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INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

ASSEMBLY

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PROPOSED AMENDMENTS TO
THE REGULATIONS UNDER THE PCT

Memorandum prepared by the International Bureau

INTRODUCTION

General

1. The last few years of practical application of the PCT system have shown that amendments to the Regulations under the PCT are required in order to further simplify and modernize the system, and to afford better protection for applicants' rights in a few situations, in particular in relation to the procedure under Chapter II and to the use of new technologies.
2. The International Bureau proposed various amendments, in particular amendments relating to the procedure under Chapter II, for discussion at the Meeting of International Authorities (i.e., International Searching and International Preliminary Examining Authorities) held in January 1990 in Geneva. Subsequently, the PCT Committee for Administrative and Legal Matters (hereinafter referred to as "the Committee") considered numerous proposed amendments, including those mentioned above, during its third and fourth sessions in 1990 and 1991, in Geneva. The proposals, including detailed explanations, submitted to the Committee by the International Bureau are contained in documents

* *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

PCT/CAL/III/2, 3 and 4 and PCT/CAL/IV/2 and 7. In addition, proposals contained in documents PCT/CAL/III/6, 7, 8 and 9 and PCT/CAL/IV/3, 4, 5, 8 and 9, made by several delegations, were also discussed. The reports of the meetings of the Committee are contained in documents PCT/CAL/III/5 and 10 and PCT/CAL/IV/6 and 10.

3. The Committee advised the International Bureau that it could approve most of the proposals and asked the International Bureau to review other proposals, in the light of the views expressed by the Committee, before submitting them to the Assembly.

4. The present document contains all the Rules which are proposed by the International Bureau to be amended by the Assembly. Most of the proposed amendments set out in this document were approved by the Committee but many have been further modified by the International Bureau by changes of a merely drafting nature or for the sake of consistency with other proposals. In some cases, where the Committee only approved the substance of the proposal, the International Bureau revised the drafting as suggested by the Committee. Other proposals are new in the sense that they have not been considered by the Committee; they appear to be necessary as a consequence of other proposals.

5. In some cases, the proposed amendment affects the text in one language only (mostly French). Such amendments are identified in the present document.

6. In each Rule proposed to be amended (including the titles), underlining or footnotes indicate what is new as compared to the present text.

7. The attention of the Assembly is drawn to the amendments proposed to Rules 33, 64 and 88.1; those amendments require that no State having the right to vote in the Assembly vote against the amendment (see Rule 88.1).

Entry into Force

8. It is proposed that the amendments to the Regulations under the PCT adopted by the Assembly enter into force on July 1, 1992.

9. *The Assembly is invited*

(i) *to adopt the amendments to the Regulations under the PCT which are contained in the present document, and*

(ii) *to fix the date of entry into force of those amendments.*

TEXT OF THE PROPOSED AMENDMENTS

Regulations under the Patent Cooperation Treaty

PART A

Introductory Rules

Rule 1

Abbreviated Expressions

[No change]

Rule 2

Interpretation of Certain Words

2.1 [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document]

2.2 “Agent”

Whenever the word “agent” is used, it shall be construed as meaning an agent appointed under Rule 90.1, unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used.*

2.2bi “Common Representative”

Whenever the expression “common representative” is used, it shall be construed as meaning an applicant appointed as, or considered to be, the common representative under Rule 90.2.

2.3 [No change]

* The amendment consists in deleting, at the end of the sentence, the words “, also the common representative referred to in Rule 48”.

PART B

Rules Concerning Chapter I of the Treaty

Rule 3

The Request (Form)

3.1 *Form of Request**

The request shall be made on a printed form or be presented as a computer print-out.

3.2 [No change]

3.3 *Check List*

(a) The request shall contain a list indicating:

(i) [No change]

(ii) [No change]

(iii) the number of that figure of the drawings which the applicant suggests should accompany the abstract when the abstract is published;* in exceptional cases, the applicant may suggest more than one figure.

(b) The list shall be completed by the applicant, failing which the receiving Office shall** make the necessary indications, except that the number referred to in paragraph (a)(iii) shall not be indicated by the receiving Office.

3.4 *Particulars*

Subject to Rule 3.3, particulars of the printed request form and of a request presented as a computer print-out shall be prescribed by the Administrative Instructions.

* The title has been amended to read “Form of Request” instead of “Printed Form”.

* The amendment consists in deleting, after the word “published”, the words “on the front page of the pamphlet and in the Gazette”.

** The amendment consists in deleting, after the word “shall”, the words “fill it in and”.

Rule 4

The Request (Contents)

4.1 *Mandatory and Optional Contents; Signature*

- (a) [No change]
- (b) The request shall, where applicable, contain:
 - (i) [No change]
 - (ii) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document].
 - (iii) [No change]
 - (iv) an indication that the applicant wishes to obtain a regional patent,*
 - (v) [No change]
- (c) [No change]
- (d) [No change]

4.2 [No change]

4.3 [No change]

* The amendment consists in deleting, after the word “patent”, the words “and the names of the designated States for which he wishes to obtain such a patent”.

4.4 *Names and Addresses*

(a) [No change]

(b) [No change]

(c) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. In order to allow rapid communication with the applicant, it is recommended to indicate any* teleprinter address, telephone and facsimile machine numbers, or corresponding data for other like means of communication, of the applicant or, where applicable, the agent or the common representative.

(d) [No change]

4.5 *The Applicant*

(a) [No change]

(b) [No change]

(c) [No change]

(d) The request may, for different designated States, indicate different applicants. In such a case, the request shall indicate the applicant or applicants for each designated State or group of designated States.

4.6 [No change]

4.7 [No change]

4.8 *Common Representative**

If a common representative is designated, the request shall so indicate.

* The amendment consists in deleting, after the words “indicate any”, the words “telegraphic and”.

* The title has been amended to read “Common Representative” instead of “Representation of Several Applicants Not Having a Common Agent”.

4.9 *Designation of States*

- (a) Contracting States shall be designated in the request:
 - (i) in the case of designations for the purpose of obtaining national patents, by an indication of each State concerned;
 - (ii) in the case of designations for the purpose of obtaining a regional patent, by an indication that a regional patent is desired either for all Contracting States which are party to the regional patent treaty concerned or only for such Contracting States as are specified.

(b) The request may contain an indication that all designations which would be permitted under the Treaty, other than those made under paragraph (a), are also made, provided that:

- (i) at least one Contracting State is designated under paragraph (a), and
- (ii) the request also contains a statement that any designation made under this paragraph is subject to confirmation as provided in paragraph (c) and that any designation which is not so confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit.

(c) The confirmation of any designation made under paragraph (b) shall be effected by

- (i) filing with the receiving Office a written notice containing an indication as referred to in paragraph (a)(i) or (ii), and
- (ii) paying to the receiving Office the designation fee referred to in Rule 15.2(a) and the confirmation fee referred to in Rule 15.5 within the time limit under paragraph (b)(ii).

4.10 *Priority Claim*

- (a) [No change]
- (b) If the request does not indicate both
 - (i) when the earlier application is not a regional or an international application, the country in which such earlier application⁺ was filed; when the earlier application is a regional or an international application, at least one country for which such earlier application⁺ was filed, and⁺

⁺ This amendment is proposed to the English text of Rule 4.10(b)(i) only; no amendment is proposed to the French text of this provision.

[Rule 4.10, continued]

(ii) the date on which the earlier application was filed, the priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made. However, where, resulting from an obvious error, the indication of the said country or the said date is missing or is erroneous, the receiving Office may, at the request of the applicant, make the necessary correction. The error shall be considered as an obvious error whenever the correction is obvious from a comparison with the earlier application. Where the error consists of the omission of the indication of the said date, the correction can only be made before the transmittal of the record copy to the International Bureau. In the case of any other error relating to the indication of the said date or in the case of any error relating to the indication of the said country, the correction can only be made before the expiration of the time limit under Rule 17.1(a) computed on the basis of the correct priority date.

(c) [No change]

(d) [No change]

(e) [No change]

4.11 [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document].

4.12 [No change]

4.13 [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document].

4.14 [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document].

4.15 *Signature*

(a) Subject to paragraph (b), the request shall be signed by the applicant or, if there is more than one applicant, by all of them.

(b) Where two or more applicants file an international application which designates a State whose national law requires that national applications be filed by the inventor and where an applicant for that designated State who is an inventor refused to sign the request or could not be found or reached after diligent effort, the request need not be signed by that applicant, provided that a statement is furnished explaining, to the satisfaction of the receiving Office, the lack of the signature concerned.

4.16 [No change]

4.17 [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document].

Rule 5

The Description

5.1 *Manner of the Description*

(a) The description shall first state the title of the invention as appearing in the request and shall:

(i) [No change]

(ii) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(iii) [No change]

(iv) [No change]

(v) [No change]

(vi) [No change]

(b) [No change]

(c) [No change]

5.2 *Nucleotide and/or Amino Acid Sequence Disclosure*

Where the international application contains disclosure of a nucleotide and/or amino acid sequence, the description shall contain a listing of the sequence complying with the standard prescribed by the Administrative Instructions.

Rule 6

The Claims

6.1 [No change]

6.2 [No change]

6.3 [No change]

6.4 Dependent Claims

(a) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document].

(b) [No change]

(c) [No change]

6.5 [No change]

Rule 7

The Drawings

[No change]

Rule 8

The Abstract

[No change]

Rule 9

Expressions, Etc., Not to Be Used

[No change]

Rule 10

Technology and Signs

[No change]

Rule 11

Physical Requirements of the
International Application

11.1 [No change]

11.2 [No change]

11.3 [No change]

11.4 [No change]

11.5 [No change]

11.6 *Margins*

(a) The minimum margins of the sheets containing* the description, the claims, and the abstract, shall be as follows:

- top: 2 cm

- left side: 2.5 cm

- right side: 2 cm

- bottom: 2 cm

(b) [No change]

(c) [No change]

(d) [No change]

(e) Subject to paragraph (f) and to Rule 11.8(b), the margins of the international application, when submitted, must be completely blank.

(f) The top margin may contain in the left-hand corner an indication of the applicant's file reference, provided that the reference appears within 1.5 cm from the top of the sheet. The number of characters in the applicant's file reference shall not exceed the maximum fixed by the Administrative Instructions.

* The amendment consists in deleting, after the word "containing", the words "the request,".

11.7 *Numbering of Sheets*

(a) [No change]

(b) The numbers shall be centered at the top or bottom of the sheet,* but shall not be placed in the margin.

11.8 *Numbering of Lines*

(a) [No change]

(b) The numbers should appear in the right half of the left margin.

11.9 [No change]

11.10 *Drawings, Formulae, and Tables, in Text Matter*

(a) [No change]

(b) [No change]

(c) [No change]

(d) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document].

11.11 [No change]

11.12 [No change]

11.13 [No change]

11.14 [No change]

* The amendment consists in deleting, after the word “sheet”, the words “in the middle.”.

Rule 12

Language of the International Application

12.1 *Admitted Languages*

(a) [No change]

(b) Notwithstanding paragraph (a), the request, any text matter of the drawings, and the abstract need not be in the same language as other elements of the international application, provided that:

(i) the request is in a language admitted under paragraph (a) or in the language in which the international application is to be published;

(ii) the text matter of the drawings is in the language in which the international application is to be published;

(iii) the abstract is in the language in which the international application is to be published.

(c) [No change]

(d) [No change]

12.2 [No change]

Rule 13

Unity of Invention

[No change]

Rule 13bis

Microbiological Inventions

[No change]

Rule 13ter

Nucleotide and/or Amino Acid Sequence Listings

13ter.1 *Sequence Listing Not as Prescribed or Not in Machine Readable Form*

(a) If the International Searching Authority finds that a nucleotide and/or amino acid sequence listing does not comply with the standard prescribed in the Administrative Instructions under Rule 5.2, and/or is not in a machine readable form acceptable to that Authority, it may invite the applicant, within a time limit fixed in the invitation, as the case may be:

- (i) to furnish to it a listing of the sequence complying with the prescribed standard, and/or
- (ii) to furnish to it a listing of the sequence in a machine readable form acceptable to that Authority or, if that Authority is prepared to transcribe the sequence listing into such a form, to pay for the cost of such transcription.

(b) Any sequence listing furnished under paragraph (a) shall be accompanied by a statement to the effect that the listing does not include matter which goes beyond the disclosure in the international application as filed.

(c) If the applicant does not comply with the invitation within the time limit fixed in the invitation, the International Searching Authority shall not be required to search the international application to the extent that such non-compliance has the result that a meaningful search cannot be carried out.

(d) If the International Searching Authority chooses, under paragraph (a)(ii), to transcribe the sequence listing into a machine readable form, it shall send a copy of such transcription to the applicant.

(e) The International Searching Authority shall, upon request, make available to the International Preliminary Examining Authority a copy of any sequence listing furnished to it, or transcribed by it, under paragraph (a).

(f) A sequence listing furnished to the International Searching Authority, or transcribed by it, under paragraph (a) shall not form part of the international application.

13ter.2 *Requirement of Designated Office*

Once the processing of the international application has started before a designated Office that Office may require the applicant to furnish to it a copy of any sequence listing furnished to the International Searching Authority, or transcribed by that Authority, under Rule 13ter.1 (a).

Rule 14

The Transmittal Fee

[No change]

Rule 15

The International Fee

15.1 Basic Fee and Designation Fee

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau (“international fee”) to be collected by the receiving Office and consisting of,

- (i) a “basic fee”, and
- (ii) as many “designation fees” as there are national patents and regional patents sought under Rule 4.9(a) by the applicant in the international application, except that, where Article 44 applies in respect of a designation, only one designation fee shall be due for that designation.

15.2 [No change]

15.3 [No change]

15.4 *Time of Payment*

- (a) [No change]
- (b) [No change]
- (c) [No change]
- (d) [Deleted]

15.5 *Fees under Rule 4.9(c)*

(a) Notwithstanding Rule 15.4(b), the confirmation under Rule 4.9(c) of any designations made under Rule 4.9(b) shall be subject to the payment to the receiving Office of as many designation fees (for the benefit of the International Bureau) as there are national patents and regional patents sought by the applicant by virtue of the confirmation, together with a confirmation fee (for the benefit of the receiving Office) as set out in the Schedule of Fees.

(b) Where moneys paid by the applicant within the time limit under Rule 4.9(b)(ii) are not sufficient to cover the fees due under paragraph (a), the receiving Office shall allocate any moneys paid as specified by the applicant or, in the absence of such specification, as prescribed by the Administrative Instructions.

15.6 *Refund*

The receiving Office shall refund the international fee to the applicant:

- (i) if the determination under Article 11(1) is negative, or
- (ii) if, before the transmittal of the record copy to the International Bureau, the international application is withdrawn or considered withdrawn.

Rule 16

The Search Fee

16.1 [No change]

16.2 *Refund*

The receiving Office shall refund the search fee to the applicant:

- (i) if the determination under Article 11(1) is negative, or
- (ii) if, before the transmittal of the search copy to the International Searching Authority, the international application is withdrawn or considered withdrawn.

16.3 [No change]

Rule 16bis

Extension of Time Limits for Payment of Fees *

16bis.1 *Invitation by the Receiving Office* **

(a) Where, by the time they are due under Rule 14.1(b), Rule 15.4(a) and Rule 16.1(f), the receiving Office finds that in respect of an international application no fees were paid to it by the applicant, or that the amount paid to it by the applicant is less than what is necessary to cover the transmittal fee, the basic 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 16bis.2, within one month from the date of the invitation.

(b) Where, by the time they are due under Rule 15.4(b), the receiving Office finds that in respect of an international application the payment made by the applicant is insufficient to cover the designation fees necessary to cover all the designations, 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 16bis.2, within one month from the date of the invitation.

(c) Where the receiving Office has sent to the applicant an invitation under paragraph (a) or (b) and the applicant has not, within one month from the date of the invitation, paid in full the amount due, including, where applicable, the late payment fee under Rule 16bis.2, the receiving Office shall:

- (i) allocate any moneys paid as specified by the applicant or, in the absence of such specification, as prescribed by the Administrative Instructions,
- (ii) make the applicable declaration under Article 14(3), and
- (iii) proceed as provided in Rule 29.

* The title has been amended to read “Extension of Time Limits for Payment of Fees” instead of “Advancing Fees by the International Bureau”.

** The title has been amended to read “Invitation by the Receiving Office” instead of “Guarantee by the International Bureau”.

16bis.2 *Late Payment Fee**

(a) The payment of fees in response to an invitation under Rule 16bis.1(a) or (b) may be subjected by the receiving Office to the payment to it 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.

(b) The amount of the late payment fee shall not, however, exceed the amount of the basic fee.

(c) [Deleted]

Rule 17

The Priority Document

17.1 [No change]

17.2 *Availability of Copies*

(a) [No change]

(b) [No change]

(c) Where the international application has been published under Article 21, the International Bureau shall furnish a copy of the priority document to any member of the public upon request and subject to reimbursement of the cost unless, prior to that publication:

- (i) the international application was withdrawn,
- (ii) the relevant priority claim was withdrawn or was considered, under Rule 4.10(b), not to have been made, or
- (iii) the relevant declaration under Article 8(1) was cancelled under Rule 4.10(d).

* The title has been amended to read "Late Payment Fee" instead of "Obligations of the Applicant, Etc."

[Rule 17.2, continued]

(d) Paragraphs (a) to (c) shall apply also to any earlier international application whose priority is claimed in the subsequent international application.

Rule 18

The Applicant

18.1 [No change]

18.2 [No change]

18.3 Two or More Applicants*

If there are two or more applicants, the right to file an international application shall exist if at least one of them is entitled to file an international application according to Article 9.

18.4 Information on Requirements under National Law as to Applicants**

(a) [Deleted]

(b) [Deleted]

(c) [No change]

* The title has been amended to read “Two or More Applicants” instead of “Several Applicants: Same for All Designated States”.

** The title has been amended to read “Information on Requirements Under National Law as to Applicants” instead of “Several Applicants: Different for Different Designated States”.

Rule 19

The Competent Receiving Office

19.1 *Where to File*

(a) [No change]

(b) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document].

(c) [No change]

19.2 [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document].

19.3 [No change]

Rule 20

Receipt of the International Application

20.1 *Date and Number*

(a) Upon receipt of papers purporting to be an international application, the receiving Office shall indelibly mark the date of actual receipt on the request* of each copy received and the international application number on each sheet of each copy received.

(b) [No change]

20.2 *Receipt on Different Days*

(a) [No change in the English text; the French text of this provision, however, is proposed to be amended: see the French version of this document].

(b) [No change]

* The amendment consists in deleting after the word “request” the word “form”.

20.3 [No change]

20.3bis [Deleted]

20.4 *Determination under Article 11(1)*

(a) [No change in the English text; the French text of this provision, however, is proposed to be amended: see the French version of this document].

(b) [No change]

(c) For the purposes of Article 11(1)(ii), it shall be sufficient that the elements referred to in Article 11(1)(iii)(d) and (e) be in a language admitted under Rule 12.1(a) or (c) and that the address of the applicant or his agent, if any, can be readily identified by the receiving Office.

20.5 [No change]

20.6 [No change]

20.7 [No change]

20.8 [No change]

20.9 [No change]

Rule 21

Preparation of Copies

[No change]

Rule 22

Transmittal of the Record Copy

[No change]

Rule 23

Transmittal of the Search Copy

23.1 *Procedure*

(a) The search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau unless no search fee has been paid. In the latter case, it shall be transmitted promptly after payment of the search fee.

(b) [Deleted]

Rule 24

Receipt of the Record Copy by the International Bureau

24.1 [Remains deleted]

24.2 *Notification of Receipt of the Record Copy*

- (a) The International Bureau shall promptly notify:
- (i) the applicant,
 - (ii) the receiving Office, and
 - (iii) the International Searching Authority (unless it has informed the International Bureau that it wishes not to be so notified), 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 and the name of the applicant*, and shall indicate the filing date of any earlier application whose priority is claimed. The notification sent to the applicant shall also contain a list of the States designated under Rule 4.9(a) and, where applicable, of those States whose designations have been confirmed under Rule 4.9(c).

* The amendment consists in deleting, after the word “applicant”, the words “, and the name of the receiving Office”.

[Rule 24.2, continued]

(b) Each designated Office which has informed the International Bureau that it wishes to be notified, prior to the communication under Rule 47.1, of the fact and the date of receipt of the record copy, shall be so notified by the International Bureau:

- (i) if the designation concerned was made under Rule 4.9(a), promptly after the receipt of the record copy;
- (ii) if the designation concerned was made under Rule 4.9(b), promptly after the receipt of the confirmation of that designation.

(c) 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 25

Receipt of the Search Copy by the International Searching Authority

[No change]

Rule 26

Checking by, and Correcting before, the Receiving Office
of Certain Elements of the International Application

26.1 [No change]

26.2 [No change]

26.3 [No change]

26.3bis [No change]

26.3ter *Invitation to Correct Defects under Article 3(4)(i)*

Where any element of the international application, other than those referred to in Article 11(1)(iii)(d) and (e), does not comply with Rule 12.1, the receiving Office shall invite the applicant to file the required correction. Rules 26.1(a), 26.2, 26.5 and 29.1 shall apply *mutatis mutandis*.

26.4 [No change]

26.5 [No change]

26.6 [No change]

Rule 27

Lack of Payment of Fees

27.1 *Fees*

(a) For the purposes of Article 14(3)(a), “fees prescribed under Article 3(4)(iv)” means: the transmittal fee (Rule 14), the basic fee part of the international fee (Rule 15.1(i)),* the search fee (Rule 16), and, where required, the late payment fee (Rule 16bis.2).

(b) [No change]

Rule 28

Defects Noted by the International Bureau

[No change]

Rule 29

International Applications or Designations Considered Withdrawn under Article 14(1), (3) or (4)

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)), that the international application is considered withdrawn:

* The amendment consists in deleting the word “and” after the comma.

[Rule 29.1, continued]

- (i) [No change]
- (ii) the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration, and the International Bureau shall in turn notify each designated Office which has already been notified of its designation;
- (iii) [No change]
- (iv) [No change]

(b) If the receiving Office declares under Article 14(3)(b) (failure to pay the prescribed designation fee under Rule 27.1(b)) that the designation of any given State is considered withdrawn, the receiving Office shall promptly notify both the applicant and the International Bureau of the said declaration. The International Bureau shall in turn notify each designated Office which has already been notified of its designation.

29.2 [Remains deleted]

29.3 [No change]

29.4 [No change]

Rule 30

Time Limit under Article 14(4)

[No change]

Rule 31

Copies Required under Article 13

[No change]

Rule 32

Withdrawal of the International Application or of Designations

[Deleted]

Rule 32bis

Withdrawal of the Priority Claim

[Deleted]

Rule 33

Relevant Prior Art for the International Search

33.1 *Relevant Prior Art for the International Search*

(a) [No change]

(b) When any written disclosure refers to an oral disclosure, use, exhibition, or other means whereby the contents of the written disclosure were made available to the public, and such making available to the public occurred on a date prior to the international filing date, the international search report shall separately mention that fact and the date on which it occurred if the making available to the public of the written disclosure occurred on a date which is the same as, or later than, the international filing date.

(c) Any published application or any patent whose publication date is the same as, or later than, but whose filing date, or, where applicable, claimed priority date, is earlier than the international filing date of the international application searched, and which would constitute relevant prior art for the purposes of Article 15(2) had it been published prior to the international filing date, shall be specially mentioned in the international search report.

33.2 [No change]

33.3 [No change]

Rule 34

Minimum Documentation

[No change]

Rule 35

The Competent International Searching Authority

[No change]

Rule 36

Minimum Requirements for International Searching Authorities

36.1 *Definition of Minimum Requirements*

The minimum requirements referred to in Article 16(3)(c) shall be the following:

- (i) [No change]
- (ii) that Office or organization must have the necessary means to access at least the minimum documentation referred to in Rule 34 in a way which allows it to carry out searches;
- (iii) [No change]

Rule 37

Missing or Defective Title

[No change]

Rule 38

Missing Abstract

38.1 [No change]

38.2 *Establishment of Abstract*

(a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract (in the language in which the international application is to be published).*

(b) The applicant may, within one month from the date of mailing of the international search report, submit comments on the abstract established by the International Searching Authority. Where that Authority amends the abstract established by it, it shall notify the amendment to the International Bureau.

Rule 39

Subject Matter under Article 17(2)(a)(i)

[No change]

Rule 40

Lack of Unity of Invention (International Search)

40.1 [No change]

40.2 *Additional Fees*

(a) [No change]

(b) [No change]

(c) [No change]

(d) [No change]

* The amendment consists in deleting the second sentence.

[Rule 40.2, continued]

(e) Where the applicant has, under paragraph (c), paid an additional fee under protest, the International Searching Authority may, after a prior review of the justification for the invitation to pay an additional fee require that the applicant pay a fee for the examination of the protest ("protest fee²). The protest fee shall be paid within one month from the date of the notification to the applicant of the result of the review. If the protest fee is not so paid, the protest shall be considered withdrawn. The protest fee shall be refunded to the applicant where the three-member board, special instance or higher authority referred to in paragraph (c) finds that the protest was entirely justified.

40.3 [No change]

Rule 41

Earlier Search Other Than International Search

[No change]

Rule 42*

Time Limit for International Search

[No change]

* Rule 42 is not proposed to be amended. However, it is proposed to state in the report of this session of the Assembly that it is recognized that there may be special circumstances, such as where time is needed to resolve matters arising under Rule 13ter (nucleotide and/or amino acid sequence listings) or Rule 40 (lack of unity of invention), in which it may not be possible to establish the international search report within the time limit under Rule 42. In such a case, the international search report must be established as soon as possible after the expiration of that time limit. In any event, the report should always be established prior to international application.

Rule 43

The International Search Report

43.1 *Identifications*

The international search report shall identify the International Searching Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant,* and the international filing date.

43.2 *Dates*

The international search report shall be dated and shall indicate the date on which the international search was actually completed. It shall also indicate the filing date of any earlier application whose priority is claimed or, if the priority of more than one earlier application is claimed the filing date of the earliest among them.

43.3 [No change]

43.4 [No change]

43.5 *Citations*

(a) [No change]

(b) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(c) [No change]

(d) [No change]

(e) If only certain passages of the cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, the column, or the lines, where the passage appears. If the entire document is relevant but some passages are of particular relevance, such passages shall be identified unless such identification is not practicable.

* The amendment consists in deleting, after the word “applicant”, the words “the name of the receiving Office”.

43.6 *Fields Searched*

(a) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(b) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(c) If the international search is based on, or is extended to, any electronic data base, the international search report may indicate the name of the data base and, where considered useful to others and practicable, the search terms used.

43.7 *Remarks Concerning Unity of Invention*

If the applicant paid additional fees for the international search, the international search report shall so indicate. Furthermore, where the international search was made on the main invention only or on less than all the inventions (Article 17(3)(a)), the international search report shall indicate what parts of the international application were and what parts were not searched.

43.8 *Authorized Officer**

The international search report shall indicate the name of the officer of the International Searching Authority responsible for that report.

43.9 *Additional Matter***

The international search report shall contain no matter other than that specified in Rules 33.1(b) and (c), 43.1 to 43.3, 43.5 to 43.8, and 44.2(a),*** and the indication referred to in Article 17(2)(b), provided that the Administrative Instructions may permit the inclusion in the international search report of any additional matter specified in the administrative Instructions. The international search report shall not contain, and the Administrative Instructions shall not permit the inclusion of, any expressions of opinion, reasoning, arguments, or explanations.

43.10 [No change]

* The title has been amended to read “Authorized Officer”, instead of “Signature”.

** The title has been amended to read “Additional Matter” instead of “No Other Matter”.

*** The amendment consists in deleting the words “and (b)” after “44.2(a)”.

Rule 44

Transmittal of the International Search Report, Etc.

44.1 [No change]

44.2 *Title or Abstract*

(a) The international search report shall either state that the International Searching Authority approves the title and the abstract as submitted by the applicant or be accompanied by the text of the title and/or abstract as established by the International Searching Authority under Rules 37 and 38.

(b) [Deleted]

(c) [Deleted]

44.3 *Copies of Cited Documents*

(a) [No change].

(b) [No change]

(c) [Deleted]

(d) Any international Searching Authority may perform the obligations referred to in paragraphs (a) and (b) through another agency responsible to it.

Rule 45

Translation of the International Search Report

[No change]

Rule 46

Amendment of Claims before the International Bureau

46.1 [No change]

46.2 *Where to File*

Amendments made under Article 19 shall be filed directly with the International Bureau.

46.3 [No change]

46.4 [No change]

46.5 [No change]

Rule 47

Communication to Designated Offices

47.1 *Procedure*

(a) [No change]

(a-bis) The International Bureau shall notify each designated Office, at the time of the communication provided for in Article 20, of the fact and date of receipt of the record copy and of the fact and date of receipt of any priority document. Such notice shall also be sent to any designated Office which has waived the communication provided for in Article 20.

(b) [No change]

(c) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(d) [No change]

(e) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

47.2 [No change]

47.3 [No change]

47.4 *Express Request under Article 23(2)*

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

Rule 48

International Publication

48.1 [No change]

48.2 *Contents*

(a) The pamphlet shall contain:

(i) [No change]

(ii) [No change]

(iii) [No change]

(iv) [No change]

(v) [No change]

(vi) [No change]

(vii) [No change, except the period is replaced by a comma]

(viii) any indications in relation to a deposited microorganism furnished under Rule 13bis separately from the description, together with an indication of the date on which the International Bureau received such indications.

(b) [No change]

(c) [No change]

(d) [No change]

(e) [No change]

(f) [No change]

(g) [No change]

(h) [No change]

(i) [No change]

48.3 [No change]

48.4 [No change]

48.5 [No change]

48.6 *Announcing of Certain Facts*

(a) [No change]

(b) [Remains deleted]

(c) If the international application, the designation of any designated State or the priority claim is withdrawn under Rule 90bis after the technical preparations for international publication have been completed, notice of the withdrawal shall be published in the Gazette.

Rule 49

Copy, Translation and Fee under Article 22

49.1 [No change]

49.2 [No change]

49.3 [No change]

49.4 [No change]

49.5 *Contents of and Physical Requirements for the Translation*

(a) For the purposes of Article 22, the translation of the international application shall contain the description, the claims, any text matter of the drawings and the abstract. If required by the designated Office, the translation shall also, subject to paragraphs (b), (c-bis) and (e),

(i) [No change]

(ii) [No change]

(iii) [No change]

(b) [No change]

(c) [No change]

[Rule 49.5, continued]

(c-bis) Where the applicant furnishes, to a designated Office which requires under paragraph (a)(ii) a translation of both the claims as filed and the claims as amended, only one of the required two translations, the designated Office may disregard the claims of which a translation has not been furnished or invite the applicant to furnish the missing translation within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation. Where the designated Office chooses to invite the applicant to furnish the missing translation and the latter is not furnished within the time limit fixed in the invitation, the designated Office may disregard those claims of which a translation has not been furnished or consider the international application withdrawn.

(c-ter) If, on [date of adoption of this amendment by the PCT Assembly], paragraph (c-bis) is not compatible with the national law applied by the designated Office, paragraph (c-bis) shall not apply to that designated Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1991. The information received shall be promptly published by the International Bureau in the Gazette.

(d) [No change]

(e) Any designated Office requiring under paragraph (a) the furnishing of a copy of the drawings shall, where the applicant failed to furnish such copy within the time limit applicable under Article 22, * invite the applicant to furnish such copy within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation.**

(f) [No change]

(g) [No change]

(h) Where the applicant did not furnish a translation of the abstract or of any indication furnished under Rule 13bis.4, the designated Office shall invite the applicant to furnish such translation, if it deems it to be necessary, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation. If such translation is not furnished within such time limit, the designated Office may consider the application withdrawn.

(i) [No change]

(j) [No change]

(k) Where a title has been established by the International Searching Authority pursuant to Rule 37.2, the translation shall contain the title as established by that Authority.

* The amendment consists in deleting, after the words "Article 22," "(i).

** The amendment consists in deleting, after the word "invitation", ", or" and the entire item (ii).

Rule 50

Faculty under Article 22(3)

[No change]

Rule 51

Review by Designated Offices

51.1 *Time Limit for Presenting the Request to Send Copies*

The time limit referred to in Article 25(1)(c) shall be two months computed from the date of the notification sent to the applicant under Rules 20.7(i), 24.2(c), 29.1(a)(ii), or 29.1(b).

51.2 [No change]

51.3 No change]

Rule 51is

Certain National Requirements Allowed under
Article 27(1), (2), (6) and (7)

51bis.1 *Certain National Requirements Allowed*

(a) [No change]

(b) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(c) [No change]

(d) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

51bis.2 *Opportunity to Comply with National Requirements*

(a) [No change]

(b) [No change]

(c) [Deleted]

Rule 52

Amendment of the Claims, the Description, and the Drawings,
before Designated Offices

[No change]

PART C

Rules Concerning Chapter II of the Treaty

Rule 53

The Demand

53.1 *Form*

(a) The demand shall be made on a printed form or be presented as a computer print-out. The particulars of the printed form and of a demand presented as a computer print-out shall be prescribed by the Administrative Instructions.

(b) Copies of printed demand forms shall be furnished free of charge by the receiving Office or by the International Preliminary Examining Authority.

(c) [Deleted]

53.2 *Contents*

(a) The demand shall contain:

(i) [No change]

(ii) [No change]

(iii) [No change]

(iv) [No change, except the period is replaced by a comma]

(v) a statement concerning amendments.

(b) [No change]

53.3 [No change]

53.4 *The Applicant*

As to the indications concerning the applicant, Rules 4.4 and 4.16 shall apply, and Rule 4.5 shall apply mutatis mutandis. Only applicants for the elected States are required to be indicated in the demand.

53.5 *Agent or Common Representative**

If an agent or common representative is designated, the demand shall so indicate. Rules 4.4** and 4.16 shall apply, and Rule 4.7 shall apply *mutatis mutandis*.

53.6 *Identification of the International Application*

The international application shall be identified by*** the name and address of the applicant, the title of the invention,**** the international filing date (if known to the applicant) and the international application number or, where such number is not known to the applicant, the name of the receiving Office with which the international application was filed.

53.7 *Election of States*

(a) The demand shall indicate at least one Contracting State, from among those States which are designated and are bound by Chapter II of the Treaty (“eligible States”), as an elected State.

(b) Election of Contracting States in the demand shall be made:

(i) by an indication that all eligible States are elected, or,

(ii) in the case of States which have been designated for the purpose of obtaining national patents, by an indication of those eligible States that are elected, and, in the case of States which have been designated for the purpose of obtaining a regional patent, by an indication of the regional patent concerned together with either an indication that all eligible States party to the regional patent treaty concerned are elected or an indication of those among the said States that are elected.

* The title has been amended to read “Agent or Common Representative” instead of “The Agent”.

** The amendment consists in deleting “, 4.7,” after “Rules 4.4”.

*** The amendment consists in deleting, after the word “by”, the words “the name of the receiving Office with which the international application was filed”.

**** The amendment consists in deleting, after the word “invention”, the words “and, where”.

53.8 *Signature*

(a) Subject to paragraphs (b) and (c), the demand shall be signed by the applicant or, if there is more than one applicant, by all applicants for the elected States.

(b) Where two or more applicants file a demand which elects a State whose national law requires that national applications be filed by the inventor and where an applicant for that elected State who is an inventor refused to sign the demand or could not be found or reached after diligent effort, the demand need not be signed by that applicant, provided that a statement is furnished explaining, to the satisfaction of the International Preliminary Examining Authority, the lack of the signature concerned.

(c) The demand need not be signed by an applicant if that applicant did not sign the request but the requirements of Rule 4.15(b) were complied with.

53.9 *Statement Concerning Amendments**

(a) The statement concerning amendments shall indicate whether, for the purposes of the international preliminary examination, the applicant wishes amendments which have been made under Article 19

(i) to be taken into account, in which case a copy of the amendments shall preferably be submitted with the demand, or

(ii) not to be taken into account.

(b) Where no amendments under Article 19 have been made and the time limit for filing such amendments has not expired, the statement may indicate that the applicant wishes the start of the international preliminary examination to be postponed in accordance with Rule 69.1(d).

(c) If any amendments under Article 34 are submitted with the demand, the statement shall so indicate.

* A proposed text for the statement in the demand form is presented below:

Box Nov. IV STATEMENT CONCERNING AMENDMENTS

The applicant wishes international preliminary examination:

- to take into account any amendments of the claims which have already been under Article 19 (a copy is attached).
- not to take into account any amendments of the claims which have already been made under Article 19 (and which are thus hereby cancelled).
- to be postponed in accordance with Rule 69.1(d), noting that the time limit for filing amendments under Article 19 has not expired.
- to take into account the attached amendments of the international application under Article 34.

Where no checkbox is marked, international preliminary examination will start on the basis of the international application as originally filed or, where amendments to the claims have been made under Article 19 and/or amendments under Article 34 are attached, as so amended.

Rule 54

The Applicant Entitled to Make a Demand

54.1 [No change]

54.2 *Two or More Applicants**

If there are two or more applicants, the right to make a demand under Article 31(2) shall exist if at least one of the applicants making the demand is

(i) a resident or national of a Contracting State bound by Chapter II and the international application has been filed with a receiving Office of or acting for a Contracting State bound by Chapter II, or

(ii) [No change]

54.3 [Deleted]

54.4 *Applicant Not Entitled to Make a Demand***

(a) If the applicant does not have the right to make a demand or, in the case of two or more applicants, if none of them has the right to make a demand under Rule 54.2, the demand shall be considered not to have been submitted.

(b) [Deleted]

Rule 55

Languages (International Preliminary Examination)

[No change]

* The title has been amended to read “Two or More Applicants” instead of “Several Applicants: Same for all Elected States”.

** The amendment to the title consists in deleting, at the end, the words “or an Election”.

Rule 56

Later Elections

56.1 Elections Submitted Later Than the Demand

(a) The election of States subsequent to the submission of the demand (“later election”) shall be effected by a notice* submitted to the International Bureau. The notice shall identify the international application and the demand, and shall include an indication as referred to in Rule 53.7(b)(ii).

(b) Subject to paragraphs c and (d), the notice referred to in paragraph (a) shall be signed by the applicant for the elected States concerned or, if there is more than one applicant for those States, by all of them.

(c) Where two or more applicants file a notice effecting a later election of a State whose national law requires that national applications be filed by the inventor and where an applicant for that elected State who is an inventor refused to sign the notice or could not be found or reached after diligent effort, the notice need not be signed by that applicant, provided that a statement is furnished explaining, to the satisfaction of the International Bureau, the lack of the signature concerned.

(d) The notice effecting a -later election need not be signed by an applicant if that applicant did not sign the request but the requirements of Rule 4.15(b) were complied with, or did not sign the demand but the requirements of Rule 53.8(b) were complied with.

(e) An applicant for a State elected by a later election need not have been indicated as an applicant in the demand.

(f) If a notice effecting a later election is submitted after the expiration of 19 months from the priority date, the International Bureau shall notify the applicant that the election does not have the effect provided for under Article 39(1)(a) and that the acts referred to in Article 22 must be performed in respect of the elected Office concerned within the time limit applicable under Article 22.

(g) If, notwithstanding paragraph (a), a notice effecting a later election is submitted by the applicant to the International Preliminary Examining Authority rather than the International Bureau, that Authority shall mark the date of receipt on the notice and transmit it promptly to the International Bureau. The notice shall be considered to have been submitted to the International Bureau on the date marked.

* The amendment consists in deleting, after the word “notice”, the words “signed and”.

56.2 [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

56.3 [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

56.4 *Form of Later Elections*

The notice effecting the later election shall* preferably be worded as follows: “In relation to the international application filed with ... on under No. by ... (applicant) (and the demand for international preliminary examination submitted on ... to ...), the undersigned elects the following additional State(s) under Article 31 of the Patent Cooperation Treaty: ...”

56.5 [No change]

Rule 57

The Handling Fee

57.1 *Requirement to Pay*

(a) [No change]

(b) [Deleted]

57.2 *Amount***

(a) The amount of the handling fee is as set out in the Schedule of Fees.***

(b) [Deleted]

(c) [No change]

(d) [No change]

(e) [No change]

* The amendment consists in deleting, after the words “election shall”, the words “preferably be made on a printed form furnished free of charge to applicants. If it is not made on such a form, it shall”.

** The title has been amended to read “Amount” instead of “Amounts of the Handling Fee and The Supplement to the Handling Fee”.

*** The amendment consists in deleting the second sentence.

57.3 *Time and Mode of Payment*

(a) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(b) [Deleted]

(c) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(d) [Deleted]

57.4 *Failure to Pay**

(a) [No change]

(b) [No change]

(c) [No change]

57.5 [Deleted]

57.6 *Refund*

The International Preliminary Examining Authority shall refund the handling fee to the applicant:

(i) if the demand is withdrawn before the demand has been sent by that Authority to the International Bureau, or

(ii) if the demand is considered, under Rule 54.4(a), not to have been submitted.

Rule 58

The Preliminary Examination Fee

[No change]

* The amendment consists in deleting, at the end of the title, the words “(Handling Fee)”.

Rule 59

The Competent International Preliminary Examining Authority

59.1 *Demands under Article 31(2)(a)*

For demands made under Article 31(2)(a), each receiving Office of or acting for a Contracting State bound by the provisions of Chapter II shall, in accordance with the terms of the applicable agreement referred to in Article 32(2) and (3), inform the International Bureau which International Preliminary Examining Authority is or which International Preliminary Examining Authorities are competent for the international preliminary examination of international applications filed with it. The International Bureau shall promptly publish such information. Where several International Preliminary Examining Authorities are competent, the provisions of Rule 35.2 shall apply *mutatis mutandis*.

59.2 [No change]

Rule 60

Certain Defects in the Demand or Elections

60.1 *Defects in the Demand*

(a) Subject to paragraphs (f) and (9), if the demand does not comply with the requirements specified in Rules 53 and 55, the International Preliminary Examining Authority shall invite the applicant to correct the defects within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

(b) If the applicant complies with the invitation within the time limit under paragraph (a), the demand shall be considered as if it had been received on the actual filing date, provided that the demand as submitted contained at least one election and permitted the international application to be identified; otherwise, the demand shall be considered as if it had been received on the date on which the International Preliminary Examining Authority receives the correction.

(c) Subject to paragraph (d), if the applicant does not comply with the invitation within the time limit under paragraph (a), the demand shall be considered as if it had not been submitted.

[Rule 60.1, continued]

(d) Where, after the expiration of the time limit under paragraph (a), a signature required under Rule 53.8 or a prescribed indication is lacking in respect of an applicant for a certain elected State, the election of that State shall be considered as if it had not been made.

(e) If the defect is noticed by the International Bureau, it shall bring the defect to the attention of the International Preliminary Examining Authority, which shall then proceed as provided in paragraphs (a) to (d).

(f) If the demand does not contain a statement concerning amendments, or if that statement does not contain, where applicable, an indication whether amendments under Article 19 are to be taken into account (Rule 53.9(a)), the International Preliminary Examining Authority shall proceed as provided for in Rules 66.1 and 69.1.

(g) Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (Rule 53.9(c)) but the amendments referred to in that indication are, in fact, not submitted with the demand, the International Preliminary Examining Authority shall invite the applicant to submit the amendments within a time limit fixed in the invitation.

60.2 *Defects in Later Elections*

(a) If the notice effecting a later election does not comply with the requirements of Rule 56, the International Bureau shall invite the applicant to correct the defects within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be -extended by the International Bureau at any time before a decision is taken.

(b) If the applicant complies with the invitation within the time limit under paragraph (a), the notice shall be considered as if it had been received on the actual filing date, provided that the notice as submitted contained at least one election and permitted the international application to be identified; otherwise, the notice shall be considered as if it had been received on the date on which the International Bureau receives the correction.

(c) Subject to paragraph (d), if the applicant does not comply with the invitation within the time limit under paragraph (a), the notice shall be considered as if it had not been submitted.

(d) Where, after the expiration of the time limit under paragraph (a), a signature required under Rule 56.1(b) to (d) or a prescribed indication is lacking in respect of an applicant for a certain elected State, the later election of that State shall be considered as if it had not been made.

Rule 61

Notification of the Demand and Elections

61.1 *Notification to the International Bureau and the Applicant**

(a) [No change]

(b) The International Preliminary Examining Authority shall promptly inform the applicant in writing of the date of receipt of the demand. Where the demand has been considered under Rules 54.4(a), 57.4(c), 58.2(c) or 60.1(c) as if it had not been submitted or where an election has been considered under Rule 60.1(d) as if it had not been made, the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

(c) The International Bureau shall promptly notify** the applicant of the receipt, and the date of receipt, of any notice effecting a later election. That date shall be the actual date of receipt by the International Bureau or, where applicable, the date referred to in Rule 56.1(g) or 60.2(b). Where the notice has been considered under Rule***60.2(c) as if it had not been submitted or where a later election has been considered under Rule 60.2(d) as if it had not been made, the International Bureau shall notify the applicant accordingly.

* The title has been amended to read “Notification to the International Bureau and the Applicant” instead of “Notifications to the International Bureau, the Applicant, and the International Preliminary Examining Authority”.

** The amendment consists in deleting, after the word “notify”, the words “the International Preliminary Examining Authority and”.

*** The amendment consists in deleting the words “Rules 57.5(c) or”.

61.2 *Notification to the Elected Offices**

(a) [No change]

(b) The notification shall indicate the number and filing date of the international application, the name of the applicant,** the filing date of the application whose priority is claimed (where priority is claimed), the date of receipt by the International Preliminary Examining Authority of the demand, and in the case of a later election the date of receipt*** of the notice effecting the later election. The latter date shall be the actual date of receipt by the International Bureau or, where applicable, the date referred to in Rule 56.1(g) or 60.2(b).

(c) The notification shall be sent to the elected Office together with the communication provided for in Article 20. Elections effected after such communication shall be notified promptly after they have been made.

(d) Where the applicant makes an express request to an elected Office under Article 40(2) before the communication provided for in Article 20 has taken place, the International Bureau shall, upon request of the applicant or the elected Office, promptly effect that communication to that Office.

61.3 *Information for the Applicant*

The International Bureau shall inform the applicant in writing of the notification referred to in Rule 61.2 and of the elected Offices notified under Article 31(7).

61.4 *Publication in the Gazette*

Where a demand has been filed prior to the expiration of the 19th month from the priority date, the International Bureau shall publish a notice of that fact in the Gazette promptly after the filing of the demand, but not before the international publication of the international application.

* The title has been amended to read “Notification to the Elected Offices” instead of “Notifications to the Elected Offices”.

** The amendment consists in deleting, after the word “applicant”, the words “the name of the receiving Office”.

*** The amendment consists in deleting, after the word “receipt”, the words “by the International Bureau”.

Rule 62

Copy of Amendments under Article 19 for the
International Preliminary Examining Authority*

62.1 *Amendments made before the Demand is Filed*

Upon receipt of a demand from the International Preliminary Examining Authority, the International Bureau shall promptly transmit a copy of any amendments under Article 19 to that Authority, unless that Authority has indicated that it has already received such a copy.

62.2 *Amendments made after the Demand is Filed***

(a) If, at the time of filing any amendments under Article 19, a demand has already been submitted, the applicant shall preferably, at the same time as he files the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority. In any case, the International Bureau shall promptly transmit a copy of such amendments to that Authority.

(b) [Deleted]

Rule 63

Minimum Requirements for International Preliminary
Examining Authorities

[No change]

* The title has been amended to read “Copy of Amendments Under Article 19 for the International Preliminary Examining Authority” instead of “Copy for the International Preliminary Examining Authority”.

** The title has been amended to read “Amendments Made after the Demand is Filed” instead of “Amendments”.

Rule 64

Prior Art for International Preliminary Examination

64.1 [No change]

64.2 *Non-Written Disclosures*

In cases where the making available to the public occurred by means of an oral disclosure, use, exhibition or other non-written means (“non-written disclosure”) before the relevant date as defined in Rule 64.1(b) and the date of such non-written disclosure is indicated in a written disclosure which has been made available to the public on a date which is the same as, or later than, the relevant date, the non-written disclosure shall not be considered part of the prior art for the purposes of Article 33(2) and (3). Nevertheless, the international preliminary examination report shall call attention to such non-written disclosure in the manner provided for in Rule 70.9.

64.3 *Certain Published Documents*

In cases where any application or any patent which would constitute prior art for the purposes of Article 33(2) and (3) had it been published prior to the relevant date referred to in Rule 64.1 was published on a date which is the same as, or later than, the relevant date but was filed earlier than the relevant date or claimed the priority of an earlier application which had been filed prior to the relevant date, such published application or patent shall not be considered part of the prior art for the purposes of Article 33(2) and (3). Nevertheless, the international preliminary examination report shall call attention to such application or patent in the manner provided for in Rule 70.10.

Rule 65

Inventive Step or Non-Obviousness

[No change]

Rule 66

Procedure before the International Preliminary Examining Authority

66.1 *Basis of the International Preliminary Examination*

(a) The applicant may submit amendments under Article 34 at the time of filing the demand or, subject to Rule 66.4bis, until the international preliminary examination report is established.

(b) Any amendments under Article 19 made before the demand was filed shall be taken into account for the purposes of the international preliminary examination unless paragraph (d) applies.

(c) Any amendments under Article 19 made after the demand was filed and any amendments under Article 34 shall, subject to Rule 66.4bis, be taken into account for the purposes of the international preliminary examination.

(d) Where the statement concerning amendments contains an indication that amendments under Article 19 are not to be taken into account (Rule 53.9(a)(ii)), an amendment under Article 34 shall be considered to be thereby made cancelling the amendments under Article 19.

(e) Claims relating to inventions in respect of which no international search report has been established need not be the subject of international preliminary examination.

66.2 *First Written Opinion of the International Preliminary Examining Authority*

(a) If the International Preliminary Examining Authority

(i) considers that any of the situations referred to in Article 34(4) exists,

(ii) [No change]

(iii) [No change]

(iv) considers that any amendment goes beyond the disclosure in the international application as filed,*

(v) [No change]

(vi) considers that a claim relates to an invention in respect of which no international search report has been established and has decided not to carry out the international preliminary examination in respect of that claim, or

* The amendment consists in deleting the word "or".

[Rule 66.2(a), continued]

(vii) considers that a nucleotide and/or amino acid sequence listing is not available to it in such a form that a meaningful international preliminary examination can be carried out, the said Authority shall notify the applicant accordingly in writing. Where the national law of the national Office acting as International Preliminary Examining Authority does not allow multiple dependent claims to be drafted in a manner different from that provided for in the second and third sentences of Rule 6.4(a), the International Preliminary Examining Authority may, in case of failure to use that manner of claiming, apply Article 34(4)(b). In such case, it shall notify the applicant accordingly in writing.

(b) [No change]

(c) [No change]

(d) [No change]

66.3 [No change]

66.4 *Additional Opportunity for Submitting Amendments or Arguments*

(a) [No change in the English text; the French text of this provision however, is proposed to be amended; see the French version of this document.]

(b) [No change]

66.4bis *Consideration of Amendments and Arguments*

Amendments or arguments shall be taken into account by the International Preliminary Examining Authority for the purposes of a written opinion or the international preliminary examination report if they are received by that Authority before it has begun to draw up that opinion or report; in any event, they shall be taken into account for the purposes of the international preliminary examination report if they are received earlier than one month before the date of the completion of that report.

66.5 [No change]

66.6 [No change]

66.7 [No change]

66.8 *Form of Amendments*

(a) The applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of an amendment, differs from the sheet previously filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. Where the amendment consists in the deletion of passages or in minor alterations or additions, it may be made on a copy of the relevant sheet of the international application provided that the clarity and direct reproducibility of that sheet are not adversely affected. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter.

(b) [Remains deleted]

66.9 [No change]

Rule 67

Subject Matter under Article 34(4)(a)(i)

[No change]

Rule 68

Lack of Unity of Invention
(International Preliminary Examination)

68.1 *No Invitation to Restrict or Pay*

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses not to invite the applicant to restrict the claims or to pay additional fees, it shall proceed with the international preliminary examination*, subject to Article 34(4)(b) and Rule 66.1(e), in respect of the entire international application, but shall indicate, in any written opinion and in the international preliminary examination report, that it considers that the requirement of unity of invention is not fulfilled and it shall specify the reasons therefor.

* The amendment consists in deleting, after the word “examination”, the word “report”.

68.2 [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

68.3 *Additional Fees*

(a) [No change]

(b) [No change]

(c) [No change]

(d) [No change]

(e) Where the applicant has, under paragraph (c), paid an additional fee under protest, the International Preliminary Examining Authority may, after a prior review of the justification for the invitation to pay an additional fee, require that the applicant pay a fee for the examination of the protest (“protest fee”). The protest fee shall be paid within one month after notification to the applicant of the result of the review. If the protest fee is not so paid, the protest shall be considered withdrawn. The protest fee shall be refunded to the applicant where the three-member board, special instance or higher authority referred to in paragraph (c) finds that the protest was entirely justified.

68.4 [No change]

68.5 [No change]

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 both of the demand and of either the international search report or a notice of the declaration by the International Searching Authority under Article 17(2)(a) that no international search report will be established.

(b) If the competent International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the competent International Searching Authority, the international preliminary examination may, if the International Preliminary Examining Authority so wishes and subject to paragraph (d), start at the same time as the international search.***

(c) Where the statement concerning amendments contains an indication that amendments under Article 19 are to be taken into account (Rule 53.9(a)(i)), the International Preliminary Examining Authority shall not start the international preliminary examination before it has received a copy of the amendments concerned.

(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

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

(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 20 months from the priority date, whichever occurs first.

(e) Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (Rule 53.9(c)) but, in fact, no amendments under Article 34 are submitted, the International Preliminary Examining Authority shall not start the international preliminary examination before it has received the amendments concerned or before the time limit fixed in the invitation referred to in Rule 60.1(g) has expired, whichever occurs first.

* The title has been amended to read “Start of and Time Limit for International Preliminary Examination” instead of “Time Limit for International Preliminary Examination”.

** The title has been amended to read “Start of International Preliminary Examination” instead of “Time Limit for International Preliminary Examination”.

*** The amendment consists in deleting the second sentence.

69.2 *Time Limit for International Preliminary Examination**

The time limit for establishing the international preliminary examination report shall be:

- (i) 28 months from the priority date if the demand was filed prior to the expiration of 19 months from the priority date;
- (ii) nine months from the start of the international preliminary examination if the demand was filed after the expiration of 19 months from the priority date.

Rule 70

The International Preliminary Examination Report

70.1 [No change]

70.2 *Basis of the Report*

- (a) [No change]
- (b) [No change]
- (c) [No change]

(d) Where claims relate to inventions in respect of which no international search report has been established and have therefore not been the subject of international preliminary examination, the international preliminary examination report shall so indicate.

* This Rule corresponds to present Rule 69.1(a).

70.3 *Identifications*

The report shall identify the International Preliminary Examining Authority which established it by indicating the name of such Authority, and the international application* by indicating the international application number, the name of the applicant,** and the international filing date.

70.4 [No change]

70.5 [No change]

70.6 [No change]

70.7 [No change]

70.8 [No change]

70.9 [No change]

70.10 [No change]

70.11 [No change]

70.12 *Mention of Certain Defects and Other Matters****

If the International Preliminary Examining Authority considers that, at the time it prepares the report:

(i) [No change]

(ii) [No change, except the period is replaced by a semi-colon]

(iii) any of the situations referred to in Article 34(4) exists, it shall state its opinion and the reasons therefor in the report;

(iv) a nucleotide and/or amino acid sequence listing was not available to it in such a form that a meaningful international preliminary examination could be carried out, it shall so state in the report.

* The amendment consists in deleting the comma after the word “application”.

** The amendment consists in deleting, after the word “applicant”, the words “the name of the receiving Office”.

*** The title has been amended to read “Mention of Certain Defects and Other Matters” instead of “Mention of Certain Defects”.

70.13 *Remarks Concerning Unity of Invention*

If the applicant paid additional fees for the international preliminary examination, or if the international application or the international preliminary examination was restricted under Article 34(3), the report shall so indicate. Furthermore, where the international preliminary examination was carried out on restricted claims (Article 34(3)(a)), or on the main invention only (Article 34(3)(c)), the report shall indicate what parts of the international application were and what parts were not the subject of international preliminary examination. The report shall contain the indications provided for in Rule 68.1, where the International Preliminary Examining Authority chooses not to invite the applicant to restrict the claims or to pay additional fees.

70.14 *Authorized Officer**

The report shall indicate the name of the officer of the International Preliminary Examining Authority responsible for that report.

70.15 [No change]

70.16 *Annexes of the Report*

Each replacement sheet under Rule 66.8(a) and each replacement sheet containing amendments under Article 19 shall, unless superseded by later replacement sheets, be annexed to the report. Letters under Rule 66.8(a) shall not be annexed.

70.17 [No change]

Rule 71

Transmittal of the International Preliminary
Examination Report

71.1 [No change]

71.2 *Copies of Cited Documents*

(a) [No change]

(b) [No change]

(c) [Deleted]

(d) Any International Preliminary Examining Authority may perform the obligations referred to in paragraphs (a) and (b) through another agency responsible to it.

* The title has been amended to read "Authorized Officer" instead of "Signature".

Rule 72

Translation of the International Preliminary Examination Report

72.1 *Languages*

(a) Any elected State may require that the international preliminary examination report, established in any language other than the official language, or one of the official languages, of its national Office, be translated into English.*

(b) [No change]

72.2 *Copies of Translations for the Applicant*

The International Bureau shall transmit a copy of the translation referred to in Rule 72.1(a) of the international preliminary examination report to the applicant at the same time as it communicates such translation to the interested elected Office or Offices.

72.3 [No change]

Rule 73

Communication of the International Preliminary
Examination Report

73.1 [No change]

73.2 *Time Limit for Communication*

The communication provided for in Article 36(3)(a) shall be effected as promptly as possible but not earlier than the communication under Article 20.

Rule 74

Translations of Annexes of the International Preliminary Examination
Report and Transmittal Thereof

[No change]

* The amendment consists in deleting, after the word “English”, the words “, French, German, Japanese, Russian, or Spanish”.

Rule 75

Withdrawal of the Demand, or of Elections

[Deleted]

Rule 76

Copy, Translation and Fee under Article 39(1);
Translation of Priority Document

76.1 [Remains deleted]

76.2 [Remains deleted]

76.3 [Remains deleted]

76.4 [No change]

76.5 *Application of Rules 22.1(9), 49 and 51bis*

Rules 22.1(g), 49 and 51bis shall apply, provided that:

(i) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(ii) any reference in the said Rules to Article 22 or Article 24(2) shall be construed as a reference to Article 39(1) or Article 39(3), respectively;

(iii) [No change, except the period is replaced by a semi-colon]

(iv) for the purposes of Article 39(1), where an international preliminary examination report has been established, a translation of any amendment under Article 19 shall only be required if that amendment is annexed to that report.

Rule 77

Faculty under Article 39(1)(b)

[No change]

Rule 78

Amendment of the Claims, the Description, and the Drawings,
before Elected Offices

78.1 *Time Limit Where Election Is Effected prior to Expiration of 19 Months from
Priority Date*

(a) Where -the-election of any Contracting State is effected prior to the expiration of the 19th month from the priority date, the applicant shall, if he so wishes, exercise the right under Article 41 to amend the claims, the description and the drawings, before the elected Office concerned within one month from the fulfillment of the requirements under Article 39(1)(a), provided that, if the transmittal of the international preliminary examination report under Article 36(1) has not taken place by the expiration of the time limit applicable under Article 39, he shall exercise the said right not later than four months after such expiration date. In either case, the applicant may exercise the said right at any other time if so permitted by the national law of the said State.

(b) In any elected State in which the national law provides that examination starts only on special request, the national law may provide that the time limit within or the time at which the applicant may exercise the right under Article 41 shall, where the election of any Contracting State is effected prior to the expiration of the 19th month from the priority date, be the same as that provided by the national law for the filing of amendments in the case of the examination, on special request, of national applications, provided that such time limit shall not expire prior to, or such time shall not come before, the expiration of the time limit applicable under paragraph (a).

78.2 [No change]

78.3 [No change]

PART D

Rules Concerning Chapter III of the Treaty

Rule 79

Calendar

[No change]

Rule 80

Computation of Time Limits

80.1 [No change]

80.2 [No change]

80.3 [No change]

80.4 [No change]

80.5 [No change]

80.6 [No change]

80.7 *End of Working Day*

(a) [No change]

(b) [No change]

(c) [Deleted]

Rule 81

Modification of Time Limits Fixed in the Treaty

[No change]

Rule 82

Irregularities in the Mail Service⁺82.1 *Delay or Loss in Mail*

(a) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(b) If the mailing, in accordance with paragraph (a), of a document or letter is proven to the satisfaction of the national Office or intergovernmental organization which is the addressee, delay in arrival shall be excused, or, if the document or letter is lost in the mail, substitution for it of a new copy shall be permitted, provided that the interested party proves to the satisfaction of the said Office or organization that the document or letter offered in substitution is identical with the document or letter lost.

(c) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(d) Any national Office or intergovernmental organization which has notified the International Bureau that it will do so shall, where a delivery service other than the postal authorities is used to mail a document or letter, apply the provisions of paragraphs Cal to (c) as if the delivery service was a postal authority. In such a case, the last sentence of paragraph (a) shall not apply but evidence may be offered only if details of the mailing were recorded by the delivery service at the time of mailing. The notification may contain an indication that it applies only to mailings using specified delivery services or delivery services which satisfy specified criteria. The International Bureau shall publish the information so notified in the Gazette.

(e) Any national Office or intergovernmental organization may proceed under paragraph (d):

(i) even if, where applicable, the delivery service used was not one of those specified, or did not satisfy the criteria specified, in the relevant notification under paragraph (d), or

(ii) even if that Office or organization has not sent to the International Bureau a notification under paragraph (d).

⁺ No change in the English text of the title; the French text, however, is proposed to be amended; see the French version of this document.

82.2 [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

Rule 82bis

Excuse by the Designated or Elected State of Delays in
Meeting Certain Time Limits

[No change]

Rule 82ter

Rectification of Errors Made by the Receiving Office or by the
International Bureau

[No change]

Rule 83

Right to Practice before International Authorities

[No change]

PART E

Rules Concerning Chapter V of the Treaty

Rule 84

Expenses of Delegations

[No change]

Rule 85

Absence of Quorum in the Assembly

[No change]

Rule 86

The Gazette

86.1 [No change)

86.2 [No change]

86.3 *Frequency*

The frequency of publication of the Gazette shall be determined by the Director General.

86.4 *Sale*

The subscription and other sale prices of the Gazette shall be determined by the Director General.

86.5 *Title*

The title of the Gazette shall be determined by the Director General.

86.6 [No change]

Rule 87

Copies of Publications

87.1 [No change]

87.2 *National Offices*

(a) [No change]

(b) The publications referred to in paragraph (a) shall be sent on special request.* If any publication is available in more than one language, the request shall specify the language or languages in which it is desired.

* The amendment consists in deleting, after the words “special requests”, the words “, which shall be made, in respect of each year, by November 30 of the preceding year”.

Rule 88

Amendment of the Regulations

88.1 *Requirement of Unanimity*

Amendment of the following provisions of these Regulations shall require that no State having the right to vote in the Assembly vote against the proposed amendment:

(i) [No change]

(ii) [Deleted]

(iii) [No change]

(iv) [No change]

(v) [No change]

(vi) [No change]

(vii) [No change]

88.2 [Remains deleted]

88.3 [No change]

88.4 [No change]

Rule 89

Administrative Instructions

89.1 [No change]

89.2 *Source*

(a) [No change]

(b) [No change in the English text: the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(c) [No change]

89.3 [No change]

PART F

Rules Concerning Several Chapters of the Treaty

Rule 90*

Agents and Common Representatives**

90.1 *Appointment as Agent*

(a) A person having the right to practice before the national Office with which the international application is filed may be appointed by the applicant as his agent to represent him before that Office acting as a receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority.

(b) A person having the right to practice before the national Office or intergovernmental organization which acts as the International Searching Authority may be appointed by the applicant as his agent to represent him specifically before that Authority.

(c) A person having the right to practice before the national Office or intergovernmental organization which acts as the International Preliminary Examining Authority may be appointed by the applicant as his agent to represent him specifically before that Authority.

(d) An agent appointed under paragraph (a) may, unless otherwise indicated in the document appointing him, appoint one or more sub-agents to represent the applicant as the applicant's agent:

(i) before the receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office with which the international application was filed;

* Rule 90 is proposed to be substantially amended, with renumbering of those provisions which are retained, and modification of titles. The proposed text is therefore presented as a new Rule (i.e., the whole text being underlined). For the purposes of comparison with the present text of Rule 90, however, it should be noted that the substance of proposed Rules 90.3, 90.4 and 90.6 is derived from present Rules 90.2, 90.3 and 90.4, respectively, and that the proposed deletion of present Rule 90.2(d) is not separately indicated.

** The title has been amended to read "Agents and Common Representatives" instead of "Representation".

[Rule 90.1(d), continued]

(ii) specifically before the International Searching Authority or the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office or intergovernmental organization which acts as the International Searching Authority or International Preliminary Examining Authority, as the case may be.

90.2 *Common Representative*

(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 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 shall be considered to be the common representative of all the applicants.

90.3 *Effects of Acts by or in Relation to Agents and Common Representatives*

(a) Any act by or in relation to an agent shall have the effect of an act by or in relation to the applicant or applicants concerned.

(b) If there are two or more agents representing the same applicant or applicants, any act by or in relation to any of those agents shall have the effect of an act by or in relation to the said applicant or applicants.

(c) Subject to Rule 90bis.5(a), second sentence, any act by or in relation to a common representative or his agent shall have the effect of an act by or in relation to all the applicants.

90.4 *Manner of Appointment of Agent or Common Representative*

(a) The appointment of an agent or of a common representative shall be effected in the request, the demand or a separate power of attorney.

(b) Subject to Rule 90.5, a separate power of attorney shall be submitted to either the receiving Office or the International Bureau, provided that, where a power of attorney appoints an agent under Rule 90.1(b), (c) or (d)(ii), it shall be submitted to the International Searching Authority or the International Preliminary Examining Authority, as the case may be.

(c) If the separate power of attorney is not signed, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected.

[Rule 90.4, continued]

(d) Where an appointment of an agent is made in the request or the demand, the request or the demand shall be signed by the applicant. Where there are two or more applicants, appointment of a common agent or common representative shall be effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney.

90.5 *General Power of Attorney*

(a) Appointment of an agent in relation to a particular international application may be effected by referring in the request, the demand or a separate notice to an existing separate power of attorney appointing that agent to represent the applicant in relation to any international application which may be filed by that applicant (i.e., a “general power of attorney”), provided that:

(i) the general power of attorney has been deposited in accordance with paragraph (b), and

(ii) a copy of it is attached to the request, the demand or the separate notice, as the case may be; that copy need not be signed.

(b) The general power of attorney shall be deposited with the receiving Office, provided that, where it appoints an agent under Rule 90.1(b), (c) or (d)(ii), it shall be deposited with the International Searching Authority or the International Preliminary Examining Authority, as the case may be.

90.6 *Revocation and Renunciation*

(a) Any appointment of an agent or common representative may be revoked by the persons who made the appointment or by their successors in title. Any appointment of a sub-agent under Rule 90.1(d) may also be revoked by the applicant concerned.

(b) The appointment of an agent under Rule 90.1(a) shall, unless otherwise indicated, have the effect of revoking any earlier appointment of an agent made under that Rule.

(c) The appointment of a common representative shall, unless otherwise indicated, have the effect of revoking any earlier appointment of a common representative.

(d) An agent or a common representative may renounce his appointment by a notification signed by him.

(e) Rule 90.4(b) and (c) shall apply, *mutatis mutandis*, to a document containing a revocation or renunciation under this Rule.

Rule 90bis

Withdrawals

90bis.1 *Withdrawal of the International Application*

(a) The applicant may withdraw the international application at any time prior to the expiration of 20 months from the priority date or, where Article 39(1) applies, prior to the expiration of 30 months from the priority date.

(b) Withdrawal shall be effective on receipt of a notice addressed by the applicant at his option, to the International Bureau, to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority.

(c) No international publication of the international application shall be effected if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau before the technical preparations for international publication have been completed.

90bis.2 *Withdrawal of Designations*

(a) The applicant may withdraw the designation of any designated State at any time prior to the expiration of 20 months from the priority date or, where Article 39(1) applies in respect of that State, prior to the expiration of 30 months from the priority date. Withdrawal of the designation of a State which has been elected shall entail withdrawal of the corresponding election under Rule 90bis.4.

(b) Where a State has been designated for the purpose of obtaining both a national patent and a regional patent, withdrawal of the designation of that State shall be taken to mean withdrawal of only the designation for the purpose of obtaining a national patent, except where otherwise indicated.

(c) Withdrawal of the designations of all designated States shall be treated as withdrawal of the international application under Rule 90bis.1.

(d) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority.

(e) No international publication of the designation shall be effected if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau before the technical preparations for international publication have been completed.

90bis.3 *Withdrawal of Priority Claims*

(a) The applicant may withdraw a priority claim, made in the international application under Article 8(1), at any time prior to the expiration of 20 months from the priority date or, where Article 39(1) applies, 30 months from the priority date.

(b) Where the international application contains more than one priority claim, the applicant may exercise the right provided for in paragraph (a) in respect of one or more or all of the priority claims.

(c) Withdrawal shall be effective on receipt of a notice addressed by the applicant, at his option, to the International Bureau, to the receiving Office or, where Article 39(1) applies, to the International Preliminary Examining Authority.

(d) Where the withdrawal of a priority claim causes a change in the priority date, any time limit which is computed from the original priority date and which has not already expired shall, subject to paragraph (e), be computed from the priority date resulting from that change.

(e) In the case of the time limit referred to in Article 21(2) Ca), the International Bureau may nevertheless proceed with the international publication on the basis of the said time limit as computed from the original priority date if the notice of withdrawal sent by the applicant or transmitted by the receiving Office or the International Preliminary Examining Authority reaches the International Bureau after the completion of the technical preparations for international publication.

90bis.4 *Withdrawal of the Demand, or of Elections*

(a) The applicant may withdraw the demand or any or all elections at any time prior to the expiration of 30 months from the priority date.

(b) Withdrawal shall be effective upon receipt of a notice addressed by the applicant to the International Bureau.

(c) If the notice of withdrawal is submitted by the applicant to the International Preliminary Examining Authority, that Authority shall mark the date of receipt on the notice and transmit it promptly to the International Bureau. The notice shall be considered to have been submitted to the International Bureau on the date marked.

90bis.5 *Signature*

(a) Any notice of withdrawal referred to in Rule 90bis shall, subject to paragraphs (b) to (d), be signed by the applicant. Where one of the applicants is considered to be the common representative under Rule 90.2(b), such notice shall, subject to paragraphs (b) to (d), require the signature of all the applicants.

(b) Where two or more applicants file an international application which designates a State whose national law requires that national applications be filed by the inventor and where an applicant for that designated State who is an inventor refused to sign any notice of withdrawal referred to in Rule 90bis or could not be found or reached after diligent effort, the notice need not be signed by that applicant, provided that a statement is furnished explaining, to the satisfaction of the receiving Office, the International Bureau or the International Preliminary Examining Authority, as the case may be, the lack of the signature concerned.

(c) The notice of withdrawal referred to in Rule 90bis.1(b), 90bis.2(d) or 90bis.3(c) need not be signed by an applicant if that applicant did not sign the request but the requirements of Rule 4.15(b) were complied with.

(d) The notice of withdrawal referred to in Rule 90bis.4(b) need not be signed by an applicant if that applicant did not sign the demand but the requirements of Rule 53.8(b) or (c) were complied with, or did not sign the later election concerned but the requirements of Rule 56.1(c) or (d) were complied with.

90bis.6 *Effect of Withdrawal*

(a) Withdrawal under Rule 90bis of the international application, any designation, any priority claim, the demand or any election shall have no effect in any designated or elected Office where the processing or examination of the international application has already started.

(b) Where the international application is withdrawn under Rule 90bis.1, the international processing shall be discontinued.

(c) Where the demand or all elections are withdrawn under Rule 90bis.4, the processing by the International Preliminary Examining Authority shall be discontinued.

90bis.7 *Faculty under Article 37(4)(b)*

(a) Any Contracting State whose national law provides for what is described in the second part of Article 37(4)(b) shall notify the International Bureau in writing.

(b) The notification referred to in paragraph Ca) shall be promptly published by the International Bureau in the Gazette, and shall have effect in respect of international applications filed more than one month after the date of such publication.

Rule 91

Obvious Errors in Documents

91.1 *Rectification*

(a) [No change]

(b) Errors which are due to the fact that something other than what was obviously intended was written in the international application or other paper shall be regarded as obvious errors. The rectification itself shall be obvious:

(i) in the sense that anyone would immediately realize that nothing else could have been intended than what is offered as rectification, or

(ii) from a comparison of the international application with an earlier application, the priority of which is claimed in the international application, or with any other paper relating to the international application if that paper has been filed by the applicant with the receiving Office before or on the international filing date.

(c) Except where paragraph (b)(ii) applies, omissions of entire* sheets of the international application, even if clearly resulting from inattention, at the stage, for example, of copying or assembling sheets, shall not be rectifiable.

(d) [No change]

(e) No rectification shall be made except with the express authorization:

(i) [No change]

(ii) [No change]

(iii) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(iv) [No change]

(f) [No change]

(g) [No change]

(g-bis) [No change]

(g-ter) [No change]

(g-quater) [No change]

* The amendment consists in deleting, after the word “entire”, the words “elements or”.

Rule 92

Correspondence

92.1 *Need for Letter and for Signature*

(a) [No change in the English text; the French text of this provision, however, is proposed to be amended; see the French version of this document.]

(b) [No change]

(c) [No change]

92.2 *Languages*

(a) Subject to Rules 55.1 and 66.9 and to paragraph (b) of this Rule, any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates. Where the international application has been translated under Rule 12.1(c), the language of such translation shall be used.

(b) [No change]

(c) [Remains deleted]

(d) [No change]

(e) [No change]

92.3 *Mailings by National Offices and Intergovernmental Organizations*

Any document or letter emanating from or transmitted by a national Office or an intergovernmental organization and constituting an event from the date of which any time limit under the Treaty or these Regulations commences to run shall be sent by* air mail, provided that surface mail may be used instead of air mail in cases where surface mail normally arrives at its destination within two days from mailing or where air mail service is not available.

* The amendment consists in deleting, before the words “air mail” (first instance), the word “registered”.

92.4 *Use of Telegraph, Teleprinter, Facsimile Machine, Etc.**

(a) A document making up the international application, and any later document or correspondence relating thereto, may, notwithstanding the provisions of Rules 11.14 and 92.1(a), but subject to paragraph (h), be transmitted, to the extent feasible, by telegraph, teleprinter, facsimile machine or other like means of communication producing a printed or written document.**

(b) A signature appearing on a document transmitted by facsimile machine shall be recognized for the purposes of the Treaty and these Regulations as a proper signature.

(c) Where the applicant has attempted to transmit a document by any of the means referred to in paragraph (a) but part or all of the received document is illegible or part of the document is not received, the document shall be treated as not having been received to the extent that the received document is illegible or that the attempted transmission failed. The national Office or intergovernmental organization shall promptly notify the applicant accordingly.

(d) Any national Office or intergovernmental organization may require that the original of any document transmitted by any of the means referred to in paragraph (a) and an accompanying letter identifying that earlier transmission be furnished within 14 days from the date of the transmission, provided that such requirement has been notified to the International Bureau and the International Bureau has published information thereon in the Gazette. The notification shall specify whether such requirement concerns all or only certain kinds of documents.

(e) Where the applicant fails to furnish the original of a document as required under paragraph (d), the national Office or intergovernmental organization concerned may, depending on the kind of document transmitted and having regard to Rules 11 and 26.3, either:

(i) waive the requirement under paragraph (d), or

(ii) invite the applicant to furnish, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation, the original of the document transmitted.

(f) Where the furnishing of the original of a document is not required under paragraph (d) but the national Office or intergovernmental organization considers it necessary to receive the original of the said document, it may issue an invitation as provided for under paragraph (e)(ii).

* The title has been amended to read "Use of Telegraph, Teleprinter, Facsimile Machine, Etc." instead of "Use of Telegraph, Teleprinter, Etc."

** The amendment consists in deleting the second sentence.

[Rule 92.4 continued]

(g) If the applicant fails to comply with an invitation under paragraph (e)(ii) or (f):

(i) where the document concerned is the international application, the latter shall be considered withdrawn and the receiving Office shall so declare;

(ii) where the document concerned is a document subsequent to the international application, the document shall be considered as not having been submitted.

(h) No national Office or intergovernmental organization shall be obliged to receive any document submitted by a means referred to in paragraph (a) unless it has notified the International Bureau that it is prepared to receive such a document by that means and the International Bureau has published information thereon in the Gazette.

Rule 92bis

Recording of Changes in Certain Indications in the Request or the Demand

[No change]

Rule 93

Keeping of Records and Files

[No change]

Rule 94

Furnishing of Copies by the International Bureau and the International Preliminary Examining Authority

[No change]

Rule 95

Availability of Translations

[No change]

Rule 96

The Schedule of Fees

[No change]

SCHEDULE OF FEES

<u>Fees</u>	<u>Amounts</u>
1. Basic Fee: (Rule 15.2(a))	
(a) if the international application contains not more than 30 sheets	706 Swiss francs
(b) if the international application contains more than 30 sheets	706 Swiss francs plus 14 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)	171 Swiss francs per designation, provided that any designation made under Rule 4.9(a) in excess of 10 shall not require the payment of a designation fee
(b) for designation made under Rule 4.9(b) and confirmed under Rule 4.9(c)	171 Swiss francs per designation
3. Confirmation Fee: (Rule 57.5(a))	50% of the sum of the designation fees payable under item 2(b)
4. Handling Fee: (Rule 57.2(a))	216 Swiss francs
*[Heading deleted]	
5. [Deleted]	[End of document]

* The amendment consists in deleting the heading "Surcharges".