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**PATENT COOPERATION TREATY**

**INTERIM ADVISORY COMMITTEE FOR ADMINISTRATIVE QUESTIONS**

**WORKING GROUP ON FORMS**

First Session: Geneva, September 9 to 13, 1974

DRAFT FORMS

UNDER THE PCT ADMINISTRATIVE INSTRUCTIONS

(PART III)

prepared by the International Bureau

SUMMARY

This document contains printed drafts of four forms of particular importance. These are the Request, the International Search Report, the Demand and the International Preliminary Examination Report. The use of these forms has been facilitated by the addition of notes which set forth the relevant PCT provisions. In designing these forms, questions of layout have been given detailed consideration.

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INTRODUCTIONBackground

1. The PCT Interim Advisory Committee for Administrative Questions (hereinafter referred to as "the Interim Committee"), in its fourth session in October 1973 in Tokyo, Japan, considered a second printed draft of the Request form and the International Search Report form. A first printed draft of these two forms had earlier been considered by the Standing Subcommittee of the PCT Interim Committee for Technical Cooperation.
2. The Interim Committee in its fourth session took the decision to refer further consideration of the printed drafts of the PCT forms to the Working Group on Forms which it established. The members of the Interim Committee were invited, however, to submit to the International Bureau, prior to March 1974, any observations they might have on such printed drafted forms.
3. The written observations submitted by the members of the Interim Committee were considered in the preparation of the forms contained in this document.

General Comments on the Printed Forms

4. In addition to the two previously printed forms, the Request form and the International Search Report form, both of which have been substantially revised, this document contains two additional forms, i.e. the Demand form and the International Preliminary Examination Report form, which are presented in a printed format for the first time.
5. All the printed forms are now accompanied by notes which contain the relevant PCT provisions upon which the contents of the forms are based. The forms contain footnote numbers which are keyed into these notes to aid both the person filling in the form as well as the reader of the completed form in understanding the particular footnoted elements.

THE REQUEST FORM

6. The Request form follows in general the format previously presented in two earlier drafts of the Request form, i.e. a two-page form with a third page, an optional "continuation sheet" being utilized if the spaces on the two pages are not sufficiently large for all the information to be entered. The form has been printed on white paper instead of green as previously in order to more closely follow the prescription of the PCT for international applications of which the Request is a part. While the previous Request forms provided a statement indicating that additional information for any given area was to be found on the "continuation sheet," the present form provides only a small box bearing a footnote number which when checked would indicate that additional information is to be found on the "continuation sheet."
7. The first page of the Request has been redesigned to allow more space for the title of the invention and the addresses of the applicant and the agent. The allotted spaces for these elements now cover the entire printed width of the form. The two indications "telephone" and "cable" found in the previous forms have been changed to include separate spaces for "telegraphic address" and "teletype (telex) number" in addition to "telephone number." The space for the International Application Number and the International Filing Date, which is to be filled out by the receiving Office, has been somewhat reduced in size with no special indication being given to show the placement of the name of the receiving Office and the words "PCT International Application." It is presumed that such indications will be stamped in this area along with the entering of the International Application Number and the International Filing Date.
8. As to the "continuation sheet" several sentences were added at the top to indicate the purpose of the sheet and the manner of introducing additional information.
9. The second page of the form, the "last sheet," has been revised to incorporate a series of numbers in vertical array for aligning related information in adjacent spaces.
10. An annex to the Request form entitled "Fee Calculation Sheet" has been added. This sheet has been designed in a manner which would enable the applicant to quickly and easily calculate the prescribed fees which may be due at or near the time of filing of the international application.

THE INTERNATIONAL SEARCH REPORT

11. The International Search Report form has been increased in size from a two-page to a three-page form. Two major elements (parts IV and V) which were found on the first page of previous drafted forms are, because of their optional nature, now only referred to on the first page with a "supplemental sheet" being used to expand on these elements. Furthermore, the spaces for the "Classification of Subject Matter" and "Fields Searched" were both substantially increased in size and the "Certification" area has been moved to the "last sheet" of the form.

12. The "last sheet" of the form has been revised to include a certification area setting forth both a date of completion of the search as well as a date of mailing.

THE DEMAND

13. The Demand, which is presented herein for the first time in printed format, consists of two pages as well as accompanying notes. The first page consists of six elements, a petition and spaces for the identification of the international application, the applicant, and the agent, for indicating the States elected and introducing the signatures of the applicants. As in the Request, additional information pertaining to applicants or agents may be indicated on a supplemental sheet. A space reserved for the use of the International Preliminary Examining Authority is provided at the bottom of the form for introducing the actual and any adjusted date of receipt of the Demand.

14. The Demand form as well as the International Preliminary Examination Report form have been printed on light blue paper in order to identify it with the other forms of the International Preliminary Examining Authority and to distinguish these forms from forms of other Authorities or from parts of the international application.

THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

15. The International Preliminary Examination Report, which is presented herein for the first time in printed format, is a four-page form with accompanying notes. The first page contains an area for the indication of basis of the report and an area for the classification of the subject matter. Two of the four elements found in the basis of the report area merely call attention to the fact that these two elements are further explained on a "supplemental sheet."

16. A "continuation sheet" of the form contains the area for introducing a statement as to claims meeting the criteria of novelty, inventive step, and industrial applicability and citations and explanations supporting such statement. One, two or more "continuation sheets" may be used in any given international preliminary examination report.

17. The fourth page of the form, i.e. the "last sheet," contains areas for indicating non-written disclosures, certain published documents, defects in or observations on the international application and the certification of the report.

18. The Working Group is invited to examine and comment on the printed drafted forms contained in this document.

**INTERNATIONAL APPLICATION  
UNDER THE  
PATENT COOPERATION TREATY  
REQUEST**

**THE UNDERSIGNED REQUESTS THAT THE PRESENT  
INTERNATIONAL APPLICATION BE PROCESSED  
ACCORDING TO THE PATENT COOPERATION TREATY**

(The following is to be filled in by the Receiving Office)

**INTERNATIONAL  
APPLICATION NO.**

**INTERNATIONAL  
FILING DATE**

<b>I. TITLE OF INVENTION</b> <sup>1</sup>
---

<b>II. APPLICANT</b> <sup>2</sup> <input type="checkbox"/> <sup>22</sup>		
Name <sup>3, 5</sup>		
Address <sup>4, 5</sup> (including postal code and country)		
Telephone number	Telegraphic address	Teletype (telex) number
Nationality <sup>6</sup> (country)	Residence <sup>7</sup> (country)	

<b>III. INVENTOR</b> <sup>8</sup> (Applicant is also the inventor <input type="checkbox"/> ). <input type="checkbox"/> <sup>22</sup>	
Name <sup>3, 5</sup>	
Address <sup>4, 5</sup> (including postal code and country).	

<b>IV. AGENT (IF ANY)</b> <sup>9</sup> <input type="checkbox"/> <sup>22</sup>		
A. <input type="checkbox"/> Applicant hereby appoints the following named agent to act on his behalf before the competent authorities. <sup>9</sup>		
B. <input type="checkbox"/> Applicant has appointed the following named agent in accompanying separate power of attorney. <sup>9</sup>		
Name <sup>3, 5</sup>		
Address <sup>4, 5</sup> (including postal code and country).		
Telephone number	Telegraphic address	Teletype (telex) number

<b>V. DESIGNATION OF STATES</b> <sup>10</sup> (and possible indication of wish to obtain regional patents) <sup>11</sup> (and possible choice of certain kinds of protection) <sup>12</sup> <input type="checkbox"/> <sup>22</sup>	
1.	8.
2.	9.
3.	10.
4.	11.
5.	12.
6.	13.
7.	14.

<b>VI. PRIORITY CLAIM (IF ANY)</b> <sup>13</sup> <input type="checkbox"/> <sup>22</sup>	
The priority of the following earlier application is claimed:	
Country (If the earlier application is regional or international application, indicate all countries for which it was filed).	Filing Date <sup>14</sup>
	Application Number <sup>15</sup>
If earlier application was a regional or international application, indicate the National Office or intergovernmental organization with which the earlier application was filed.	

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)")

<b>VII. PARENT APPLICATION OR GRANT (IF ANY)</b> <sup>16</sup> <input type="checkbox"/> <sup>22</sup>				Sheet .....
Designated State	Title or Treatment Desired	Title and Number of the Parent Application or Grant	Date of the Parent Application or Grant <sup>14</sup>	
1	1	1	1	
2	2	2	2	
3	3	3	3	
4	4	4	4	

<b>VIII. EARLIER INTERNATIONAL OR INTERNATIONAL-TYPE SEARCH (IF ANY)</b> <sup>17</sup> <input type="checkbox"/> <sup>22</sup>		
An earlier <input type="checkbox"/> (international) or <input type="checkbox"/> (international-type) search has been requested on the following application:		
Receiving Office/Country	(International) Application No.	(International) Filing Date <sup>14</sup>
Date of Request for the Search where the Earlier Search was an International-Type Search <sup>14</sup>		Number given by the Searching Authority to the Request for Search where the Earlier Search was an International-Type Search

<b>IX. DIFFERENT APPLICANTS FOR DIFFERENT (GROUPS OF) DESIGNATED STATES (WHERE APPLICABLE)</b> <sup>18</sup> <input type="checkbox"/> <sup>22</sup>	
Designated States	Name of Applicant
1	1
2	2
3	3
4	4

<b>X. DIFFERENT INVENTORS FOR DIFFERENT (GROUPS OF) DESIGNATED STATES (WHERE APPLICABLE)</b> <sup>19</sup> <input type="checkbox"/> <sup>22</sup>	
Designated States	Name of Inventor
1	1
2	2
3	3
4	4

<b>XI. SIGNATURES OF APPLICANTS</b> <sup>20</sup>

<b>CHECK LIST</b> (The following is to be filled in by the Applicant) <sup>21</sup>	
<p>A. This international application contains the following number of sheets:</p> <p>1. request ..... sheets</p> <p>2. description ..... sheets</p> <p>3. claims ..... sheets</p> <p>4. drawings ..... sheets</p> <p>5. abstract ..... sheets</p> <p>Total ..... sheets</p>	<p>B. This international application as filed is accompanied by the items checked below:</p> <p>1. <input type="checkbox"/> separate signed power of attorney</p> <p>2. <input type="checkbox"/> priority document</p> <p>3. <input type="checkbox"/> receipt (e.g. revenue stamps) for the fees paid</p> <p>4. <input type="checkbox"/> check for the payment of fees</p> <p>5. <input type="checkbox"/> international / <input type="checkbox"/> international-type search report</p> <p>6. <input type="checkbox"/> document in evidence of fact that applicant is successor in title of inventor</p> <p>7. <input type="checkbox"/> other (specify)</p>
C. Figure number ..... of the drawings (if any) is suggested to accompany the abstract for publication.	

(The following is to be filled in by the Receiving Office)	
1. Date of actual receipt of the purported international application:	
2. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:	
3. Date of timely receipt of the required corrections under Article 11 of the PCT:	
(The following is to be filled in by the International Bureau)	
Date of receipt of the record copy:	

NOTES TO FORM PCT/RO/101

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 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 Title of Invention (Rule 4.1 (a) (ii))**

"The title of the invention shall be short (preferably from two to seven words when in English or translated into English) and precise." (Rule 4.3)

**2 Applicant (Rule 4.1 (a) (iii))**

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

"Where an international application has been filed by several applicants, the name of the applicant first named in the request shall be used in correspondence for the purposes of identifying the international application." (Section 101)

See also box IX of the present form.

**3** "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))

**4** "Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. It is recommended to indicate any telegraphic and teletype address and telephone number." (Rule 4.4 (c))

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

**5** "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))

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

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

**8 Inventor (Rules 4.1 (v) and 4.6 (a))**

"If the applicant is the inventor, the request, shall contain a statement to that effect or shall repeat the applicant's name in the space reserved for indicating the inventor." (Rule 4.6 (b))

See also box X of the present form.

**9 Agent (Rules 4.1 (a) (iii) and 4.7)**

Only if the international application is signed by the applicant(s) (and not by the agent) may the formula "A" be used. If this international application is signed by the agent, the formula "B" must be used.

"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))

In the case under Rule 4.8 (a), the designation of the applicant who will act as the common representative shall be indicated on Request Form PCT/RO/101 (continuation sheet) immediately after the required information concerning the additional applicants. The designation, for example, may be indicated in the following manner: Applicant (Name) is appointed to act as the common representative on behalf of all applicants.

"Appointment of any agent or of any common representative within the meaning of Rule 4.8 (a), if the said agent or common representative is not designated in the request signed by all applicants, shall be effected in a separate signed power of attorney (i.e., a document appointing an agent or a common representative)." (Rule 90.3 (a))

"The power of attorney may be submitted to the receiving Office or the International Bureau. Whichever of the two is the recipient of the power of attorney submitted shall immediately notify the other and the interested International Searching Authority and the interested International Preliminary Examining Authority." (Rule 90.3 (b))

"If the separate power of attorney is not signed as provided in paragraph (a), or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed

person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected." (Rule 90.3 (c))

For Rule 4.4 see Notes 3 and 4.

"Where an applicant is represented by an agent, that agent, or where an applicant is represented by several agents, the agent first mentioned in the request or, in the absence of such an indication, the agent first mentioned in the first filed separate power of attorney shall be considered as the addressee for the purpose of correspondence from the International Authorities." (Section 108 (a))

"Where several applicants are represented by a common representative or a common agent, that representative or agent, or where several applicants are represented by several common agents, the common agent first mentioned in the request or, in the absence of such an indication, the common agent first mentioned in the first filed separate power of attorney shall be considered as the addressee." (Section 108 (b))

"Where there are several applicants, any agent appointed either in the request signed by all applicants or in a separate signed power of attorney signed by all applicants shall be considered as a common agent." (Section 110)

"If there are several agents appointed by the same applicant or applicants, any act by or in relation to any of the several agents shall have the effect of an act by or in relation to the said applicant or applicants." (Rule 90.2 (c))

**10 Designation of States (Rule 4.1 (a) (iv))**

"Contracting States shall be designated in the request by their names." (Rule 4.9)

"Any State shall be indicated either by the full official name thereof or by a shorter version as indicated in *Annex A*. In either case, the receiving Office, or the International Bureau where the receiving Office fails to do so, shall insert following the indication of the name of any State the two letter country code as indicated in *Annex B* in parenthesis." (Section 103)

"If the applicant specifies the States to which he wishes any amount paid to be applied as designation fee, the amount shall be applied accordingly to the number of States which are covered by the amount in the order specified by the applicant." (Rule 15.5 (a))

"If the applicant does not specify any such wish and if the amount or amounts received by the receiving Office are higher than the basic fee and one designation fee but lower than what is due according to the number of the designated States, any amount in excess of the basic fee and one designation fee shall be treated as designation fees for the States following the State first named in the request and in the order in which the States are designated in the request up to and including that designated State for which the total amount of the designation fee is covered by the amount or amounts received." (Rule 15.5 (b))

"The designation fee for the first mentioned State belonging to a group of States for which the same regional patent is sought and which is specified under paragraph (a) or which is reached under paragraph (b) shall, for the purposes of the said paragraphs, be considered as covering also the other States of the said group."

**11** "The request shall, where applicable, contain: ... (iv) an indication that the applicant wishes to obtain a regional patent and the names of the designated States for which he wishes to obtain such a patent." (Rule 4.1 (b) (iv))

"Where the applicant wishes to obtain a regional patent in respect of any designated State, he shall place the words "regional patent" immediately after the indication of the said State ... provided that, where Article 45(2) applies, the International Bureau shall treat the designation as if it contained the said words even where the applicant failed to indicate them, and provided further that, where Article 4 (1) (ii), third sentence applies, and not all the States have been designated, the International Bureau shall treat the international application as if all had been designated where in respect of one the wish to obtain a regional patent has been indicated or assumed under the previous clause." (Section 105)

**12** "In respect of any designated or elected State whose law provides for the grant of inventor's certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, or utility certificates of addition, the applicant may indicate, as prescribed in the Regulations, that his international application is for the grant, as far as that State is concerned, of an inventors' certificate, a utility certificate, or a utility model, rather than a patent, or that it is for the grant of a patent or a certificate of addition, an inventor's certificate of addition, or a utility certificate of addition, and the ensuing effect shall be governed by the applicant's choice. For the purposes of this Article and any Rule thereunder, Article 2 (ii) shall not apply." (Article 43)

"If the applicant wishes his international application to be treated, in any designated State, as an application not for a patent but for the grant of any of the other kinds of protection specified in Article 43, he shall so indicate in the request. For the purpose of this paragraph, Article 2 (ii) shall not apply." (Rule 4.12 (a))

"Where the applicant wishes his application to be treated in any designated State as an application not for a patent but for another kind of protection referred to in Article 43, he shall place the word(s)

"inventor's certificate," "utility certificate," "utility model," "patent of addition," "certificate of addition," "inventor's certificate of addition" or "utility certificate of addition" after the indication of the said State." (Section 104 (a))

"In respect of any designated or elected State whose law permits an application, while being for the grant of a patent or one of the other kinds of protection referred to in Article 43, to be also for the grant of another of the said kinds of protection, the application may indicate, as prescribed in the Regulations, the two kinds of protection he is seeking, and the ensuing effect shall be governed by the applicant's indications. For the purposes of this Article, Article 2 (ii) shall not apply." (Article 44)

"In the case provided for in Article 44, the applicant shall indicate the two kinds of protection sought, or, if one of two kinds of protection is primarily sought, he shall indicate which kind is sought primarily and which kind is sought subsidiarily." (Rule 4.12 (b))

"In the case of Article 44, the applicant shall place, after the indication of the designated State concerned, either

- (i) any two of the following terms connected by the word "and": "patent," "inventor's certificate," "utility certificate," "utility model," "patent of addition," "certificate of addition," "inventor's certificate of addition," "utility certificate of addition," or
- (ii) any two of the terms indicated in (i) above, one of them preceded by the word "primarily," the other by the word "subsidiarily." (Section 104 (b))

**13 Priority Claim (Rules 4.1 (b) (i) and 4.10)**

**14** "Any date shall be indicated by the arabic number of the day, by the name of the month, and by the arabic numeral of the year. The receiving Office, or the International Bureau where the receiving Office fails to do so, shall insert following any date indicated by the applicant in the request of the international application an indication in parenthesis consisting of two arabic digits each for the day, the month and the year, in that order and with a period after the digits pairs of the day and the month (for example, 30 March 1972 (30.03.72))." (Section 102)

**15** "If the application number of the earlier application is not indicated in the request but is furnished by the applicant to the International Bureau prior to the expiration of the 16th month from the priority date, it shall be considered by all designated States to have been furnished in time. If it is furnished after the expiration of that time limit, the International Bureau shall inform the applicant and the designated Offices of the date on which the said number was furnished to it." (Rule 4.10 (c))

**16 Parent Application or Grant (Rule 4.1 (b) (v))**

"If the applicant wishes his international application to be treated, in any designated State, as an application for a patent or certificate of addition, inventor's certificates of addition, or utility certificate of addition, he shall identify the parent application or the parent patent, parent inventor's certificate, or parent utility certificate to which the patent or certificate of addition, inventor's certificate of

addition, or utility certificate of addition, if granted, relates. For the purposes of this paragraph, Article 2 (ii) shall not apply." (Rule 4.13)

"If the applicant wishes his international application to be treated, in any designated State, as an application for a continuation or a continuation-in-part of an earlier application, he shall so indicate in the request and shall identify the parent application involved." (Rule 4.14)

**17 Earlier International or International-Type Search (Rule 4.1 (b) (ii))**

"If an international or international-type search has been requested on an application under Article 15 (5), the request may state that fact and identify the application (or its translation, as the case may be) by country, date and number, and the request for the said search by date and, if available, number." (Rule 4.11)

**18 Different Applicants for Different (Groups of) Designated States (Rule 18.4)**

"The international application may indicate different applicants for the purposes of different designated States, provided that, in respect of each designated State, at least one of the applicants indicated for the purposes of that State is entitled to file an international application according to Article 9." (Rule 18.4 (a))

**19 Different Inventors for Different (Groups of) Designated States (Rule 4.6 (c))**

"The request may, for different designated States, indicate different persons as inventors where, in this respect, the requirements of the national laws of the designated States are not the same. In such a case, the request shall contain a separate statement for each designated State or group of States in which a particular person, or the same person, is to be considered the inventor, or in which particular persons, or the same persons, are to be considered the inventors." (Rule 4.6 (c))

**20 Signature (Rule 4.1 (d))**

The signature must be that of the applicant and if there are several applicants all must sign (Rule 4.15); however, the signature may be that of the agent (Rule 2.1) where there is attached to this request a separate power of attorney appointing the agent. "Appointment of any agent or of any common representative within the meaning of Rule 4.8 (a), if the said agent or common representative is not designated in the request signed by all applicants, shall be effected in a separate signed power of attorney (i.e. a document appointing an agent or a common representative)." (Rule 90.3 (a))

**21 Check List (Rule 3.3)**

**22** If the space provided is not sufficient for all entries pertaining to this subject, place an "X" in the small box and include the additional entries on the Request Form PCT/RO/101 (continuation sheet).



## FEE CALCULATION SHEET <sup>1</sup>

I. TRANSMITTAL FEE <sup>2</sup> .....

	T
--	---

II. SEARCH FEE <sup>3</sup> .....

	S
--	---

III. INTERNATIONAL FEE <sup>4</sup>

BASIC FEE <sup>5</sup>

Indicate the number of SHEETS contained in the international application \_\_\_\_\_.

If the international application contains not more than 30 sheets .....

\$45.00	b <sub>1</sub>
---------	----------------

If the international application contains more than 30 sheets, add \$1.00 for each sheet in excess of 30 .....

	b <sub>2</sub>
--	----------------

Add amounts entered in boxes b<sub>1</sub> and b<sub>2</sub>, and enter total in box B. This figure is the amount of the BASIC FEE .....

	B
--	---

DESIGNATION FEES <sup>6</sup>

Indicate the number of DESIGNATED STATES for which regional patents have not been sought \_\_\_\_\_.

Multiply the number of these which require transmittal of a copy of the international application <sup>7</sup> \_\_\_\_\_ by \$14.00. ....

	d <sub>1</sub>
--	----------------

Multiply the number of these which do NOT require transmittal of a copy of the international application <sup>8</sup> \_\_\_\_\_ by \$12.00. ....

	d <sub>2</sub>
--	----------------

Indicate the number of GROUPS of Designated States for which regional patents have been sought \_\_\_\_\_.

Multiply the number of these which require transmittal of a copy of the international application <sup>7</sup> \_\_\_\_\_ by \$14.00 .....

	d <sub>3</sub>
--	----------------

Multiply the number of these which do NOT require transmittal of a copy of the international application <sup>8</sup> \_\_\_\_\_ by \$12.00. ....

	d <sub>4</sub>
--	----------------

Add amounts entered in boxes d<sub>1</sub>, d<sub>2</sub>, d<sub>3</sub> and d<sub>4</sub>, and enter total in box D. This figure is the amount of the DESIGNATION FEES .....

	D
--	---

Add amounts entered in boxes B and D, and enter total in box I. This figure is the amount of the INTERNATIONAL FEE .....

	I
--	---

IV. TOTAL OF PRESCRIBED FEES:

Add amounts entered in boxes T, S and I, and enter total in the total box. This figure is the total amount of the PRESCRIBED FEES. ....

TOTAL

**THE APPLICANT MAY PAY THE PRESCRIBED FEES BY [CHEQUE, POSTAL MONEY ORDER, BANK DRAFT, CASH, REVENUE STAMPS, DEBITING DEPOSIT ACCOUNT NO. ...., COUPONS, ETC.]. PAYMENT SHOULD BE MADE IN THE PRESCRIBED CURRENCY TO THE [ACCOUNT OF, ACCOUNT INDICATED BELOW OF, ORDER OF] THE RECEIVING OFFICE.**

## NOTES TO FORM PCT/RO/101 (ANNEX)

- 1 The purpose of the fee calculation sheet is to aid the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete by entering the appropriate amounts in the boxes provided and submit the fee calculation sheet at the time of filing of the international application. This will help the Receiving Office to verify the calculations and to identify any error in them.
- 2 "Any receiving Office may require that the applicant pay a fee to it, for its own benefit, for receiving the international application, transmitting copies to the International Bureau and the competent International Searching Authority, and performing all the other tasks which it must perform in connection with the international application in its capacity of receiving Office ("transmittal fee")." (Rule 14. (a))
- "The amount and the due date of the transmittal fee, if any, shall be fixed by the receiving Office." (Rule 14.1 (b))
- 3 "Each International Searching Authority may require that the applicant pay a fee ("search fee") for its own benefit for carrying out the international search and for performing all other tasks entrusted to International Searching Authorities by the Treaty and these Regulations." (Rule 16.1 (a))
- "The search fee shall be collected by the receiving Office. It shall be payable in the currency prescribed by that office, it being understood that, if that currency is not the same as the currency of the State in which the International Searching Authority is located, the search fee, when transferred by the receiving Office to that Authority, shall be freely convertible into the currency of the said State. As to the time of payment of the search fee, Rule 15.4 (a) shall apply." (Rule 16.1 (b))
- 4 "Each international application shall be subject to the payment of a fee for the benefit of the International Bureau ("international fee") consisting of:
- (i) a "basic fee", and
  - (ii) as many "designation fees" as there are States designated in the international application, provided that, where a regional patent is sought for certain designated States, only one designation fee shall be due for those States." (Rule 15.1)
- 5 "The amount of the basic fee shall be:
- (i) if the international application contains not more than 30 sheets: US\$45.00 or 194 Swiss francs;
  - (ii) if the international application contains more than 30 sheets: US\$45.00 or 194 Swiss francs plus US\$1.00 or 4.30 Swiss francs per sheet in excess of 30 sheets." (Rule 15.2 (a))
- 6 "The amount of the designation fee shall be:
- (i) for each designated State or each group of designated States for which the same regional patent is sought which does not require the furnishing of a copy under Article 13: US\$12.00 or 52 Swiss francs;
  - (ii) for each designated State or each group of designated States for which the same regional patent is sought which requires the furnishing of a copy under Article 13: US\$14.00 or 60 Swiss francs." (Rule 15.2 (b))
- 7 "Any designated Office may ask the International Bureau to transmit to it a copy of the international application prior to the communication provided for in Article 20, and the International Bureau shall transmit such copy to the designated Office as soon as possible after the expiration of one year from the priority date." (Article 13.1)
- See Rule 15.2 (b) (ii) quoted in note (6) above.
- The following designated Offices have asked the International Bureau to transmit to it a copy of the international application as soon as possible after the expiration of one year from the priority date: ...
- The following designated Offices acting for groups of designated States have asked the International Bureau to transmit to them a copy of the international application as soon as possible after the expiration of one year from the priority date: ...
- 8 See Article 13 (1) quoted in note (7) above and Rule 15.2 (b) (i) quoted in note (6) above.
- The following designated Offices do not require the International Bureau to transmit to them a copy of the international application as soon as possible after the expiration of one year from the priority date: ...
- The following designated Offices acting for groups of designated States do not require the International Bureau to transmit to them a copy of the international application as soon as possible after the expiration of one year from the priority date: ...

# PATENT COOPERATION TREATY INTERNATIONAL SEARCH REPORT

IDENTIFICATION OF INTERNATIONAL APPLICATION	
International Application No. <sup>1</sup>	International Filing Date <sup>1</sup>
Receiving Office <sup>1</sup>	Priority Date Claimed <sup>2</sup>
Applicant <sup>1</sup>	

I. CLASSIFICATION OF SUBJECT MATTER (if several classification symbols apply, indicate all) <sup>3</sup>	
According to International Patent Classification (IPC)	According to National Classification (specify)

II. FIELDS SEARCHED			
Minimum Documentation Searched <sup>4</sup>			
Classification System	Classification Symbols		
Documentation Searched other than Minimum Documentation <sup>5</sup>			
Kinds of Documents	States	Periods	Languages

III. TITLE, ABSTRACT AND FIGURE OF DRAWING
1. <input type="checkbox"/> The following indicated items are approved as submitted by the applicant : <sup>6</sup> <input type="checkbox"/> Title <input type="checkbox"/> Abstract
2. <input type="checkbox"/> The texts established by this Authority of the following indicated items are annexed hereto : <sup>6</sup> <input type="checkbox"/> Title <input type="checkbox"/> Abstract
3. <input type="checkbox"/> This report is incomplete as far as the abstract is concerned as the time limit for comments by the applicant on the draft prepared by this International Searching Authority has not expired. <sup>7</sup>
4. <input type="checkbox"/> The figure of the drawings indicated below is to be published with the abstract : <sup>8</sup> <input type="checkbox"/> Figure No. .... as suggested by the applicant. <sup>9</sup> <input type="checkbox"/> Figure No. .... because: <input type="checkbox"/> applicant failed to suggest a figure; <input type="checkbox"/> this figure better characterizes the invention. <sup>10</sup>

IV. <input type="checkbox"/> <b>UNITY OF INVENTION IS LACKING</b> <sup>11</sup> (Observations on supplemental sheet)
--

V. <input type="checkbox"/> <b>CERTAIN CLAIMS WERE FOUND UNSEARCHABLE</b> <sup>12</sup> (Observations on supplemental sheet)
--

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 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** <sup>12</sup>

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

1.  Claims Nos. .... because their subject matter <sup>13</sup> 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 <sup>14</sup> (specify)

VI. DOCUMENTS CONSIDERED TO BE RELEVANT <sup>15</sup>		Page ...
Category <sup>19</sup>	Citation of Document, <sup>16</sup> with indication, where appropriate, of the relevant passages <sup>17</sup>	Relevant to Claim No. ... <sup>18</sup>

VII. CERTIFICATION	
Date of the Actual Completion of the International Search <sup>2</sup>	Date of Mailing of this Search Report <sup>2</sup>
International Searching Authority <sup>1</sup>	Signature of Authorized Officer <sup>20</sup>

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 an international application contains several distinct inventions requiring different classification symbols or where the subject matter of any invention requires different classification symbols, the international search report shall indicate all such classification symbols at least according to the International Patent Classification." (Section 304 (a))  
"Where any national classification system is used, the international search report may indicate all classification symbols also according to that system." (Section 304 (b))

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 "If the applicant does not indicate in the request the figure which should accompany the abstract when it is published or if the International Searching Authority considers that a figure other than that indicated by the applicant better characterizes the invention, the International Searching Authority shall notify both the applicant and the International Bureau of the choice made." (Section 307)

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

"Any document cited in the international search report shall be identified by indicating the following elements:

(a) in the case of any patent document

- (i) the kind of patent document (patent documents being patents in the sense of Article 2 (ii) as well as published applications relating thereto) by the appropriate symbols according to Annex C;
- (ii) the country of issue by the appropriate symbols according to Annex B;
- (iii) the number of the documents as given to it by the Office that issued it; and
- (iv) if pertinent, the pages, columns or lines where relevant passages appear;

- (b) *in the case of any book or other separately issued publication*
- (i) the name of the author;
  - (ii) the title of the book or publication (including where applicable, the number of the edition and volume);
  - (iii) the year of publication (the day and month may also be indicated);
  - (iv) [the name of the publisher];
  - (v) the place of the publication; and
  - (vi) if pertinent, the pages, columns or lines where relevant passages appear;
- (c) *in the case of any periodical or other serial publication*
- (i) the title of the periodical or other serial publication;
  - (ii) the number and date of the volume and the issue number;
  - (iii) the place of the publication;
  - (iv) if pertinent, the author, title and page of the article; and
  - (v) if pertinent, the pages, columns or lines where relevant passages appear.
- (d) *in the case of abstracts*
- (i) the elements set forth in paragraph (a), (b) or (c), respectively, dependent upon whether the abstract is contained in any patent document, any book or other separately issued publication or any periodical or other serial publication;
  - (ii) where available, the identification of the full text document which served as the basis for the abstract by the elements set forth in paragraph (a), (b) or (c), respectively,

dependent upon whether the full text document is contained in any patent document, any book or other separately issued publication, or any periodical or other serial publication." (Section 303)

- 17 "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))
- 18 "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))  
Leave blank this column opposite to each citation which is relevant to all claims. [Alternative solution would be to require insertion of word "ALL"]
- 19 Place the following capital letters opposite any citation which falls into one of the categories specified below:
- "X" where the document is of particular relevance (cf. Rule 43.5 (c): "Citations of particular relevance shall be specially indicated.")
- "O" where the cited document refers to an oral disclosure, etc., as prescribed in Rule 33.1 (b), quoted in note 15, above.
- "E" Where the cited document falls under the definition of Rule 33.1 (c), quoted in note 15, above.
- "G" Where the cited document is a document which defines the general state of the art (see Section 308).
- 20 "The international search report shall be signed by an authorized officer of the International Searching Authority" (Rule 43.8)

# PATENT COOPERATION TREATY

## DEMAND <sup>1</sup>

### 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

<b>I. IDENTIFICATION OF THE INTERNATIONAL APPLICATION <sup>2</sup></b>		
International Application No.	International Filing Date	Receiving Office
Title of Invention		

<b>II. APPLICANT <sup>3, 4</sup> . . . Additional applicants are indicated on supplemental sheet</b>		
Name		
Address (including postal code and country)		
Telephone Number	Telegraphic Address	Teletype (Telex) Number
Nationality (country)		Residence (country)

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

<b>IV. ELECTION OF STATES <sup>6</sup></b>

<b>V. SIGNATURES OF APPLICANTS <sup>7</sup></b>

(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))
- 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**

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

<b>BASIS OF REPORT</b>
<p>1. <input type="checkbox"/> <b>AMENDMENTS AND/OR CORRECTIONS <sup>2</sup></b> — 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 style="margin-left: 20px;">a. <input type="checkbox"/> This report has been established on the basis of the claims as amended.</p> <p style="margin-left: 20px;">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 reasons indicated, they have been considered to go beyond the disclosure as filed. (specify)</p>
<p>2. <input type="checkbox"/> <b>PRIORITY <sup>3</sup></b> — 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 style="margin-left: 20px;">a. <input type="checkbox"/> copy of the earlier application whose priority has been claimed.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> translation of the earlier application whose priority has been claimed.</p>
<p>3. <input type="checkbox"/> <b>UNITY OF INVENTION <sup>4</sup></b> — See the Supplemental Sheet for further details.</p>
<p>4. <input type="checkbox"/> <b>NON-ESTABLISHMENT OF REPORT ON QUESTIONS OF NOVELTY, INVENTIVE STEP OR INDUSTRIAL APPLICABILITY <sup>5,6,7</sup></b> — See the Supplemental Sheet for further details.</p>

<b>CLASSIFICATION OF SUBJECT MATTER (If several classification symbols apply, indicate all.) <sup>8</sup></b>	
According to International Patent Classification (IPC)	According to National Classification (specify)

3.  UNITY OF INVENTION <sup>4</sup> — 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 <sup>5</sup>

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. <sup>6</sup> (specify)

The description, claims, or drawings (indicate particular elements) or said claims Nos. \_\_\_\_\_ are so unclear that no meaningful opinion could be formed. <sup>7</sup>

The claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed. <sup>7</sup>

**STATEMENT AS TO CLAIMS MEETING CRITERIA OF NOVELTY (N), INVENTIVE STEP (IS)  
AND INDUSTRIAL APPLICABILITY (IA)<sup>9</sup> AND CITATIONS<sup>10</sup> AND EXPLANATIONS<sup>11</sup>  
SUPPORTING SUCH STATEMENT**

Page ...

CLAIM NUMBER	CRITERIA SATISFIED			STATEMENT	CITATIONS AND EXPLANATIONS
	(N)	(IS)	(IA)		

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

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

**CERTAIN DEFECTS IN THE INTERNATIONAL APPLICATION <sup>14</sup>**

The following defects in the form or contents of the international application have been noted.

**CERTAIN OBSERVATIONS ON THE INTERNATIONAL APPLICATION <sup>15</sup>**

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 <sup>16</sup>	Date of Completion of the International Preliminary Examination Report <sup>17</sup>
Name and Address of the International Preliminary Examining Authority <sup>1</sup>	Signature of Authorized Officer of the International Preliminary Examining Authority <sup>18</sup>

## 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 micro-biological 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))

"Any document cited in the international search report shall be identified by indicating the following elements:

(a) *in the case of any patent document*

- (i) the kind of patent document (patent documents being patents in the sense of Article 2 (ii) as well as published applications relating thereto) by the appropriate symbols according to *Annex C*;
- (ii) the country of issue by the appropriate symbols according to *Annex B*;
- (iii) the number of the document as given to it by the Office that issued it; and
- (iv) if pertinent, the pages, columns or lines where relevant passages appear;

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

- (i) the name of the author;
- (ii) the title of the book or publication (including where applicable, the number of the edition and volume);
- (iii) the year of publication (the day and month may also be indicated);
- (iv) [the name of the publisher];
- (v) the place, of the publication; and
- (vi) if pertinent, the pages, columns or lines, where relevant passages appear;

(c) *in the case of any periodical or other serial publication*

- (i) the title of the periodical or other serial publication;
- (ii) the number and date of the volume and the issue number;
- (iii) the place of the publication;
- (iv) if pertinent, the author, title and page of the article; and
- (v) if pertinent, the pages, columns or lines where relevant passages appear.

(d) *in the case of abstracts*

- (i) the elements set forth in paragraph (a), (b) or (c), respectively, dependent upon whether the abstract is contained in any patent document, any book or other separately issued publication or any periodical or other serial publication;
- (ii) where available, the identification of the full text document which served as the basis for the abstract by the elements set forth in paragraph (a), (b) or (c),

respectively, dependent upon whether the full text document is contained in any patent document, any book or other separately issued publication, or any periodical or other serial publication." (Section 303)

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, 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 three criteria is or is not satisfied." (Section 504)

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)