified of the election of the Contracting State of which they are such Offices.		
ANNEX		
The elected Offices notified are those shown opposite the indications below as to the Contracting States elected and (where applicable) the kind of patent sought by the international application in respect of those States.		
<u>Contracting State elected and (where applicable) kind of patent</u>	<u>Elected Office notified</u>	
<input type="checkbox"/> Brazil	National Institute of Industrial Property, Rio de Janeiro	
<input type="checkbox"/> Cameroon	African Intellectual Property Organization	
<input type="checkbox"/> Central African Empire	African Intellectual Property Organization	
<input type="checkbox"/> Chad	African Intellectual Property Organization	
<input type="checkbox"/> Congo	African Intellectual Property Organization	
<input type="checkbox"/> Gabon	African Intellectual Property Organization	
[Continued on attached sheet]		
THE INTERNATIONAL BUREAU OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION		
Mailing Address	WIPO 34 chemin des Colombettes 1211 Geneva 20 Switzerland	Authorized Officer

## NOTES TO FORM PCT/IB/332

These Notes are intended to facilitate the use of the present form. For full information, see the text of the Patent Cooperation Treaty and the texts of the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and the said texts, the latter are applicable. “Article” refers to Articles of the Treaty, “Rule” refers to Rules of the Regulations and “Section” refers to Sections of the Administrative Instructions.

(1) This applicant is, in the cases contemplated in Rule 4.8, the “Common Representative.”

“Where the applicant has designated or appointed one agent, correspondence shall be addressed to that agent. Where, in the case of several applicants, the applicants are represented by a common representative or a common agent, correspondence shall be addressed to that representative or that agent.” (Section 108(a) (i))

“Where the applicant has designated several agents in the request, correspondence shall be addressed to the agent first mentioned therein. Where, in the case of several applicants the applicants have designated several common agents in the request, correspondence shall be addressed to the common agent first mentioned therein.” (Section 108 (a) (ii))

“Where the applicant has appointed several agents in one or more separate powers of attorney, correspondence shall be addressed to the agent first mentioned in the earliest filed and still valid separate power of attorney. Where, in the case of several applicants, the applicants have appointed several common agents in one or more separate powers of attorney, correspondence shall be addressed to the common” agent first mentioned in the earliest filed and still valid separate power of attorney” (Section 108 (a) (iii))

“Any correspondence from an International Authority to the applicant or his agent shall be marked with the file reference, composed either of letters or numbers, or both, of the applicant or the agent, if so indicated on the request form, provided this reference does not exceed ten characters.” (Section 108 (b))

(2) “The International Bureau shall inform the applicant in writing that it has effected the notification referred to in Rule 61.2 to notify elected Offices of their election. At the same time, it shall indicate to him, in respect of each elected State, any applicable time limit under Article 39(1) (b).” (Rule 61.3)

(3) Article 39 entitled “Copy, Translation, and Fee, to Elected Offices” reads as follows:

“(1) (a) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 22 shall not apply to such State and the applicant shall furnish a copy of the international application (unless the communication under Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each elected Office not later than at the expiration of 25 months from the priority date.

(b) Any national law may for performing the acts referred to in subparagraph (a), fix time limits which expire later than the time limit provided for in that subparagraph.

“(2) The effect provided for in Article 11(3) shall cease in the elected State with the same consequences as the withdrawal of any national application in that State if the applicant

fails to perform the acts referred to in paragraph (1) (a) within the time limit applicable under paragraph (1) (a) or (b).

“(3) Any elected Office may maintain the effect provided for in Article 11(3) even where the applicant does not comply with the requirements provided for in paragraph (1) (a) or (b).”

# PATENT COOPERATION TREATY

Annex (Continued)

Contracting State  
elected and (where  
applicable) kind of patent  
(Continued)

Elected office  
notified  
(Continued)

Germany (Federal Republic of)

a.  National patent

German Patent Office

b.  Regional (European) patent

European Patent Office

Japan

Japanese Patent Office

Madagascar

Ministry of Industry and  
Commerce, Department of  
Industry and Mines

Malawi

Ministry of Justice,  
Department of the  
Registrar General

Senegal

African Intellectual  
Property Organization

Soviet Union

The USSR State Committee  
for Inventions and  
Discoveries

Sweden

a.  National patent

Swedish Patent Office

b.  Regional (European) patent

European Patent Office

Togo

African Intellectual  
Property Organization

United Kingdom

a.  National patent

United Kingdom Patent Office

b.  Regional (European) patent

European Patent Office

None of the elected Offices notified has a time limit for the performance of the acts referred to in Article 39(1)(a) which has been extended beyond the time limit referred to therein.

The time limit for the payment of the national fee to the European Patent Office has been extended under Article 39(1)(b)(3) to one month after that specified in Article 39(1)(a); otherwise the time limit specified in Article 39(1)(a) applies to all elected Offices for the performance of the acts referred to therein.