

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

ASSEMBLY

Thirty-Sixth (16th Ordinary) Session
Geneva, September 24 to October 3, 2007

APPOINTMENT OF THE INDIAN PATENT OFFICE
AS AN INTERNATIONAL SEARCHING AND
PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

Document prepared by the International Bureau

1. The appointment of International Searching Authorities (ISAs) and International Preliminary Examining Authorities (IPEAs) under the Patent Cooperation Treaty (PCT) is a matter for the Assembly and is governed by Articles 16(3) and 32(3) of the PCT. It follows from Rules 36.1(iv) and 63.1(iv) of the Regulations under the PCT that any appointment will be as both an ISA and an IPEA.
2. In a letter dated August 20, 2007, the text of which appears in Appendix I, the Government of India expressed the wish that the Indian Patent Office (IPO) be appointed as an ISA and IPEA.
3. Articles 16(3)(e) and 32(3) of the PCT require that, before the Assembly makes a decision on the appointment of an ISA and IPEA, it shall hear the Office or organization concerned and seek the advice of the PCT Committee for Technical Cooperation. The Committee, at its 23rd session held in Geneva from September 24 to October 3, 2007, will consider the appointment of IPO as an ISA and IPEA, and the Committee's advice will be submitted to the Assembly during its session (which is being held during the same period).

4. Under Articles 16(3)(b) and 32(3) of the PCT, the appointment of an ISA and IPEA is conditional on the conclusion of an Agreement, subject to approval by the Assembly, between the Office or organization concerned and the International Bureau. The text of a draft Agreement between the IPO and the International Bureau is set out in Appendix II. Its Articles are substantially identical to the corresponding provisions in the proposed new Agreements relating to existing Authorities set out in document PCT/A/36/4.

5. If the Assembly agrees to the appointment, it would take effect upon the entry into force of the Agreement between the IPO and the International Bureau. Such entry into force would, under Article 9 of the draft Agreement, be one month after the date on which the Authority notifies the Director General that it is prepared to start functioning as an ISA and IPEA. Under Article 10 of the draft Agreement, it would remain in force until December 31, 2017, that is, until the same time as is proposed for the new Agreements relating to all existing Authorities.

6. The Assembly of the PCT Union is invited, in accordance with Articles 16(3) and 32(3) of the PCT:

(i) to hear the representative of the Indian Patent Office and take into account the advice of the PCT Committee for Technical Cooperation;

(ii) to approve the text of the draft Agreement between the Government of India and the International Bureau as set out in Appendix II; and

(iii) to appoint the Indian Patent Office as an International Searching Authority and an International Preliminary Examining Authority with effect from the entry into force of the Agreement until December 31, 2017.

[Appendix I follows]

LETTER FROM THE GOVERNMENT OF INDIA TO THE DIRECTOR GENERAL

“Ajay Shankar
“Secretary to Government of India

“Deptt. of Industrial Policy and Promotion
“Ministry of Commerce & Industry
“Udyog Bhawan, New Delhi – 110 011

“D.O.No.8/10/2007 – IPR-III

“20th August 2007

“Excellency,

“It is with pleasure that I convey to you India’s intention of gaining recognition as an International Searching Authority (ISA) and an International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT) of the World Intellectual Property Organization (WIPO). In order to facilitate this process, kindly find enclosed the requisite information. It would be appreciated if this matter is placed on the agenda of the PCT Assembly scheduled to be held in conjunction with the 43rd series of meetings of the Assemblies of Member States of WIPO in September-October 2007.

“Accept, Excellency, the assurances of my highest consideration.

“Yours sincerely,

[signed]

“(Ajay Shankar)”

[Annex I follows]

ANNEX I

PRESENTATION OF THE INDIAN PATENT OFFICE

Aim of the Indian Patent Office (IPO)

Statistical evidence shows a clear correlation between the innovative performance of a country and the quality of the local framework conditions for protection of innovation in that country. The recent modernisation activities undertaken by IPO aims at strengthening of the search capabilities, maintaining and improving search tools with overall objective for improving the efficiency and coherence of the Indian patent system.

The strengthening of patent system contributes to stimulating Indian companies, in particular small and medium-sized enterprises, to innovation and contributes in economic growth through addition of new innovative product in the market. National patent office being a hub for IP activity need to emerge as competent centres for industrial property rights, capable of offering customized services of quality and efficiency, which is competitive by international standards.

Another objective of IPO is to support the global development and usefulness of the PCT system by adding further competent resources to those presently available.

Organisation of IPO

IPO propose to make available space and infrastructure necessary for efficient functioning of ISA and IPEA. It is proposed to appoint Director for International Searching Authority in Delhi who will be supported by one Assistant Director, ISA and one Assistant Director, IPEA. These appointments will be made from the existing Controllers in the Patent Offices. For search and substantive examination, the resources will be the examiners of the patent office. The Director will be supervised by the Controller General of Patents, Designs and Trademarks (CGPDTM).

Director, ISA and IPEA, will be responsible for distributing search and examination tasks between the examiners of the patent offices in such a way that work will be performed by an examiner having the necessary competencies.

IPO will have an International Secretariat under the Director, which will be the interface to all external parties, including the International Bureau of WIPO and the Receiving Offices of the patent offices. The tasks of the International Secretariat will be performed by the staff of the Receiving Offices acting under full instructions of Director.

Use of IPO as a PCT authority will initially be open to applicants and residents of India who, however, will still have the option of choosing any other PCT authority and may be open to other States in due course as the Authority gains experience and capacity.

Quality Assurance

ISA and IPEA will establish a Quality Assurance system, which will be certified according to ISO 9001. The system will cover all services offered by IPO.

The Indian Patent Office already have well established quality assurance systems under the supervision of Controller General of Patents, Designs and Trade Marks covering the patent granting procedures. The patent system complies with the provisions on quality assurance in the PCT International Search and Preliminary Examination Guidelines (PCT/GL/ISPE).

The ISA and IPEA quality assurance system will be based on the national systems but will obviously have to be extended to cover the full PCT procedure. The quality standards and practices will be harmonised for all PCT work and brought in full compliance with the standards and practices established by the PCT. The IPO have, for many years, co-operated on harmonisation of patent practice and bench marking of the patent granting procedure including search and examination procedures and tools. This co-operation will be further strengthened as part of the IPO cooperation.

The competence and number of examiners is an important aspect of quality. The PCT minimum requirements are fully met in this respect. This is dealt with separately in Annex II.

Another aspect of quality is the access to the PCT minimum documentation. To the best of our knowledge, these minimum requirements are also met by IPO. Any possible gaps that might be identified will be rectified before IPO will start operation as a PCT authority. Further details can be found in Annex III.

[Annex II follows]

ANNEX II

EXAMINATION RESOURCES OF THE INDIAN PATENT OFFICE

1. INTRODUCTION

Search and Preliminary examination of PCT applications will be carried out by Examiners of the Indian patent offices on behalf of ISA and IPEA. Information contained in the present Annex concerning examiner resources will therefore generally refer to the examiner resources of the patent offices.

The Patent offices in India have for many years pursued a strategy of performing search and examination of a quality, which matches international standards. The Indian Patent Offices have a long-standing tradition of ensuring highly competent and motivated staff as well as the best possible search and examination tools, comprehensive search material and general quality assurance.

2. EXAMINER RESOURCES

Presently, the Indian Patent Office has 135 examiners and plans for recruitment of 100 more examiners in the 2007-08. These examiners are employed on a full-time basis and are predominantly occupied with search and examination. The examiners have a university degree in technology or natural science, law and in some cases further postgraduate degrees such, PhD or equivalent. The examining divisions of patent office comprise examiners in the fields of Electricity & Physics, Machinery, Biotechnology, and Organic Chemistry, Industrial Chemistry, and Construction and Foodstuff & Healthcare.

3. COMPETENCE OF EXAMINERS

The examiners are all experts in their own branch of technology and allocated to specific technical areas. A large number of the examiners also have many years of experience in the patent field. The density of examiner competencies within the various technical disciplines obviously reflects the structure of national industry. In general, patent offices have more than adequate coverage of all technical fields. All examiners have excellent knowledge of English language. In addition they are well versed in Hindi and other languages such as Tamil and Bengali.

4. PROCESSING OF PATENT APPLICATIONS AND OTHER WORK

The Patent Office receives about 25,000 first national filings per year. Close to thirty percent of the Indian applications, however, are filed in order to obtain a priority date and are not carried on to full examination.

The high number of first filings at the Patent Office despite the possibility of using the International Bureau (IB) route signifies a trust in the quality of services delivered by the IPO.

5. TRAINING AND JOB DESCRIPTION

New examiners are trained and supervised by a senior examiner. Initially, the Controller keeps supervision on the work of the new examiner and is responsible for all decisions taken by the new examiner during the processing of an application. The new examiner also takes up in-house training for two week organised by Intellectual Property Training Institute at Nagpur. This training provides better understanding to the examiner on procedure and legal aspects of patent law. This training also enhances the capability of the examiner in performing novelty searches. The examiners are also subjected to specialised training provided by experts from European Patent Office and other offices in the specialised area such as biotechnology invention and computer related inventions. Examiners are also being sent for short term and long-term training under WIPO programmes and bilateral cooperation training programmes.

Examiners are also nominated to participate in seminars and courses in their respective technological fields in order to maintain and update their competencies at a high level.

6. QUALITY CONTROL

The general principles of the forthcoming IPO Quality Assurance System are explained in Annex I.

The existing national quality assurance system in the IPO is being revamped. IPO has extensive manuals for all parts of the patent granting process, including particular guidelines on search, examination and communication with the applicant. There are permanent working groups specifically dedicated to improvement of tools and procedures, quality control, and initiation of corrective action in response to feedback from the quality control. These features will be further strengthened in future with the aim of harmonising tools and procedures in the offices. The objective is to ensure that search and examination of any application should lead to the same result irrespective of which office performed the task.

As a further step of harmonisation, the quality standards, practice, tools and (where appropriate) procedures will be harmonised with those applied universally at the EPO.

7. EXAMINATION METHODS AND TOOLS

It is proposed to conduct online novelty searches mainly by using the databases such as EPODOS, WPI, PAJ and INSPEC accessed via the EPOQUE search tool. Other important document databases are accessed for instance via Micro pat and STN. Examiners also use full text databases in various languages and other databases containing articles and other non-patent literature. IT tools, including work stations, used by the examiners are of a high and modern standard.

The collection of patent documents and other publications in paper form is very comprehensive and is used whenever appropriate.

Annex III gives detailed information on the document files and databases available to examiners for search purposes.

[Annex III follows]

ANNEX III

SEARCH DOCUMENTATION USED BY IPO

1. PCT MINIMUM DOCUMENTATION

PCT authorities must have access to the minimum documentation which comprises patent publications since 1920 on paper, microfilm, electronic carriers or databases as well as certain non-patent literature. Indian Patent Office (IPO) has documents from the year 1912 onwards till date, in paper and electronic form.

Patent Documents

According to PCT Rule 34.1, the minimum documentation comprises the following patent publications, published patent applications and granted patents:

- (i) the patents issued in and after 1920 by France, the former Reichspatentamt of Germany, Japan, the former Soviet Union, Switzerland (in the French and German language only), the United Kingdom, and the United States of America,
- (ii) the patents issued by the Federal Republic of Germany and the Russian Federation,
- (iii) the patent applications, if any, published in and after 1920 in the countries referred to in items (i) and (ii),
- (iv) the inventors' certificates issued by the former Soviet Union,
- (v) the utility certificates issued by, and the published applications for utility certificates of France,
- (vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, German or Spanish language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority,
- (vii) the published international (PCT) applications, the published regional applications for patents and inventors' certificates, and the published regional patents and inventors' certificates.

According to PCT Rule 34.1(e), IPO as a PCT Authority will only be requested to have access to patent documents of Japan, the Russian Federation and the former Soviet Union as well as Spanish language patent documents to the extent that English language abstracts of these documents are generally available.

At the Indian Patent Office, the patent document full text available as per country US (1836 onwards), GB (1979 onwards), EP (1985 onwards), WO (1978 onwards), JAPAN (1994 onwards), in CD-ROM, AU (1979 onwards) in MICROFICHE, India (1912 onwards), MICROPATENT (1971 onwards). These are available at the Patent Information System, Nagpur, India.

Non-patent Literature

The PCT minimum documentation also covers such other items of non-patent literature which are agreed on by the international research organs and which are published in a register kept by the International Bureau of the World Intellectual Property Organization. An updated list of currently agreed non-patent literature is available at the WIPO website.

IPO has most of Indian journals and several international journals (copy enclosed) including chemical abstract, biotechnology abstract, science, nature, patent and designs journal, cipa journals, computer in libraries, etc.

Two Indian journals (Indian Journal of Traditional Knowledge, Medical and aromatic plants abstracts) are listed in PCT list.

Patent specification and abstract available 95,00,000 approximately in paper form and 15,000 in CD form.

2. SEARCH FILES USED BY IPO

Search Methods and Tools

Searches are primarily conducted electronically by IPO by using following databases. Searches are conducted in paper files when necessary, which in particular is the case for searches in Indian patent literature. The paper based search files of patent office are very comprehensive and organised by classification systems in a way suitable for searching.

Proposed use of EPOQUE

The proposed EPOQUE search tool would give access to the following patent literature:

Country	Access to		
	BNS	EPOQUE- Full-text	EPODOC
Switzerland, CH	All documents from: CH1 (A 1888 1101)	French, German and Italian Oldest document from 1900	All documents from: CH1 (A 1888 1101)
Germany, DE	Documents from: DE1 (C 1877 0702) DE1427159U (U 1933 0203)	German full-text since 1920 . Oldest document: DE318791 (C 1920 0207)	Documents from: DE1 (C 1877 0702) DE1427159U (U 1933 0203)
France, FR	Documents from: FR1983E (E 1900 0101) FR2000029 (A1 1969 0829) (Utility model)	French full-text since 1900 . Oldest document: FR1983E (E 1900 0101)	Documents. From: FR1983E (E 1900 0101)
United Kingdom, GB	Documents from: GB189503951 (A 1896 0330) GB20000136 (B 1979)	English full-text since: GB189503951 (A 1896 0330)	Documents from: GB189300739 (A 1893 1011)
Japan, JP	JP documents from 1970	Not available	Documents from: JP40000046Y1 (Y1 1965 0106)
Soviet Union, SU Russia, RU	SU documents from 1972	Not available	SU documents from: SU115325 (A1 1972 1207)
USA, US	All documents from: USX000001 (A 1790 0731)	All documents from: US1 (A 1836 0713)	All documents from: US1 (A 1836 0713)

Consolidated Search Files of the Indian Patent Office

Country/Union	Contents	Nature of carrier	Duration
India IN	Patent specifications (1-166000)	Paper Data base	1912 onwards
	Bibliographic data	CD-ROM	2005-2007
United Kingdom, GB	UK Patent Applications (885891-1605200, 2000001-2268600) UK Patent Abridgements (001-1605200, 2000001-2245130) Bibliographic Data and Abstract	Paper CD-ROM DATABASE	1962-1985 1979 onwards 1971 onwards
	Patent specifications Bibliographic Data and Abstract Abridgements (1210895-5181273, 5181274-5269022)	CD & DVD DATABASE	1836 onwards October 1978 to 8 th march 2002 1971 onwards 1917-1993
United States of America US	Patent specifications Bibliographic Data and Abstract Abridgements (1210895-5181273, 5181274-5269022)	CD & DVD DATABASE	1836 onwards October 1978 to 8 th march 2002 1971 onwards 1917-1993
Canada CA	Patent Abridgements (551796-1315914)	Paper	1948-1993
Korean	Patent Abstract (79.301-91.9302)	Paper	1979-1992
European EP	Description, claims Bibliographic Data Granted patents	CD-ROM DATABASE	1985 onwards 1971 onwards
	Bibliographic data Abstract	CD-ROM	1971 - 1998
France FR	Bibliographic data Abstract	CD-ROM	1971 - 1998
Japan JP	Bibliographic Data Abstracts	DATABASE Paper CD-ROM	1971 onwards 1985-1992 & 1995 2001
Germany, DE	Patent specifications (46201-153310) Abstracts	Paper/ CD-ROM	1967-1983 1961-1992 & 1995
Belgium BE	Bibliographic data	CD-ROM	1990-2004
Portugal PT	Bibliographic data	CD-ROM	1990-2004
Luxembourg LU	Bibliographic data	CD-ROM	1990-2004
Switzerland CH	Bibliographic data/Abstract	CD-ROM	1971- 2004
New Zealand NZ	Abstract/Abridgements	Paper	1962-1992
Netherlands NL	Patent specifications (103461-140000, 140001-190043)	Paper/CD-ROM	1966-1974
Australia AU	Patent specifications (234605-296236, 400001-496400)	Paper	1959-1971 1980
	Abridgements (236001- 494000)	CD-ROM Microfilm Microfiche	1998 onwards
			1975 onwards

Consolidated Search Files of the Indian Patent Office (Cont.)

WIPO WO	PCT International Applications	CD-ROM/DVD	1978 onwards
EPIDOS (70 countries)	Bibliographic Data	CD-ROM	1998-2005
EPC (29 countries)	Bibliographic Data	CD-ROM	2005 onwards
INPADOC	Microfiche	Bibliographic data including title of patents from more than 70 countries	1968 to Aug 1998

Periodicals

- Chemical Abstracts – 1952 –1991 (Bound Vols.): 2000 (approx)
- Scientific & Technical Journals (Bound Vols): 18000 (approx)

Patent Specification & Abstracts (Paper)

- Indian Patent Specifications – 1-175399
- Patent Documents (Indian & Foreign),
classified Search Files & Serial Vols. 9500000 (approx)

Patent Specifications & Abstracts (CD-Roms)

- Patent Documents (Indian & Foreign) 15000 (approx)

Foreign Patent Abstracts Published by Derwent Publications Ltd., London.

- British Patent Abstracts weekly – 1962 – 1985
- Central patents Index Sec. “A” Plasdoc – ER Weekly 1970 – 89
- –do- “B” Formdoc “ – 1970 -1 989
- German patent Abstracts Weekly 1961 – 1992 + 1995
- –Do_ Sec-PQ & BL Weekly 1985 – 1992 + 1995
- Japanese Patent Abstracts Weekly 1985 – 1992
- PCT Patent Abstracts Bi-Weekly 1985 - 1992 +1995
- Soviet Invention Illustrated Weekly 1967 – 1991
- – do – PQ – General/Mechanical Weekly 1967 - 1991 +
- –do – EL – Electrical Weekly 1967 – 1991 +

Chemical Abstract Issues with Indexes 1952 – 1991

Collection of Industrial Reports

- BIOS (British Intelligence Objectives Subcommittee final Reports No. 1 - 1742 = 1742
- – do – Evaluation Reports No. ER/1 – ER/576 = 576
- –do- Japanese Reports (U.K.) No. JAP/PR/8 – 1666 = 1659
- –do- Miscellaneous Reports (U.K.) No. Misc/1 – 67 = 67
- CIOS – (Combined Intelligence objectives sub-committee) Reports (UK) No. I/1 – XXXIII – 72 = 612
- FIAT (Field Information Agency Technical) Reports (UK) No. 1 – 1208 = 1208
- JIOA (Joint Intelligence Objective Agency) Reports (Washington) No. 1 – 80 = 80

Other On-line Tools

For searching of patent applications, IPO will make use of EPOQUE together with certain full text databases. Additionally, CHEMICAL ABSTRACT and BIOSIS, accessed via STN, are used for searches in chemistry, pharmaceuticals and other special technologies. STN is also used for accessing other databases as appropriate. Various useful Internet sites, for instance, ESPACE, USPTO, SURFIP, PATENTSCOPE are used for conducting additional searches.

Non-Patent Literature

IPO propose to subscribe the non-patent literature required under PCT minimum documentation, which are not accessible through EPOQUE.

[Appendix II follows]

APPENDIX II

Draft Agreement

between the Government of India
and the International Bureau of the World Intellectual Property Organization

in relation to the functioning of the Indian Patent Office
as an International Searching Authority
and International Preliminary Examining Authority
under the Patent Cooperation Treaty

Preamble

The Government of India and the International Bureau of the World Intellectual Property Organization,

Considering that the PCT Assembly, having heard the advice of the PCT Committee for Technical Cooperation, has appointed the Indian Patent Office as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty and approved this Agreement in accordance with Articles 16(3) and 32(3) of the said Treaty,

Hereby agree as follows:

Article 1

Terms and Expressions

- (1) For the purposes of this Agreement:
 - (a) “Treaty” means the Patent Cooperation Treaty;
 - (b) “Regulations” means the Regulations under the Treaty;
 - (c) “Administrative Instructions” means the Administrative Instructions under the Treaty;
 - (d) “Article” (except where a specific reference is made to an Article of this Agreement) means an Article of the Treaty;
 - (e) “Rule” means a Rule of the Regulations;
 - (f) “Contracting State” means a State party to the Treaty;
 - (g) “Authority” means the Indian Patent Office;
 - (h) “International Bureau” means the International Bureau of the World Intellectual Property Organization.

(2) All other terms and expressions used in this Agreement which are also used in the Treaty, the Regulations or the Administrative Instructions have, for the purposes of this Agreement, the same meaning as in the Treaty, the Regulations and the Administrative Instructions.

Article 2
Basic Obligations

(1) The Authority shall carry out international search and international preliminary examination in accordance with, and perform such other functions of an International Searching Authority and International Preliminary Examining Authority as are provided under, the Treaty, the Regulations, the Administrative Instructions and this Agreement.

(2) In carrying out international search and international preliminary examination, the Authority shall apply and observe all the common rules of international search and of international preliminary examination and, in particular, shall be guided by the PCT International Search and Preliminary Examination Guidelines.

(3) The Authority shall maintain a quality management system in compliance with the requirements set out in the PCT International Search and Preliminary Examination Guidelines.

(4) The Authority and the International Bureau shall, having regard to their respective functions under the Treaty, the Regulations, the Administrative Instructions and this Agreement, render, to the extent considered to be appropriate by both the Authority and the International Bureau, mutual assistance in the performance of their functions thereunder.

Article 3
Competence of Authority

(1) The Authority shall act as International Searching Authority for any international application filed with the receiving Office of, or acting for, any Contracting State specified in Annex A to this Agreement, provided that the receiving Office specifies the Authority for that purpose, that such application, or a translation thereof furnished for the purposes of international search, is in the language or one of the languages specified in Annex A to this Agreement and, where applicable, that the Authority has been chosen by the applicant.

(2) The Authority shall act as International Preliminary Examining Authority for any international application filed with the receiving Office of, or acting for, any Contracting State specified in Annex A to this Agreement, provided that the receiving Office specifies the Authority for that purpose, that such application, or a translation thereof furnished for the purposes of international preliminary examination, is in the language or one of the languages specified in Annex A to this Agreement and, where applicable, that the Authority has been chosen by the applicant and that any other requirements regarding such application as specified in Annex A to this Agreement have been met.

(3) Where an international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), paragraphs (1) and (2) apply as if that application had been filed with a receiving Office which would have been competent under Rule 19.1(a)(i) or (ii), (b) or (c) or Rule 19.2(i).

Article 4
Subject Matter Not Required to Be Searched or Examined

The Authority shall not be obliged to search, by virtue of Article 17(2)(a)(i), or examine, by virtue of Article 34(4)(a)(i), any international application to the extent that it considers that such application relates to subject matter set forth in Rule 39.1 or 67.1, as the case may be, with the exception of the subject matter specified in Annex B to this Agreement.

Article 5
Fees and Charges

(1) A schedule of all fees of the Authority, and all other charges which the Authority is entitled to make, in relation to its functions as an International Searching Authority and International Preliminary Examining Authority, is set out in Annex C to this Agreement.

(2) The Authority shall, under the conditions and to the extent set out in Annex C to this Agreement:

- (i) refund the whole or part of the search fee paid, or waive or reduce the search fee, where the international search report can be wholly or partly based on the results of an earlier search (Rules 16.3 and 41.1);
- (ii) refund the search fee where the international application is withdrawn or considered withdrawn before the start of the international search.

(3) The Authority shall, under the conditions and to the extent set out in Annex C to this Agreement, refund the whole or part of the preliminary examination fee paid where the demand is considered as if it had not been submitted (Rule 58.3) or where the demand or the international application is withdrawn by the applicant before the start of the international preliminary examination.

Article 6
Classification

For the purposes of Rules 43.3(a) and 70.5(b), the Authority shall indicate solely the International Patent Classification.

Article 7
Languages of Correspondence Used by the Authority

For the purposes of correspondence, including forms, other than with the International Bureau, the Authority shall use the language or one of the languages indicated, having regard to the language or languages indicated in Annex A and to the language or languages whose use is authorized by the Authority under Rule 92.2(b), in Annex D.

Article 8
International-Type Search

The Authority shall carry out international-type searches to the extent decided by it.

Article 9
Entry into Force

This Agreement shall enter into force one month after the date on which the Authority notifies the Director General of the World Intellectual Property Organization that it is prepared to start functioning as an International Searching Authority and as an International Preliminary Examining Authority.

Article 10
Duration and Renewability

This Agreement shall remain in force until December 31, 2017. The parties to this Agreement shall, no later than July 2016, start negotiations for its renewal.

Article 11
Amendment

(1) Without prejudice to paragraphs (2) and (3), amendments may, subject to approval by the Assembly of the International Patent Cooperation Union, be made to this Agreement by agreement between the parties hereto; they shall take effect on the date agreed upon by them.

(2) Without prejudice to paragraph (3), amendments may be made to the Annexes to this Agreement by agreement between the Director General of the World Intellectual Property Organization and the Authority; they shall take effect on the date agreed upon by them.

(3) The Authority may, by a notification to the Director General of the World Intellectual Property Organization:

- (i) add to the indications of States and languages contained in Annex A to this Agreement;
- (ii) amend the schedule of fees and charges contained in Annex C to this Agreement;
- (iii) amend the indications of languages of correspondence contained in Annex D to this Agreement.

(4) Any amendment notified under paragraph (3) shall take effect on the date specified in the notification, provided that, for any increase of fees or charges contained in Annex C, that date is at least one month later than the date on which the notification is received by the International Bureau.

Article 12
Termination

- (1) This Agreement shall terminate before December 31, 2017:
 - (i) if the Government of India gives the Director General of the World Intellectual Property Organization written notice to terminate this Agreement; or

- (ii) if the Director General of the World Intellectual Property Organization gives the Government of India written notice to terminate this Agreement.

(2) The termination of this Agreement under paragraph (1) shall take effect one year after receipt of the notice by the other party, unless a longer period is specified in such notice or unless both parties agree on a shorter period.

In witness whereof the parties hereto have executed this Agreement.

Done at [city], this [date], in two originals in the English language.

For the Government of India by:

For the International Bureau by:

[...]

[...]

*Annex A
States and Languages*

Under Article 3 of the Agreement, the Authority specifies:

- (i) the following States for which it will act:
India;
- (ii) the following language which it will accept:
English.

*Annex B
Subject Matter Not Excluded from Search or Examination*

The subject matter set forth in Rule 39.1 or 67.1 which, under Article 4 of the Agreement, is not excluded from search or examination, is the following:

all subject matter which is searched or examined under the Indian Patent Law administered by the Patent Office.

*Annex C
Fees and Charges*

Part I. Schedule of Fees and Charges

<i>Kind of fee or charge</i>	<i>Amount (Indian Rupees)</i>
Search fee (Rule 16.1(b))	[...]
Additional fee (Rule 40.2(a))	

– where the international search report was issued by the Authority	[...]
– in other cases	[...]
Preliminary examination fee (Rule 58.1(b))	[...]
Additional fee (Rule 68.3(a))	[...]
Cost of copies (Rules 44.3(b), 71.2(b) and 94.2)	[...]

Part II. Conditions for and Extent of Refunds or Reductions of Fees

(1) Any amount paid by mistake, without cause, or in excess of the amount due, for fees indicated in Part I shall be refunded.

(2) Where the international application is withdrawn or considered withdrawn, under Article 14(1), (3) or (4), before the start of the international search, the amount of the search fee paid shall be fully refunded.

(3) Where the Authority benefits from an earlier search made by the Authority, 25% or 50% of the search fee paid shall be refunded, depending upon the extent to which the Authority benefits from that earlier search.

(4) In the cases provided for under Rule 58.3, the amount of the preliminary examination fee paid shall be fully refunded.

(5) Where the international application or the demand is withdrawn before the start of the international preliminary examination, the amount of the preliminary examination fee paid shall be fully refunded.

Annex D
Languages of Correspondence

Under Article 7 of the Agreement, the Authority specifies the following language:

English.

[End of Appendix II and of document]