

C. PCT 1386

June 25, 2013

Madam,
Sir,

Following consultation with your Office in its capacity as receiving Office (RO) under the Patent Cooperation Treaty (PCT), and also with certain intergovernmental and non-governmental organizations, modifications to the PCT Receiving Office Guidelines (ROGLs) are hereby promulgated with effect from July 1, 2013.

The modifications are as proposed in Circular C. PCT 1372, dated February 20, 2013, except where further changes have been made as a result of consultation, as indicated below (editorial and minor drafting changes are not specifically mentioned).

Modifications to the ROGLs

The modifications to paragraphs 166A, 166D, 166E, 166H, 166I, 166J, 166K, 166L, 166N and 166P are as proposed by Circular C.PCT 1372.

As a result of the consultation, proposed paragraphs 166B, 166C, 166F, 166G, 166M and 166O have been further modified.

In paragraph 166B, due to a number of responses, the “may” provision in the last sentence remains unchanged.

Due to concerns by some ROs, paragraphs 166C and 166O have been modified to clarify that the transmission by the Office of a copy of a declaration or other evidence to the International Bureau is not obligatory. However, the transmission of these documents

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is strongly recommended for the purpose of enabling designated Offices, during the national phase, to perform the limited review as provided for under Rule 49*ter*.1(d).

A few responses suggested clarification of the requirements regarding the statement of reasons and declarations in cases where the "unintentional" criterion is applied. Paragraphs 166F and 166G have thus been modified so that, for the "unintentional" criterion, a statement indicating that the failure to comply with the priority period was not deliberate may generally be sufficient. A RO may nevertheless require that such a statement be submitted in the form of a declaration and provide the reasons for the failure supported by evidence.

Due to a suggestion by a RO, a new category has been introduced in paragraph 166M, adding the financial constraints of the applicant as another circumstance under which the applicant may have failed to act with "due care" (new paragraph (b)).

Availability of Modified ROGLs

The consolidated version of the modified ROGLs (*as in force from July 1, 2013*) is available from the WIPO website at: www.wipo.int/pct/en/texts/gdlines.html.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Math R Pooley".

James Pooley
Deputy Director General