

C. PCT 1390

August 12, 2013

Madam,  
Sir,

1. This Circular is addressed to your Office in its capacity as a designated and elected Office and, where applicable, a receiving Office and/or an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty (PCT). It is also being sent to Geneva-based missions and foreign ministries of PCT Contracting States, as well as to certain non-governmental organizations representing users of the PCT system.
2. At its sixth session, held in Geneva from May 21 to 24, 2013, the Working Group discussed a paper (document PCT/WG/6/10) on the issue of PCT fee reductions, addressing both:
  - (a) the issue of fee reductions for small and medium sized enterprises (“SMEs”), universities and not-for-profit research institutes, especially but not limited to those from developing and least developed countries; as well as
  - (b) the issue of eligibility criteria for fee reductions for certain applicants from developing and least developed countries.
3. Discussions on the issue of fee reductions for SMEs, universities and not-for-profit research institutes are summarized in paragraphs 40 to 47 of the Summary by the Chair (document PCT/WG/6/23). From these discussions, the follow-up agreed by the Working Group includes a request to the International Bureau to invite Member States to provide further information on this issue, as detailed in paragraphs 45 and 46:

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“45. In addition, the Working Group agreed that the International Bureau should invite all Member States which at present granted reductions of national pre-grant patent fees to applicants which, under applicable national criteria, were considered to be small and medium-sized enterprises to provide information to the Secretariat on the national experiences gained, notably in terms of numbers of applications benefitting from such fee reductions and on any measurable impact on the filing behavior of such groups of applicants.”

“46. The Working Group further requested the International Bureau to prepare a working document, for discussion by the Working Group at its next session, on the various existing definitions of what constituted a small and medium-sized enterprise under applicable national or regional laws or practices in relation to fee reductions for national or regional IP/patent applications. That document should also contain a description of applicable mechanisms already in place in some countries concerning fee reductions for small and medium-sized enterprises, universities and research institutes.”

4. Discussions on fee reductions for certain applicants from certain countries, notably developing and least developed countries are summarized in paragraphs 48 to 53 of the Summary by the Chair. In particular, the outcome and follow-up agreed by the Working Group are outlined in paragraphs 52 and 53:

“52. The Chair concluded from the discussions that there was no clear way forward, and that further time and information appeared necessary in order for the Working Group to make progress on the issue. He encouraged Member States to provide input and concrete suggestions on a possible way forward to the Secretariat, in preparation for a continued discussion of the matter at the next session.”

“53. The Working Group agreed to continue its discussions on the matter at its next session and that the Secretariat would seek to update its working document to assist discussions.”

5. In accordance with paragraphs 45 and 46, above, Member States are invited to provide the International Bureau with the information requested on fee reductions for small and medium-sized enterprises, universities and not-for-profit research institutes for the preparation of a document for the next session of the Working Group. In particular, the following questions should be addressed in your response:

(a) Does your Office grant any reductions of pre-grant fees to natural persons, micro-entities, small and medium-sized enterprises, universities and research institutes?

(b) If so, what criteria are applied by your Office for an applicant to qualify for fee reductions? In your response, please include any definitions of a small and medium-sized enterprise used for this purpose, and whether applicants are required to be based in a particular country to qualify for the reductions.

(c) Which pre-grant fees are covered by the above fee reductions and what is the percentage reduction applied? For example, do reductions cover national or regional patent applications only, or do they also include fees to perform work by your Office under the PCT, whether acting in the capacity as a receiving Office, a designated or elected Office, or an International Searching and Preliminary Examining Authority?

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(d) If your Office applies fee reductions for natural persons, micro-entities, small and medium-sized enterprises, universities and research institutes, how many applications have benefitted from these fee reductions? Please provide data covering recent years, giving numbers of qualifying applications and the percentage of all applications this represents.

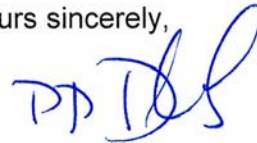
(e) What impact have fee reductions had on filing behavior, such as changes in the number of applications received from applicants who are eligible for fee reductions compared to the situation prior to introducing the reductions?

(f) Do you have any other useful experiences or further information to share on patent fee reductions for natural persons, micro-entities, small and medium-sized enterprises, universities and research institutes?

6. The International Bureau would also welcome any input and suggestions on the issue of fee reductions for certain applicants from developing and least developed countries, as stated in paragraph 52, above, with a view to continuing discussions on this issue at the next session of the Working Group.

7. Responses to this Circular should be sent to Mr. Claus Matthes, Director, PCT Business Development Division (e-mail: [pctbdd@wipo.int](mailto:pctbdd@wipo.int); fax +41-22-338 7150) by October 31, 2013.

Yours sincerely,



James Pooley  
Deputy Director General