

WIPO



PCT/AAQ/WGF/I/5
ORIGINAL: ENGLISH ONLY
DATE: August 12, 1974

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

PATENT COOPERATION TREATY

INTERIM ADVISORY COMMITTEE FOR ADMINISTRATIVE QUESTIONS

WORKING GROUP ON FORMS

First Session: Geneva, September 9 to 13, 1974

PROPOSED
APPLICANT'S REPLY LETTER

prepared by the International Bureau

SUMMARY

This document contains: (1) Form PCT/RO/110 to illustrate the type of communication which invites a reply from the applicant, and (2) an applicant's reply letter which is designed to be used by the applicant for submitting his reply.

CONTENTS

	<u>pages</u>
INTRODUCTION	2
FORM PCT/RO/110 and accompanying APPLICANT'S REPLY LETTER	

INTRODUCTION

1. It is called to the attention of the Working Group on Forms (hereinafter called the Working Group) that certain forms contained in the working documents which have been submitted to it (see documents PCT/AAQ/WGF/I/2, 3 and 4) are of the type which invite a reply from the applicant. Form PCT/RO/110 used as an example in this document illustrates this. The form is sent to the applicant by the receiving Office and invites the applicant to either correct the filing date of the earlier application or to cancel the priority claim.
2. In order to aid the applicant in submitting his reply and to facilitate the processing of that reply by the authority to which it is submitted, the use of an applicant's reply letter to be communicated to the applicant along with the form proper is proposed.
3. The applicant's reply letter would aid the applicant in formulating his reply by calling to his attention, through the use of notes contained on the reverse side of the reply letter, the relevant PCT provisions and other helpful information.
4. In submitting his reply, the applicant would be aided by the fact that the name and address of the authority to which the reply is to be submitted will be printed on the reply letter thus avoiding the possibility of the applicant mis-addressing his response. The inclusion in the communication to the applicant of a return envelope either of the window-type or containing the preprinted address of the authority to which the reply is to be submitted would also aid the applicant.
5. The processing of the reply letter by the authority to which it is submitted would be facilitated by the fact that the entries related to the identification of the international application are preinscribed on the reply letter, thus avoiding the possibility of incorrect identification of these items on the part of the applicant.
6. The Working Group is invited to examine and comment on the usefulness and design of the applicant's reply letter contained in this document.

PATENT COOPERATION TREATY

TO

FROM

the RECEIVING OFFICE
identified at the bottom of this page

INVITATION TO CORRECT PRIORITY DATE
issued pursuant to PCT Rule 4.10(d)⁽²⁾

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

DATE OF MAILING by the Receiving Office

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

INVITATION

This Receiving Office has noted that the filing date of the earlier application for which priority is claimed has been indicated in the request of the above-identified international application as(date). The applicant's attention is called to the fact that this date precedes the international filing date by more than one year.⁽²⁾

CONSEQUENTLY THE APPLICANT IS HEREBY INVITED WITHIN ONE MONTH FROM THE DATE OF MAILING INDICATED ABOVE EITHER TO CORRECT THE FILING DATE OF THE EARLIER APPLICATION IF ERRONEOUSLY INDICATED OR TO CANCEL THE PRIORITY CLAIM. FAILURE TO DO SO SHALL RESULT IN THE PRIORITY CLAIM BEING CANCELLED EX OFFICIO BY THIS RECEIVING OFFICE.⁽²⁾

Computation of the time limit starts on the day following the date of mailing of the present invitation.⁽³⁾ Within this time limit the reply has to reach this Receiving Office.

THE RECEIVING OFFICE	
Name and Mailing Address	Signature of Authorized Officer

NOTES TO FORM PCT/RO/110

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 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 purposes 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))

(2) "If the filing date of the earlier application as indicated in the request precedes the international filing date by more than one year, the receiving Office, or, if the receiving Office has failed to do so, the International Bureau, shall invite the applicant to ask either for the cancellation of the declaration made under Article 8(1) or, if the date of the earlier application was indicated erroneously, for the correction of the date so indicated. If the applicant fails to act accordingly within 1 month from the date of the invitation, the declaration made under Article 8(1) shall be cancelled ex officio. The receiving Office effecting the correction or cancellation shall notify the applicant accordingly and, if copies of the international application have already been sent to the International Bureau and the International Searching Authority, that Bureau and that Authority. If the correction or cancellation is effected by the International Bureau, the latter shall notify the applicant and the International Searching Authority accordingly." (Rule 4.10(d))

(3) "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

FROM

TO

(Name and address of the
Receiving Office printed here)

APPLICANT'S REPLY LETTER

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

APPLICANT'S REPLY TO THE INVITATION TO CORRECT THE PRIORITY DATE

SIGNATURE OF THE APPLICANT ⁽³⁾	
Date	Signature of Applicant

NOTES TO APPLICANT'S REPLY LETTER (PCT/AR/110)

These Notes are intended to aid the applicant in formulating the reply letter. 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.

(1) "Any paper submitted by the applicant in the course of the international procedure provided for in the Treaty and these Regulations, other than the international application itself, shall, if not itself in the form of a letter, be accompanied by a letter identifying the international application to which it relates. The letter shall be signed by the applicant." (Rule 92.1(a))

"If the requirements provided for in paragraph (a) are not complied with, the paper shall be considered not to have been submitted." (Rule 92.1(b))

It is noted that, for applicant's convenience, the elements of the identification of the international application are preinscribed on this reply letter in order to ensure that the requirement of Rule 92.1(a) is met.

(2) This space is provided for applicant's reply to the invitation to correct the priority date (see accompanying Form PCT/RO/110). If more space is required, applicant should securely attach hereto any additional sheets of paper used. In order to signal the number of pages comprising the reply, such additional sheets should be marked, e.g. page 2 of 3.

It is noted that, for applicant's convenience, the address of the authority to which this reply letter is to be submitted is printed in the upper right hand corner. Applicant should take care that this address is properly displayed when using the return envelope enclosed herein to facilitate the submitting of applicant's reply letter.

The following wording is suggested to the applicant for formulating his reply:

[In the case where applicant corrects the priority date]

The date of filing of the earlier application, the priority of which is claimed, was erroneously indicated in the request of the above-identified international application as _____ . Such date should be corrected to read _____ .

[In the case where applicant cancels the priority claim]

In view of the fact that the date of filing of the earlier application, the priority of which is claimed, precedes the filing date of the above-identified international application by more than one year, it is requested that the priority claim contained in the international application be cancelled.

(3) The signature requirement under Rule 92.1(a), quoted in note (1) above, is called to applicant's attention.

"Whenever the word "applicant" is used, it shall be construed as meaning also the agent or other representative of the applicant, except where the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used, such as, in particular, where the provision refers to the residence or nationality of the applicant." (Rule 2.1)

"Whenever the word "signature" is used, it shall be understood that, if the national law applied by the receiving Office or the competent International Searching or Preliminary Examining Authority requires the use of a seal instead of a signature, the word, for the purposes of that Office or Authority, shall mean seal." (Rule 2.3)