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WORLD INTELLECTUAL PROPERTY ORGANIZATION
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INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

ASSEMBLY

Thirtieth (13th Ordinary) Session
Geneva, September 24 to October 3, 2001

PROPOSED AMENDMENT OF THE SCHEDULE OF FEES
ANNEXED TO THE REGULATIONS UNDER THE PCT

Memorandum prepared by the Director General

1. Pursuant to Rule 15.1 of the Regulations under the PCT, each international application is subject to the payment of a fee for the benefit of the International Bureau consisting of a basic fee and as many designation fees as there are national and regional patents sought by the applicant under Rule 4.9(a). Rule 15.1 also provides that the Schedule of Fees annexed to the Regulations may indicate a maximum number of designation fees payable. Rule 15.2(a) further provides that the amount of the designation fee is to be set out in the Schedule of Fees.
2. At its 29th session, held in Geneva from September 25 to October 3, 2000, the Assembly decided, with effect from January 1, 2001, to reduce the maximum number of designation fees payable from 8 to 6.
3. As the International Bureau and other Offices are able to take advantage of modern technology to computerize their processing of international applications, the cost of processing international applications depends less and less on the number of designations made in applications and the maximum number of designation fees payable may be thus progressively decreased.
4. It is therefore proposed to decrease, with effect from January 1, 2002, the maximum number of designation fees payable from 6 to 5, which would mean that applicants could designate all PCT Contracting States by paying only 5 designation fees. In comparison to the current fees, the proposed fee reduction would decrease, on average, the corresponding fee income of the International Bureau by 6.1%.

5. The proposed fee reduction would confer greater benefit to applicants who maximize the number of their designations. In the first five months of 2001, the maximum number of payable designation fees (currently 6) were paid in about 78% of all PCT applications filed. Thus, more than three quarters of all PCT applications can be expected to benefit from a 7.1% decrease in the international fee as a result of the proposed fee reduction.

6. This proposed fee reduction has already been taken into account in the preparation of the Draft Program and Budget for 2002-2003 (document WO/PBC/4/2). Moreover, as indicated in the said Draft Program and Budget, it is already envisaged that a further reduction of the maximum number of payable designations from 5 to 4 could take place with effect from January 1, 2003. This will then be the sixth consecutive year whereby the fees are reduced, which will result in a reduction of 45 % of the average fee per international application during the period from 1997 to 2003.

7. For applicants who already benefit from either the 75% reduction of the international fee for PCT applications filed by natural persons from certain States or the reduction of the international fee for using the PCT-EASY software (see items 4 and 5 in the Schedule of Fees), the proposed fee reduction would further reduce the overall cost of obtaining patent protection using the PCT.

8. The proposed fee reduction would require amendment of the Schedule of Fees as shown in the Annex to this document. Text proposed to be deleted is struck through and text proposed to be added is underlined.

9. The Assembly of the PCT Union is invited to adopt the proposed amendment to the Schedule of Fees appearing in the Annex to this document and to decide that it will enter into force on January 1, 2002.

[Annex follows]

ANNEX

PROPOSED AMENDMENT OF
THE REGULATIONS UNDER THE PCT

SCHEDULE OF FEES

(as proposed to be amended with effect from January 1, 2002)

Fees	Amounts
1. Basic Fee: (Rule 15.2(a))	
(a) if the international application contains not more than 30 sheets	650 Swiss francs
(b) if the international application contains more than 30 sheets	650 Swiss francs plus 15 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2(a))	
(a) for designations made under Rule 4.9(a)	140 Swiss francs per designation, provided that any designation made under Rule 4.9(a) in excess of <u>65</u> shall not require the payment of a designation fee
(b) for designations made under Rule 4.9(b) and confirmed under Rule 4.9(c)	140 Swiss francs per designation
3. Handling Fee: (Rule 57.2(a))	233 Swiss francs

Reductions

4. The total amount of the fees payable under items 1 and 2(a) is reduced by 200 Swiss francs if the international application is, in accordance with and to the extent provided for in the Administrative Instructions, filed on paper together with a copy thereof in electronic form.
5. All fees payable (where applicable, as reduced under item 4) are reduced by 75% for international applications filed by any applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below US\$3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997); if there are several applicants, each must satisfy those criteria.

[End of Annex and of document]