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GUIDELINE FOR APPLICANTS FILING UNDER THE PATENT COOPERATION TREATY (PCT) (PHASE I)

Draft

prepared by the International Bureau

Background of the Guideline

1. The PCT Interim Advisory Committee for Administrative Questions (hereinafter referred to as "the Interim Committee"), at its fourth session in Tokyo, Japan, in October 1973, invited the International Bureau to prepare a draft of a guideline for applicants using the PCT.
2. In response to that invitation, the International Bureau has prepared this first draft of the "Guideline for Applicants Filing under the Patent Cooperation Treaty", which covers Phase I of the PCT. Once the advice of the Interim Committee is received in respect of the approach taken as to the presentation of the guideline, the International Bureau will, in the light of that advice, expand the guideline to cover Phase II of the PCT.

Purpose of the Guideline

3. The purpose of this guideline is to give an applicant under the Patent Cooperation Treaty (hereinafter referred to as the "Treaty") concise information with respect to the aspects of interest to him of the procedure under the Treaty. Thus, it is neither intended to serve as a comprehensive commentary on the Treaty, nor as an official guide for the professional representative dealing with international applications.
4. To achieve its purpose, the guideline provides information in respect of those questions which are most likely to be asked by an applicant filing an international application under the Treaty. Consequently, many details which would otherwise be confusing to most applicants are either omitted or avoided as much as possible.

In General

5. It is to be noted that this first draft of the guideline is of a very provisional character in that, at present, it is impossible to provide certain information which would be of direct practical interest to applicants (for example, information on the individual requirements applicable to a particular receiving Office or International Searching Authority, such as the language or languages in which that Office will accept international applications filed with it, the amount of the transmittal fee charged by that Office, the amount of the search fee charged by that Authority, etc.).

6. The present draft of the guideline deals with this problem in the following manner.
7. The guideline makes note of those points where the applicant should be provided with such information of direct practical interest by making reference to appendices (for example, Appendix ...) containing this information. The approach of putting this information in appendices is to avoid congesting the main body of the guideline.
8. As such information becomes available, later editions of the guideline will progressively complete the appendices with the concrete information that applicants need.
9. In order to aid the Interim Committee in recognizing these points, they are signalled by a dotted line placed in the right-hand margin of the sheet.
10. Instead of quoting the relevant provisions of the Patent Cooperation Treaty and the PCT Regulations and Administrative Instructions thereunder, the present draft of the guideline merely contains citations of these provisions. This was done in order to avoid burdening the applicant with details from the outset, while, at the same time, to facilitate the task of any applicant who desires to consult these texts in order to obtain more detailed information.
11. The Interim Committee is invited to examine and comment on the draft guideline annexed hereto.

[Draft Guideline follows]

DRAFT
GUIDELINE FOR APPLICANTS
FILING UNDER THE
PATENT COOPERATION TREATY (PCT)

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I. INTRODUCTION

1. This guideline is designed to give an applicant (or a prospective applicant) under the Patent Cooperation Treaty (hereinafter referred to as the "Treaty" or as the "PCT") a basic understanding of the Treaty and the procedures thereunder in as far as relevant for him.

2. In the main body of this guideline, an applicant will find brief and general information on those features of the Treaty which are likely to be the subject of questions from an applicant contemplating the filing and subsequent prosecuting of an international application under Phase I of the Treaty.

3. In the appendices to this guideline, an applicant will find various information of direct practical interest which will supplement the more general information contained in the main body of this guideline.

4. It is to be stressed that an applicant is not to look upon this guideline as a complete or official commentary. Nor is the purpose of this guideline to serve as a guide for the professional representative.

5. Following the various parts of the guideline, citations are made to "Articles", "Rules" or "Sections" of the Treaty, the Regulations, or Administrative Instructions under the Treaty, respectively. Should an applicant wish to acquire a more detailed understanding of the matter than that presented, he can do so by consulting the texts cited.

II. BRIEF EXPLANATION OF THE CONTENTS OF THE GUIDELINE

6. First, the guideline explains the Treaty and the advantages the Treaty offers to an applicant.

7. Then it gives the applicant information on matters relating to the contents and the filing of the international application.

8. Thereafter, it introduces an applicant to the procedures before the receiving Office, the International Searching Authority and the International Bureau.

9. Next the guideline covers matters which arise when applicant's international application leaves the international phase and enters the national phase before the designated Offices.

10. And finally, the appendices to this guideline give the applicant the needed practical information to supplement what is contained in the main body of the guideline.

III. SUMMARY OF THE TREATY AND ITS ADVANTAGES

Patent Cooperation Treaty

11. The Patent Cooperation Treaty gives to applicants seeking to protect an invention in a number of countries distinct advantages over the method of obtaining such protection by filing separately in each such countries.

12. The Treaty has four main features of an international nature : international application, international search, international publication, and international preliminary examination. The first three are mandatory in the sense that normally all international applications filed become the subject of international search and international publication. These features, together, are referred to as "the First Phase" (or "Phase I") of the Treaty.

13. The fourth feature--international preliminary examination--is optional. Any applicant may decide for himself whether he wants to take advantage of international preliminary examination. This feature is referred to as "the Second Phase" (or "Phase II") of the Treaty. Naturally, for applicants choosing not to use Phase II, Phase I is the only international phase.

Advantages offered by the Treaty

14. By a single act of filing an international application under the Treaty, it is possible to secure the same effect which, without the Treaty, requires as many acts and as many applications in as many countries as an applicant seeks protection.

15. The filing of an international application is in one of several recognized languages; for many applicants that will be the language or one of the languages used by the national industrial property Office of their country.

16. The international application is filed in a single place; for an applicant of a given country the international application is generally filed in the national industrial property Office of such country.

17. The international application is subject to only a single payment of fees at the time of filing. The hazards of incorrect payment of many fees and the need to rely on many agents or attorneys in many different countries are practically eliminated.

18. The filing of the international application means filing under a single standardized format. There is no need to comply with a great variety of widely differing formal requirements in the many countries in which protection is sought.

19. The need to prepare translations is considerably deferred beyond the twelve-month priority period otherwise to be respected, that is, until an applicant has a much better idea of what the protection sought should be and what the commercial possibilities are. Thus, he is in a more advantageous position for selecting those countries in which he desires to continue seeking protection of his invention. As a result, substantial savings are to be made both on the costs of translation and filing in those countries which no longer are of interest.

20. The applicant's views are able to mature to a greater extent than otherwise possible without the Treaty, not only because he has more time, but also because the international search report constitutes a solid basis for determining his chances of obtaining the patent protection he is seeking.

21. A favorable search report strengthens the position of the applicant vis-à-vis the various national industrial property Offices and his arguments for grant of a patent in those Offices become much more convincing.
22. If the search report is partly favorable and partly unfavorable, the applicant can so modify his claims that he maintains only those which are likely to result in the grant of a patent.
23. If the search report is unfavorable and, as a consequence, the applicant decides not to proceed any further, he saves the cost of filing in other countries. These costs could not be saved if the system of national applications rather than that of the Treaty were used.
24. Moreover, an international search report significantly reduces the searching tasks of the national industrial property Offices and leads to savings in search time. This may result in savings of search cost to the applicant through the elimination or reduction of national search fees the applicant would otherwise pay.
25. The applicant may further realize savings in the national fees which he would otherwise pay as a result of the international publication of his international application. This follows from the fact that, in some cases, the national industrial property Offices are able to adopt the centralized international publication in lieu of making and thereby incurring the cost of their own publication of that application.

IV. PHASE I OF THE INTERNATIONAL PHASE

A. The International Application

(What it is - Who may file - Where to file - Language - Contents - Form - Copies to be filed - Fees at filing - Priority Claim - Representation - Inventor as Applicant - Naming of Inventor - Regional Patent - International Filing Date)

Concept of an "international application"

26. An international application under the Treaty is an application for the protection of an invention filed in one of the States party to the Treaty, i.e., a Contracting State, and acknowledged as having the effect of a regular national application for the protection of the invention in each of the Contracting States which are designated in the application. An applicant must designate any Contracting State in which protection is desired by indicating the name of that State in the request part of his international application. The list of States which are parties to the Treaty is set forth in Appendix ... (Citations: Articles 4(1)(ii), 11(3) and Rule 4.9).

Right to file an international application

27. Any resident or national of a State party to the Treaty may file an international application. The Treaty also provides for the possibility of granting the residents or the nationals of countries which are not Contracting States, but which are party to the Paris Convention for the Protection of Industrial Property, the right to file international applications. A listing of such countries is set forth in Appendix ... (Citations: Article 9 and Rule 18).

Filing of an international application

28. An applicant must file his international application with the receiving Office of or acting for the Contracting State of which he is a resident or a national under the law of that State. For most Contracting States, the receiving Office will be the national industrial property Office. The names and addresses of the receiving Offices of or acting for the Contracting States are indicated in Appendix ... (Citation : Rule 19.1).

Language of the international application

29. The language in which an applicant must submit his international application is frequently the same language as that used in his national industrial property Office. Some receiving Offices permit the applicant to file his application in any one of several languages. The language (or languages) in which international applications must be submitted to each receiving Office is (are) indicated in Appendix ... (Citations: Articles 3(4)(i) and Rule 12.1).

Contents of the international application

30. An international application contains the following elements : a request, a description, one or more claims, one or more drawings (if drawings are required), and an abstract. (Citation : Article 3(2)).

31. The request must be made on a printed form which contains various bibliographic data, i.e. items of information serving to identify the international application, in particular, as to the persons associated with that application, the subject matter contained in that application and the type and geographical scope of the protection sought on the basis of that application. More specifically, such items of information include the identification of the applicant, the inventor, and the agent; the indication of the title of the invention; the indication whether a patent or some other form of protection is sought and the designation of States in which protection is sought; and the claim of priority. An applicant can obtain the printed form to be used for the request from the receiving Office. The name and address of the appropriate receiving Office can be obtained from Appendix ... (Citations: Article 4 and Rule 3.4).

32. The description contains a disclosure of the invention. It is divided into six distinct parts. These parts contain matter relating to : the technical field of the invention, the background art, the disclosure of the invention, a brief description of the drawings, the best mode for carrying out the invention, and the industrial application of the invention. The applicant must clearly label each part with its proper heading. (Citations: Article 5 and Rule 5).

33. The claims define the matter for which protection is sought. The applicant is to construct the claims in two parts. The first part indicates those technical features of the invention which are necessary for the definition of the claimed subject matter, but which are part of the prior art. The second part indicates the technical features of his invention which the applicant seeks to protect. (Citations: Article 6 and Rule 6).

34. Drawings must be submitted when they are necessary for the understanding of the invention. Moreover, whenever the nature of the invention admits of drawings, the applicant may include them in the international application. This helps to ensure that a meaningful search can be carried out on his application. (Citations: Articles 7, 17(2)(a)(ii) and Rule 7).

35. The abstract is a concise summary of the disclosure as contained in the description, the claims and the drawings. The abstract is to serve as a scanning tool for purposes of searching in the particular art, especially by assisting the scientist, engineer or researcher in formulating an opinion on whether there is a need for consulting the international application itself. (Citation : Rule 8).

36. The elements of the international application are to be arranged in the following order : the request, the description, the claims, the drawings and the abstract. (Citations: Article 3(2) and Section 208).

Form of the international application

37. The physical requirements governing the formal presentation of the text matter and drawings contained in the international application (e.g. such matters as the type of paper to be used, size of sheets, margins, numbering of sheets, etc.) are set forth in detail in the Regulations. The international application must meet all these prescribed physical requirements, but during the international procedure they will be enforced only to the extent necessary for reasonably uniform international publication of the international application. (Citations : Article 14(1)(a)(v) and Rules 11 and 26.3).

Number of copies of the international application to be filed

38. Ordinarily the international application is to be filed in one copy. However, a receiving Office may require that the international application and most documents accompanying the application be filed in two or three copies. If the international application is filed in less than the number of copies required, the receiving Office is responsible for the prompt preparation of the number of copies required and may fix and collect a fee from the applicant for performing that task. Appendix ... indicates those receiving Offices which require the international application to be filed in more than one copy, the number of copies they require, and the amount of any fee charged for the preparation of additional copies. (Citations : Rules 11(1) and 21).

39. The reason for having several copies of the international application is that one copy which is called the "home copy" is kept by the receiving Office, another copy which is called the "record copy" is transmitted by the receiving Office to the International Bureau, and a third copy which is called the "search copy" is transmitted by the receiving Office to the International Searching Authority. This is necessary mainly in order to streamline the procedure. (Citation : Article 12(1)).

Fees to be paid at the time of filing an international application

40. There are three prescribed fees which an applicant may have to pay at the time of filing his international application. These fees are as follows :

- (i) the transmittal fee which is for the benefit of the receiving Office for receiving, performing its tasks in connection with, and transmitting copies of the international application. Appendix ... indicates the amount of the transmittal fee charged by each receiving Office. (Citation : Rule 14) ;
- (ii) the search fee which is for the benefit of the International Searching Authority for carrying out the international search and for performing the other tasks entrusted to that Authority under the Treaty. Appendix ... indicates the amount of the search fee charged by each International Searching Authority. (Citation : Rule 16), and ;
- (iii) the international fee which is for the benefit of the International Bureau for performing the task entrusted to that Bureau under the Treaty. Appendix ... indicates the amount of the international fee charged by the International Bureau. (Citation : Rule 15).

Claiming priority of an earlier application

41. An applicant who claims the priority of an earlier application for the same invention must indicate in the request at the time of filing his international application the country or countries in which the earlier application was filed, the date on which it was filed and the application number of the earlier application. (Citations : Article 8 and Rule 4.10(a)). If he cannot indicate the number in the request at the time of filing of the international application, it must be furnished to the International Bureau at the latest by the expiration of 16 months from the priority date. (Citation : Rule 4.10(c)).

42. A copy of the earlier application, the priority of which is claimed ("the priority document"), certified by the authority with which it was filed, if not submitted to the receiving Office at the time the international application was filed, must be submitted to the International Bureau not later than 16 months after the priority date. (Citation : Rule 17.1).

Representation

43.. Unless the receiving Office requires that the applicant be represented by an agent, the applicant has the right to prepare and file **himself his** own international application and to carry on himself the prosecution of that application before the international authorities. For the continuation of the procedure before the national Office, the applicable national requirements determine whether the applicant must have an agent. Appendix ... lists those receiving Offices which require the applicant to be represented by an agent. Additionally, Appendix ... indicates the Contracting States which, if designated in the international application, require that the applicant be represented by an agent during the national phase. (Citation : Article 27(7)).

44. Should the applicant be required, or desire, to designate or appoint an agent to represent him, he can do so either by designating an agent in the request of the international application or by appointing an agent by a separate signed power of attorney submitted either to the receiving Office or to the International Bureau. (Citations : Article 4(1)(iii) and Rules 4.7 and 90.3).

45. If there are several applicants and the applicants designate an agent in the request of the international application or appoint an agent by a separate power of attorney signed by all applicants, then that agent is their common agent, that is, he represents all the applicants. (Citations : Article 4(1)(iii), Rules 4.7 and 90.3 and Section 106).

46. If the several applicants do not wish to be represented by a common agent, they must at least designate in the request one among them having the right to file an international application (see paragraph 27) to act as the common representative for all the applicants. (Citation : Rule 4.8(a)). If they fail to designate a common representative, then the applicant first named in the request having the right to file an international application automatically becomes the common representative. (Citation : Rule 4.8(b)).

Inventor as Applicant

47. The answer to the question whether or not the applicant must be the inventor depends upon the national law of each State which is designated in the international application.

48. The national law of any designated State may require that, for the purposes of that State, the applicant must be the inventor or else the international application will be rejected when it enters the national phase in that State. (Citation : Article 27(3)).

49. Information on the various national laws in respect of this question can be found in the Gazette published by the International Bureau. A summary of this information is given in Appendix ... (Citations: Rules 18.4 and 86).

Naming of Inventor

50. Even in the case where the national law of any designated State does not require that the applicant be the inventor, the national law of such State may, nevertheless, require that the inventor be identified in the international application. (Citation : Article 4(1)(v)).

51. The various national laws in respect of the naming of the inventor fall into one of the following categories :

- (i) those that require the inventor to be identified at the time of filing of a national application ;
- (ii) those that require the inventor to be identified but allow the identification to be made at a time later than that of the filing of a national application ; and
- (iii) those that do not require the inventor to be identified.

52. If the national law of any designated State requires that the inventor be identified at the time of filing of a national application, then, for the purposes of that State, the inventor must be identified in the request of the international application at the time it is filed. Failure to do so, however, shall have no consequences in those designated States whose national laws either do not require that the inventor be identified or allow the inventor to be identified at a time later than that of the filing of a national application. (Citations : Articles 4(1)(v) and 4(4)).

53. If the national law of any designated State requires that the inventor be identified but allows the identification to be made at a time later than that of the filing of a national application, then, for the purposes of that State, the inventor may be identified either in the request at the time of filing of the international application or in a separate notice addressed to the designated Office of that State. (Citation : Article 4(1)(v)). If this is done by a separate notice, that notice must be furnished by the time the international application enters the national phase before that Office. (Citation : Article 22). Failure to do so, however, shall have no consequences in the designated States whose national laws do not require that the inventor be identified. (Citation : Article 4(4)).

54. An applicant can obtain information on the various national laws in respect of the requirement to identify the inventor and the time at which that identification must be made from the Gazette published by the International Bureau. A summary of this information is given in Appendix ...

55. Where the national law requires the identification of the inventor, an applicant must indicate both the name and the address of the inventor. (Citations : Rules 4.4 and 4.6).

Regional Patents

56. An applicant may also use the international application as a means for seeking regional patents granted under the various regional patent treaties. Appendix ... identifies the Contracting States of the PCT which are also parties to regional patent treaties which permit the applicant to seek a regional patent on the basis of his international application. Except for any State whose national law automatically gives the designation of that State in the international application the effect of an application for a regional patent, the applicant must, if he wishes to obtain a regional patent for any State which he has designated in his international application and for which a regional patent is available, expressly indicate this wish in the request of the international application in respect of such State. Appendix ... identifies also the Contracting States of the PCT whose national laws provide the said automatic effect. (Citations : Article 4(1)(ii), Rule 4.1(b)(iv) and Section 204).

57. If a regional patent treaty provides that an application cannot be limited to less than all of the States party to that treaty, then, where the applicant designates any one of those States in his international application and expressly indicates in respect of that State the wish to obtain a regional patent, that designation shall be treated as if the applicant has designated in his international application all of the States party to the regional patent treaty. Appendix ... identifies the regional patent treaties containing such a provision and the Contracting States of the PCT which are also parties thereto. (Citation : Article 4(1)(ii)).

58. Whether an international application, filed in a State party to a regional patent treaty and seeking a regional patent, must be filed with the regional patent Office or the national patent Office, depends on the relevant provisions under the regional treaty. (See paragraph 28 and the Appendix referred to thereunder).

International Filing Date

59. An "international filing date" is that date on which an application fulfills certain prescribed requirements enabling it to be acknowledged as an international application by the receiving Office with which the application was filed. (Citation : Article 11(1)). An international application must meet the following prescribed requirements in order to be accorded an international filing date :

- (i) the applicant must not obviously lack, for reasons of residence or nationality, the right to file an international application with the receiving Office ;
- (ii) the international application must be in the prescribed language ;
- (iii) the international application must contain at least the following elements ;
 - (a) an indication that it is intended as an international application ;
 - (b) the designation of at least one Contracting State ;
 - (c) the name of the applicant, as prescribed ;
 - (d) a part which on the face of it appears to be a description ;
 - (e) a part which on the face of it appears to be a claim or claims.

(Citation : Article 11(1)).

60. If the application as filed does not fulfill the prescribed requirements, the applicant is notified of the requirements which are not met and is invited to submit, where possible, the necessary corrections. If the defect is correctable, only the date on which all corrections necessary to fulfill the requirements are submitted will be accorded as the international filing date. (Citations : Article 11(2)(b)).

61. Should the applicant fail to submit all corrections necessary to fulfill the requirements after having been invited to do so, the application will not be treated as an international application. (Citation : Article 11(2)). In this case, any payment of the search fee and the international fee which the applicant has made will be refunded. (Citations : Rules 16.2 and 15.6(a)).

B. Procedure Before the Receiving Office

(What It Is - Functions - Language Used - Transmittal of Record Copy - Declaration of Withdrawal - Time Limit for Response - Payment of Fees)

Receiving Office

62. A "receiving Office" is the Office which is authorized to receive international applications for one or more Contracting States. In most Contracting States not parties to regional patent treaties the receiving Office will be the national industrial property Office. The names and addresses of the receiving Offices of or acting for Contracting States are indicated in Appendix ... (Citation : Rule 19.1).

Functions of the Receiving Office

63. In connection with the international application, the receiving Office is responsible for performing tasks related to:

- (a) the receipt of the application;
- (b) the checking of the application under various provisions of the Treaty to determine whether it meets the requirements governing the form and contents of the international application (The checks performed by the receiving Office are of a formal nature and are not intended to go into the substance of the invention.);
- (c) the communicating with the applicant in order to obtain the necessary corrections where the checks have shown that the international application does not meet certain requirements of form and contents; and
- (d) the transmittal of copies of the international application and other documents related thereto to the International Searching Authority and to the International Bureau so that they may carry out their functions in the further processing of the international application.

Language of Correspondence

64. The applicant must use the language of the international application as far as correspondence with the receiving Office is concerned. (Citation : Section 104).

Transmittal of Record Copy

65. The transmittal of the record copy of the international application from the receiving Office to the International Bureau is an important step in the PCT procedure because, if the record copy has not been received by that Bureau usually between 13 and 14 months from the priority date, the international application will be considered withdrawn. (Citations : Article 12(3) and Rule 22.3).

66. The Treaty provides for two procedures for the transmittal of the record copy.

67. Under the first procedure the transmittal of the record copy is effected by the receiving Office, and the International Bureau, upon receipt, promptly notifies the applicant that it has received the record copy.

68. However, if the applicant has not received that notification within 13 months and 10 days from the priority date, he may assume that the record copy has not reached the International Bureau and he may ask the receiving Office to give him a copy of the record copy and send it himself to the International Bureau. The record copy must, in that case, reach the International Bureau not later than 14 months from the priority date. (Citations : Rules 22.1 and 22.3).

69. The Treaty also provides for an alternative procedure for the transmittal of the record copy. Under that procedure the applicant may, at his option, effect the transmittal of the record copy himself. The alternative procedure, however, is only applicable to receiving Offices expressly providing for it. Appendix ... indicates those receiving Offices which have provided for the alternative procedure. (Citation : Rule 22.2).

Declaration that Application Considered Withdrawn

70. The receiving Office may declare that the international application is considered withdrawn if it finds :

(1) that the international application contains any of the defects set forth below and that the applicant did not comply within the prescribed time limit with the invitation to correct the defects; the defects are the following :

- (i) the international application is not signed as provided in the Regulations;
- (ii) the international application does not contain the prescribed indications concerning the applicant;
- (iii) the international application does not contain a title;
- (iv) the international application does not contain an abstract;
- (v) the international application does not comply to the extent provided in the Regulations with the prescribed physical requirements. (The extent provided in the Regulations is that which is necessary for reasonable uniform international publication, see paragraph 37). (Citation : Article 14(1)(b)).

(2) that the prescribed fees (i.e., the transmittal fee, the search fee, and the international fee) have not been paid within the prescribed time limit. (Citations : Article 14(3)(a) and Rule 27).

(3) that, in cases where an international filing date had already been accorded, any of the requirements necessary for the according of that filing date were, in fact, not complied with. (Citation : Article 14(4)).

Time Limit for Response

71. The response of an applicant to an invitation from the receiving Office to correct certain defects in the international application must be made within a prescribed time limit. The usual period for response to an invitation to correct defects relating to matters of a formal nature is one or two months. However, a

shortened time limit for response may be imposed which may be as short as ten days dependent upon the particular time limit set by the receiving Office. If no response is received within the time limit, the application will not be treated as an international application or will be considered withdrawn, as the case may be. (Citations : Rules 20.6(b), 20.7(i), 26.2 and 29.1(a)).

C. Procedure Before the International Searching Authority

(What It Is - Functions - Language Used - International Search - Situations Where No International Search Carried Out - Subject Matter Not Searched - Unity of Invention - Refund of Search Fee - International Search Report)

International Searching Authority

72. An "International Searching Authority" is that Authority which carries out the international search on the international applications filed with any given receiving Office, which has specified that Authority as competent for the searching of applications filed with it. The International Searching Authorities are those national or regional industrial property Offices which have been appointed for that purpose by the Assembly, i.e. the highest administrative body set up under the Treaty. Appointment as an International Searching Authority has been made subject to the conclusion of an agreement between the national or regional industrial property Office and the International Bureau. This agreement spells out the obligations of that Office, in particular, the formal undertaking by that Office to apply and observe all the common rules of international search. Any Office which has been appointed as an International Searching Authority has met, at least, the requirements set forth in the Treaty in respect of the number of technically qualified employees to carry out searches, the technical fields in which searches are carried out, the documentation to be searched and the language facilities to deal with that documentation. Such requirements are designed to ensure that the international search reports which the applicants receive from these Offices are of a uniformly high quality. The name and address of the International Searching Authority which carries out the international searches for any given receiving Office are indicated in Appendix ... (Citations : Article 16(3) and Rule 36).

Functions of the International Searching Authority

73. In general, the major responsibilities of the International Searching Authority are the carrying out of an international search on the international application and the preparation of the international search report.

Language of Correspondence

74. In general, the applicant must use the language of the international application as far as correspondence with the International Searching Authority is concerned. Appendix ... specifies the language or languages of the international application in which the different International Searching Authorities carry out international searches. (Citation : Rule 92.2(a)).

International search

75. The international search is conducted by the International Searching Authority on the basis of at least the prescribed minimum documentation. The objective of the international search is to discover relevant prior art. Such prior art consists of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) and which is capable

of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious), provided that the making available to the public occurred prior to the international filing date. (Citations : Article 15(2) and Rule 33.1(a)).

Situations where no international search carried out

76. The International Searching Authority is not required to carry out an international search on an international application if :

- (i) the international application relates to a subject matter which it is not required to search and which it decides not to search (see paragraph 75), or
- (ii) the description, the claim, or the drawings fail to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out.

In such case, it notifies the applicant that no international search report will be established. (Citation : Article 17(2)(a)).

Subject matter not required to be searched

77. An international Searching Authority does not have to search an international application relating to the following subject matter :

- (i) scientific and mathematical theories;
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes;
- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games;
- (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods;
- (v) mere presentation of information;
- (vi) computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs.

Appendix ... identifies which International Searching Authorities do not search international applications relating to which of the above subject matter. (Citation : Rule 39).

Unity of Invention

78. The search fee which the applicant pays under the Treaty compensates the International Searching Authority for carrying out an international search on his international application provided that the international application meets the "requirement of unity of invention". That means that the international application must relate to only one invention or must relate to a group of inventions which are so linked as to form a single general inventive concept. (Citations : Rules 13.1 and 13.2).

79. If the International Searching Authority finds that the international application does not comply with the requirement of unity of invention, it can invite the applicant to pay additional fees. If the applicant does not comply with the invitation, the International Searching Authority then establishes the international search report only on those parts of the international application which relate to the invention first mentioned in the claims ("main invention"). Appendix ... indicates the amount of the additional fees charged by each International Searching Authority. (Citation : Article 17(3)(a)).

80. Any applicant may pay the additional fee under protest, that is accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive. This protest will be examined by a three-member board or other special instance of the International Searching Authority or any competent higher authority, and a decision will be taken thereon. To the extent that the applicant's protest is found justified, total or partial reimbursement of the additional fees will be made. (Citation : Rule 40.2(c)).

Refund of Search Fee

81. The applicant may be entitled to a refund of the search fee where the invention disclosed in the international application has already been the subject of an earlier search. The possibility of entitlement to this refund arises when the earlier search was either an international search or an international-type search and the amount of the refund depends upon the extent to which the results of that earlier search can be wholly or partially used. (Citations : Rules 16.3 and 41).

International Search Report

82. The main objective of the international search report is to provide the citation of the prior art documents considered to be relevant (Citation : Rule 43.5(a)). Thus, it gives the applicant a clear basis upon which he can decide whether it is worthwhile to continue into the national phase before the designated Offices in seeking protection of his invention. If, in the light of the international search report, he decides that it is not worthwhile, he saves all subsequent costs. The international search report also contains other information of value to an applicant, for example, the classification of the subject matter (at least according to the International Patent Classification) and the indication of the fields searched by the International Searching Authority. (Citation : Rule 43).

Copies of the documents cited in the international search report

83. The applicant may obtain copies of the documents cited in the international search report by requesting such copies from the International Searching Authority. However, the latter may require payment of the cost of preparing and mailing the copies. Appendix ... indicates the rates charged by each International Searching Authority for furnishing such copies. (Citations : Article 20(3) and Rule 44.3).

D. Procedure Before the International Bureau

(What It Is - Functions - Language Used - Amendments of Claims - Withdrawal - International Publication - Communication of International Application)

International Bureau

84. The "International Bureau" means the International Bureau of the World Intellectual Property Organization situated at 32, chemin des Colombettes, 1211 Geneva 20, Switzerland.

Functions of the International Bureau

85. In general, the International Bureau, after the international application has undergone the processing before the receiving Office in respect of matters of form and presentation and after an international search has been carried out on that application by the International Searching Authority, is responsible for the international publication of that application together with the international search report relating to it, and for the transmittal of that application and that search report to the designated Offices. Thus the International Bureau can be looked upon as performing a central role between the receiving Office and the International Searching Authority, on the one hand, which process the international application during its international phase under the Treaty, and the designated Offices, on the other hand, before which the international application enters the national phase for processing under the national law.

Language of correspondence

86. The applicant must use either English or French for correspondence with the International Bureau. (Citations : Rule 92.2(d) and Section 104).

Amendment of claims

87. The applicant is entitled to one opportunity to amend the claims of his international application after he has received the international search report. The amendments are to be submitted to the International Bureau. They must be in the same language as the international application itself, and they may be accompanied by a brief statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings. In general, the amendments shall not go beyond the disclosure in the international application as filed. (Citations : Article 19 and Rule 46).

Withdrawal by applicant

88. The applicant may withdraw his international application or the designation of any State by means of a signed notice addressed to the International Bureau or, if the record copy has not yet been sent to the International Bureau, to the receiving Office. In general, withdrawal may only be effected prior to the expiration of 20 months from the priority date. (Citation : Rule 32).

International Publication

89. The international publication is the publication of the international application by the International Bureau which, in general, takes place promptly after the expiration of 18 months from the priority date of that application. Where an international search report has been established on the international application, the international publication will, as a rule, also include that report. Disregarding exceptional situations, there will be no international publication only if the international application is voluntarily withdrawn by the applicant or is declared to be considered withdrawn by one of the international authorities before the technical preparations for publication have been completed.

90. On the request of the applicant, the International Bureau will publish the international application at any time prior to the expiration of the 18 months. (Citations : Article 21 and Rule 48).

Communication of the international application

91. Unless a designated Office waives the communication entirely or in part, the International Bureau communicates the international application together with the international search report if one has been established. The communication also includes, where applicable, the translation of that report and the amended claims. Appendix ... indicates those designated Offices which have decided to waive the Article 20 communication. (Citations : Article 20 and Rule 47).

V. THE NATIONAL PHASE

Procedure Before the Designated Offices

(Entering National Phase - Representation - Amendments)

Entering the national phase

92. The applicant must pay the national fees and furnish the translations of the international application which are required by the designated Offices upon entering the national phase. This will usually occur not later than at the expiration of 20 months from the priority date. (Citation : Article 22). The applicant may consult the Gazette published by the International Bureau for information on the time limits which any particular designated State applies in respect to the furnishing of a translation and the paying of national fees and in respect to the language of that translation and to the amounts of those fees. A summary of this information is given in Appendix ... (Citation : Rule 49.1).

93. The applicant may, if he so wishes, enter the national phase before the designated Offices prior to the expiration of 20 months from the priority date. In other words, he may, at any time, transmit a copy of his international application to any designated Office or he may ask the International Bureau to make that transmittal. (Citation : Article 13(2)).

94. Any designated Office may, on the express request of the applicant, process or examine the international application at any time. (Citation : Article 23(2)).

95. The applicant also has the right to enter the national phase early in order to seek review before the designated Offices concerned if either his international application or the designation of any given State is considered to be withdrawn in the international phase. For example, if the receiving Office does not accord his application an international filing date or, if any of the situations occur where either the receiving Office or the International Bureau decides to declare that the international application or the designation of any given State is to be considered withdrawn, the applicant has the right to request the designated Offices concerned to review that decision. (Citation : Article 25).

Representation

96. Once the application has entered the national phase and the processing of that application has started in the designated Office, it is a question of the national law as to whether the applicant himself has the right to prosecute his application before the designated Office, or whether he must be represented by an agent having the right to practice before that Office. Appendix ... indicates the Contracting States which, if designated in the international application, require that the applicant be represented by an agent during the national phase. (Citation : Article 27(7)).

Amendments

97. The applicant has the opportunity to amend the claims, the description and the drawings before the designated Offices. Any amendments must be submitted within a given time limit. The amendments must not go beyond the disclosure in the

international application as filed unless the national law of the designated State permits them to go beyond the said disclosure. The amendments must be in accordance with the national law of the designated State in all respects not provided for in the PCT. The amendments must be presented in the language of the translation of the international application if a translation is required. Appendix ... summarizes the national laws of the Contracting States in respect of such amendments. (Citations : Article 28 and Rule 52).

VI. APPENDICES

[This part of the guideline will contain the practical information needed to supplement the more general information contained in the main body of the guideline. The information to be contained in the Appendices will be progressively completed at such time as that information becomes available.]

[End of Annex]
[End of Document]

VI. DOCUMENTS CONSIDERED TO BE RELEVANT ¹⁵

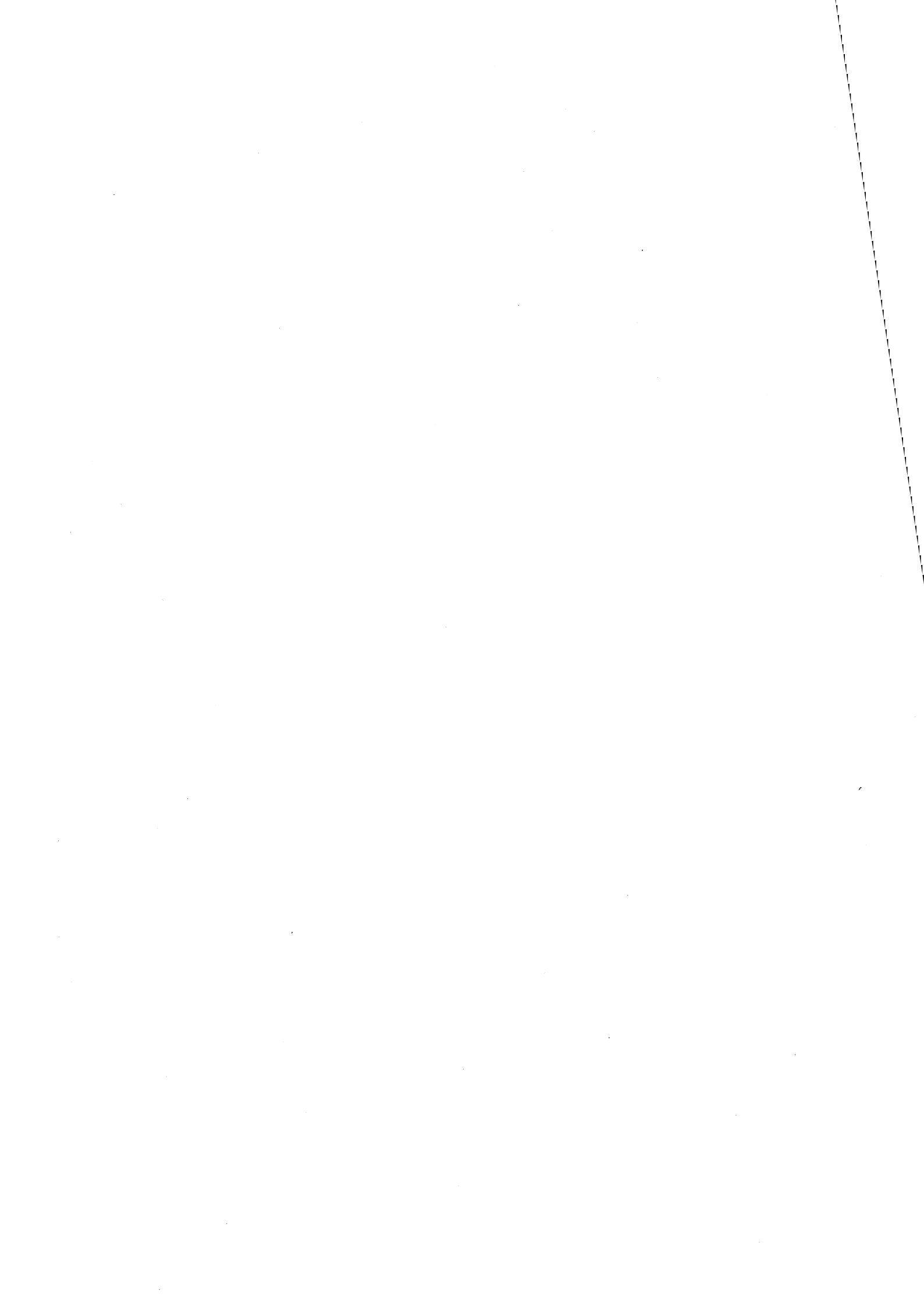
Page ...

Category *	Citation of Document, ¹⁷ with indication, where appropriate, of the relevant passages ¹⁸	Relevant to Claim No. ¹⁹

* Categories of cited documents: ¹⁶ "X" (document of particular relevance); "O" (document referring to an oral disclosure, use, exhibition, or other means); "E" (earlier document but published later than the international filing date); "G" (document defining the general state of the art); "P" (document published prior to the international filing date but later than the priority date claimed).

VII. CERTIFICATION

Date of the Actual Completion of the International Search ²	Date of Mailing of this Search Report ²
International Searching Authority ¹	Signature of Authorized Officer ²⁰



This International Searching Authority has established the following text of the:

- Title.
- Abstract.



1. Additional fees were paid by the applicant. Consequently, the international search covers:

a. all parts of the international application.

b. those parts of the International application covered by claims Nos. _____

2. The additional fees were paid under protest. Where requested by the applicant, the text of the protest together with the decision taken thereon are annexed to this report.

3. No additional fees were timely paid by the applicant. Consequently, the international search is restricted to the invention first mentioned ("main invention") only; it is covered by claims Nos. _____

V. OBSERVATIONS WHERE CERTAIN CLAIMS WERE FOUND UNSEARCHABLE ¹²

This international search report has not been established in respect of claims Nos. _____ for the following reasons:

1. Claims Nos. _____ because their subject matter ¹³ relates to _____

2. Claims Nos. _____ because they do not comply with the prescribed requirements to such an extent that a meaningful search could be carried out ¹⁴ (specify)

NOTES TO FORM PCT/ISA/210

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

- 1 "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, the name of the receiving Office, and the international filing date." (Rule 43.1)
- 2 "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." (Rule 43.2)
- 3 "The international search report shall contain the classification of the subject matter at least according to the International Patent Classification." (Rule 43.3 (a))
"Such classification shall be effected by the International Searching Authority." (Rule 43.3 (b))
"Where the subject matter of the international application must be provided with different classification symbols according to the principles to be followed in the application of the International Patent Classification to any given patent document, the international search report shall indicate all such symbols." (Section 504 (a))
"Where any national classification system is used, the international search report may indicate all the applicable classification symbols also according to that system." (Section 504 (b))
"Where the subject matter of the international application is classified both according to the International Patent Classification and to any national classification system, the international search report shall indicate the corresponding symbols of both classifications opposite each other." (Section 504 (c))
- 4 "The international search report shall list the classification identification of the fields searched. If that identification is effected on the basis of a classification other than the International Patent Classification, the International Searching Authority shall publish the classification used." (Rule 43.6 (a))
- 5 "If the international search extended to patents, inventor's certificates, utility certificates, utility models, patents or certificates of addition, inventor's certificates of addition or published applications for any of those kinds of protection, of States, periods, or languages, not included in the minimum documentation as defined in Rule 34, the international search report shall, when practicable, identify the kinds of documents, the States, the periods, and the languages to which it extended. For the purpose of this paragraph, Article 2 (ii) shall not apply." (Rule 43.6 (b))
- 6 "Subject to paragraphs (b) and (c), 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." (Rule 44.2 (a))
- 7 "If, at the time the international search is completed, the time limit allowed for the applicant to comment on any suggestion of the International Searching Authority in respect of the abstract has not expired, the international search report shall indicate that it is incomplete as far as the abstract is concerned." (Rule 44.2 (b))
- 8 "Where it is the International Searching Authority which, under Rule 8.2, indicates the figure or figures of the drawings to be published with the abstract, that Authority shall notify the applicant and the International Bureau accordingly." (Section 507)
- 9 The figure suggested by the applicant is indicated in the check list of the request; see Rule 3.3 (a) (iii).
- 10 "If the applicant fails to make the indication referred to in Rule 3.3 (a) (iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would among all the figures of all the drawings, better characterize the invention, it shall indicate the figure or figures which it so considers. Publication by the International Bureau shall then use the figure or figures so indicated by the International Searching Authority. Otherwise, the figure or figures suggested by the applicant shall be used in the said publications." (Rule 8.2)
- 11 This part of the report is filled in only where, in the course of the procedure preceding the issuance of this report the International Searching Authority, having found that the international application does not comply with the requirement of unity of invention, invites the applicant to pay additional fees (see Article 17 (3) (a))
"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

(Article 17 (3) (a)), the international search report shall indicate what parts of the international application were and what parts were not searched." (Rule 43.7)

- 12 This part of the report is filled in only where Article 17 (2) (b) applies. (Where certain claims were not searched because of lack of unity of invention and non-payment of additional fees, part IV—rather than this part—is filled in.) Article 17 (2) reads as follows:

"(a) If the International Searching Authority considers

- (i) that the international application relates to a subject matter which the International Searching Authority is not required, under the Regulations, to search, and in the particular case decides not to search, or
- (ii) that the description, the claims, or the drawings, fail to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out,

the said Authority shall so declare and shall notify the applicant and the International Bureau that no international search report will be established.

"(b) If any of the situations referred to in subparagraph (a) is found to exist in connection with certain claims only, the international search report shall so indicate in respect of such claims, whereas, for the other claims, the said report shall be established as provided in Article 18."

- 13 See Article 17 (2) (a) (i), quoted in note 12, above, and Rule 39 reading as follows:

"No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,
- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods of treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,
- (v) mere presentations of information,
- (vi) computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs."

- 14 See Article 17 (2) (a) (ii), quoted in note 12, above.

- 15 "The objective of the international search is to discover relevant prior art." (Article 15 (2))
Rule 33.1, entitled "Relevant Prior Art for International Search," reads as follows:

"(a) For the purposes of Article 15 (2), relevant prior art shall consist of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) and which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious), provided that the making available to the public occurred prior to the international filing date.

"(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 posterior to the international filing date.

"(c) Any published application or any patent whose publication date is later 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."

- 16 "Where any document cited in the international search report is of particular relevance, the special indication required by Rule 43.5 (c) shall consist of the "X" placed next to the citation of the said document." (Section 505)

"Where any document cited in the international search report refers to an oral disclosure, use, exhibition, or other means referred to in Rule 33.1 (b), the separate indication required by that Rule shall consist of the letter "O" placed next to the citation of the said document." (Section 508 (a))

"Where any document cited in the international search report is a published application or patent as defined in Rule 33.1 (c), the special mention required by that Rule shall consist of the letter "E" placed next to the citation of the said document." (Section 508 (b))

"Where any document cited in the international search report is a document which defines the general state of the art, it shall be

indicated by the letter "G" placed next to the citation of the said document." (Section 508 (c))

"Where any document cited in the international search report is a document whose publication date occurred earlier than the international filing date of the international application, but later than the priority date claimed in that application, it shall be indicated by the letter "P" next to the citation of the said document." (Section 508 (d))

17 "The international search report shall contain the citations of the documents considered to be relevant." (Rule 43.5 (a))

"Identification of any document cited in the international search report referred to in Rule 43.5 (b) shall be made by indicating the following elements in the order in which they are listed:

(a) *In the case of any patent document* (patent documents being patents within the meaning of Article 2 (ii) as well as published applications relating thereto)

- (i) the Office that issued the document, by the two-letter code as in *Annex B*;
- (ii) the kind of document, by the appropriate symbols as in *Annex C*;
- (iii) the number of the document as given to it by the Office that issued it;
- (iv) the date of publication as indicated on the patent document; and
- (v) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.

(b) *In the case of any book or other separately issued publication*

- (i) the name of the author;
- (ii) the title (including, where applicable, the number of the edition and/or volume);
- (iii) the year, month and day of publication (where only less precise data appears on the book or other separately issued publication, such as the year and month, or only the year, then only such data as appear thereon need be indicated unless the complete data are readily available from an authoritative source);
- (iv) the name of the publisher;
- (v) the place of publication (where only the location of the publisher appears on the book or other separately issued publication, then that location shall be indicated as the place of publication); and
- (vi) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.

(c) *In the case of any article published in a periodical or other serial publication*

- (i) the title of the periodical or other serial publication;
- (ii) the number of the volume and the date of the issue in which the article appears;

(iii) the place of publication (where only the location of the publisher appears in the periodical or other serial publication, then that location shall be indicated as the place of publication);

(iv) the author and the title of the article and the number of the page both on which the article starts and ends; and

(v) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.

(d) *In the case of abstracts*

(i) the identification of the document containing the abstract in the manner set forth in paragraph (a), (b) or (c), respectively, depending upon whether the abstract is contained in a patent document, in a book or other separately issued publication, or in an article published in a periodical or other serial publication;

(ii) in the case where the abstract is not published together with the full text document which served as its basis, the identification of the full text document on the basis of whatever bibliographic data may be available in respect thereto." (Section 503)

18 "If only certain passages of a cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, column, or the lines, where the passage appears." (Rule 43.5 (e))

19 "Citations which are not relevant to all the claims shall be cited in relation to the claim or claims to which they are related." (Rule 43.5 (d))

"The manner of indicating the claims to which cited documents are relevant shall be indicated by placing in the appropriate column of the international search report:

(i) where the cited document is relevant to one claim, the number of that claim; for example (2) or (17),

(ii) where the cited document is relevant to two or more claims numbered in consecutive order, the numbers of the first and last claims of the series connected by a hyphen; for example, (1-15) or (2-3),

(iii) where the cited document is relevant to one or more claims that are not numbered in consecutive order, the number of each claim placed in ascending order and separated by a comma or commas; for example, (1,6) or (1,7,10),

(iv) where the cited document is relevant to more than one series of claims under (ii) above, or to claims of both categories (ii) and (iii) above, the series or individual claim numbers and series placed in ascending order using commas to separate the several series, or to separate the numbers of individual claims and each series of claims; for example, (1-6, 9-10, 12-15) or (1, 3-4, 6, 9-11)." (Section 509)

20 "The international search report shall be signed by an authorized officer of the International Searching Authority." Rule 43.8)

PATENT COOPERATION TREATY

DEMAND ¹

UNDER ARTICLE 31 OF THE PATENT COOPERATION TREATY

THE UNDERSIGNED REQUESTS THAT THE INTERNATIONAL APPLICATION SPECIFIED BELOW BE THE SUBJECT OF INTERNATIONAL PRELIMINARY EXAMINATION ACCORDING TO THE PATENT COOPERATION TREATY

I. IDENTIFICATION OF THE INTERNATIONAL APPLICATION ²		
International Application No.	International Filing Date	Receiving Office
Title of Invention		

II. APPLICANT ^{3, 4} . . . Additional applicants are indicated on supplemental sheet		
Name		
Address (including postal code and country)		
Telephone Number	Telegraphic Address	Teletype Address
Nationality (country)	Residence (country)	

III. AGENT (IF ANY) ⁵ . . . Additional agents are indicated on supplemental sheet		
Name		
Address (including postal code and country)		
Telephone Number	Telegraphic Address	Teletype Address

IV. ELECTION OF STATES ⁶

V. SIGNATURES OF APPLICANTS ⁷

(The following is to be filled in by the International Preliminary Examining Authority.)
1. Actual date of receipt of DEMAND
2. Adjusted date of receipt of DEMAND due to the following: (the later of the two dates being applicable where both are indicated.)
a. <input type="checkbox"/> date of timely receipt of HANDLING FEE
b. <input type="checkbox"/> date of timely receipt of proper CORRECTIONS to the DEMAND

USE THIS SHEET IF ANY OF THE BOXES IS NOT LARGE ENOUGH TO CONTAIN INFORMATION TO BE FURNISHED. INDICATE THE BOXES CONTINUED ON THIS SHEET BY THEIR (ROMAN) NUMERALS AND TITLE (e.g.: "II. APPLICANT (CONTINUED)")

NOTES TO FORM PCT/IPEA/401

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

1 Rule 53 entitled "The Demand" reads as follows:

"53.1 Form

- (a) The demand shall be made on a printed form.
- (b) Copies of printed forms shall be furnished free of charge by the receiving Offices to the applicants.
- (c) The particulars of the forms shall be prescribed by the Administrative Instructions.
- (d) The demand shall be submitted in two identical copies."

"53.2 Contents

(a) The demand shall contain:

- (i) a petition,
- (ii) indications concerning the applicant and the agent if there is an agent,
- (iii) indications concerning the international application to which it relates,
- (iv) election of States.

(b) The demand shall be signed.

"53.3 The Petition

The petition shall be to the following effect and shall preferably be worded as follows: "Demand under Article 31 of the Patent Cooperation Treaty: The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

"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*.

"53.5 The Agent

If an agent is designated, Rules 4.4, 4.7, and 4.16 shall apply, and Rule 4.8 shall apply *mutatis mutandis*.

"53.6 Identification of the International Application

The international application shall be identified by the name of the receiving Office with which the international application was filed, the name and address of the applicant, the title of the invention, and, where the international filing date and the international application number are known to the applicant, that date and that number.

"53.7 Election of States

The demand shall name, among the designated States, at least one Contracting State bound by Chapter II of the Treaty as elected State.

"53.8 Signature

The demand shall be signed by the applicant."

All information introduced into the DEMAND form should, to whatever extent possible, follow the presentation both as to form and substance, of the same information as it appears in the REQUEST form.

2 See Rules 53.2 (a) (iii) and 53.6 quoted in the preceding note.

3 See Rule 53.2 (a) (ii) and 53.4 quoted in note 1 above.

"Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s)." (Rule 4.4 (a))

"Names of legal entities shall be indicated by their full, official designations." (Rule 4.4 (b))

"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 relevant administrative units up to, and including, the house number, if any. Where the national law of the designated States does not require the indication of the house number, failure to indicate such number shall have no effect in that State. It is recommended to indicate any telegraphic address and telephone number." (Rule 4.4 (c))

"For each applicant, inventor, or agent, only one address may be indicated." (Rule 4.4 (d))

"Where any name or address is written in characters other than those of the Latin alphabet, the same shall also be indicated in characters of the Latin Alphabet either as a mere transliteration or through translation into English. The applicant shall decide which words will be merely transliterated and which words will be so translated." (Rule 4.16 (a))

"The name of any country written in characters other than those of the Latin Alphabet shall also be indicated in English." (Rule 4.16 (b))

"The request shall indicate the name, address, nationality and residence of the applicant or, if there are several applicants, of each of them." (Rule 4.5 (a))

"The applicant's nationality shall be indicated by the name of the State of which he is national." (Rule 4.5 (b))

"The applicant's residence shall be indicated by the name of the State of which he is a resident." (Rule 4.5 (c))

"The name of any State referred to in the request shall be indicated either by the full name of the State or by a generally accepted short title which, if the indications are in English or French, shall be as appearing in *Annex A*. The receiving Office, or the International Bureau where the receiving Office fails to do so, shall insert, in the appropriate space provided for in the request form, the two-letter country code as appearing in *Annex B* (For example, 'Argentine Republic (AR)' or 'Argentina (AR)')." (Section 202)

4 "If there is more than one applicant and the request does not refer to an agent representing all the applicants ("a common agent"), the request shall designate one of the applicants who is entitled to file an international application according to Article 9 as their common representative." (Rule 4.8 (a))

The designation of the common representative should be made by indicating on the supplemental sheet immediately after the listing of the additional applicants the following:

"(Name of applicant) is designated to be the common representative."

"If there is more than one applicant and the request does not refer to an agent representing all the applicants and it does not comply with the requirements of designating one of the applicants as provided in paragraph (a), the applicant first named in the request who is entitled to file an international application according to Article 9 shall be considered the common representative." (Rule 4.8 (b))

5 See Rules 53.2 (a) (ii) and 53.5 quoted in note 1 above. Also see Rules 4.4, 4.8 and 4.16 quoted in note 3 above.

"If agents are designated, the request shall state their names and addresses." (Rule 4.7)

6 See Rules 53.2 (a) (iv) and 53.7 quoted in note 1 above.

7 See Rules 53.2 (b) and 53.8 quoted in note 1 above.

**PATENT COOPERATION TREATY
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

IDENTIFICATION OF THE INTERNATIONAL APPLICATION ¹	
International Application No.	International Filing Date
Receiving Office	Priority Date Claimed
Applicant (Name)	

BASIS OF REPORT
<p>1. AMENDMENTS AND/OR CORRECTIONS¹ — The amendments and/or corrections made before this International Preliminary Examining Authority in respect of the claims, the description, and/or drawings in the above-identified international application are annexed to this report.</p> <p>a. <input type="checkbox"/> This report has been established on the basis of the claims as amended on the following date (s). (specify)</p> <p>b. <input type="checkbox"/> This report has been established as if the following noted amendments and/or corrections have not been made, since, for the indicated, they have been considered to go beyond the disclosure as filed. (specify)</p>
<p>2. PRIORITY¹</p> <p>a. This report has been established as if no priority has been claimed due to the failure to furnish within the prescribed time limit the requested:</p> <p><input type="checkbox"/> copy of the earlier application whose priority has been claimed.</p> <p><input type="checkbox"/> translation of the earlier application whose priority has been claimed.</p> <p>b. <input type="checkbox"/> This report has been established as if no priority has been claimed due to the fact that the priority claim has been found invalid.</p> <p>Thus, for the purposes of this report, the international filing date indicated above is considered the relevant date.</p>
<p>3. <input type="checkbox"/> UNITY OF INVENTION ⁴ — See the Supplemental Sheet for further details.</p>
<p>4. <input type="checkbox"/> NON-ESTABLISHMENT OF REPORT ON QUESTIONS OF NOVELTY, INVENTIVE STEP OR INDUSTRIAL APPLICABILITY ^{5,6,7} — See the Supplemental Sheet for further details.</p>

CLASSIFICATION OF SUBJECT MATTER (If several classification symbols apply, indicate all.) ⁸
According to International Patent Classification (IPC) or to both National Classification and IPC

NON-WRITTEN DISCLOSURES ¹²		Page ...
Kind of Non-Written Disclosure	Date of Written Disclosure referring to the Non-Written Disclosure	Date of Non-Written Disclosure

CERTAIN PUBLISHED DOCUMENTS ¹³			
Application/Patent	Date of Publication	Filing Date	Priority Date (Valid Claim)

CERTAIN DEFECTS IN THE INTERNATIONAL APPLICATION ¹⁴
The following defects in the form or contents of the international application have been noted.

CERTAIN OBSERVATIONS ON THE INTERNATIONAL APPLICATION ¹⁵
The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description have been noted.

CERTIFICATION	
Date Demand Submitted ¹⁶	Date of Completion of the International Preliminary Examination Report ¹⁷
Name and Address of the International Preliminary Examining Authority ¹	Signature of Authorized Officer of the International Preliminary Examining Authority ¹⁸

3. UNITY OF INVENTION ⁴ — The international application does not comply with the requirement of unity of invention.

a. In response to an invitation to restrict or pay additional fees the applicant has:

- restricted the claims.
- paid additional fees.
- paid additional fees under protest. Where requested by the applicant, the text of the protest together with the decision taken thereon are annexed to this report.
- neither restricted nor paid additional fees.

b. No invitation has been issued. The opinion of this International Preliminary Examining Authority is that the international application does not comply with the requirement of unity of invention for the following reasons. (specify)

c. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- all parts.
- the parts relating to the restricted claims, that is claims Nos. _____.
- the parts relating to the main invention, that is claims Nos. _____.

4. NON-ESTABLISHMENT OF REPORT ON QUESTIONS OF NOVELTY, INVENTIVE STEP OR INDUSTRIAL APPLICABILITY ⁵

The questions of whether the claimed invention appears to be novel, to involve an inventive step or to be industrially applicable have not for the reasons indicated been gone into in respect of:

a. the entire international application

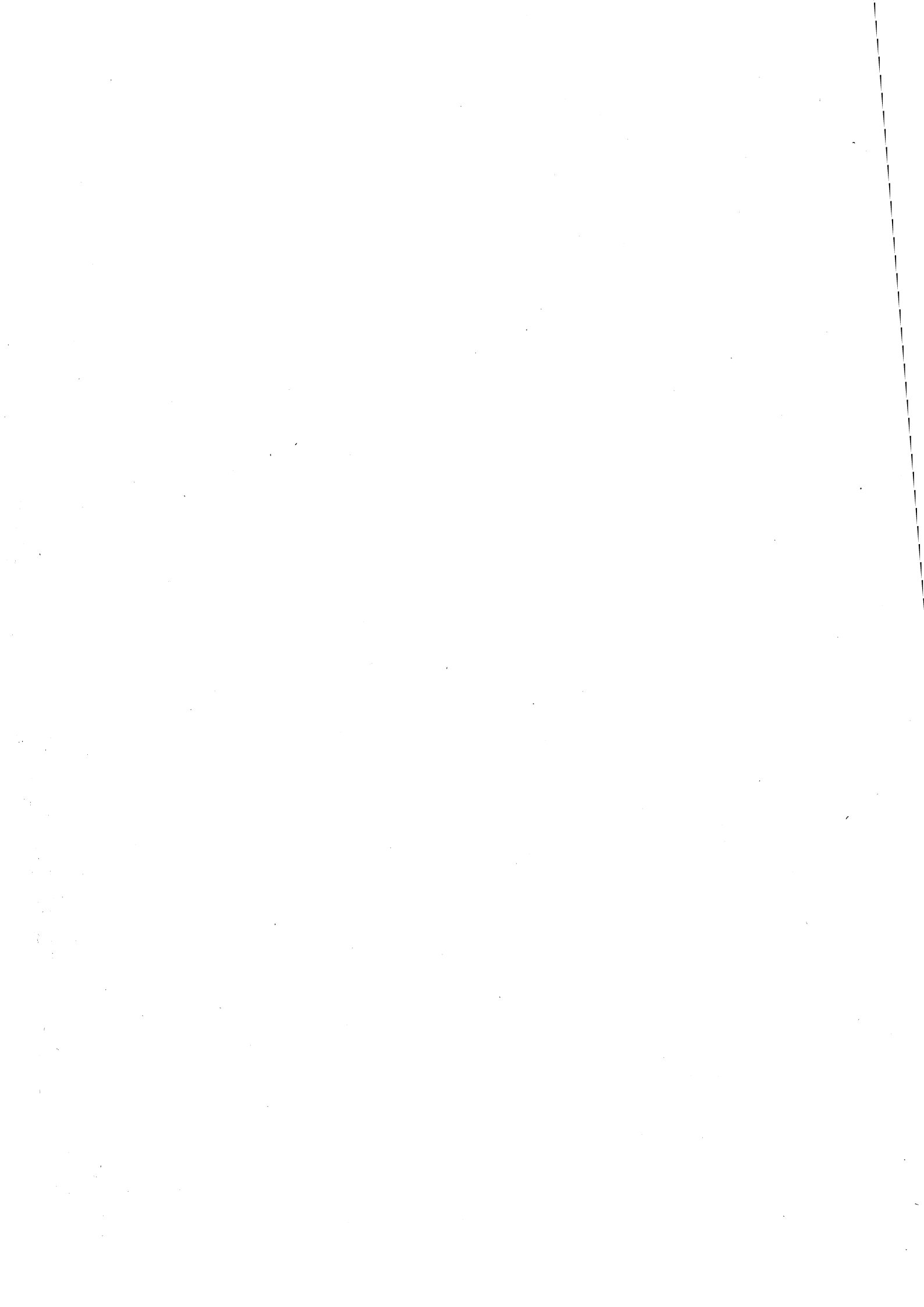
b. claims Nos. _____

for the following reasons:

Said international application, or said claims Nos. _____ relate to the following subject matter which does not require an international preliminary examination. ⁶ (specify)

The description, claims, or drawings (indicate particular elements) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed. ⁷

The claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed. ⁷



NOTES TO FORM PCT/IPEA/409

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

1 "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, the name of the receiving Office, and the international filing date. (Rule 70.3)

2 "If the claims have been amended, the report shall issue on the claims as amended." (Rule 70.2 (a))

"If the International Preliminary Examining Authority considers that any amendment goes beyond the disclosure in the international application as filed, the report shall be established as if such amendment had not been made, and the report shall so indicate. It shall also indicate the reasons why it considers that the amendment goes beyond the said disclosure." (Rule 70.2 (c))

"If, before the International Preliminary Examining Authority, amendments or corrections have been made, this fact shall be indicated in the report." (Rule 70.11)

"If the claims, the description, or the drawings, were amended or any part of the international application was corrected before the International Preliminary Examining Authority, each replacement sheet marked as provided in Rule 66.8 (b) shall be attached to the report as an annex thereto. Replacement sheets superseded by later replacement sheets shall not be attached. If the amendment is communicated in a letter, a copy of such letter shall also be annexed to the report." (Rule 70.16)

3 "If, pursuant to Rule 66.7 (c), the report is established as if the priority had not been claimed, the report shall so indicate." (Rule 70.2 (b))

"If the International Preliminary Examining Authority needs a copy of the application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy, provided that, where the request is made before the International Bureau has received the priority document under Rule 17.1 (a), the applicant shall furnish such copy to the International Bureau and directly to the International Preliminary Examining Authority." (Rule 66.7 (a))

"If the application whose priority is claimed is in a language other than the language or one of the languages of the International Preliminary Examining Authority, the applicant shall furnish, on invitation, a translation in the said language or one of the said languages." (Rule 66.7 (b))

"The copy to be furnished by the applicant under paragraph (a) and the translation referred to in paragraph (b) shall be furnished not later than by the expiration of 2 months from the date of the request or invitation. If they are not furnished within that time limit, the international preliminary examination report shall be established as if the priority had not been claimed." (Rule 66.7 (c))

4 "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." (Rule 70.13)

Rule 68 entitled "Lack of Unity of Invention (International Preliminary Examination)" reads as follows:

"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 establish the international preliminary examination report, subject to Article 34 (4) (b), in respect of the entire international application, but shall indicate, in the said report, that, in its opinion, the requirement of unity of invention is not fulfilled and shall specify the reasons for which the international application is not considered as complying with the requirement of unity of invention.

"68.2 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 to invite the applicant, at his option, to restrict the claims or to pay additional fees, it shall specify at least one possibility of restriction which, in the opinion of the International Preliminary Examining Authority, would be in compliance with the applicable requirement, and shall specify the amount of the additional fees and the reasons for which the international application is not considered as complying with the requirement of unity of invention. It shall, at the same time, fix a time limit, with regard to the circumstances of the case, for complying with the invitation; such time

limit shall not be shorter than 1 month, and it shall not be longer than 2 months, from the date of the invitation.

"68.3 Additional Fees

(a) The amount of the additional fee due for international preliminary examination under Article 34 (3) (a) shall be determined by the competent International Preliminary Examining Authority.

(b) The additional fee due for international preliminary examination under Article 34 (3) (a) shall be payable direct to the International Preliminary Examining Authority.

(c) Any applicant may pay the additional fee under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive. Such protest shall be examined by a three-member board or other special instance of the International Preliminary Examining Authority, or any competent higher authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fee. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the elected Offices as an annex to the international preliminary examination report.

(d) The three-member board, special instance or competent higher authority, referred to in paragraph (c), shall not comprise any person who made the decision which is the subject of the protest.

"68.4 Procedure in the Case of Insufficient Restriction of the Claims

If the applicant restricts the claims but not sufficiently to comply with the requirement of unity of invention, the International Preliminary Examining Authority shall proceed as provided in Article 34 (3) (c).

"68.5 Main Invention

In case of doubt which invention is the main invention for the purposes of Article 34 (3) (c), the invention first mentioned in the claims shall be considered the main invention."

5 "If the International Preliminary Examining Authority considers

(i) that the international application relates to a subject matter on which the International Preliminary Examining Authority is not required, under the Regulations, to carry out an international preliminary examination, and in the particular case decides not to carry out such examination, or

(ii) that the description, the claims, or the drawings, are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on the novelty, inventive step (non-obviousness), or industrial applicability, of the claimed invention,

the said Authority shall not go into the questions referred to in Article 33 (1) and shall inform the applicant of this opinion and the reasons therefor." (Article 34 (4) (a))

"If any of the situations referred to in subparagraph (a) is found to exist in, or in connection with, certain claims only, the provisions of that subparagraph shall apply only to the said claims." (Article 34 (4) (b))

"If, at the time of establishing the international preliminary examination report, the International Preliminary Examining Authority considers that any of the situations referred to in Article 34 (4) (a) exists, that report shall state this opinion and the reasons therefor..." (Article 35 (3) (a))

"If a situation under Article 34 (4) (b) is found to exist, the international preliminary examination report shall, in relation to the claims in question, contain the statement as provided in subparagraph (a), ..." (Article 35 (3) (b))

6 See Article 34 (4) (a) (i) and 34 (4) (b) in the preceding note and Rule 67 entitled "Subject Matter Under Article 34 (4) (a) (i)" which reads as follows:

"67.1 Definition

No International Preliminary Examining Authority shall be required to carry out an international preliminary examination on an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,
- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,
- (v) mere presentations of information,
- (vi) computer programs to the extent that the International Preliminary Examining Authority is not equipped to carry out an international preliminary examination concerning such programs."

7 See Article 34 (4) (a) (ii) in note 5 above.

8 "The report shall repeat the classification given under Rule 43.3 [classification of the subject matter in the International Search Report] if the International Preliminary Examining Authority agrees with such classification." (Rule 70.5 (a))

"Otherwise, the International Preliminary Examining Authority shall indicate in the report the classification, at least according to the International Patent Classification, which it considers correct." (Rule 70.5 (b))

9 "The international preliminary examination report shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law. It shall state, subject to the provisions of paragraph (3), in relation to each claim, whether the claim appears to satisfy the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined for the purposes of the international preliminary examination in Article 33 (1) to (4). The statement shall be accompanied by the citation of the documents believed to support the stated conclusion with such explanations as the circumstances of the case may require. The statement shall also be accompanied by such other observations as the Regulations provide for." (Article 35 (2))

"The statement referred to in Article 35 (2) shall consist of the words "YES" or "NO", or their equivalent in the language of the report, or some appropriate sign provided for in the Administrative Instructions, and shall be accompanied by the citations, explanations and observations, if any, referred to in the last sentence of Article 35 (2)." (Rule 70.6 (a))

"If any of the three criteria referred to in Article 35 (2) (that is, novelty, inventive step (non-obviousness), industrial applicability) is not satisfied, the statement shall be negative. If, in such a case, any of the criteria, taken separately, is satisfied, the report shall specify the criterion or criteria so satisfied." (Rule 70.6 (b))

10 See Article 35 (2) in the preceding note.

"The report shall cite the documents considered to be relevant for supporting the statements made under Article 35 (2)." (Rule 70.7 (a))

"The provisions of Rule 43.5 (b) and (e) shall apply also to the report." (Rule 70.7 (b))

"The method of identifying any cited document shall be regulated by the Administrative Instructions." (Rule 43.5 (b))

"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." (Rule 43.5 (e))

"Identification of any document cited in the International search report referred to in Rule 43.5 (b) shall be made by indicating the following elements in the order in which they are listed:

- (a) *In the case of any patent document* (patent documents being patents within the meaning of Article 2 (ii) as well as published applications relating thereto)
 - (i) the Office that issued the document, by the two-letter code as in *Annex B*;
 - (ii) the kind of document, by the appropriate symbols as in *Annex C*;
 - (iii) the number of the document as given to it by the Office that issued it;
 - (iv) the date of publication, as indicated on the patent document; and
 - (v) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.
- (b) *In the case of any book or other separately issued publication*
 - (i) the name of the author;
 - (ii) the title (including, where applicable, the number of the edition and/or volume);
 - (iii) the year, month and day of publication (where only less precise data appears on the book or other separately issued publication, such as the year and month, or only the year, then only such data as appear thereon need be indicated unless the complete data are readily available from an authoritative source);
 - (iv) the name of the publisher;
 - (v) the place of publication (where only the location of the publisher appears on the book or other separately issued publication, then that location shall be indicated as the place of publication;) and
 - (vi) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.
- (c) *In the case of any article published in a periodical or other serial publication*
 - (i) the title of the periodical or other serial publication;
 - (ii) the number of the volume and the date of the issue in which the article appears;
 - (iii) the place of publication (where only the location of the publisher appears in the periodical or other serial publication, then that location shall be indicated as the place of publication;) and
 - (iv) the author and the title of the article and the number of the page both on which the article starts and ends; and

(v) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.

(d) *In the case of abstracts*

- (i) the identification of the document containing the abstract in the manner set forth in paragraph (a), (b) or (c), respectively, depending upon whether the abstract is contained in a patent document, in a book or other separately issued publication, or in an article published in a periodical or other serial publication;
- (ii) in the case where the abstract is not published together with the full text document which served as its basis, the identification of the full text document on the basis of whatever bibliographic data may be available in respect thereto." (Section 503)

11 See Article 35 (2) in note 9 above.

"The Administrative Instructions shall contain guidelines for cases in which the explanations referred to in Article 35 (2) should or should not be given and the form of such explanations. Such guidelines shall be based on the following principles:

- (i) explanations shall be given whenever the statement in relation to any claim is negative;
- (ii) explanations shall be given whenever the statement is positive unless the reason for citing any document is easy to imagine on the basis of consultation of the cited document;
- (iii) generally, explanations shall be given if the case provided for in the last sentence of Rule 70.6 (b) obtains." (Rule 70.8)

"Explanations under Rule 70.8 shall clearly point out to which of the three criteria referred to in Article 35 (2), taken separately, any cited document is applicable and shall clearly describe, with reference to the cited documents, the reasons supporting the conclusion that any of the said criteria is or is not satisfied." (Section 604)

12 "Any non-written disclosure referred to in the report by virtue of Rule 64.2 shall be mentioned by indicating its kind, the date on which the written disclosure referring to the non-written disclosure was made available to the public, and the date on which the non-written disclosure occurred in public." (Rule 70.9)

"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 after 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." (Rule 64.2)

13 "Any published application or any patent referred to in the report by virtue of Rule 64.3 shall be mentioned as such and shall be accompanied by an indication of its date of publication, of its filing date, and its claimed priority date (if any). In respect of the priority date of any such document, the report may indicate that, in the opinion of the International Preliminary Examining Authority, such date has not been validly claimed." (Rule 70.10)

"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, as such, after 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 64.3)

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

- (i) the international application contains any of the defects referred to in Rule 66.2 (a) (iii) [defect in the form or contents of the international application under the Treaty or the Regulations thereunder], it shall include this opinion and the reasons therefor in the report;
- (ii) the international application calls for any of the observations referred to in Rule 66.2 (a) (v) [observations on the clarity of the claims, the description, and the drawings or the question whether the claims are fully supported by the description], it may include this opinion in the report and, if it does, it shall also indicate in the report the reasons for such opinion." (Rule 70.12)

15 See Rule 70.12 (ii) in the preceding note.

16 "The report shall indicate:

- (i) the date on which the demand was submitted, and
- (ii) the date of the report; that date shall be the date on which the report is completed." (Rule 70.4)

17 See Rule 70.4 (ii) in the preceding note.

18 "The report shall be signed by an authorized officer of the International Preliminary Examining Authority." (Rule 70.14)

WRITTEN OPINION (Continued)

IV. CITATIONS AND EXPLANATIONS IN REGARD TO NOVELTY, INVENTIVE STEP AND INDUSTRIAL APPLICABILITY OF CLAIMS⁽⁹⁾

No. of Claim / Relevant Supporting Documents Cited/ Explanation

V. CERTAIN DEFECTS IN THE INTERNATIONAL APPLICATION⁽¹⁰⁾

The following defects in the form or contents of the above-identified international application under the Treaty or the Regulations have been noted.

VI. CERTAIN OBSERVATIONS ON THE INTERNATIONAL APPLICATION⁽¹¹⁾

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, have been noted.

APPLICANT IS INVITED⁽¹²⁾ TO SUBMIT A WRITTEN REPLY ACCOMPANIED BY AMENDMENTS OR CORRECTIONS⁽¹³⁾, WHERE APPROPRIATE, WITHIN _____ (MONTHS) (DAYS)⁽¹⁴⁾ OF THE DATE OF MAILING INDICATED ON THE PREVIOUS PAGE.

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address

Authorized Officer

NOTES TO FORM PCT/IPEA/408 (Continued)

Rule 67 entitled "Subject Matter Under Article 34(4)(a)(i)" reads as follows:

"No International Preliminary Examining Authority shall be required to carry out an international preliminary examination on an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,
- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,
- (v) mere presentations of information,
- (vi) computer programs to the extent that the International Preliminary Examining Authority is not equipped to carry out an international preliminary examination concerning such programs."

(7) See Rule 66.2(a)(i) in note (2) above and Article 34(4)(a)(ii) in note (6) above.

(8) See Rule 66.2(a)(ii) in note (2) above.

(9) See Rules 66.2(a)(ii) and 66.2(b) in note (2) above.

(10) See Rule 66.2(a)(iii) in note (2) above.

(11) See Rule 66.2(a)(v) in note (2) above.

(12) "The notification shall invite the applicant to submit a written reply together, where appropriate, with amendments or corrections." (Rule 66.2(c))

(13) "The applicant may respond to the invitation referred to in Rule 66.2(c) of the International Preliminary Examining Authority by making amendments or corrections or - if he disagrees with the opinion of that Authority - by submitting arguments, as the case may be, or do both." (Rule 66.3(a))

"Any response shall be submitted directly to the International Preliminary Examining Authority." (Rule 66.3(b))

"The applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of a correction or amendment, differs from the sheet originally filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter." (Rule 66.8(a))

(14) "The notification shall fix a time limit for the reply. The time limit shall be reasonable under the circumstances. It shall normally be 2 months after the date of notification. In no case shall it be shorter than 1 month after the said date. It shall be at least 2 months after the said date where the international search report is transmitted at the same time as the notification. In no case shall it be more than 3 months after the said date." (Rule 66.2(d))

"When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month." (Rule 80.2)

"When a period is expressed as a certain number of days, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire on the day on which the last day of the count has been reached." (Rule 80.3)

NOTES TO FORM PCT/IPEA/408 (Continued)

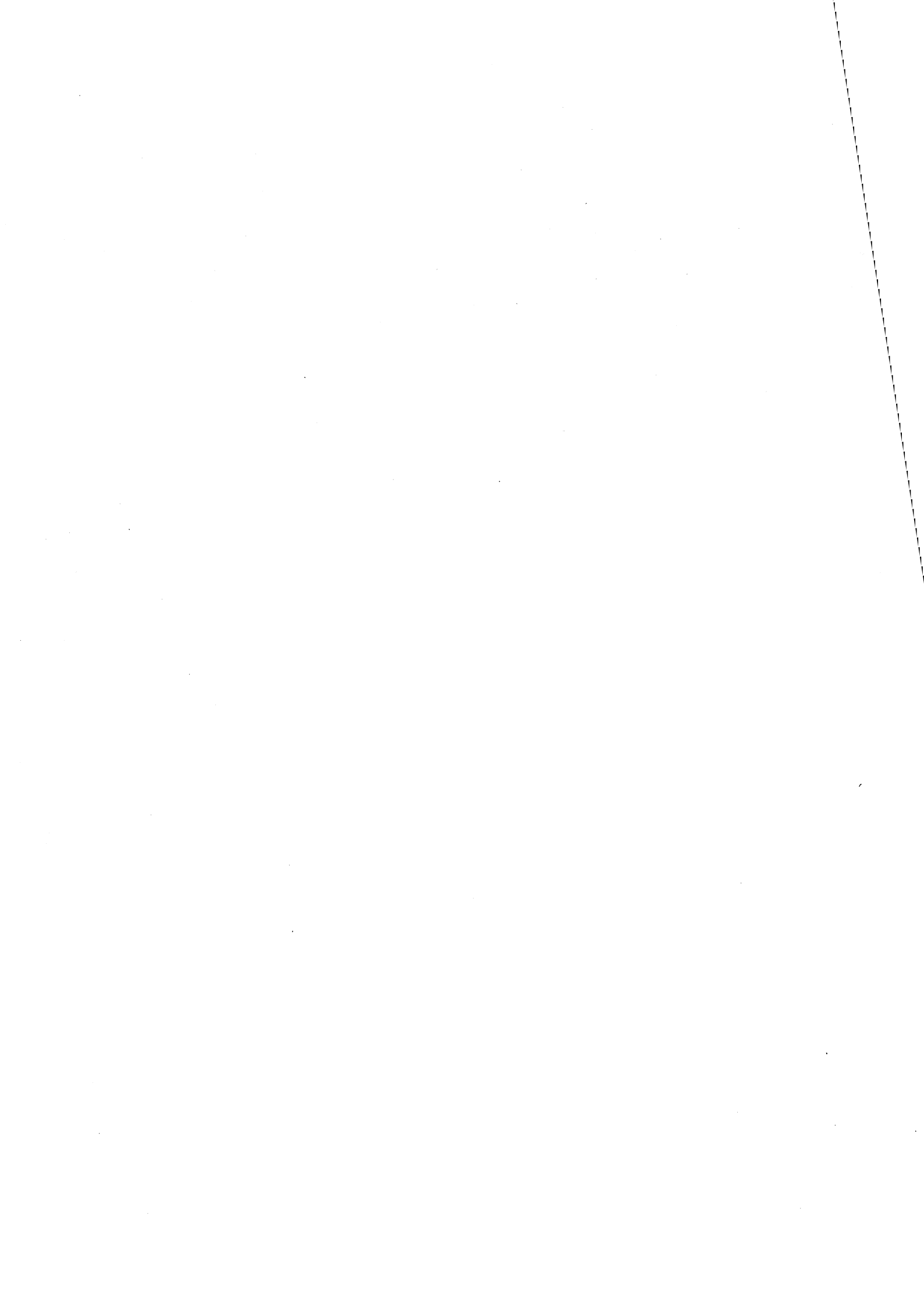
"The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred." (Rule 80.4(a))

"The date on which any period expires shall be the date which prevails in the locality in which the required document must be filed or the required fee must be paid." (Rule 80.4(b))

"If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day on which such Office or organization is not open to the public for the purposes of the transaction of official business, or on which ordinary mail is not delivered in the locality in which such Office or organization is situated, the period shall expire on the next subsequent day on which neither of the said two circumstances exists." (Rule 80.5)

"A period expiring on a given day shall expire at the moment the national Office or intergovernmental organization with which the document must be filed or to which the fee must be paid closes for business on that day." (Rule 80.7(a))

"Any Office or organization may depart from the provisions of paragraph (a) up to midnight on the relevant day." (Rule 80.7(b))



PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

REQUEST FOR THE PRODUCTION OF PROOF

issued pursuant to PCT Rule 83

IN ITS CAPACITY AS A RECEIVING OFFICE

DATE OF MAILING
by the International Preliminary Examining Authority

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

International Application No.	International Filing Date
-------------------------------	---------------------------

Applicant (Name)

REQUEST

This International Preliminary Examining Authority refers to Article 49 and Rule 83.2 and hereby requests the addressee in its capacity as Receiving Office, to inform it whether

..... (Name)
..... (Address)
.....

has the right to practice before it.

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address	Authorized Officer
--------------------------	--------------------

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

INVITATION TO REQUEST RECTIFICATION

Issued pursuant to PCT Rule 91.1(d), second sentence⁽²⁾

DATE OF MAILING

by the International Preliminary Examining Authority

Inscribe NAME and ADDRESS of the AGENT and if there
is no agent, of the APPLICANT⁽¹⁾

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

International Application No.

International Filing Date

Applicant (Name)

INVITATION

This International Preliminary Examining Authority has discovered in the above-identified international application/in other papers submitted by the applicant what appears to be an obvious error of transcription as specified hereafter:⁽²⁾

THE APPLICANT IS HEREBY INVITED TO REQUEST THE RECTIFICATION OF THE SAID ERROR.⁽²⁾

The request for rectification is to be submitted to:⁽³⁾

- the Receiving Office (at the following address)
- the International Searching Authority (at the following address)
- the International Bureau (at the following address)
WIPO
32 chemin des Colombettes
1211 Geneva 20
Switzerland
- this International Preliminary Examining Authority

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address

Authorized Officer

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

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

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

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

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

(2) Rule 91 entitled "Obvious Errors of Transcription" reads as follows:

"91.1 Rectification

(a) Subject to paragraphs (b) to (g), obvious errors of transcription in the international application or other papers submitted by the applicant may be rectified.

(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 of transcription. The rectification itself shall be obvious in the sense that anyone would immediately realize that nothing else could have been intended than what is offered as rectification.

(c) Omissions of entire elements or 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) Rectification may be made on the request of the applicant. The authority having discovered what appears to be an obvious error of transcription may invite the applicant to present a request for rectification as provided in paragraphs (e) to (g).

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

(i) of the receiving Office if the error is in the request,

(ii) of the International Searching Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority,

(iii) of the International Preliminary Examining Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority, and

(iv) of the International Bureau if the error is in any paper, other than the international application or amendments or corrections to that application, submitted to the International Bureau.

(f) The date of the authorization shall be recorded in the files of the international application.

(g) The authorization for rectification referred to in paragraph (e) may be given until the following events occur:

(i) in the case of authorization given by the receiving Office and the International Bureau, the communication of the international application under Article 20;

(ii) in the case of authorization given by the International Searching Authority, the establishment of the international search report or the making of a declaration under Article 17(2)(a);

(iii) in the case of authorization given by the International Preliminary Examining Authority, the establishment of the international preliminary examination report.

(h) Any authority, other than the International Bureau, which authorizes any rectification shall promptly inform the International Bureau of such rectification."

(3) See Rule 91.1(e) quoted in the preceding note.

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

**NOTIFICATION CONCERNING REQUEST FOR
RECTIFICATION**

issued pursuant to PCT Administrative Instructions,
Section 109⁽³⁾

Inscribe NAME and ADDRESS of the AGENT and if there
is no agent, of the APPLICANT⁽¹⁾

DATE OF MAILING
by the International Preliminary Examining Authority

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

International Application No.

International Filing Date

Applicant (Name)

NOTIFICATION

The applicant is hereby notified that this International Preliminary Examining Authority has considered the request for rectifying "Obvious Errors of Transcription"⁽²⁾ in the above-identified international application/in other papers submitted by the applicant and that it has decided:

1. to authorize the rectification which is:⁽³⁾

- attached on applicant's request.
- set forth as follows:

2. to refuse to authorize the rectification for the following reasons:⁽³⁾

A copy of this notification has been sent⁽⁴⁾ to the:

- International Bureau in the case where rectification was authorized.

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address

Authorized Officer

NOTES TO FORM PCT/IPEA/412

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

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

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

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

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

(2) Rule 91 entitled "Obvious Errors of Transcription" reads as follows:

"91.1 Rectification"

(a) Subject to paragraphs (b) to (g), obvious errors of transcription in the international application or other papers submitted by the applicant may be rectified.

(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 of transcription. The rectification itself shall be obvious in the sense that anyone would immediately realize that nothing else could have been intended than what is offered as rectification.

(c) Omissions of entire elements or 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) Rectification may be made on the request of the applicant. The authority having discovered what appears to be an obvious error of transcription may invite the applicant to present a request for rectification as provided in paragraphs (e) to (g).

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

(i) of the receiving Office if the error is in the request,

(ii) of the International Searching Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority,

(iii) of the International Preliminary Examining Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority, and

(iv) of the International Bureau if the error is in any paper, other than the international application or amendments or corrections to that application, submitted to the International Bureau.

(f) The date of the authorization shall be recorded in the files of the international application.

(g) The authorization for rectification referred to in paragraph (e) may be given until the following events occur:

(i) in the case of authorization given by the receiving Office and the International Bureau, the communication of the international application under Article 20;

(ii) in the case of authorization given by the International Searching Authority, the establishment of the international search report or the making of a declaration under Article 17(2)(a);

(iii) in the case of authorization given by the International Preliminary Examining Authority, the establishment of the international preliminary examination report.

(h) Any authority, other than the International Bureau, which authorizes any rectification shall promptly inform the International Bureau of such rectification.

(3) "Any International Authority which authorizes or refuses rectification of obvious errors of transcription under Rule 91 shall promptly inform the applicant of such authorization or refusal and, in the case of refusal, of the reasons therefor." (Section 109)

(4) See Rule 91.1(h) quoted in note (2) above.

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

NOTIFICATION OF TRANSMITTAL OF
REQUESTED COPIES OF DOCUMENTS IN FILE
issued pursuant to PCT Rule 94.1⁽²⁾

DATE OF MAILING
by the International Preliminary Examining Authority

Inscribe NAME and ADDRESS of the AGENT and if there is no
no agent, of the APPLICANT⁽¹⁾ or of the AUTHORIZED PERSON⁽²⁾

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

International Application No.

International Filing Date

Applicant (Name)

NOTIFICATION

This International Preliminary Examining Authority, in response to
the request received, transmits herewith _____ (number of)
copies of the following documents contained in the file of the
above-identified international application.⁽²⁾

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address

Authorized Officer

NOTES TO FORM PCT/IPEA/413

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

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

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

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

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

(2) "At the request of the applicant or any person authorized by the applicant, the International Bureau and the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in the file of the applicant's international application or purported international application." (Rule 94.1)

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

INVITATION TO FURNISH COPY OF PRIORITY DOCUMENT AND TRANSLATION

issued pursuant to PCT Rules 66.7(a), (b)⁽²⁾

Inscribe NAME and ADDRESS of the AGENT and if there is no agent, of the APPLICANT⁽¹⁾

DATE OF MAILING
by the International Preliminary Examining Authority

IDENTIFICATION OF THE INTERNATIONAL APPLICATION	
International Application No.	International Filing Date
Applicant (Name)	

INVITATION

This International Preliminary Examining Authority hereby requests that the applicant furnish it with the following indicated document:

1. A copy of the earlier application whose priority is claimed in the above-identified international application.⁽³⁾
2. A translation into _____ (language) of the earlier application whose priority is claimed in the above-identified international application.⁽⁴⁾

THE APPLICANT IS HEREBY INVITED TO FURNISH THE TRANSLATION OR COPY OF THE EARLIER APPLICATION WITHIN 2 MONTHS FROM THE DATE OF MAILING INDICATED ABOVE.⁽⁵⁾ WHERE A TRANSLATION IS REQUESTED, IT SHALL BE FURNISHED TO THIS INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY.⁽⁶⁾ WHERE A COPY OF THE EARLIER APPLICATION IS REQUESTED, IT SHALL, UNLESS ALREADY FURNISHED TO THE INTERNATIONAL BUREAU, BE FURNISHED TO BOTH THIS INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY AND THE INTERNATIONAL BUREAU.⁽⁷⁾ FAILURE TO FURNISH THE REQUESTED DOCUMENT WITHIN THIS TIME LIMIT SHALL RESULT IN THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT BEING ESTABLISHED AS IF THE PRIORITY HAD NOT BEEN CLAIMED.⁽⁵⁾

Computation of the time limit starts on the day following the date of mailing of the present invitation.⁽⁸⁾ Within this time limit the requested document has to reach this International Preliminary Examining Authority.

A copy of this invitation has been sent⁽²⁾ to the:

International Bureau

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY	
Name and Mailing Address	Authorized Officer

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

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

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

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

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

(2) "If the International Preliminary Examining Authority needs a copy of the application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy, provided that, where the request is made before the International Bureau has received the priority document under Rule 17.1(a), the applicant shall furnish such copy to the International Bureau and directly to the International Preliminary Examining Authority." (Rule 66.7(a))

"If the application whose priority is claimed is in a language other than the language or one of the languages of the International Preliminary Examining Authority, the applicant shall furnish, on invitation, a translation in the said language or one of the said languages." (Rule 66.7(b))

(3) See Rule 66.7(a) quoted in the preceding note.

(4) See Rule 66.7(b) quoted in note (2) above.

(5) "The copy to be furnished by the applicant under paragraph (a) and the translation referred to in paragraph (b) shall be furnished not later than by the expiration of 2 months from the date of the request or invitation. If they are not furnished within that time limit, the international preliminary examination report shall be established as if the priority had not been claimed." (Rule 66.7(c))

(6) See Rule 66.7(b) quoted in note (2) above.

(7) See Rule 66.7(a) quoted in note (2) above.

(8) "When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month." (Rule 80.2)

"The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred." (Rule 80.4(a))

"The date on which any period expires shall be the date which prevails in the locality in which the required document must be filed or the required fee must be paid." (Rule 80.4(b))

"If the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day on which such Office or organization is not open to the public for the purposes of the transaction of official business, or on which ordinary mail is not delivered in the locality in which such Office or organization is situated, the period shall expire on the next subsequent day on which neither of the said two circumstances exists." (Rule 80.5)

"A period expiring on a given day shall expire at the moment the national Office or intergovernmental organization with which the document must be filed or to which the fee must be paid closes for business on that day." (Rule 80.7(a))

"Any Office or organization may depart from the provisions of paragraph (a) up to midnight on the relevant day." (Rule 80.7(b))

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

WIPO
32, chemin des Colombettes
1211 Geneva 20
Switzerland

**NOTIFICATION CONCERNING
DOCUMENTS TRANSMITTED**

issued pursuant to PCT Rules 61.1(a)
71.1, and 71.2(c)

DATE OF MAILING

by the International Preliminary Examining Authority

IN ITS CAPACITY AS INTERNATIONAL BUREAU

NOTIFICATION

This International Preliminary Examining Authority transmits herewith the following indicated types of documents and numbers thereof:

1. _____ (number of) copies of Demands. (Rule 61.1(a))
2. _____ (number of) copies of international preliminary examination reports and their annexes. (Rule 71.1)
3. _____ (number of) copies of documents cited in the international preliminary examination reports and not cited in the international search reports. (Rule 71.2)

Attached is a list identifying each document transmitted by the type of document it is, and by the corresponding international application number, the international filing date and the name of the applicant.

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address

Authorized Officer



Type of Document	International Application No.	International Filing Date	Applicant

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT
issued pursuant to PCT Rule 71.1⁽²⁾

Inscribe NAME and ADDRESS of the AGENT and if there is no agent, of the APPLICANT ⁽¹⁾

DATE OF MAILING
by the International Preliminary Examining Authority

IDENTIFICATION OF THE INTERNATIONAL APPLICATION	
International Application No.	International Filing Date
Applicant (Name)	

NOTIFICATION

The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the above-identified international application.⁽²⁾

The attention of the applicant is drawn to the fact that if the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the applicant shall furnish a copy of the international application (unless already furnished by the International Bureau), a translation thereof, as prescribed, and pay the national fee (if any) to each Elected Office not later than 25 months from the priority date.⁽³⁾ For elections effected after the expiration of the 19th month the time limits applicable for furnishing a copy of the international application and a translation thereof and paying the fees are set forth in Article 22(1) and (3).⁽⁴⁾ Regardless of when the election is made the name of the inventor (if required) must be furnished in accordance with Article 22(1).⁽⁵⁾

A copy of the report and its annexes, if any, has this same day also been transmitted to the:⁽²⁾

International Bureau

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY	
Name and Mailing Address	Authorized Officer

NOTES TO FORM PCT/IPEA/416

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

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

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

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

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

(2) "The International Preliminary Examining Authority shall, on the same day, transmit one copy of the international preliminary examination report and its annexes, if any, to the International Bureau, and one copy to the applicant." (Rule 71.1)

(3) "If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 22 shall not apply to such State and the applicant shall furnish a copy of the international application (unless the communication under Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each elected Office not later than at the expiration of 25 months from the priority date." (Article 39(1)(a))

"Any national law may, for performing the acts referred to in subparagraph (a), fix time limits which expire later than the time limit provided for in that subparagraph." (Article 39(1)(b))

(4) "The applicant shall furnish a copy of the international application (unless the communication provided for in Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each designated Office not later than at the expiration of 20 months from the priority date. Where the national law of the designated State requires the indication of the name of and other prescribed data concerning the inventor but allows that these indications be furnished at a time later than that of the filing of a national application, the applicant shall, unless they were contained in the request, furnish the said indications to the national Office of or acting for that State not later than at the expiration of 20 months from the priority date." (Article 22(1))

"Any national law may, for performing the acts referred to in paragraphs (1) or (2), fix time limits which expire later than the time limits provided for in those paragraphs." (Article 22(3))

(5) See Article 22(1) quoted in the preceding note.

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

NOTIFICATION OF TRANSMITTAL OF
REQUESTED COPIES OF CITED DOCUMENTS
issued pursuant to PCT Article 36(4)⁽²⁾

Inscribe NAME and ADDRESS of the AGENT, and if there is
no agent, of the APPLICANT.⁽¹⁾ If the request is made
by an ELECTED OFFICE, inscribe NAME and ADDRESS of such
Office.⁽²⁾

DATE OF MAILING
by the International Preliminary Examining Authority

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

International Application No.

International Filing Date

Applicant (Name)

NOTIFICATION

This International Preliminary Examining Authority, in response to the
request received, transmits herewith _____ (number of) copies of
the documents listed below. These documents were cited in the Inter-
national Preliminary Examination Report established on the above-
identified international application but were not cited in the
International Search Report.⁽²⁾

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address

Authorized Officer

NOTES TO FORM PCT/IPEA/417

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

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

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

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

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

(2) "The provisions of Article 20(3) shall apply, mutatis mutandis, to copies of any document which is cited in the international preliminary examination report and which was not cited in the international search report." (Article 36(4))

"At the request of the designated Office or the applicant, the International Searching Authority shall send to the said Office or the applicant, respectively, copies of the documents cited in the international search report, as provided in the Regulations." (Article 20(3))

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

**NOTIFICATION THAT APPLICANT IS NOT
ENTITLED TO MAKE A DEMAND FOR INTER-
NATIONAL PRELIMINARY EXAMINATION**

issued pursuant to PCT Rules 54.1, 54.2⁽²⁾ and Administrative
Instructions, Section 601(a)⁽³⁾

Inscribe NAME and ADDRESS of the AGENT and if there
is no agent, of the APPLICANT⁽¹⁾

DATE OF MAILING
by the International Preliminary Examining Authority

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

International Application No.

International Filing Date

Applicant (Name)

NOTIFICATION

The applicant is hereby notified that this International Preliminary Examining Authority has determined that the right to make a demand for international preliminary examination of the above-identified international application does not exist since the applicant is not, or in the case of several applicants, none of the applicants is:

1. a resident or national of a Contracting State bound by Chapter II and whose international application has been filed as provided in Article 31(2) (a).⁽⁴⁾ (specify)

2. a person entitled to make a Demand under Article 31(2) (b) and whose international application has been filed as provided in the decision of the Assembly.⁽⁵⁾ (specify)

A copy of this notification has been sent⁽³⁾ to the:

International Bureau

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address

Authorized Officer

NOTES TO FORM PCT/IPEA/418

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

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

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

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

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

(2) "Any applicant who is a resident or national, as defined in the Regulations, of a Contracting State bound by Chapter II, and whose international application has been filed with the receiving Office of or acting for such State, may make a demand for international preliminary examination." (Article 31(2)(a))

"The Assembly may decide to allow persons entitled to file international applications to make a demand for international preliminary examination even if they are residents or nationals of a State not party to this Treaty or not bound by Chapter II." (Article 31(2)(b))

"The residence or nationality of the applicant shall, for the purposes of Article 31(2), be determined according to Rules 18.1 and 18.2." (Rule 54.1)

"If all the applicants are applicants for the purposes of all elected States, the right to make a demand under Article 31(2) shall exist if at least one of them is

(i) a resident or national of a Contracting State bound by Chapter II and the international application has been filed as provided in Article 31(2)(a), or

(ii) a person entitled to make a demand under Article 31(2)(b) and the international application has been filed as provided in the decision of the Assembly." (Rule 54.2)

(3) "Where the International Preliminary Examining Authority finds that the applicant is not entitled under Article 31(2) or, where there are several applicants, that none of the applicants is entitled under Rule 54.2 to make a demand, the International Preliminary Examining Authority shall notify both the applicant or applicants and the International Bureau accordingly." (Section 601(a))

(4) See Rule 54.2(i) quoted in note (2) above.

(5) See Rule 54.2(ii) quoted in note (2) above.

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

NOTIFICATION THAT APPLICANT IS NOT ENTITLED TO ELECT CERTAIN STATES

issued pursuant to PCT Rule 54.3⁽²⁾ and Administrative
Instructions, Section 601(b)⁽³⁾

Inscribe NAME and ADDRESS of the AGENT and if there
is no agent, of the APPLICANT ⁽¹⁾

DATE OF MAILING
by the International Preliminary Examining Authority

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

International Application No.

International Filing Date

Applicant (Name)

NOTIFICATION

With reference to the above-identified international application,
the applicants indicated for the following elected States: (specify)

are hereby notified that they are not entitled to elect such States
since none of the applicants indicated for the purposes of such
States is:

1. a resident or national of a Contracting State
bound by Chapter II and whose international
application has been filed as provided in
Article 31(2)(a).⁽⁴⁾ (specify)

2. a person entitled to make a demand under
Article 31(2)(b) and whose international
application has been filed as provided in
the decision of the Assembly.⁽⁵⁾ (specify)

CONSEQUENTLY, THIS INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
CONSIDERS THE ELECTION OF THE STATES INDICATED ABOVE NOT TO HAVE
BEEN MADE.⁽⁶⁾

A copy of this notification has been sent⁽³⁾ to the:

International Bureau

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address

Authorized Officer

NOTES TO FORM PCT/IPEA/419

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

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

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

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

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

(2) "For the purposes of different elected States, different applicants may be indicated, provided that, in respect of each elected State, at least one of the applicants for the purposes of that State is

(i) a resident or national of a Contracting State bound by Chapter II and the international application has been filed as provided in Article 31(2)(a), or

(ii) a person entitled to make a demand under Article 31(2)(b) and the international application has been filed as provided in the decision of the Assembly." (Rule 54.3(a))

"If the requirement under paragraph (a) is not fulfilled in respect of any elected State, the election of that State shall be considered not to have been made." (Rule 54.3(b))

(3) "Where the International Preliminary Examining Authority finds that, in the case of different applicants for different elected States, none of the applicants indicated for the purposes of a given elected State is entitled under Rule 54.3 to make a demand and that therefore the election of that State shall be considered not to have been made, the International Preliminary Examining Authority shall notify accordingly both the applicant or applicants so indicated and the International Bureau." (Section 601(b))

(4) See Rule 54.3(a)(i) quoted in note (2) above.

(5) See Rule 54.3(a)(ii) quoted in note (2) above.

(6) See Rule 54.3(b) quoted in note (2) above.

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

NOTIFICATION OF DECISION ON PROTEST

issued pursuant to PCT Rule 68.3(c)⁽²⁾ and Administrative
Instructions, Section 603⁽³⁾

Inscribe NAME and ADDRESS of the AGENT and if there
is no agent, of the APPLICANT⁽¹⁾

DATE OF MAILING

by the International Preliminary Examining Authority

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

International Application No.

International Filing Date

Applicant (Name)

NOTIFICATION

The applicant is hereby notified that this International Preliminary
Examining Authority, after having examined the protest on the payment
of additional fees,⁽²⁾ has reached the decision⁽³⁾ indicated below:

1. The protest is found justified to the extent that:
 - a. total reimbursement of the additional fees has been ordered
and will be made in due course.
 - b. partial reimbursement in the amount of _____ has been
ordered and will be made in due course for the reasons ex-
pressed below.
2. The protest is found unjustified and requirement of payment
of additional fees is upheld for the following reasons:

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address

Authorized Officer

NOTES TO FORM PCT/IPEA/420

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

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

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

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

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

(2) "Any applicant may pay the additional fee under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive. Such protest shall be examined by a three-member board or other special instance of the International Preliminary Examining Authority, or any competent higher authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fee. On the request of the applicant, the text of both the protest and decision thereon shall be notified to the elected Offices as an annex to the international preliminary examination report." (Rule 68.3(c))

(3) "The International Preliminary Examining Authority shall transmit to the applicant, at the latest together with the international preliminary examination report, any decision which it has taken under Rule 68.3(c) on the protest of the applicant against payment of the additional fee. At the same time, it shall transmit to the International Bureau a copy of both the protest and the decision thereon, as well as any request by the applicant to forward the texts of both the protest and the decision thereon to any of the elected Offices." (Section 603)

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

**INVITATION TO PAY FOR REQUESTED
COPIES OF CITED DOCUMENTS**

issued pursuant to PCT Rule 71.2(b)⁽³⁾

Inscribe NAME and ADDRESS of the AGENT and if there is no agent, of the APPLICANT.⁽¹⁾ If the request is made by an ELECTED OFFICE, inscribe NAME and ADDRESS of such Office.⁽²⁾

DATE OF MAILING
by the International Preliminary Examining Authority

IDENTIFICATION OF THE INTERNATIONAL APPLICATION

International Application No.	International Filing Date
Applicant (Name)	

INVITATION

This International Preliminary Examining Authority will, upon receipt of payment in the amount of _____, promptly transmit the requested _____ (number of) copies of the documents which were cited in the international preliminary examination report established on the above-identified international application and which were not cited in the international search report.⁽²⁾

THE REQUESTER IS HEREBY INVITED TO MAKE PAYMENT BY CHEQUE, POSTAL MONEY ORDER, BANK DRAFT, CASH, REVENUE STAMPS, DEBITING DEPOSIT ACCOUNT NO. _____, COUPONS, ETC. TO THE ACCOUNT OF, ACCOUNT INDICATED BELOW OF, ORDER OF THIS INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY.⁽³⁾

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Name and Mailing Address	Authorized Officer
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NOTES TO FORM PCT/IPEA/421

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

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

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

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

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

(2) "The provisions of Article 20(3) shall apply, mutatis mutandis, to copies of any document which is cited in the international preliminary examination report and which was not cited in the international search report." (Article 36(4))

"At the request of the designated Office or the applicant, the International Searching Authority shall send to the said Office or the applicant, respectively, copies of the documents cited in the international search report, as provided in the Regulations." (Article 20(3))

(3) "The International Preliminary Examining Authority may require that the party (applicant or elected Office) presenting the request pay to it the cost of preparing and mailing the copies. The level of the cost of preparing copies shall be provided for in the agreements referred to in Article 32(2) between the International Preliminary Examining Authorities and the International Bureau." (Rule 71.2(b))

PATENT COOPERATION TREATY

TO

FROM the INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY
identified at the bottom of this page

INVITATION TO PAY FOR REQUESTED
COPIES OF DOCUMENTS IN FILE

issued pursuant to PCT Rule 94.1⁽²⁾

Inscribe NAME and ADDRESS of the AGENT and if there is no agent, of the APPLICANT⁽¹⁾ or of the AUTHORIZED PERSON⁽²⁾

DATE OF MAILING
by the International Preliminary Examining Authority

IDENTIFICATION OF THE INTERNATIONAL APPLICATION	
International Application No.	International Filing Date
Applicant (Name)	

INVITATION

This International Preliminary Examining Authority will, upon receipt of payment in the amount of _____, promptly transmit the requested _____ (number of) copies of the documents contained in the file of the above-identified international application. ⁽²⁾

THE REQUESTER IS HEREBY INVITED TO MAKE PAYMENT BY CHEQUE, POSTAL MONEY ORDER, BANK DRAFT, CASH, REVENUE STAMPS, DEBITING DEPOSIT ACCOUNT NO. _____, COUPONS, ETC. TO THE AMOUNT OF, ACCOUNT INDICATED BELOW OF, ORDER OF THIS INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY.

THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY	
Mailing Address	Authorized Officer

NOTES TO FORM PCT/IPEA/422

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

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

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(2) Rule 94 entitled "Furnishing of Copies by the International Bureau and the International Preliminary Examining Authority" reads as follows:

"94.1 Obligation to Furnish

At the request of the applicant or any person authorized by the applicant, the International Bureau and the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in the file of the applicant's international application or purported international application."