

ePCT Actions when signing in with Strong Authentication

2 & 4 November 2021

Q&A Report

| No. | Questions | Answers |
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| I. ePCT Actions Overview | | |
| 1 | When I login the ePCT site, sometime it is difficult to find my Workbench. Could you please suggest an easy way to find my workbench? | You can login to ePCT at https://pct.wipo.int instead of IP portal site. If you go through the IP portal (Menu -> Patent -> File & Manage -> ePCT), you can bookmark ePCT in the Menu as your favourite for easy access. |
| 2 | If the deadline is a non-working day - will the deadline function adjust itself? | If the expiration of any period falls on a non-working day at the recipient office you selected, the period shall expire on the next subsequent day on which the office is open to the public and it is automatically adjusted in the ePCT system. |
| 3 | Why the action date and time is added before even beginning of the action, uploading the document, preview etc? | The 'Current date and time at recipient Office' on the Action interface is for your information. The Action date and time is blank on the rendered document prior to submission. |
| 4 | How do I setup strong authentication? | <p>Go to the ePCT login page, enter your username and password, you will be directed to the Workbench page, then click on 'Set up your authentication methods' link and you can set up authentication (see instruction under 'Strong Authentication' on ePCT FAQs).</p> <p>We recommend that you set up at least two strong authentication methods for your WIPO account in order to sign in securely to ePCT. If you lost access to one strong authentication method, you can still log in your account using the other one and modify the settings in your account yourself, including the removal of any invalid strong authentication method and also the addition of a new one.</p> |

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| 5 | For strong authentication, is there any way of having a company log in and digital certificate? Is there another way of authentication other than by mobile or landline telephone for one time authentication please? | <p>WIPO accounts are in the name of individuals (not entities). In addition to the SMS and digital certificate, you can also use App for one-time password as strong authentication.</p> <p>The recommended procedure in companies/law firms is that each person creates their own account in their own name and to authenticate it with their own strong authentication, and associate accounts using eHandshake and then manage applications together using Access Rights. There are also new proposals for entities under discussion at WIPO.</p> |
| 6 | Can I submit any amendment through ePCT for any PCT application, which was filed through manual submission previously? | <p>Even for applications filed not using ePCT (e.g. paper filing), you can login to ePCT, go to 'Find IA outside of my workbench', enter the PCT application number and the international filing date to search for the application. Then you will be able to use 'Upload documents' function to submit documents to the IB.</p> <p>If you want to submit documents to other authorities which accept e-Routed documents via ePCT, please request eOwnership of the application to access full suite of ePCT Actions.</p> |
| 7 | Which is the correct procedure for requesting eOwnership? | <p>Depending on the status of the applications, the request procedures are slightly different. Please refer to eOwnership on the ePCT FAQ page.</p> |
| 8 | Is there a place where I can check who is the eOwner /eEditor of the PCT case if I am not sure? | <p>You need to have access rights to the application in ePCT to be able to see who has which level of access rights. There is a dedicated section called 'Access rights' within the application as viewed in ePCT.</p> |
| 9 | Do you only have access to 'Actions' if you have eOwnership of the application? | <p>With eOwnership/access rights, you can access all data and documents of the application concerned that are available in the IB's database for the applicant. For the full set of Actions, you need to have eOwner or eEditor status and login to ePCT with strong authentication. If you do not have access rights you can use a very limited number of Actions with the recipient set as the IB only.</p> |
| 10 | If I save a draft document, can my attorney who has the same access to the application as I do access the draft document that I saved? | <p>If you grant the access rights to the person when you create a draft application (choose access right group) or after creation (tick the small box in the line of the draft on your Workbench -> Action -> Manage access rights), then he can access the draft application you created.</p> |

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| 11 | Can any submission be saved if prepared by a paralegal so the agent can retrieve and sign? | Yes, it will be saved as a 'draft Action'. As long as the agent has eOwner or eEditor access rights to the application, the agent is able to access and edit the draft in his/ her WIPO account to sign it. |
| 12 | For our ePCT transactions where we are Agent/eOwner, we normally select Text Signature of Agent. Is there any disadvantage to not using any of the other signature options (like Image, for instance)? i.e. is one signature option preferred over others? | There are no option for signing that is preferred. We gave the choice to our users, so they would be able to select the most appropriate one for them. |
| 13 | Would you be able to demonstrate what the 'external signature' notification or email looks like for the recipient? (e.g., if I prepare a Request and send to another email address for signature, what would the signatory receive?) | You can watch the Video: External signature function for the request form (PCT/RO/101) . |
| 14 | What is the number next to the name in the signature? | It is agent's registration number with the recipient Office concerned. As it is in the bibliographic data already on file, it will be automatically added in the signature field when preparing a .zip filing package using ePCT for filing with RO/US, and when submitting a Chapter II Demand to IPEA/US in ePCT. |
| 15 | Is it a special registration for e-Filing? | No. It's the agent's registration number with the USPTO. |
| 16 | Do you have to add agent's registration number at the signature? | When an office requires the registration number of the agent to be included as part of the signature and notifies the IB of such requirement, the number input under the Names section for the agent will be automatically included in the field for signature. Currently this applies only to the signature of the agent in the Request form when preparing a .zip filing package using ePCT for filing with RO/US, and when submitting a Chapter II Demand to IPEA/US in ePCT. This feature will be extended to other Offices as appropriate in due course. |
| 17 | How is the 'Address for Correspondence' signature definition used? Who can sign in this capacity? | The 'Address for Correspondence' is not an authorized signatory but for communication purpose when there is no agent. When only 'Address for Correspondence' is filed, the request should be signed by the applicant. |

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| 18 | If an administrator uploads a document that is signed by an authorized agent, via the WIPO account of the administrator, will the upload be accepted with strong authentication or can another party argue that this document was not validly filed? | There will be no argument against the uploaded documents when signing in with strong authentication as long as the document was signed by an authorized signatory. Actions that require signature must be signed by an authorized signatory (applicant or agent) before they can be submitted. The signatory must be selected from a list of names appearing in the bibliographic data for the international application. |
| 19 | Would it not be allowed for me as a paralegal to use the text signature on behalf of the agent? I must ask the signatory to sign by the external signature function (unless submitting signed documents)? | The signature should be the signature of an authorized person, in your case, the agent. We recommend to use the external signature function. We are not at a position to check the validity and advise on the legal effect if any other arrangement made between you as a paralegal and the agent for the agent's signature, which is generally governed by national laws. |
| II. Upload Documents | | |
| 20 | Do I obtain a receiving confirmation when I uploaded the documents? | After clicking on 'Submit' or 'Upload', you get a message that the document has been successfully uploaded and the document is also visible in the 'Documents' section under the intended recipient authority (RO, IB, ISA, IPEA). You can also see the status of processing of the document (processed or not yet processed). |
| 21 | Can the Cover letter that is auto generated replace the need for an additional letter from applicant in regards to the response, since we can input notes if there is something further to note? | Yes, absolutely, that is the purpose of the cover letter, to avoid that you have to prepare any additional letter. Bear in mind that the cover letter in most cases will have to be signed by the applicant or agent. |
| 22 | If we received a notice of third party observations, what we have to do, and can we handle it through ePCT? | <p>The applicant may comment on third party observations until the expiration of 30 months from the priority date. These comments must be submitted through ePCT ('Upload documents' -> 'Applicant Comments on Third Party Observations') or by sending a letter to the IB.</p> <p>The applicant's comments should be submitted in English, French or the language of publication of the international application. The comments will be made publicly available on PATENTSCOPE.</p> |

| III. Amendments under Article 19 | | |
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| 23 | When filing amended claims do we have to submit to the same ISA? | No, for amended claims under Article 19, you should submit to the IB. |
| 24 | Amended Claims can only be submitted by docx - you cannot use pdf? | You can submit in PDF format via the Action only if the file is text-based PDF. |
| 25 | Is there a way to get any kind of electronic acknowledgement receipt when submitting Article 19 amendments? | You can always check the documents you submitted under 'Documents' section immediately after the submission, so to be certain that they have been submitted properly. For Art. 19 amendments, once processed, you will receive the form IB/346. The form is available in ePCT if you have access to the application, and is also sent to the email address recorded in the Request form RO/101. |
| 26 | If we are going to submit the Amendments under Art. 19 in which we cancelled for example claim no. 6, and added claims no. 7 and 8, whether the total number of claims will appear as 7 or 8? If I'm right, it is showed in example that the number of claims should match... (total number - 8 claims). | When preparing the amendments, you can choose to delete the text of claim 6 but keep no. 6 indication with a remark [Cancelled], then the total number is 8. If you remove completely the text and the numbering of claim 6 from the amendments, the total number will then be 7. The two numbers should match are the 'Total number of claims in the amendments' and the 'Number of claims mentioned in the accompanying letter'. Therefore, depending on the way you prepare your amendments, you will need to indicate in the accompanying letter either 7 or 8 claims to match the numbers in the amendments. |
| 27 | If my priority is a US regular application, and I filed the wrong claims in the PCT application, can I use the Article 19 to correct the claims in line with the US application? | If it is completely wrong claims, it cannot be corrected under Article 19. You can simply refile the international application with the correct claims immediately, and withdraw the original application, or, request the RO to exchange the claims with the correct ones in accordance with PCT Rule 20.5bis(b) and (c) , provided that a latter international filing date to be accorded is acceptable for you. Otherwise, if it is important to retain the originally accorded international filing date, and the correct claims are completely contained in the earlier US application claimed as a priority in the PCT application, you can choose to request confirmation of incorporation by reference of elements and parts in the case of an erroneously filed element or part according to Rule |

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| | | 20.5bis(d) . Please note that not all ROs would allow you to confirm incorporation by reference of an erroneously filed element, and not all designated Offices will take into account any decision made by a RO to accept incorporation by reference of an erroneously filed element. The information about such offices and more detailed instructions are available in PCT Newsletter 07-08/2020: Practical Advice 'The furnishing of a correct element of an international application where the originally filed element was filed erroneously'. |
| IV. Rule 92bis Change Request | | |
| 28 | How do you do multiple R 92bis requests? | Under 'Upload documents' function, there is a document type 'Request for Change under Rule 92bis (for multiple International Applications)'. You can submit a PDF letter of request including a list of the applications concerned. |
| 29 | Can you submit a 92bis request if you do not have the application in your workbench? | If the application is already published, you can submit the R92bis request even if it is not in your Workbench using ePCT Action. If it is unpublished, you need to request access rights to use the Action, or you can use 'search IA outside of my workbench', then to upload the letter of request in PDF using 'Upload documents'. |
| 30 | How come I cannot complete a 92bis change request on a case that is showing as 'RO to assign' for application number? | 'RO to assign' means that the record copy has not yet been received at the IB. Therefore the full set of Actions are not yet available (exception is RO/IB cases since the record copy is by definition already available to the IB immediately after filing). |
| 31 | When we make an R92bis request, is it mandatory to send an accompanying letter? Or the changes on ePCT are sufficient? | It is not mandatory to send an accompanying letter. |
| 32 | Does 92bis change have to be submitted by agent/attorney of record? | No, it can be submitted by any eOwner or eEditor of the application using Actions or by anyone who has a WIPO account using 'Upload documents', but the request should be signed by the applicant or the agent. |

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| 33 | If you are changing entity name as in example just showed in the live demo - ABC to Dream - why would you say it was a 'change in person'? | If changing only the name, you can request with 'change name'. However when it is a change of legal entity with the applicant's name changed but the address and contact information remained the same (e.g. due to an acquisition), 'change in person' should be selected. The live demo used this scenario to show how 'change in person' is indicated on the rendered form requesting the change. It is up to the applicant to inform the IB in the R92bis request whether this kind of change is a change of person or not. |
| 34 | Is a PoA required, when you just change the address of the agent? | You can submit the PoA but it is not mandatory. |
| 35 | When submitting a change of applicant, does a new PoA also need to be submitted? | It is not mandatory if it is submitted by the agent and duly signed. However, you can provide a new PoA to be used in the national phase. |
| 36 | Is an assignment required to change applicant? | Generally an assignment is not required if the 92bis request is signed by an authorized signatory, for example the agent. |
| 37 | Assignment from inventor to applicant is not required if a new applicant added? | Copy of an assignment is generally not required during the international phase but may be required by designated Offices in national phase, therefore it can be useful to submit it already during international phase if it is available. |
| 38 | Do I need to submit copies of supporting documents (assignment) when adding inventors under 92bis? | It is not required to submit an assignment when adding new inventors. If it concerns the entitlement of the applicant and relates to the inventors to be added, please refer to the answer above in Question 37. |
| 39 | Can assignments by the co-inventors to the applicant be filed by ePCT Actions? | Yes, you can provide the duly signed assignment in PDF format and submit it using 'Upload documents' function. |
| 40 | The attorney moved firms and we recently updated the address to his new firm. He was listed as the agent prior to the ISR was issued but I do not believe he had an account. Am I able to pull the ISR from my account now that the agent details have changed? | If you still have access to the application, yes, you will be able to view and download the ISR. If your access rights have been revoked by the examiner when processing the R92bis request, you need to request eOwnership/ access rights. |

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| 41 | Is there a way to get any kind of electronic acknowledgement receipt when submitting a 92bis request? | You can always check the documents you submitted under 'Documents' section immediately after the submission, so to be certain that they have been submitted properly. For 92bis request, once it has been recorded, you will receive the form IB/306. The form is available in ePCT if you have access to the application, and is also sent to the email address recorded in the Request form RO/101. |
| 42 | Will we receive 3 separate IB306 forms or will all changes be on one IB306 form? | In general, one IB/306 is issued for each change. If the changes are the same type and can be put in one single IB/306 (e.g. change of address for multiple inventors having the same address recorded on file), the examiner can decide to issue only one IB/306 listing all inventors concerned. |
| 43 | How long the access is suspended, generally? | Until the IB processes the request and issues the form IB/306. The processing time depends on the work arrangement in the Operations Team in charge of your application and the status of the application concerned (e.g. processing priority is given to requests where the application is close to the completion of technical preparations for international publication or close to end of the international phase). Generally, the IB makes every effort to deal with such requests within few working days. You can contact the team to consult if needed, for example by sending an ePCT message . |
| 44 | If the 92bis request is urgent. How can I indicate that in my request in ePCT? | You can use ' ePCT message ' to contact the Operations Team in charge of the application indicating that it is urgent. In general, Operations Teams check such messages daily and process them quickly. You can of course contact them by telephone or email. |
| V. Submit Chapter II Demand | | |
| 45 | What is the benefit for submitting Chapter II demand? | Additional opportunity to refine your international application and have the opinion (in many cases) of an Office that is different from the ISA. |
| 46 | How do you upload Article 34 amendments, which accompany a Demand? | This is shown in the 3rd part of the webinar - live demo for Chapter II Demand. |

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| 47 | For the submission of Chapter II demand, can we submit to Australia via ePCT? | Yes. The IPEA/AU accepts ePCT Action for direct filing of demand. |
| 48 | Is it possible ISA one country and IPEA another country? | It is possible to select different offices as ISA and as IPEA. In ePCT, the ISA(s) available for you to select for a specific application is/are displayed when you prepare the Request and the IPEA(s), when you file the Chapter II Demand. |
| 49 | What is the language accepted if the applicant selects OEPM as IPEA taking into account that said country is a member of EPO? | IPEA/ES accepts English and Spanish. Please refer to the PCT Applicant's Guide – International Phase – Annex E: IPEA/ES . |
| 50 | How about if the applicant selects EP as IPEA under the consideration that Spain is a part of it? | IPEA/EP accepts English, French and German languages. Please refer to the PCT Applicant's Guide – International Phase – Annex E: IPEA/EP . |
| 51 | When submitting Art.34 amendments, do we need to file DOCX format of the specification (like for Art.19 amends), or is PDF version ok? | Article 34 amendments attached in ePCT should be in PDF format. |
| 52 | Can you use the Chapter II Demand Action to file arguments in response to the ISA-WOSA without amendments? If so, what may need to be done differently? | <p>If you want to respond to the WOSA of the ISA without any amendments, you can submit informal comments on the WOSA where you can counter argue against WOSA. However, this is only informal although it may be taken into consideration by the substantive examination at the national phase. Informal comments will be made publicly available on PATENTSCOPE as from the date of international publication.</p> <p>Any formal response to the written opinion must be submitted directly to the IPEA under Article 34 as part of the procedure under Chapter II.</p> |
| 53 | How can we file informal comments? | <p>The applicant's informal comments on the written opinion of the ISA made under Chapter I is to give the applicant an opportunity to rebut the written opinion in the event that international preliminary examination is not requested. It can be submitted using 'Upload documents' -> 'Informal Comments by Applicant on WO-ISA'.</p> <p>Any formal response to the written opinion must be submitted directly to the IPEA under Article 34 as part of the procedure under Chapter II. If a demand is filed, informal</p> |

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| | | comments submitted under Chapter I will not be forwarded to the designated Offices, however they will still be made available to the public on PATENTSCOPE . |
| 54 | Would informal comments on WOSA be uploaded via the ePCT system using the Article 34 action, or by using the Upload documents? | Informal comments on WOSA should be submitted using 'Upload documents' -> 'Informal Comments by Applicant on WO-ISA'. |
| 55 | Is there an option to pay for demand by wire transfer and indicate this? | This depends on the IPEA. If the accepted payment methods are known for the chosen IPEA, they are available on the payment methods dropdown list in ePCT for you to select. |
| 56 | Is a wire transfer to the IPEA/EP an option when filing the Chapter II Demand? | Bank transfer is an acceptable payment method for EPO. Please refer to Fee payments and refunds on EPO's website and contact EPO directly for further questions. |
| 57 | Is it possible to pay the fees to the EP for a chapter II demand or invitation to pay additional fees using an EP deposit account through the IB? | No, you need to pay directly to the EPO. It cannot be done through the IB and/or via ePCT. |
| 58 | If the ISA/EP issues an Invitation to Pay Additional Fees, alleging that there are multiple inventions (more than 2) in the application and the RO is a different office, can you make the payment directly to the EPO and then file the transmittal letter via ePCT indicating which alleged group of claims should be searched (with confirmation of payment)? | You always need to check whether the selected office accepts documents sent by ePCT. As for ISA/EP, yes, the applicant can upload subsequently filed documents to the office. |
| 59 | If you don't have access to EP account, can you make the payment via the EPO payment portal and then notify ISA/EP of the alleged group by filing a transmittal letter on ePCT as you are not allowed to file a document in that portal? | Yes, you can upload subsequently filed documents to ISA/EP using ePCT provided that you have eOwner or eEditor access rights to the international application. |
| 60 | When fees are owed and we do not use credit card and no deposit account, how long do we have to submit payment? Do you send invoice or what happens? | The IPEA will issue Form IPEA/403, which serves as an invoice informing about the fee payment status and the amount due. Normally fees should be paid within 1 month from the submission of the demand or 22 months from the priority date, whichever expires later. |
| 61 | Does the agent need to be listed on the deposit account? | We understand that you refer to the deposit account in the live demo for Chapter II Demand. The signature should be from a person who can authorize EPO to charge the |

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| | | fees from the deposit account indicated, not necessarily the agent. For more details, please check with EPO. |
| 62 | What about IB, ISA, IPEA and any documents that could be filed that would have a fee. We do not have a deposit account and our credit card company blocks all foreign charges. We are able to submit payment by check, wire transfer, how long do we have to submit a wire transfer payment? Do we receive any kind of invoice or request to pay? | The payment method that can be used depends on the acceptable payment method(s) of the Office in question. For the IB please refer to Fees and Payments – PCT System . The office concerned issues PCT Forms relating to fees to invite you to pay with payment time limit indicated and also to confirm the receipt of the payment. |
| VI. Obtain Priority Document from DAS | | |
| 63 | How do you get DAS? | Please see ePCT FAQ articles DAS Introduction and Using DAS with the PCT for your reference. More instructions can be found in ePCT FAQ under DAS . |
| 64 | Do all the countries issue DAS code? | No. You can check DAS participating Offices here . |
| 65 | In which form we can find DAS code of PCT application? | If you request to register the PCT application in DAS (please check if the RO is a DAS participating Office and if this Office deposits PCT application, it depends on Office), this office (depositing office) will inform you by email registered in the DAS system. |
| 66 | Where I can find information which national patent office is in DAS system? How to proceed, if I asked the national office to provide the priority doc in electronic form and still did not receive it before deadline or the document I cannot upload to the ePCT system? Is there any solution how to validly claim priority in such situation? | You can check DAS participating Offices here . Priority documents in PDF format can be uploaded to the IB via ePCT provided that they were issued and digitally signed by the following Offices: AT, BR, CZ, FR, IT, PL, PT and US. Currently only these Offices have informed the IB that they issue certified copies of priority documents in electronic form. If you encounter any problem when uploading a digitally signed priority document in ePCT, you can contact us . |

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| 67 | When can I submit the DAS code through ePCT if I have filed a USPTO form for granting access to priority document? | After the record copy has been received at the IB (or any time after filing if RO is RO/IB) and up until the date of international publication. |
| VII. Withdraw International Application | | |
| 68 | Do I understand you get a warning just before 16 days prior to date of publication? | We understand that you refer to the screenshot of the ePCT notification preference setting that we presented in the part of 'Withdraw International Application'. The notification is 'Technical preparations for publication scheduled to close in 2 weeks', so normally 4 weeks before the date of the publication. For more details about the calculation of the completion date of technical preparations, please see the PCT Applicant's Guide - International Phase: 9.014 : When are the technical preparations for international publication completed? |
| 69 | What documents are required to be submitted if we have to withdraw an application? Is PoA necessary to be submitted? Or just signature required? | A request for withdrawal of the application signed by all applicants, or a PoA signed by all applicants in addition to the request for withdrawal if it is submitted by the agent, is/are required. |
| 70 | Is it sufficient that the agent submit the withdrawal of IA without providing the signatures of all applicants for this purpose? | No, the signatures of all applicants are required and if the request is submitted by the agent, then a PoA that has been signed by all the applicants must be on file or attached to the withdrawal Action. |
| 71 | There is no need to specifically indicate a special purpose i.e. withdrawal, when providing the signatures? | If you refer to the PoA, it is up to the applicant(s) to define the scope of the authorization assigned to the agent. The IB will check whether the authorization required for the request concerned is included in the said scope or not. |
| VIII. Miscellaneous | | |
| 72 | Does the PCT-SAFE discontinue soon? Do you have the deadline to transfer from PCT-SAFE to ePCT? | PCT-SAFE will no longer be supported by WIPO as of 1 July 2022. |

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| 73 | Will we eventually have to file PCT applications in DOCX or will we still have the option of filing with PDF documents? | It is recommended to file in DOCX to facilitate the processing of the application, the international publication and the search of the application in the database after publication. However, you still have the option to file with PDF documents. |
| 74 | Is there a benefit for filing in one RO than another? For example, IB preferred than US (is there a benefit)? | If you file to RO/IB you automatically have access rights to your full application immediately after filing without having to wait for the record copy to be transmitted to the IB. |
| 75 | Will it ever be possible to change the ISA via ePCT? We have filed a PCT application with RO/US and accidentally named the incorrect ISA - it would be helpful to have a place to go to change the ISA via ePCT - if the Search Copy has not been received / issued yet. | You need to contact the RO to request this. If the RO accepts e-Routed documents through ePCT, it is possible to submit the request via ePCT, however this is not the case for RO/US. |
| 76 | If the ISR is sent to an email address only and they did not get the copy, is there a way to recover the version that includes the transmittal? | The ISR is available in ePCT and can be accessed/downloaded from there if you have access rights. |
| 77 | Can you give us a little information about 'Request early publication'? If search report has been prepared and if we request early publication, we have to pay 200 CHF. When do we have to pay 200 CHF? Do we have to pay immediately after 'Request early publication' or do we have to wait WIPO request from us to pay 200 CHF? | The Operations Team at the IB in charge of the application concerned will check whether the ISR has been issued when they process your request for early publication, and if yes, notify you to pay the fee of 200 CHF. If you have received the ISR, you can also pay to the IB the fee immediately after submitting the request. It is recommended to contact the Operations Team to inform them if you pay on your initiative and in the payment notes, indicate clearly the PCT application number concerned and the purpose. For payments related information, please refer to Fees and Payments - PCT System . |
| 78 | Do I submit the Declaration of Inventorship to RO or IB? If the declaration has already been submitted to the RO (within 16-months from the priority date), is it possible to resubmit the declaration to the IB after 16-months deadline expires? | The declaration of inventorship should be submitted to the IB. You can still submit the declaration to the IB before the completion of the technical preparations for international publication (normally 2 weeks before the publication date). |
| 79 | Will we be going over what to do if a PCT application is transferred to your firm and now you need to get access to it on ePCT? | Please refer to instructions on how to request eOwnership on the ePCT FAQ page. The recording and PowerPoint presentation of ePCT webinar on eHandshakes-Access Rights-eOwnership is also available under ' ePCT webinar recordings '. |