

What's New in ePCT

21 & 23 February 2023

Q&A Report

No.	Questions	Answers
I. Request Access Rights after Filing		
1	If you are the filer, do you automatically get access rights, even if your email is different than the correspondence email? Or should this access right be requested?	If you are the filer and you file with ePCT, you will automatically be the eOwner of the application. This does not change. The new procedure is for requesting access rights after filing.
2	What happens if the access request is not handled by the applicant in due time? Is it possible to resubmit an access request?	Access rights requests expire 7 days after sending. If the deadline to approve the access rights request has expired, the user should submit a new request.
3	If there are already more than one eOwner, does my access rights request go to all the eOwners? Or only one email ID which is the agent email?	If there is already at least one eOwner, the system will display a warning message that there is already an eOwner, so you cannot request access rights and should contact the current eOwner to share access with you. You also need first to establish an eHandshake with that eOwner, if you have not yet done so.
4	Did I understand correctly that requesting access rights only works if there is no current eOwner? For PCT matters where the current eOwner/ paralegal is no longer with our firm, must I to reach out to her to share eOwnership rather than requesting access rights?	Correct. The request for access rights should only be submitted when there is no eOwner(s). If the sole eOwner left the firm, you can contact us via email (pct.eservices@wipo.int). We can remove the person's access rights after necessary checking in order to enable you to request access rights.
5	How do you remove access rights of person who left business - do you have to contact WIPO?	If you have an eHandshake with that person and you are also the eOwner of all applications in that person's account, you can remove all access rights of that person, otherwise, you need to contact us.

6	If there is only one eOwner and that person has left the company, how we can request access for that application?	If the person who is the sole eOwner of the application has left the firm, you have to contact us. We will remove access rights from that person after necessary checking. You will then be able to request access rights to that application. Please be reminded to have at least two eOwners per application in order to facilitate access rights management. In particular when one of them is going to leave the company, the person should assign access rights to at least an eHandshake colleague.
7	I had access rights request refused by the IB as my name did not appear in the IB records as agent for the application. The address for service was correct and I am the paralegal, how do I rectify this?	After the release of a new version of ePCT on 24 January 2023, access rights requests are handled by the applicant/agent. You can submit a new request and it will be processed by the applicant/agent.
8	If you are a paralegal, is there a different way to complete the signature of the online form as we have been denied access rights in the past for not signing as an attorney?	Please note that access rights requests are handle by the agent/applicant and no longer by the IB. Since access rights requests are now sent to the applicant/agent, it's up to them to check all information displayed in the request and decide whether to approve it or not.
9	We recently filed a PCT that was moved from the RO/US to the IB. We received a RO/106 which shows that our agent has been removed as agent and changed to address of correspondence. When requesting access rights as a paralegal is the process the same but we should use the Address for Correspondence role?	You should select "Applicant" as the role in the IA. The procedure for requesting access rights is the same and the request will be sent to the address for correspondence.
10	When requesting access rights, can we select "agent" whether our position within our company is an attorney or a paralegal?	You can select "agent" as position in the company and in the signatory capacity indicate "paralegal". Since access rights requests are now sent to the applicant/agent, it's up to them to check all information displayed in the request and decide whether to approve it or not.
11	If you are a paralegal and need to obtain ePCT access rights. What would you select for "role in IA" in the request?	As a paralegal you can select "Agent" for "Role in IA" and in the signatory capacity indicate "Paralegal".
12	If you are the paralegal for the attorney, do you choose common representative?	Please note that the "common representative" must be an applicant. As a paralegal you need to select "Agent".
13	If the paralegal is requesting Access Rights on behalf of the practitioner (agent), is it possible to generate a draft of the request for review, before submission?	It's not possible to save the access rights request. Since access rights requests are now sent to the applicant/agent, it's up to them to check all information displayed in the request and decide whether to approve it or not.

	Or is it possible to use the paralegal's signature and be identified as agent, even though we are not a registered patent agent?	
14	How can I get access rights to an IA that just transferred to the firm I work for? Unfortunately, I was not included as someone who should have access.	If your firm is now recorded as the agent of record, you can click "Find IA outside my Workbench", enter the IA number, international filing date and confirmation code on Form IB/301, to request access rights. The access rights request will be sent to the email address for correspondence.
15	On the new access rights request procedure, is there a backup way to get access rights if the agent who filed the application is uncooperative/unresponsive? For example, is there an alternative way to get access rights if the client asks Agent A to file the application, then fires Agent A and asks Agent B to take responsibility for the client's PCT applications, and Agent A does not respond to the ePCT email?	In this case, agent B should send a request under Rule 92bis (together with a power of attorney signed by the applicant) for the IB to record the change of agent. The access rights of agent A to the application will be revoked by the IB. Once form PCT/IB/306 is issued, agent B can then request access rights.
16	If 1) the PCT application is not yet published, 2) the email addresses do not match, 3) I do not have form PCT/IB/301 available to me, in this new procedure, is it impossible for me to do the access request, because I do not have the secret number from Form PCT/IB/301?	If you are recorded as the new agent and you don't have access to the IB/301's code, you can send an ePCT message request to the IB to request a copy of the IB/301. If you are not recorded as the agent and you need access to that application for example for national phase entry, you need to contact the agent on record for a copy of the IB/301.
17	The agent after change under R92bis, and the application has been published. In that case, the code of IB301 does not work any longer. Does that mean, in this case, there is no longer need to enter the code to ask for access right? We just skip this step to request the access right?	Yes, indeed after publication, the IB/301 code is no longer required as it's publicly available on Patentscope. You only need to fill in a web online form in case the email address of record is different with the email associated with the WIPO Account used to request access rights.
18	Does a new agent need to file a new Power of Attorney form giving them power before they request the IB301 as shown?	If there is a change of agent, a power of attorney is required first to record that change of agent. Form PCT/IB301 for an unpublished application would be sent only to the recorded agent.
19	If the applicant and agent both have an e-mail address listed, will the access right request be sent to both e-mails? Is there a way to choose which e-mail (agent or applicant) receives the request?	The access rights request will be sent to the agent's e-mail address used for correspondence. It is the e-mail address provided in Box IV of the PCT Request.

20	We use our docketing email address for correspondence. Do we need to set up an ePCT account for this email address to approve these requests?	It's not necessary. The access rights requests are always sent to the address for correspondence, however, no WIPO Account is required to associate with this email address.
21	Can you include more than one email address for the agent? We use our firm docketing email for everything, however the WIPO account we use is under my name so the email address isn't the same. Wondering if I could include both our docketing email and my own so we received automatic access rights requests.	Only one email address can be recorded on the Request form to receive official communications from the IB. It is the same that only one email address can be registered with your WIPO Account. Please note that the recovery email address recorded in your WIPO Account is only used to retrieve your username and reset the password. You need to access your docketing email for the access rights requests.
22	I would like to change the email address for my account to match the applicant's correspondence email address. How would I do this?	To edit your contact details, click on your name in the navigation bar in ePCT, select "My WIPO Account", click on the edit button and you can change your email, name, address, etc. Please note that an email address can be associated with only one WIPO Account.
23	If we mention an email address in the new PCT application but it is different from the email address of our WIPO Account will there be a problem with access rights? We assume that we can file the application without an external signature of the inventor?	If the new PCT application is filed via ePCT then access rights will be granted automatically, the filer will be the default eOwner and this person can grant access rights to other eHandshake colleagues. The request for access rights after filing is always sent to the email address of record in the application instead of the email address associated with your WIPO Account, when these two emails are different. The Request form should be signed by the agent or the applicant at the time of filing. Only declaration of inventorship should be signed by the inventor(s) and in such a case the external signature can be used. The declaration can be submitted after filing, so the application can be submitted without the signature of the inventor(s).
24	When adding a user eViewer role to the Access Rights group, they are not receiving access to previously filed IAs. Only access update in new filings; is a bulk update available to apply the new user to all or do the access rights group need update case-by-case for every previously filed IA?	Adding a new eHandshake user to an existing access rights group does not automatically share any access rights with that person. You can share access rights with the new eHandshake user provided that you are the eOwner of all applications concerned. You can select all the applications concerned on your Workbench and then select the action "manage access rights" to assign access rights to that person in one go.
II. Online Payment of Filing Fees for RO/IB using SOFORT		
25	Where we can find information which banks are participating the SOFORT Payment?	You can find general information on the SOFORT website. Please contact your bank for more details.

26	What are the other available payment methods offered by WIPO?	WIPO Pay offers different payment methods. Debit/credit cards and PayPal are available for selection. Another option is the Current Account at WIPO , which is a deposit account that you replenish when the balance comes near zero and that can be used to pay WIPO fees, including PCT, Madrid, Hague and some other services. You can contact us finance.infoline@wipo.int for guidance.
III. ePCT Action – Update File Reference		
27	When updating the file reference number, can we use “/” or other characters not allowed when filling out the RO/101?	According to Section 109 of the PCT Administrative Instructions - File Reference “(a) Where any document submitted by the applicant contains an indication of a file reference, that reference shall not exceed 25 characters in length and may be composed of either letters of the Latin alphabet, or Arabic numerals, or both. The hyphen character (“-”) may also be used as a separator between alphanumeric characters.” A slash as in your example is not allowed. The same would apply for any change of file reference.
IV. Declarations of Inventorship under PCT Rule 4.17 (External Signature)		
28	Does the declaration have to be completed before filing? Or can we complete it via ePCT after filing?	You can file declarations either at the time of filing or after the filing. You can use ePCT action to submit declarations if you have access right to the application after filing and the declarations will be generated in ePCT with all required information. Please refer ePCT FAQ article: Action – Declarations under Rule 4.17
29	Do inventors need a WIPO Account to sign with external link?	Inventors can access the signing webpage with external signature request link without a WIPO Account.
30	If Anna's request expires and needs to be resent does this also void Eric's signature and he needs to sign again?	No, you can manage each external signature request individually.
31	What if your inventor has a problem receiving e-mails due to an unforeseen event i.e. the laptop has been stolen or cannot be used? Can you then use a different form of signature e.g. text (/name/)?	In principle you may use any “traditional” means of communication between the agent and the inventor, for example signed paper mail or PDF attachments, as long as the agent then submits it subsequently via ePCT either together with the new application or after filing within the time limit of Rule 26ter. However, please also note you can always resend the external signature to the inventor when she/he has access to a laptop/ the internet again.

32	If you do not have the individual inventor email address for the declarations, can you send them to one email address that you have for the applicant?	If you send the external signature requests to the applicant and then the applicant forward them to the inventors, the links to the signing webpage are still valid provided it is within 7 days after being sent from ePCT. The inventor's name is not disclosed in the email notification. Therefore, you also need to specify to the applicant the corresponding recipient/inventor of each email notification for the external signature request, according to the external signature request ID in the draft ePCT action.
33	When sending the Declaration of Inventorship does it include a copy of the application in the email?	No, only a link to a dedicated signing webpage will be sent to the inventor, and the document is not shared. It's up to the person initiating the external signature to download the draft document and share it outside of ePCT.
34	Is there a way to add the agent reference to the email alerting of the external signature request?	The agent's reference is indicated in the subject of the email notification for the external signature request and also in the notification itself next to the PCT application number.
35	Are we able to extend the 7 day expiration for signature?	No, external signature requests expire 7 days after sending. The validity cannot be extended. However you can remove an expired request and send a new request to the same person.
36	Once an inventor signs the declaration, does that signature expire? Or does just the unsigned signature links expire?	The link to the signing webpage expires 7 days after sending. However, this does not apply to the inventor's signature already collected using the external signature function.
37	If the signatures of the declaration of inventorship under Rule 4.17 can not be received in time, can the declaration with the signatures be filed in the US national phase?	The signed declaration of inventorship may be submitted at the time of filing the application, or subsequently within the time limit under Rule 26ter, or in the national phase. Submitting a declaration of inventorship during the international phase may be advantageous as inventors may be more difficult to be reached when the application enters the national phase. In any event, an applicant does not lose any rights due to not submitting a declaration during the international phase. Declarations under Rule 4.17 are optional.
38	Signatures on Declarations (and assignment) are procured for US applications. Will that suffice for submission at WIPO? Is that something that the US receiving Office handles? I don't recall providing Declarations to WIPO in the past.	While the declaration of inventorship is only for purposes of the designation of the United States of America, the IB is the competent authority to examine the declaration during the international phase and transmit it to the USPTO as designated/elected Office for the national entry. Submitting a declaration of inventorship during the international phase may be advantageous as inventors may be more difficult to be reached when the application enters the national phase.
39	Is there an "external signature" function for agent of record or applicant to sign the PCT request form?	Yes, the signature of the Request form can be collected from the agent or the applicant through the external signature function. The external signature is one of the signature options in most ePCT actions and in the document upload function.

V. ePCT Messages		
40	To send an ePCT message, how do you e-sign if you are a paralegal (staff member) and not the authorized agent?	ePCT messages should be used as informal communication with the IB and other PCT authorities accepting such messages, therefore it can be signed by the paralegal. However, in case an official response is required from the authority according to the message, it will still be sent to the applicant/agent.
41	Will an ePCT informal message be read and considered (by both the IB and ISA) if it comes from an individual who is an “address for correspondence”?	An address correspondence can send ePCT messages for the IB and other PCT authorities accepting such messages to read and consider. However, please note that this is an informal mean of communication and should not be used for formal request/submission.
42	Which ISA's allow ePCT messages?	You can check Office Profiles . The relevant information is under “Processing Settings” for each Office, e.g. for EP, “Applicants can not send the ISA ePCT messages”.
VI. Miscellaneous Questions		
43	What's the difference between a push notification and a text notification for the two step authentication process?	The push notification is sent to your mobile device for you to accept or refuse and no code is to be entered on the ePCT login page. Using the SMS (text message), you will receive a one-time password that you will need to enter it on the ePCT login page.
44	Why are push notifications the BEST method of 2 factor authentication rather than a smartcard e.g. EPO smartcard?	<p>The Push Notification generated by the ForgeRock Authenticator app is the latest and most efficient strong authentication method that can be registered with your WIPO Account. It generates a push notification on your mobile device which you can either accept or reject to log in with strong Authentication to ePCT. The ForgeRock app is free of charge and can be installed on both iOS and Android devices.</p> <p>The Push Notification is instantaneous and is not subject to delay as can be the case for one-time passwords by Text message (SMS) due to poor network signal. It also avoids potential typing errors, e.g., when entering the one-time password received by Text message (SMS) or generated by the Authenticator app.</p> <p>Whereas with EPO smart card, you have to install the corresponding software to use the card and update whenever there is a new version, and also maintain the physical card/certificate (e.g. renew it to get a new valid one).</p>
45	What is the protocol when filing an application where an inventor has just one name?	If the inventor is mononymous, for example the first name, then in ePCT the last name can be indicated with a hyphen (“-”).

		It is recommended that at the time of filing the applicant/agent clarifies that it's not an error, so the RO would not invite the applicant to correct the name.
46	If a priority filing was first made in an EP country and a search fee was paid in that case, is it possible to NOT pay the search fee in the PCT? Or just get a refund later?	A search fee must always be paid to avoid that the application be considered withdrawn (after an invitation to pay with late payment fee). However, applicants may request that earlier search results be used, and this is applicable, there is a refund. In practice, ISAs only use earlier search results if that same office performed the earlier search.
47	I would like to know how to submit informal comments on WOSA to the IB using ePCT?	Informal comments on WOSA can be submitted to the IB using the document upload function in ePCT and select the document type "informal comments on WOSA".
48	For RO/IB applications, the DAS access code previously used to be communicated on form PCT/RO/132. The relevant DAS access code is now communicated as a simple ePCT email notification, which is easy to overlook as we typically receive many such ePCT email notifications following filing of the PCT application via ePCT. Is this new procedure meant to stay or change in the future?	<p>The DAS code for a PCT RO/IB application is always sent by form RO/132. As we no longer send the forms by post but via email only, it is sent to the email address for correspondence recorded with the IB.</p> <p>You receive an ePCT notification relating to the issuance of RO/132 if in ePCT Notification preferences you select to be notified when a form issued in an application to which you have access rights. However the ePCT notification itself does not attach any official form such as RO/132.</p>