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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

**INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)**

**MEETING OF INTERNATIONAL AUTHORITIES
UNDER THE PCT**

**Third Session
Geneva, June 21 to 25, 1993**

OBSERVATIONS AND SUGGESTIONS FOR MODIFICATIONS OF VARIOUS
DOCUMENTS RECEIVED FROM INTERNATIONAL AUTHORITIES

Document prepared by the International Bureau

1. The Annex to this document contains the observations on, and suggestions for, modifications of some Forms for use by the International Searching and Preliminary Examining Authorities provided by the European Patent Office.
2. These observations and suggestions are hereby provided to all International Authorities for information and comments.

[Annex follows]

ANNEX



ANNEX

Europäisches
Patentamt

European
Patent Office

Office européen
des brevets

EPA/EPO/OEB · Erhardtstraße 27 · D-8000 München 2

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D-8000 München 2
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Mr. Busso Bartels
Director
PCT Legal Section
W I P O
34 chemin des Colombettes
CH-1211 Geneva 20

Zeichen/Reference/Référence

57.8.10

Datum/Date/Date

30.09.1992

Subject: Modification of form PCT/ISA/228

Dear Busso,

We are submitting for your consideration a modified draft version of form PCT/ISA/228 proposed by DG 1, The Hague. The main reason for the amendment is to include the case where the invitation was not justified (item 2).

For clarification I should further like to add that point 1.c. is intended to give consideration e.g. to a protest which has not been substantiated.

While DG 2 considers a possible modification of the corresponding IPEA form (PCT/IPEA/437) as interesting, its introduction at the present stage is not desirable, since instructions on the new procedure to be applied have already been communicated to the staff concerned.

We should be grateful if you would investigate our proposal and if you could let us have your comments in the near future.

Yours sincerely,

Larissa Gruszow
Principal Administrator
International Legal Affairs

Encl.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

RESULT OF THE PRIOR REVIEW
(PCT RULE 40.2 (e))

Date of mailing (day/month/year)	
Applicant's or agent's file reference	<input type="checkbox"/> PAYMENT OF PROTEST FEE DUE within ONE MONTH from the above date of mailing
International application No.	International filing date (day/month/year)
Applicant	

The applicant is informed that the Review Panel of the European Patent Office has, with regard to the protest dated, carried out a prior review of the justification for the invitation to pay additional search fees (Form PCT/ISA/206), the result of which is stated below :

1. The applicant is invited, within the time limit stated above, to pay a protest fee for the examination of the protest, to the amount of (amount/currency).

The reasons for this as explained in the annex are :

a. that the invitation is completely justified;

b. that the invitation is in part justified;
..... * additional search fee(s) paid under protest relating to the unjustified part(s) of the invitation will be refunded;

c. other than the above.

2. The invitation is not justified and the protest is allowed. The * additional search fee(s) paid under protest will be refunded.

N.B. : Failure to pay the protest fee within the time limit indicated above will result in the protest being considered withdrawn.
* Insert the appropriate number

Name and mailing address of the ISA/ Facsimile No.	Authorized officer
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Result of the prior review according to Rule 40.2(e) PCT