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ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

C. PCT 1008
-07.2

November 23, 2004

Madam,
Sir,

This Circular is addressed to your Office in its capacity as receiving Office, International Searching Authority (ISA), International Preliminary Examining Authority (IPEA) and/or designated and/or elected Office under the Patent Cooperation Treaty (PCT) for the purpose of consultation on several changes to the practice of the International Bureau of processing and communicating priority documents and PCT Forms from the International Bureau (IB) related thereto. It is also addressed to certain non-governmental organizations. We refer also to Circular C.PCT 1007, dated November 12, 2004, concerning the receipt, processing and communication of priority documents in electronic form by the International Bureau.

It is recalled that the International Bureau has recently announced (see Circular C.PCT 1007) that it is now in a position to receive, process and communicate priority documents submitted to it in a completely paperless manner. This new option would function more efficiently if the following change in the International Bureau's practices for the processing and communication of priority documents under the PCT were introduced. A second change in practice is proposed which results from the entry into force of the amendments of the Regulations under the PCT as of January 1, 2004.

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Indication of the date of receipt of the priority document at the IB and information as to compliance with PCT Rule 17.1(a) or (b)

In accordance with Section 411(a) of the Administrative Instructions under the PCT, the current practice of the International Bureau is for the date of receipt of the priority document at the International Bureau to be stamped on the first page of the priority document and for a sticker also to be applied to that first page giving information as to whether the priority document was received in compliance or not with Rule 17.1(a) or (b).

As a result of the deployment of the E-Pdoc application, priority documents are proposed to no longer be physically date-stamped or have any sticker applied to them. Those indications will be provided to Offices and Authorities instead by way of a cover sheet attached to each copy of the priority document. Additional information, including bibliographic data relevant to the priority claim to which the priority document corresponds, will appear on this cover sheet. For samples of the proposed cover sheet, see Annexes I and II to this Circular. Annex I contains the proposed text to be used if the priority document has been received in compliance with Rule 17.1(a) or (b). Annex II contains the proposed text for cases where the priority has not been received in compliance with Rule 17.1(a) or (b).

Communication of date of receipt of a priority document to designated Offices

Under Rule 47.1(a-bis) as in force before January 1, 2004, the International Bureau would inform designated Offices of the fact and date of receipt of the priority document at the International Bureau before international publication by way of Form PCT/IB/355, which is issued at the time of international publication of the international application. If the document was received at the International Bureau after international publication of the international application, a copy of Form PCT/IB/304 would be sent to the designated Offices instead.

As a result of the amendment to Rule 47.1(a-bis), which came into effect on January 1, 2004, in respect of all international applications filed on or after January 1, 2004, the fact and date of receipt of a priority document is only to be communicated to designated Offices upon their specific request pursuant to Rule 93bis. As a result, the issuance of Form PCT/IB/355 or Form PCT/IB/304 to designated Offices is no longer required.

However, please note that information regarding the receipt of priority documents at the International Bureau, including information concerning whether the priority document was received in compliance with Rule 17.1(a) or (b), is available to all designated/elected Offices upon their specific request pursuant to Rule 93bis via the Communication on Request (COR) system .

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Upon request from designated Offices, the International Application Status Form (IASF) (Form PCT/IB/399) will be sent to the designated Office. The fact and date of receipt of the priority document would also be made available together with a specific priority document which has been ordered by a designated Office from the International Bureau.

The International Bureau would like to draw the attention of your Office to the fact that under amended Rule 47.1(a-bis), if the International Bureau discontinues the issuance of Forms PCT/IB/355 and PCT/IB/304 to designated Offices, your Office should not request these forms from the applicant once the application has entered the national phase. Instead, your Office should request Form PCT/IB/399 and/or a copy of the priority document in order to obtain all relevant information concerning the priority document and whether the PCT requirements concerning it have been complied with.

Comments on the proposed modifications of the practice of the International Bureau

Comments, if any, are invited to be provided to the International Bureau by December 31, 2004, preferably by fax to (+41-22) 910 00 30 or by email to pct.legal@wipo.int.

Yours sincerely,



Francis Gurry
Deputy Director General

Enclosures: Annex I – Proposed sample of cover sheet for priority documents received at the International Bureau in compliance with PCT Rule 17.1(a) or (b)

Annex II – Proposed sample of cover sheet for priority documents received at the International Bureau not in compliance with PCT Rule 17.1(a) or (b)

Document made available under the Patent Cooperation Treaty (PCT)

International application number: PCT/CA2004/000262

International filing date: 02 March 2004 (02.03.2004)

Document type: Certified copy of priority document

Document details: Country/Office: CA
Number: 2,300,066
Filing date: 03 March 2003 (03.03.2003)

Date of receipt at the International Bureau: 15 April 2004 (15.04.2004)

Remark: Priority document submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b)



World Intellectual Property Organization (WIPO) – Geneva, Switzerland
Organisation Mondiale de la Propriété Intellectuelle (OMPI) – Genève, Suisse

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