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ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

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June 28, 2007

Madam,
Sir,

This Circular is addressed to your Office in its capacity as receiving Office (RO) under the Patent Cooperation Treaty (PCT). Its intention is to propose a practice to your Office on issues relating to use of the PCT-SAFE software and the European Patent Office's (EPO) epoline® Online Filing Software.

It has come to the attention of the International Bureau (IB) that where the PCT-SAFE software or the epoline® Online Filing Software has been used for fully electronic filing of an international application (in particular, using versions of the software incorporating changes required in accordance with amendments to the PCT Regulations which entered into force on April 1, 2007), there may, in the case of a limited number of international applications, be a discrepancy between the number of pages constituting the request form on the client side when the applicant has finished preparing it with the software, and the number of pages calculated by the receiving Office server. Several international applications have been identified where differences in style sheets have resulted in greater line-spacing on the client side than on the server side, which has affected the number of pages comprising the request, which in turn could have an effect on the fees paid by the applicant.

In the view of the International Bureau, in the event of any discrepancy in the number of pages of the request caused by problems with the software, the applicant should not be put at a disadvantage as far as the "fee per sheet over 30" is concerned. The International Bureau as receiving Office has adopted the following procedure, and the International Bureau hereby proposes that all affected receiving Offices adopt this same procedure to resolve any such fee issues that may arise:

/...

Where the client side (the applicant's environment) shows more pages than on the server side at the RO, the applicant may have overpaid the amount of the fee per sheet over 30 component of the international filing fee, in which case the receiving Office should refund the difference to the applicant. If the server side has more pages than counted on the client side, the IB proposes that receiving Offices should not charge a fee for the "extra pages".

The June 2007 issue of the PCT Newsletter (No. 06/2007) informed applicants that the RO/IB has adopted the above practice.

A patch for the PCT-SAFE software, which resolves this problem, was released on May 25, 2007, and all PCT-SAFE registered users have been notified of this. The EPO will, as soon as possible, issue a patch for its software which resolves the problem. This only concerns epline® users filing PCT applications with the Patent Office of the Republic of Poland, the Industrial Property Office of Slovakia, and the IB as receiving Offices under the PCT. It will be made available through the "EOLF live update" for users filing with the Patent Office of the Republic of Poland and the Industrial Property Office of Slovakia as receiving Offices, and on the EPO website for users filing with the IB as receiving Office.

Receiving Offices which have questions or comments on this Circular should contact the PCT Legal Division at: pct.legal@wipo.int.

Yours sincerely,



Francis Gurry
Deputy Director General