

C. PCT 1548

November 5, 2018

Madam,
Sir,

Proposed modifications to certain Forms annexed to the Administrative Instructions under the PCT “the Administrative Instructions” and the PCT Receiving Office Guidelines “the RO Guidelines”

This Circular is addressed to your Office in its capacity as a receiving Office, an International Searching and Preliminary Examining Authority and/or a designated/elected Office under the Patent Cooperation Treaty (PCT) for the purposes of consultation under PCT Rule 89.2(b). It is also addressed to certain non-governmental organizations representing users of the PCT system.

The purpose of this Circular is to consult on proposed modifications to the RO Guidelines concerning the handling and processing of nucleotide and/or amino acid sequence listings and the decommissioning of the International Bureau’s fax servers proposed in Circular C. PCT 1545. The International Bureau also takes this opportunity to consult on additional matters, including (i) a proposed modification to harmonize the time limit specified in paragraph 153 of the RO Guidelines with PCT Rule 26.2; and (ii) proposed modifications to PCT Forms PCT/RO/156 and PCT/IB/370 on the invitation to correct declarations under Rule 4.17.

I. Proposed modifications to the RO Guidelines

Sequence Listings

It is recalled that at the seventh session of the PCT Working Group held in Geneva from June 10 to 13, 2014, the United States Patent and Trademark Office (USPTO) presented a proposal, entitled “*Treatment of a Sequence Listing Submitted in an International Application*”

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on the *International Filing Date*”, to modify paragraph 225 of the RO Guidelines (see document PCT/WG/7/23). The proposal was intended to protect applicants from reaching the national phase with a potentially fatal defect where the request contained no indication that the sequence listing forms part of the international application. As agreed during the discussions at the Working Group (see document PCT/WG/7/30, paragraphs 367-368), the International Bureau has worked with the USPTO and the European Patent Office in the intervening years on a revised draft proposal for consultation. Due to the restructuring of the paragraphs proposed below, the relevant draft text appears in proposed paragraph 222.

In addition, the International Bureau proposes to update the RO Guidelines to address sequence listings filed in WIPO Standard ST.25 text format (as set out in Annex C of the Administrative Instructions). Presently, the RO Guidelines only contemplate sequence listings submitted in page-based format (for example, how to process the relevant sheets), and do not provide guidance on how to handle sequence listings furnished in ST.25 text format. Accordingly, it is proposed to modify paragraphs 139 and 149 and to restructure Chapter IX, “*Nucleotide and/or Amino Acid Sequence Listing*” (paragraphs 222 to 227), distinguishing the formal requirements for sequence listings based on the format in which they are furnished.

Decommissioning of the International Bureau’s fax servers

The International Bureau has proposed to cease communication by fax between the International Bureau and Offices/applicants (see Circular C. PCT 1545). Accordingly, it is proposed to modify the RO Guidelines, paragraphs 159, 267, 273, 322 and 337, advising the receiving Offices to transmit documents to the International Bureau through ePCT in urgent cases (for example, a notice of withdrawal close to the completion of technical preparations for international publication) to ensure immediate processing. Any receiving Office wishing to set up ePCT Office user accounts should contact the PCT eServices Help Desk at pct.eservices@wipo.int for assistance. In the rare situation where ePCT cannot be used, it is suggested to use the PDF document upload service, which will be made available on the WIPO website.

Time limit under PCT Rule 26.2

The International Bureau also proposes to modify the RO Guidelines, paragraph 153 to bring it in line with the time limit specified in Rule 26.2.

.I. The paragraphs of the RO Guidelines proposed to be modified are set out in Annex I of this Circular.

II. Proposed modifications of certain Forms annexed to the Administrative Instructions

The International Bureau proposes to modify the annexes to Forms PCT/RO/156 and PCT/IB/370, namely the invitation to correct declarations made in the request under PCT Rule 4.17, to take into account the possibility of defects concerning a missing date in the declaration of inventorship furnished under Rule 4.17(iv) (see Section 214 of the Administrative Instructions for the prescribed wording).

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To assist your Office in identifying the proposed modifications in the existing Forms, the International Bureau has prepared a set of marked-up versions to accompany this Circular. The mark-ups indicate deleted and new text on separate pages. Thus, on the first marked-up page, the deleted text appears struck out in red. This is followed by the second marked-up page of the same Form where the new text is underlined in blue. Each page indicates clearly whether the modifications concern deleted or new text.

./ The PCT Forms proposed to be modified are set out in Annex II of this Circular.

III. Comments on the proposed modifications of certain PCT Forms and the RO Guidelines

Your Office is invited to provide comments, if any, to the International Bureau by November 30, 2018, by e-mail to: pct.legal@wipo.int.

Yours sincerely,



John Sandage
Deputy Director General

Enclosures: Annex I — Proposed modifications of the RO Guidelines (modified paragraphs only)

Annex II — Proposed modifications of PCT Forms PCT/RO/156 and PCT/IB/370

PROPOSED AMENDMENTS TO THE PCT RECEIVING OFFICE GUIDELINES

**CHAPTER VI
ARTICLE 14 CHECK AND
OTHER FORMAL REQUIREMENTS**

72. to 138. [No change]

139. **Arrangement of Elements and Numbering of Sheets.** The elements of the international application must be placed in the following order: the request, the description (if applicable, including the sequence listing free text referred to in Rule 5.2(b) but excluding the sequence listing part of the description), the claim(s), the abstract, the drawings (if any), and, where applicable, the sequence listing part of the description. All sheets constituting the international application must be numbered in consecutive Arabic numerals with the following separate series of numbering: the first applying to the request only and commencing with the first sheet of the request; the second series commencing with the first sheet of the description and continuing through the claims until the last sheet of the abstract; if applicable, a third series applying to the sheets of the drawings only; and, [for any sequence listing filed in page-based format \(on paper or as image files\)](#) ~~if applicable~~, a further series applying to the sequence listing part of the description commencing with the first sheet of that part. The number of each sheet of the drawings must consist of two sets of Arabic numerals separated by a slant, the first set being the sheet number and the second set being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3); see Rule 11.7 and Section 207. While Rule 11.7(b) indicates that the numbers must be centered at the top or bottom of the sheet, but not placed in the margin, objections to non-compliance with this specific limitation is unnecessary where the numbers appear in the top or bottom margins but do not interfere with the areas where the receiving Office stamps the sheets with the international application number, date of receipt and any indications relating to substitute sheets.

140. to 148. [No change]

Check List

149. **Indications Made by the Applicant.** The purpose of the check list in Box No. IX of the request, which should be completed by the applicant, is to allow the receiving Office to verify whether all sheets [and any sequence listing in ST.25 text format](#) intended to constitute the international application and all items to accompany it were filed. The receiving Office checks whether the applicant has correctly completed the check list, failing which it makes the necessary annotations (Rule 3.3, Section 313, ~~and~~ paragraphs 150 to 152 [and 222 to 224](#)). The actual number of sheets constituting each element of the international application as well as their total [and the presence of sequence listing part of the description in ST.25 text format \(if any\)](#) on the international filing date should be indicated. Thus, the receiving Office counts the sheets of the record copy (which includes the request but not the fee calculation sheet) and checks whether the number of sheets of the international application and the items which accompany it correspond to the indications made by the applicant in Box No. IX of the request. As regards the request, there must be at least three sheets, namely, the “first sheet,” the “second sheet” and the “last sheet.” ~~As regards any sequence listings~~ [part of the description in page-based format \(on paper or as image files\)](#), the number of sheets containing such sequence listing must be indicated separately (Rule 3.3(a)(i) [and paragraph 224](#)). [For any sequence listing in ST.25 text format, the check list should reflect the presence of the electronic file \(either as part of the description or as an accompanying item furnished only for search purposes\), without any indication of the number of sheets \(paragraphs 222A to 223\).](#) The language of filing of the application should be indicated; if it is not, the receiving Office should

preferably make the indication *ex officio* (paragraphs 161 to 165); the applicant should subsequently be invited to indicate the language only if the receiving Office is not in a position to determine in which language the international application was filed.

150. to 152. [No change]

Corrections under Article 14(1)(b) and Rule 26

153. **Invitation to Correct.** If the receiving Office finds one or more defects under Article 14(1)(a), it invites (Form PCT/RO/106) the applicant to correct them (Article 14(1)(b), Rule 26.1 and Section 316). However, the receiving Office does not invite the applicant to provide a missing signature required under Rule 4.15 if there is more than one applicant and at least one applicant has signed the request (Rule 26.2bis(a), Section 316 and paragraph 122), or where the request is only signed by the agent and the receiving Office has waived the requirement to furnish a separate power of attorney or of a copy of the general power of attorney. If the receiving Office sends an invitation under Article 14(1)(b), the receiving Office notifies the International Bureau and, if the title of the invention or if the abstract is missing (Rules 37.1 and 38.1), or if the drawings are defective, also the International Searching Authority, by sending a copy of Form PCT/RO/106. The invitation to correct ~~specifies must fix~~ a time limit of two months for correction ~~which is reasonable under the circumstances; this time limit may be extended at any time before a decision is taken~~ it shall not be less than one month from the date of the invitation (Rule 26.2).

154. to 158. [No change]

159. **Failure to Correct under Article 14(1)(b) and Rule 26.** If the receiving Office finds that defects under Article 14(1)(a) have not been corrected or have not been timely corrected, it declares the international application withdrawn and promptly notifies (Form PCT/RO/117) the applicant, the International Bureau and (if the search copy has already been transmitted) the International Searching Authority (Rule 29.1(ii) and (iii)). Since international publication can only be stopped if this notification reaches the International Bureau before completion of technical preparations for international publication (Rule 29.1(v)), it is critical that the declaration that the international application is considered withdrawn be made and notified to the International Bureau early enough to be able to have this effect. In urgent cases, it is strongly recommended that the receiving Office send the ~~such~~ notifications of withdrawal be faxed to the International Bureau through ePCT, preferably using the corresponding Action. Using ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and prevent publication if submitted before the completion of technical preparations for international publication. In the rare situation where ePCT cannot be used, the document upload service is available at [LINK TO BE PROVIDED]. Together with the copy of Form PCT/RO/117 sent to the International Bureau, ~~†~~ The receiving Office should transmit to the International Bureau a copy of Form PCT/RO/117 along with ~~enclose~~ copies of all papers and correspondence relating to the decision declaring that the international application is considered withdrawn to facilitate any subsequent review of that decision by a designated Office under Article 25(1). In any event, in view of Rule 26.3, the receiving Office should, in general, not declare the international application withdrawn for failure to comply with the physical requirements under Rule 11; only in extreme cases of non-compliance with those requirements should the receiving Office make such declaration. Where the international application does not contain all the prescribed indications concerning the applicant (Article 14(1)(a)(ii) and Rules 4.4 and 4.5), the receiving Office should not issue a declaration under Rule 26.5 in a case where, for example, there is a minor error in an address (see the opening words of Rule 4.4(c)), or where the applicant's full name is misspelled or not indicated, even if the applicant fails to correct the defect, upon invitation, within the prescribed time limit. If there is more than one applicant, it is sufficient that the indications required under Rule 4.5(a)(ii) and (iii) be provided in respect of one of them who is entitled according to

Rule 19.1 to file the international application with the receiving Office (Rule 26.2bis(b)) (paragraph 84A). Where failure to correct a defect which would affect the reasonably uniform international publication is noticed at a late stage, it would be inappropriate for the receiving Office to declare the international application withdrawn without first issuing a reminder and extending the time limit under Rule 26.2.

160. to 165. [No change]

(...)

CHAPTER IX NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTING

General

222. The receiving Office examines the check list in Box No. IX(f) of the request for reference to ~~any nucleotide and/or amino acid~~ sequence listings ~~filed on paper~~ and checks whether ~~such any~~ sequence listings ~~has~~^{ve} been filed as part of the description. If the applicant furnishes a single sequence listing on the same date as the international application, but the check list contains no indication that a sequence listing forms part of the international application, the receiving Office corrects the check list ex officio to indicate that the sequence listing forms part of the international application, in conformity with the requirement of Rule 5.2 that the international application contain a sequence listing where there is disclosure of one or more nucleotide and/or amino acid sequences. Where the applicant furnishes multiple sequence listings on the same day as the international application, but the check list contains no indication that one of the sequence listings forms part of the international application, the receiving Office should seek clarification from the applicant noting the requirement of Rule 5.2. (that is, as far as the sequence listing is concerned, not for the purposes of international search under Rule 13ter only). It also checks that the copy indicated in item 9, and the statement indicated in item 10, accompany the international application. It also checks that the type and number of physical data carriers on which the sequence listing is contained is as indicated in item 9. If there is any inconsistency, the check list may need to be corrected. The receiving Office need not check for compliance of any sequence listing part of the description with the prescribed requirements set out in the standard contained in Annex C of the Administrative Instructions since that check is made by the International Searching Authority (Rule 13ter). Consequently, the receiving Office need not check the language of the sequence listing, nor need it check compliance with the requirements as to presentation of the sequence listing; in particular, it need not check whether the sequence listing complies with Rule 5.2. However, the receiving Office must check the sheets containing the sequence listing to a limited extent, for example, in relation to the compliance with the physical requirements necessary for the purpose of a reasonably uniform international publication as required by paragraph 3(i) of the said Annex C; the receiving Office must also check the appropriate marking in the check list of the request. In addition, the receiving Office must check that the correct international filing fee has been paid (paragraph 242).

222A. The receiving Office examines whether the check list appropriately indicates the relevant accompanying items in Box Nos. IX-16 and IX-19 (Box No. IX, items 8 and 9 for check list filed on paper). If applicable, it also checks that the type and number of physical data carriers on which the sequence listing is contained are as indicated. If there is any inconsistency, the check list may need to be corrected. The receiving Office transmits to the International Searching Authority any sequence listing (and any accompanying statement) furnished to it for the purposes of international search, in electronic form whether submitted together with the international application or subsequent to the filing of the international application ~~(for the purposes of international search only)~~ (Rule 23.1(c) and Section 313(c)).

~~and any sequence listing in printed form furnished to it subsequent to the filing of the international application (Section 313(c) as outlined in paragraph 290).~~

~~Sheets Containing Sequence Listings~~Sequence Listing Furnished in ST.25 Text Format

223. ~~The receiving Office examines whether the check list in Box No. IX of the request appropriately indicates the submission in electronic form (in ST.25 text format) of the sequence listing and checks that it was submitted by means accepted by the receiving Office. The receiving Office need not check for compliance of the sequence listing furnished in ST.25 text format with the prescribed requirements set out in the standard contained in Annex C of the Administrative Instructions since that check is made by the International Searching Authority (Rule 13ter). Sheets of a sequence listing included in the international application must be presented as a separate part ("sequence listing part of the description") and should preferably be sequentially numbered in a series separate from that used in numbering the sheets of the request (first series), the sheets of the description, claims and abstract (second series), and any sheets of drawings (third series) (Section 207 and paragraph 139). For the purposes of the check list in Box No. IX of the request form, the receiving Office checks whether the number of sheets of such sequence listing is indicated separately in the check list (Rule 3.3(a)(i)). If that number is not indicated, the receiving Office includes it *ex officio* (paragraphs 161 to 165).~~

Sequence Listing Furnished in Page-Based Format (on Paper or as Image Files)

224. ~~The receiving Office examines whether the check list in Box No. IX of the request appropriately indicates "sequence listing part of the description" and checks whether the number of sheets of such sequence listing is indicated separately in the check list (Rule 3.3(a)(i)). If that number is not indicated separately or where the receiving Office has *ex officio* corrected the check list to indicate that the sequence listing in page-based format forms part of the international application (paragraph 222), the receiving Office includes it *ex officio* (paragraphs 161 to 165) and invites the applicant to pay any required fee for sheets in excess of the previously calculated total number of sheets (paragraph 242). Form PCT/RO/102 or PCT/RO/133, as the case may be, is used for that purpose (paragraphs 252 to 265). Tables related to a sequence listing contained in the international application must be included as an integral part of the description. Pages containing such tables are counted as sheets of the international application (paragraph 243).~~

225. ~~The receiving Office checks the sheets containing the sequence listing to a limited extent; it need not check the language of the sequence listing, compliance with requirements as to the presentation of the sequences, nor compliance with Rule 5.2. However, the receiving Office checks for compliance with the physical requirements necessary for the purpose of a reasonably uniform international publication as required by paragraph 3(i) of the said Annex C. Specifically, sheets of a sequence listing included in the international application must be presented as a separate part of the description (entitled "Sequence Listing") and should be sequentially numbered in a series separate from that used in numbering the sheets of the request (first series), the sheets of the description, claims and abstract (second series), and any sheets of drawings (third series) (Section 207 and paragraph 139). If the applicant furnishes sheets containing a sequence listing on the same date as the international application, but separately from the international application, the receiving Office, if in doubt, clarifies with the applicant whether those sheets are intended to form part of the international application. If the applicant so confirms, the receiving Office corrects the check list *ex officio* and invites the applicant to pay any required fee for sheets in excess of the previously calculated total number of sheets. Form PCT/RO/102 or PCT/RO/133, as the case may be, is used for that purpose (paragraphs 252 to 265).~~

~~Sheets Not Numbered or Incorrectly Numbered~~

~~226.~~—If sheets containing a sequence listing are not numbered or are incorrectly numbered, the receiving Office may either renumber them *ex officio* or invite the applicant under Rule 26 to do so by submitting replacement sheets (Rule 26.4 and paragraphs 153 to 159). Where sheets are renumbered, the total number of sheets indicated in the check list may need to be corrected and the receiving Office invites the applicant to pay any required additional fee for sheets in excess of the previously calculated total number of sheets (paragraphs 241 and 252 to 265).

226. Tables related to a sequence listing contained in the international application must be included as an integral part of the description. Pages containing such tables are counted as sheets of the international application (paragraph 243).

Subsequently Furnished Sequence Listing

227. ~~Sheets containing a~~Any sequence listing ~~which are~~ furnished after the filing of the international application would not normally be intended to form part of the international application. However, where the applicant indicates to the receiving Office that ~~these sheets are~~the subsequently furnished sequence listing is intended to form part of the international application, for example, in response to an invitation for clarification whether the ~~papers were~~sequence listing was erroneously omitted from ~~the papers constituting~~ the international application, the procedure under Rule 20.5 applies (paragraphs 200 to 206). In other cases, the applicant may have erroneously submitted to the receiving Office ~~corrected sheets to the sequence listing~~ intended for the International Searching Authority (Rule 13ter.1). In such case, the receiving Office should ~~either send those correction sheets promptly to that Authority and inform the applicant accordingly (see Section 313(c) and paragraph 290) or inform the applicant that those sheets should be sent by the applicant directly to the International Searching Authority.~~

(...)

CHAPTER XI FEES

235. to 266. [No change]

Failure to Pay the Prescribed Fees under Article 14(3)

267. If the applicant has failed to pay to the receiving Office the amount required under Rule 16bis or has paid less than what is needed to cover the transmittal fee, the international filing fee, where required, the late payment fee, and the search fee, the receiving Office declares the international application withdrawn under Article 14(3) and promptly notifies the applicant using Form PCT/RO/117. It sends a copy of that notification to the International Bureau and, where the search copy has already been transmitted, to the International Searching Authority (Rules 16bis.1(c) and 29.1). Since international publication can only be stopped if this notification reaches the International Bureau before completion of technical preparations for international publication (Rule 29.1(v)), it is critical that this declaration be made and notified to the International Bureau early enough to be able to have this effect. In urgent cases, it is strongly recommended that the receiving Office send the such notifications of withdrawal be faxed to the International Bureau through ePCT, preferably using the corresponding Action. Using ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and prevent publication if submitted before the completion of technical preparations for international publication. In the rare situation where ePCT cannot be used, the document upload service is available at [LINK TO BE PROVIDED].

268. to 272. [No change]

273. When transferring the international filing fee, the receiving Office should, by letter, ~~facsimile transmission~~ or in electronic form, communicate to the International Bureau the following information: the international application number, the name of the applicant (that is, the applicant first named in the request), and the total amount of the international filing fee. As an example of a table containing the indications mentioned above, see Annex A to these Guidelines.

(...)

CHAPTER XVII WITHDRAWAL OF THE INTERNATIONAL APPLICATION, ANY DESIGNATION OR ANY PRIORITY CLAIM

314. to 321. [No change]

Transmittal of Notice Effecting Withdrawal

322. The receiving Office promptly transmits to the International Bureau any notice effecting a withdrawal under Rule 90*bis*.1, 90*bis*.2 or 90*bis*.3 (Form PCT/RO/136), of any notice effecting a withdrawal of kinds of protection (Form PCT/RO/132), with an indication of the date of receipt of the notice. If the record copy has not yet been transmitted to the International Bureau, the receiving Office transmits the notice of withdrawal to that Bureau together with the record copy (Section 326(a)). In the case of a withdrawal of the international application or of the (earliest) priority claim, it is often the applicant's intention to prevent or postpone international publication of the application. In such cases, the receiving Office must take into account the fact that the International Bureau will only be in a position to prevent or postpone that publication if the notice of withdrawal reaches it before technical preparations for international publication have been completed; ~~therefore,~~ In urgent cases, it is strongly recommended that the receiving Office ~~should preferably also~~ send the ~~notice~~notification of withdrawal to the International Bureau ~~by facsimile transmission through ePCT, preferably using the corresponding Action. Using ePCT Action will ensure that the international application is immediately flagged as withdrawn in the International Bureau's processing system and prevent publication if submitted before the completion of technical preparations for international publication. In the rare situation where ePCT cannot be used, the document upload service is available at [LINK TO BE PROVIDED].~~

323. to 324. [No change]

(...)

**CHAPTER XIX
MISCELLANEOUS**

333. to 336. [No change]

Completion of Technical Preparations for International Publication by the International Bureau

337. The international application is published promptly after 18 months from the priority date except where early publication has been requested (Article 21(1) and (2)). International applications are usually published on Thursdays, and technical preparations for international publication are generally completed 15 calendar days before the actual publication date. When there is no international publication on a given Thursday because it is a day when the International Bureau is not open for business, publication may, but does not always, take place on the preceding day (Wednesday). In such cases, the receiving Office ~~should~~may contact the International Bureau for confirmation of the exact day of international publication or look up the target publication date in the ePCT system. A document, notification or communication which is to be published by the International Bureau (Rule 48.2), and might not reach the International Bureau before the date of completion of technical preparations if sent by ordinary ~~mail-communication means~~, should be transmitted ~~by facsimile, in addition to the original being sent by mail~~ through ePCT, preferably using the specific Action corresponding to the document type or using Documents upload indicating the relevant document type. Using ePCT to transmit documents will ensure that they are made directly available in the International Bureau's processing system for urgent processing based on proximity to the target publication date. In the rare situation where ePCT cannot be used, the document upload service is available at [LINK TO BE PROVIDED].

338. to 339. [No change]

[End of Annex I]

Annex II to Circular C.PCT 1548
PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCT

INVITATION TO CORRECT
 DECLARATIONS MADE IN THE REQUEST
 UNDER PCT RULE 4.17

(PCT Rules 4.17 and 26ter.2(a))

To:

Date of mailing (day/month/year)

Applicant's or agent's file reference	REPLY DUE See below
International application No.	International filing date (day/month/year)
Applicant	

1. The applicant is hereby **invited to submit to the International Bureau a corrected declaration** within the time limit indicated below and as explained in the Annex. The applicant's attention is drawn to the fact that the declaration has **not been examined** for compliance with national law requirements of the designated State(s) for which that declaration is made.

When? Within 16 months from the priority date, provided that any corrected declaration which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed (Rule 26ter.1).

How? By submitting a replacement sheet containing a corrected declaration accompanied by a letter explaining the correction (see Section 216). See Sections 211 to 215 for the applicable standardized wording.

Where? Directly to the International Bureau at the following address:
 The International Bureau of WIPO, 34, chemin des Colombettes, 1211 Geneva 20, Switzerland
 (Facsimile No.: +41 22 338 82 70)
 If the corrected declaration is submitted to the receiving Office, that Office shall mark the date of receipt on it and transmit it promptly to the International Bureau. The declaration shall be considered to have been submitted to the International Bureau on the date marked (see Section 317).

2. **Failure to correct the declaration within the time limit** will result in the declaration, **as originally filed**, being published as part of the international application (Rule 48.2(a)(x)).
 Any declaration received after the expiration of the time limit under Rule 26ter.1 will have to be submitted by the applicant directly to the designated Offices concerned; it is only in the case of a signed declaration of inventorship for the purposes of the designation of the United States of America (Rule 4.17(iv)) that the original declaration will be returned to the applicant (see Section 419(d)).

3. **In respect of national phase processing**, the applicant's attention is drawn to Rule 51bis.2 which provides that the designated Office shall not, unless it may reasonably doubt the veracity of the declaration concerned, require any document or evidence relating to the subject matter of any declaration complying with Rule 4.17(i) to (iv) which is contained in the request or submitted to the International Bureau or directly to the designated Office. Note, however, that Rule 51bis.2 may not apply in respect of certain States. For further information, see Notes to the request form, Box No. VIII.

4. A copy of this Invitation is being sent to the International Bureau.

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCTINVITATION TO CORRECT
DECLARATIONS MADE IN THE REQUEST
UNDER PCT RULE 4.17

(PCT Rules 4.17 and 26ter.2(a))

To:

Date of mailing (day/month/year)

Applicant's or agent's file reference	REPLY DUE See below
International application No.	International filing date (day/month/year)
Applicant	

1. The applicant is hereby **invited to submit to the International Bureau a corrected declaration** within the time limit indicated below and as explained in the Annex. The applicant's attention is drawn to the fact that the declaration has **not been examined** for compliance with national law requirements of the designated State(s) for which that declaration is made.

When? Within 16 months from the priority date, provided that any corrected declaration which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed (Rule 26ter.1).

How? By submitting a replacement sheet containing a corrected declaration accompanied by a letter explaining the correction (see Section 216). See Sections 211 to 215 for the applicable standardized wording.

Where? Directly to the International Bureau at the following address:
The International Bureau of WIPO, 34, chemin des Colombettes, 1211 Geneva 20, Switzerland
(Facsimile No.: +41 22 338 82 70)
If the corrected declaration is submitted to the receiving Office, that Office shall mark the date of receipt on it and transmit it promptly to the International Bureau. The declaration shall be considered to have been submitted to the International Bureau on the date marked (see Section 317).

2. **Failure to correct the declaration within the time limit** will result in the declaration, **as originally filed**, being published as part of the international application (Rule 48.2(a)(x)).

Any declaration received after the expiration of the time limit under Rule 26ter.1 will have to be submitted by the applicant directly to the designated Offices concerned; it is only in the case of a signed declaration of inventorship for the purposes of the designation of the United States of America (Rule 4.17(iv)) that the original declaration will be returned to the applicant (see Section 419(d)).

3. **In respect of national phase processing**, the applicant's attention is drawn to Rule 51bis.2 which provides that the designated Office shall not, unless it may reasonably doubt the veracity of the declaration concerned, require any document or evidence relating to the subject matter of any declaration complying with Rule 4.17(i) to (iv) which is contained in the request or submitted to the International Bureau or directly to the designated Office. Note, however, that Rule 51bis.2 may not apply in respect of certain States. For further information, see Notes to the request form, Box No. VIII.

4. A copy of this Invitation is being sent to the International Bureau.

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

International application No.

ANNEX TO FORM PCT/RO/156¹

The receiving Office has found the following defect(s) in the declaration(s) listed below:

1. declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i) and Section 211), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

2. declaration as to the applicant's entitlement, as at the international filing date, to apply for or be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii) and Section 212), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

3. declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii) and Section 213), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

4. declaration of inventorship (only for the purposes of the designation of the United States of America) (Rules 4.17(iv) and 51bis.1(a)(iv) and Section 214), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 is not signed by all inventors named in the declaration
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 is not signed by all inventors named in the declaration
 other (*specify*):

5. declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v) and Section 215), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

¹ If necessary, additional entries (c., d., e...) may be included under each type of declaration or on another copy of this Annex.

International application No.

ANNEX TO FORM PCT/RO/156¹

The receiving Office has found the following defect(s) in the declaration(s) listed below:

1. declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i) and Section 211), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

2. declaration as to the applicant's entitlement, as at the international filing date, to apply for or be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii) and Section 212), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

3. declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii) and Section 213), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

4. declaration of inventorship (only for the purposes of the designation of the United States of America) (Rules 4.17(iv) and 51bis.1(a)(iv) and Section 214), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 is not signed by all inventors named in the declaration
 is not dated
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 is not signed by all inventors named in the declaration
 is not dated
 other (*specify*):

5. declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v) and Section 215), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

¹ If necessary, additional entries (c., d., e...) may be included under each type of declaration or on another copy of this Annex.

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

INVITATION TO CORRECT
DECLARATIONS MADE IN THE REQUEST
UNDER PCT RULE 4.17

(PCT Rules 4.17 and 26ter.2(a))

To:

Date of mailing (day/month/year)	
Applicant's or agent's file reference	REPLY DUE See below
International application No.	International filing date (day/month/year)
Applicant	

1. The applicant is hereby **invited to submit to the International Bureau a corrected declaration** within the time limit indicated below and as explained in the Annex. The applicant's attention is drawn to the fact that the declaration has **not been examined** for compliance with national law requirements of the designated State(s) for which that declaration is made.

When? Within 16 months from the priority date, provided that any corrected declaration which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed (Rule 26ter.1).

How? By submitting a replacement sheet containing a corrected declaration accompanied by a letter explaining the correction (see Section 216). See Sections 211 to 215 for the applicable standardized wording.

Where? Directly to the International Bureau at the address indicated below.
If the corrected declaration is submitted to the receiving Office, that Office shall mark the date of receipt on it and transmit it promptly to the International Bureau. The declaration shall be considered to have been submitted to the International Bureau on the date marked (see Section 317).

2. **Failure to correct the declaration within the time limit** will result in the declaration, **as originally filed**, being published as part of the international application (Rule 48.2(a)(x)).

Any declaration received after the expiration of the time limit under Rule 26ter.1 will have to be submitted by the applicant directly to the designated Offices concerned; it is only in the case of a signed declaration of inventorship for the purposes of the designation of the United States of America (Rule 4.17(iv)) that the original declaration will be returned to the applicant (see Section 419(d)).

3. **In respect of national phase processing**, the applicant's attention is drawn to Rule 51bis.2 which provides that the designated Office shall not, unless it may reasonably doubt the veracity of the declaration concerned, require any document or evidence relating to the subject matter of any declaration complying with Rule 4.17(i) to (iv) which is contained in the request or submitted to the International Bureau or directly to the designated Office. Note, however, that Rule 51bis.2 may not apply in respect of certain States. For further information, see Notes to the request form, Box No. VIII.

4. A copy of this Invitation is being sent to the receiving Office.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer
Facsimile No. +41 22 338 82 70	Telephone No. +41 22 338 XX XX

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCTINVITATION TO CORRECT
DECLARATIONS MADE IN THE REQUEST
UNDER PCT RULE 4.17

(PCT Rules 4.17 and 26ter.2(a))

To:

Date of mailing (day/month/year)	
Applicant's or agent's file reference	REPLY DUE See below
International application No.	International filing date (day/month/year)
Applicant	

1. The applicant is hereby **invited to submit to the International Bureau a corrected declaration** within the time limit indicated below and as explained in the Annex. The applicant's attention is drawn to the fact that the declaration has **not been examined** for compliance with national law requirements of the designated State(s) for which that declaration is made.

When? Within 16 months from the priority date, provided that any corrected declaration which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed (Rule 26ter.1).

How? By submitting a replacement sheet containing a corrected declaration accompanied by a letter explaining the correction (see Section 216). See Sections 211 to 215 for the applicable standardized wording.

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If the corrected declaration is submitted to the receiving Office, that Office shall mark the date of receipt on it and transmit it promptly to the International Bureau. The declaration shall be considered to have been submitted to the International Bureau on the date marked (see Section 317).

2. **Failure to correct the declaration within the time limit** will result in the declaration, **as originally filed**, being published as part of the international application (Rule 48.2(a)(x)).
Any declaration received after the expiration of the time limit under Rule 26ter.1 will have to be submitted by the applicant directly to the designated Offices concerned; it is only in the case of a signed declaration of inventorship for the purposes of the designation of the United States of America (Rule 4.17(iv)) that the original declaration will be returned to the applicant (see Section 419(d)).

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The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer
Facsimile No. +41 22 338 82 70	Telephone No. +41 22 338 XX XX

ANNEX TO FORM PCT/IB/370

The International Bureau has found the following defect(s) in the declaration(s) listed below:

1. declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i) and Section 211), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

2. declaration as to the applicant's entitlement, as at the international filing date, to apply for or be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii) and Section 212), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

3. declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii) and Section 213), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

4. declaration of inventorship (only for the purposes of the designation of the United States of America) (Rules 4.17(iv) and 51bis.1(a)(iv) and Section 214), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 is not signed by all inventors named in the declaration
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 is not signed by all inventors named in the declaration
 other (*specify*):

5. declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v) and Section 215), in respect of:
 - a. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):
 - b. *(name(s) included in the declaration)*:
 is not in the prescribed wording
 other (*specify*):

ANNEX TO FORM PCT/IB/370

The International Bureau has found the following defect(s) in the declaration(s) listed below:

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