



Recording of changes under PCT Rule 92*bis*

WIPO PCT Webinar Series

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What we will cover....

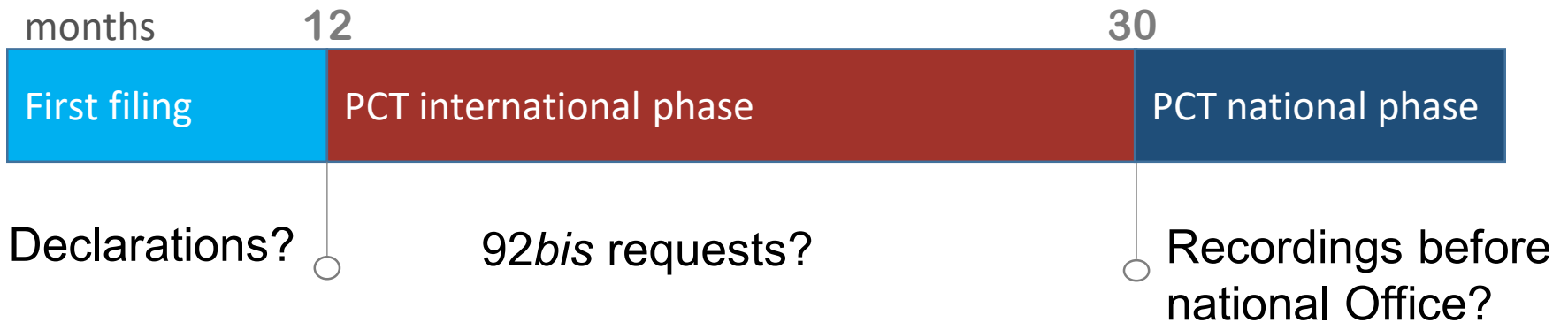
- Formal requirements
- Requirements to provide proof or evidence
- Best practice tips

Poll questions



Rule 92bis: cases covered

- Change of name
- Change of address (including change of e-mail address)
- Change of nationality
- Adding/deleting an inventor
- Change of applicant (assignment, addition, deletion, change for which designation an applicant is indicated)
- Change of agent



Request for recording of a change under Rule 92bis

■ Formality requirements?

- best to use ePCT

- must be made in writing

- signature requirements

■ Where to file? - May be filed with the International Bureau or the receiving Office (however, best to file with the International Bureau)

■ How do the applicants know if recording is completed? - The International Bureau will notify the applicant (using Form PCT/IB/306)

Time limit under Rule 92bis (1)

- The request must reach the International Bureau before the expiration of 30 months from the priority date
 - Therefore, it is recommended to file it directly with the International Bureau even though it is possible to file it also with the receiving Office
- If it reaches the International Bureau after the expiration of the applicable time limit, the change will not be recorded and the applicant will have to proceed with such request before each designated or elected Office concerned

Time limit under Rule 92bis (2)

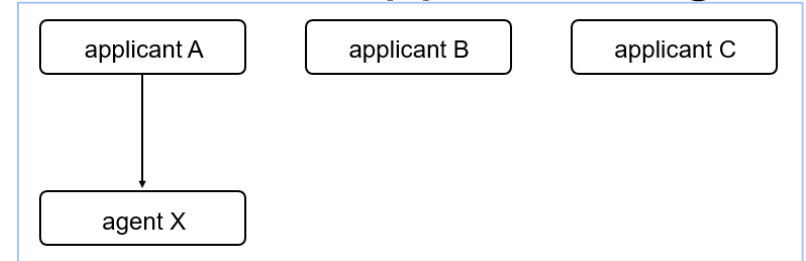
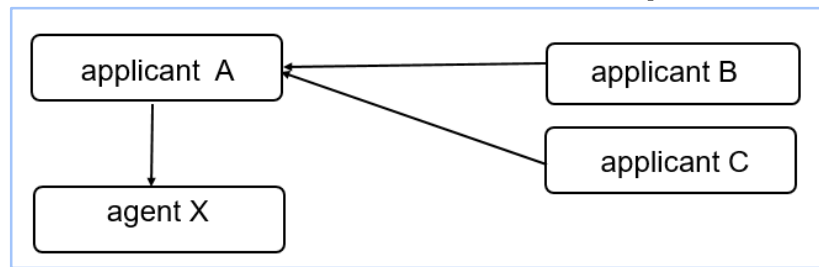
- If the applicant wishes that a particular change be taken into account for the international publication of the international application, the request for recording of that change must reach the International Bureau before the completion of technical preparations for international publication (normally, 15 days before the actual date of publication)
- If the request for recording of a change reaches the International Bureau too late to be reflected in the international publication, the International Bureau will notify all designated or elected Offices concerned

Who may sign a Rule 92bis request?

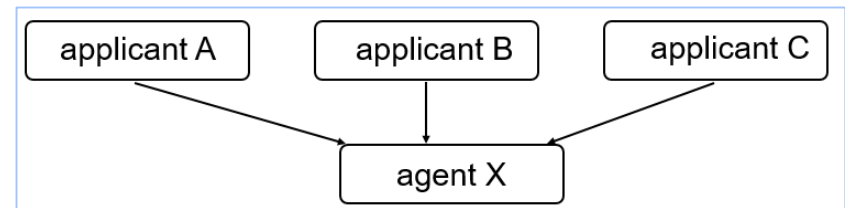
■ Anyone authorized to represent the applicants:

□ single applicant, or his appointed agent

□ common or deemed representative, or his appointed agent



□ appointed common agent



Note: agent deemed appointed through waiver practice

□ new applicant or his **appointed** (new) agent

Safeguards and documentary evidence required (1)

- Safeguard for applicant affected by the change request, who has not expressly appointed the (deemed) common representative or agent (Section 422*bis*):
 - a copy of Form PCT/IB/306 is sent to such applicants
 - applicant concerned may object to the recording in writing
- Safeguard if request is made by a person not yet named in the request (“the new applicant”) without written consent of the (“old”) applicant:
 - a copy of an assignment or other documentary evidence supporting the change in person must be filed with the request for the change

Safeguards and documentary evidence required (2)

- Safeguard if request is made by an agent not yet named in the request (“the new agent”) to record a new applicant:
 - a copy of a power of attorney signed by the new applicant
 - an assignment or other documentary evidence supporting the change in person must be filed with the request for the change
- Even where no evidence of the change is required during the international phase the designated Offices may, however, require that evidence (for example, assignment) be submitted once the national phase has been entered



Recap: Why it is good to use Rule 92bis during the international phase?

- Cost considerations
- One request – with effect in all designated Offices
- Simple procedure
- A change affecting multiple applications (e.g. change of address of the agent) can be requested to be recorded by the applicant:
 - through a single request with the International Bureau
 - together with a list of applications concerned

Poll answers



Questions?



PCT Resources

■ General questions about the PCT

□ Contact the PCT Information Service:

Telephone: +41 22 338 83 38

E-mail: pct.infoline@wipo.int

■ Questions about the ePCT

□ Contact PCT eServices Help Desk:

Telephone: +41 22 338 95 23

E-mail: pct.eservices@wipo.int

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Thank you!



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