

International Patent Cooperation Union (PCT Union)

Assembly

Forty-Sixth (27th Extraordinary) Session Geneva, September 22 to 30, 2014

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/54/1): 1, 3 to 6, 10, 12, 18, 26 and 27.
2. The report on the said items, with the exception of item 18, is contained in the General Report (document A/54/13).
3. The report on item 18 is contained in the present document.
4. The meeting of the Assembly was presided over by Ms. Susanne Ås Sivborg (Sweden), Chair of the PCT Assembly.

PCT WORKING GROUP: REPORT OF SEVENTH SESSION

5. Discussions were based on document PCT/A/46/1.
6. The Secretariat, in introducing document PCT/A/46/1, referred to the Summary by the Chair of the seventh session of the PCT Working Group, which was annexed to the document and provided an overview and summary of the items discussed and agreements reached during the session. There had been a full agenda for the session, with 34 agenda items and 28 working documents, more than any previous session of the PCT Working Group. This again confirmed the great interest in the further development of the PCT System as the backbone and central node of the international patent system. The focus of discussions at the sessions had been on two items which had been submitted to the Assembly as separate working documents, namely: (i) amendments to the PCT Regulations, notably to the Schedule of Fees, proposing a

new set of criteria determining the eligibility of applicants from certain countries for fee reductions (document PCT/A/46/3); and (ii) procedures for the appointment of International Searching and Preliminary Examining Authorities under the PCT (document PCT/A/46/4). The Secretariat also highlighted two issues which the Working Group had discussed in addition to a large number of detailed proposals of a legal or technical nature, many requiring further discussions. First, the Working Group had discussed possible fee reductions for small and medium-sized enterprises (SMEs), universities and research institutes. For SMEs, the Working Group had agreed there was no clear way forward. In particular, the Working Group had noted the need to find possible ways to introduce such fee reductions in a financially-sustainable, income-neutral way for the Organization, and the absence of an internationally-recognized common definition of what constituted an SME which could be used for the purpose of determining eligibility for PCT fee reductions. The Working Group had, therefore, agreed that no further work would take place on fee reductions for SMEs until a Member State made a concrete proposal. Discussions in the Working Group would, however, continue on possible new fee reductions for universities, where the Working Group had requested the Secretariat to work with the Chief Economist of WIPO to provide a supplementary study for discussion at next year's session of the Working Group. Second, the Working Group had further discussed a proposal by the United Kingdom and the United States of America to formally integrate the Patent Prosecution Highway into the PCT. However, there had been no consensus in the Working Group to take this proposal forward at this stage. Finally, in addition to the Summary by the Chair, the full draft report of the session had now been made available on the WIPO web site in all six UN languages, for comments by delegations by October 22, 2014.

7. The Delegation of Sweden emphasized the importance of the PCT System and its commitment to the valuable work of the PCT Working Group striving to improve the functioning of the system. The Delegation, therefore, welcomed the report from the seventh session of the PCT Working Group and supported the recommendations in the document. In relation to quality, the Delegation underlined the importance of International Authorities, such as the Swedish Patent and Registration Office, continuously improving work processes and the quality of results delivered to enhance the quality of the PCT System for the benefit of users and other stakeholders. This was of great importance to maintaining the attractiveness of the system as one which added value and to ensuring the long-term stability of WIPO. The Delegation, therefore, noted with appreciation the report on ongoing quality-related work in document PCT/A/46/2. In the same vein, the Delegation supported the Understanding on the procedures for the appointment of International Authorities recommended by the PCT Working Group set out in document PCT/A/46/4, which, it believed, was a valuable component to assure the efficiency and quality of the PCT System. Furthermore, the Delegation supported the amendments of the PCT Regulations proposed in document PCT/A/46/3, which, it believed, would increase the accessibility of the PCT System at a global level. Finally, the Delegation congratulated the Intellectual Property Office of Singapore on its appointment as an International Searching and Preliminary Examining Authority under the PCT.

8. The Assembly:

- (i) noted the Summary by the Chair of the seventh session contained in document PCT/WG/7/29 and reproduced in the Annex of document PCT/A/46/1; and
- (ii) approved the recommendation concerning the further work of the PCT Working Group set out in paragraph 3 of document PCT/A/46/1.

QUALITY-RELATED WORK BY INTERNATIONAL AUTHORITIES

9. Discussions were based on document PCT/A/46/2.

10. The Secretariat stated that the main purpose of document PCT/A/46/2 was to report on the outcome of the fourth informal meeting of the Quality Subgroup of the Meeting of International Authorities, which had taken place in Tel Aviv in February 2014. The Summary by the Chair of that meeting was attached in the Annex to the document. The focus of the fourth meeting of the Quality Subgroup had again been on effective quality improvement measures, that is, measures to improve the overall quality and usefulness of international search reports and international preliminary reports on patentability for the benefit of all stakeholders in the PCT System. The work had, in particular, focused on measures helping designated Offices to better understand the work products of the International Authorities, so as to increase confidence of those Offices in these reports, which would allow them to make best use of these products in the national phase: Issues discussed in this context included, for example, the sharing of search strategies and the use of standardized clauses in reports. Work had also focused on further quality improvement measures, that is, measures to improve the quality of the work products of the International Authorities: Issues discussed in this context included, for example, the proposal to establish formal mechanisms for feedback by designated Offices on the quality of the reports of the International Authorities. Finally, the Quality Subgroup had discussed the latest report compiled by the International Bureau on characteristics of international search reports prepared by the various International Authorities, a “self-reflecting tool” for Authorities not to measure quality but to see what can be learned from such characteristics in order to assist the direction of further work to improve quality, either internally within an Authority or collectively between all Authorities. The Quality Subgroup had also continued its discussions relating to the development of quality metrics for the entire PCT System, covering the work of receiving Offices, International Authorities, designated/elected Offices and the International Bureau. As for the further work of the Quality Subgroup, the Meeting of International Authorities at its February 2014 session approved the continuation of the mandate of the Quality Subgroup, including the convening of a further physical meeting in 2015.

11. The Delegation of Japan acknowledged the importance of continuously improving the PCT System as a foundation in terms of generating stable income to support the activities of WIPO and also as an essential tool for users to acquire rights across the world. It was, therefore, the responsibility of Member States to work on improving the PCT System. In order to improve the quality of search and examination results at every International Searching Authority, it was extremely important to establish an international framework that would enable feedback on international search reports and written opinions by International Searching Authorities to be sent from designated Offices, as referred to in paragraph 5 of the document. The Delegation was, therefore, grateful for the work by the Secretariat on this issue. Based on this framework, Offices would be able to provide feedback on examination results to one another. As a result, the quality of searches and examinations at Offices would improve, thereby further enhancing the value of the PCT System in the future. The Japan Patent Office had started a pilot program with the Swedish Patent and Registration Office this year to provide feedback on the results of examination. Moreover, the Japan Patent Office and the European Patent Office had collaborated last year on the detailed analysis of files in which examination results between the two Offices differed by searching for the causes of the discrepancies. This exercise was being repeated this year as part of phase 3 of the collaborative metrics study. The Delegation, therefore, hoped that this framework would develop into an effective and efficient system that would be conducive to improving the quality of search and examination results at every International Searching Authority and serve to advance cooperative activities with other Offices.

12. The Delegation of the United States of America was pleased with the work carried out by the Quality Subgroup at its meeting in February 2014, particularly the discussions on making search strategies available and on forming a proposed contact group led by the European

Patent Office tasked with planning a pilot project to develop ways to disseminate the search strategies and evaluate their effectiveness. The Delegation reiterated its belief that all International Authorities should voluntarily make available their full search strategies on PATENTSCOPE. With respect to the use of standardized clauses by International Authorities, the Delegation supported the recommendation that the International Bureau should finalize the clauses which should be available online and which could be used at the discretion of each Authority. Furthermore, the Delegation supported the recommendation that the International Bureau should modify Chapter 21 of the International Search and Preliminary Examination Guidelines to provide for the optional use of checklists as part of the quality assurance process, which should be tailored to the needs of individual Authorities. The Delegation acknowledged that many other topics of great interest and usefulness to improving the quality of the PCT System were discussed during the most recent physical meeting of the Quality Subgroup and it concluded by expressing support for continuing the work agreed to at that meeting and thanking the International Bureau for its ongoing good work on the PCT System.

13. The Delegation of China stated that the Quality Subgroup had had fruitful discussions at its fourth informal session, notably on various items aimed at promoting the sharing of quality management information among International Authorities. The Delegation expressed its appreciation for the efforts by the Quality Subgroup and International Authorities to improve the quality of the PCT System, increasing the attractiveness of the system and accumulating valuable experience for future work. As an International Authority, the State Intellectual Property Office of the People's Republic of China (SIPO) had undertaken work to improve the quality of PCT search and preliminary examination. For example, this year, SIPO and the European Patent Office had carried out a joint study on indicators, which analyzed the differences between the two Offices in search and preliminary examination at the international and national phases.

14. The Assembly took note of the report on the Quality-Related Work by International Authorities as set out in document PCT/A/46/2.

PROPOSED AMENDMENTS TO THE PCT REGULATIONS

15. Discussions were based on document PCT/A/46/3.

16. The Secretariat introduced the document, which outlined the proposed amendments to the PCT Regulations set out in Annex I. All of the proposed amendments had been discussed in detail by the PCT Working Group, which had unanimously agreed to recommend that the Assembly at this session should adopt the amendments as proposed. The Secretariat continued by explaining the proposed revision of the eligibility criteria for fee reductions for certain applicants from certain states, notably developing and least developed countries. The amendments to item 5 of the Schedule of Fees as agreed by the PCT Working Group would update the income-based criterion used since the mid-1990s and introduce an innovation-based criterion to determine the States whose nationals and residents would be eligible for reductions of the fees listed in the Schedule of Fees in respect of international applications filed by applicants who are natural persons. All applicants, whether natural persons or not, from States classified as being least developed countries, would continue to benefit from the fee reductions as was presently the case. During the most recent session of the Working Group, it was generally acknowledged that the agreed set of new criteria were perhaps not perfect, but struck a good balance between the various interests of Member States and were a step in the right direction, following year-long, detailed and at times difficult discussions in the Working Group. Taking into account this "compromise nature" of the agreed new set of criteria, Member States agreed that the criteria for fee reductions should be reviewed by the Assembly every five years and that two years after the implementation of the new criteria, a progress report by the International Bureau should be presented to the Working Group to assess the effect of the fee reductions based on the new criteria. In relation to the text of the proposed amendments, the Secretariat proposed two minor changes. First, in sub-item 5(a) of the Schedule of Fees, the International Bureau proposed to replace the words "or 50 international applications per year"

with "or less than 50 international applications per year" to avoid any possible ambiguity. Second, in paragraph 2 of the Directives in Annex II to the document, the International Bureau proposed to replace the erroneous reference in that paragraph to "Rule 15.4" by the correct reference to "Rule 15.3". As for the proposed first list of States whose applicants would become eligible for the fee reductions under the new criteria as of the date of entry into force of the proposed amendments to the Schedule of Fees on July 1, 2015, that list of States was in Annex III to the document. In accordance with the main principles of the Directives set out in Annex II to the document, Contracting States and States entitled to observer status in the Assembly were invited to comment on the list of States set out in Annex III before the end of this session of the Assembly. The Secretariat reported that it had not, so far, received any comments on the proposed list, and any State that had comments to provide should do so before the end of this session of the Assembly. Taking into account any comments received, the Director General would establish the first list of States eligible for fee reductions under the proposed new criteria shortly after this session of the Assembly, to apply as of the date of entry into force of the amended Schedule of Fees, that is, as of July 1, 2015.

17. The Assembly:

- (i) adopted the proposed amendments to the Regulations under the PCT set out in Annex I to this report;
- (ii) decided that the amendments of Rules 49*ter* and 76 set out in Annex I to this report shall enter into force on July 1, 2015, and shall apply to any express request under Article 23(2) or Article 40(2) received on or after July 1, 2015;
- (iii) decided that the amendments of Rule 90.3 set out in Annex I to this report shall enter into force on July 1, 2015;
- (iv) decided that amendments of Rule 90.5 set out in Annex I to this report shall enter into force on July 1, 2015, and shall apply to any notice of withdrawal referred to in Rules 90*bis*.1 to 90*bis*.4 received on or after July 1, 2015;
- (v) decided that amendments of the Schedule of Fees set out in Annex I to this report shall enter into force on July 1, 2015; in the case of reductions to the international filing fee, the Schedule of Fees as amended with effect from July 1, 2015 shall apply to any international application received by the receiving Office on or after July 1, 2015, but the Schedule of Fees as in force until June 30, 2015 shall continue to apply to any international application received before July 1, 2015, irrespective of what international filing date might later be given to such application (Rule 15.3); in the case of reductions to the handling fee and the supplementary search handling fee, the Schedule of Fees as amended with effect from July 1, 2015 shall apply to any international application in respect of which the fee was paid on or after July 1, 2015, irrespective of when the request for supplementary international search or the demand for international preliminary examination, respectively, was submitted (Rules 45*bis*.2(c) and 57.3(d));
- (vi) decided that the Director General shall establish the first list of States which meet the criteria referred to in items 5(a) and (b) of the amended Schedule of Fees set out in Annex I to this report following the end of this session of the Assembly, taking into account any comments received before the end of this session of the Assembly from Contracting States and States entitled to observer status on the draft list set out in Annex III to document PCT/A/46/3, and that the first list of States shall be published in the Gazette and become applicable on July 1, 2015;

(vii) took note that the draft list of States whose applicants would become eligible for fee reductions under the amended Schedule of Fees, set out in Annex III to document PCT/A/46/3, was available to Contracting States and States entitled to observer status for comment before the end of this session of the Assembly;

(viii) adopted the proposed Directives of the Assembly for updating the list of States meeting the criteria for reduction of certain PCT fees set out in Annex II to this report; and

(ix) decided that the Directives for updating the lists of States meeting the criteria for reduction of certain PCT fees set out in Annex II to this report shall enter into force on July 1, 2015.

PROCEDURES FOR APPOINTMENT OF INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITIES UNDER THE PCT

18. Discussions were based on document PCT/A/46/4.

19. The Secretariat, in introducing document PCT/A/46/4, recalled that the Assembly, at its forty-fourth session in 2013, had requested the International Bureau to undertake a review of the criteria and procedures for appointment of an Office as an International Authority and make proposals for necessary changes, if any, in coordination, where appropriate, with the Meeting of International Authorities, for discussion by the Working Group at its 2014 session. Accordingly, the International Bureau had undertaken the requested review and, following a first round of discussions at the February 2014 Meeting of International Authorities, had presented a working document for discussion at the June 2014 session of the Working Group. With regard to the substantive criteria for appointment, the Working Group had agreed that it was premature to recommend any changes. Noting that the key issue at stake was to ensure that Offices were able to perform international search and preliminary examination to the necessary level of quality, the Working Group had agreed to await the outcome of discussions in the Quality Subgroup, which had been tasked by the PCT/MIA to further consider the quality requirements to act effectively as an Authority and how these could be better expressed in the criteria for appointment. However, with regard to the procedures for appointment, the Working Group had agreed that the procedures for appointment would greatly benefit from the inclusion of a proper expert review of the application of an Office prior to a decision being taken by the Assembly. The Working Group had thus recommended that the PCT Assembly adopt an Understanding, as set out in the document, to ensure that the PCT/CTC, entrusted by the Treaty to give its advice to the Assembly on any application for appointment, should always meet as a true expert body, well in advance of the PCT Assembly, to ensure that the process leading up to the decision by the Assembly was more useful and efficient. In addition, the Working Group further recommended that Offices seeking appointment should meet all the necessary criteria at the time of appointment, save for a specific exception regarding quality management systems as indicated in paragraph (d) of the draft Understanding, since such systems could not be brought into effective operation until the Office seeking appointment commenced operation as an International Authority. This issue was also covered in the Understanding. Finally, the Working Group had recommended that the new procedures for appointment of International Authorities as set out in the Understanding should apply to any application for appointment as an International Authority submitted after the closure of the present session of the PCT Assembly.

20. The Delegation of the United States of America expressed the view that the current requirements and procedures for becoming an International Authority should be updated to reflect the realities of the twenty-first century in order to continue the increasing acceptance of international search and examination. As a step towards updating these requirements and procedures, the Delegation supported the adoption of the procedures for appointment of International Authorities recommended by the Working Group in paragraph 6 of the document, particularly the changes resulting in the PCT Committee for Technical Cooperation meeting as a true expert body in advance of the PCT Assembly to consider a request for appointment of an

Office as an International Authority. Regarding the substantive criteria, the Delegation agreed with the Working Group that it would be premature to attempt to revise the requirements at this time and to await the outcome of the discussions by the Quality Subgroup, which had been tasked by the Meeting of International Authorities to consider the quality requirements to act effectively as an Authority.

21. The Delegation of Spain congratulated the Intellectual Property Office of Singapore on their appointment as an International Searching and Preliminary Examining Authority. The Delegation affirmed the continued commitment of Spain in supporting the PCT System, for example, by the work of the Spanish Patent and Trademark Office as an International Searching and Preliminary Examining Authority and through training programs, such as the IP in Latin America program, which had often been the first contact for Latin American countries with the PCT System and had encouraged them to become a PCT Contracting State. The Delegation welcomed and supported the conclusions of the seventh session of the PCT Working Group in the document. Cooperation was essential yet it had been underused and in practice did not correspond to the way provided by the PCT Regulations. The Delegation, therefore, believed that it was necessary to maintain the present requirements for appointment as an International Authority, as outlined in the PCT Treaty and Regulations, but emphasized that there needed to be greater rigor in compliance with these requirements. On this basis, the Delegation supported the adoption of the Understanding set out in paragraph 6 of the document.

22. The Delegation of Chile announced that the National Institute of Industrial Property of Chile (INAPI) would begin operations as an International Searching and Preliminary Examining Authority on October 22, 2014, within the planned timeframe of two years after its appointment by the Assembly. The Delegation stated that the President of Chile and the Director General of WIPO would be present at INAPI to mark this event. Arriving at this stage had not been easy; it had involved hard work over several years, but this had allowed INAPI to ensure that it was truly in a position to make its capacities available to the international patent system, especially for countries in the Latin American region, whom the Delegation thanked in particular for their support. In order to achieve the objective of becoming an operational International Searching and Preliminary Examining Authority, INAPI had designed and implemented a modernization program. This had included redesigning its internal structure and procedures, increasing the number of expert professionals in search and examination across different areas of technology, using new databases and quality control systems for the management and review of international patent applications filed under the PCT, and using the online ePCT System developed by WIPO, among other measures. The Delegation thanked the IP Offices of Australia, Canada, Israel and the United States of America for their cooperation in implementing these processes, as well as the International Bureau for its continued support for the project. The Delegation underscored its belief that INAPI operating as an International Searching and Preliminary Examining Authority under the PCT would serve foreign applicants in Latin America who, based on the reputation of INAPI and the use of the Spanish language, may choose INAPI for international search and preliminary examination. Moreover, innovators in Chile would be able to use their national Office both as a receiving Office and an International Searching and Preliminary Examining Authority, facilitating the processing of their patent applications. Finally, the Delegation reaffirmed its commitment to continue to participate actively in the international patent system and the PCT, contributing its work and experience to the continual improvement of the system, within the frameworks of national legislation and the interests of its users.

23. The Delegation of the Republic of Korea supported the revised procedure pertaining to appointment of new International Authorities. The new procedure would facilitate participation of experts and strengthen the technical support for the candidate Office, leading to improvements in international search and preliminary examination. Furthermore, even though it might be premature at this moment, the Delegation hoped that discussions would continue on the substantive criteria at some point in the near future, since the current criteria, first established in the 1970s, might not fully reflect the modern examination environment.

24. The Delegation of China supported the adoption of the Understanding concerning procedures for appointment of International Authorities, which would strengthen the role of the Committee for Technical Cooperation by meeting as an expert body. This would be useful for the Offices wishing to become International Authorities to fulfill the requirements and become operational as soon as possible after their appointment.

25. The Assembly adopted the following Understanding:

“Procedures for Appointment of International Authorities”:

“(a) A national Office or an intergovernmental organization (“Office”) seeking appointment is strongly recommended to obtain the assistance of one or more existing International Authorities to help in the assessment of the extent to which it meets the criteria, prior to making the application.

“(b) Any application for appointment of an Office as an International Authority is to be made well in advance of its consideration by the PCT Assembly so as to allow time for an adequate review by the Committee for Technical Cooperation (PCT/CTC). The PCT/CTC should meet as a true expert body at least three months in advance of the PCT Assembly, if possible back-to-back with a session of the PCT Working Group (usually convened around May/June of any given year), with a view to giving its expert advice on the application to the PCT Assembly.

“(c) Consequently, a written request to the Director General to convene the PCT/CTC is to be sent by the Office preferably by March 1 of the year in which the application is to be considered by the PCT Assembly and in any case in time to allow the Director General to send out letters of convocation of the PCT/CTC not less than two months prior to the opening of the session.

“(d) Any such application should be made on the understanding that the Office seeking appointment must meet all substantive criteria for appointment at the time of the appointment by the Assembly and is prepared to start operation as an International Authority as soon as reasonably possible following appointment, at the latest around 18 months following the appointment. With regard to the requirement that the Office seeking appointment must have in place a quality management system and internal review arrangements in accordance with the common rules of international search, where such system is not yet in place at the time of the appointment by the Assembly, it shall be sufficient that such system is fully planned and, preferably, that similar systems are already operational in respect of national search and examination work to demonstrate the appropriate experience.

“(e) Any document by the Office in support of its application for consideration by the PCT/CTC should be submitted to the Director General at the latest two months prior to the opening of the session of the PCT/CTC.

“(f) Any such application is then to be submitted to the PCT Assembly (usually convened around September/October of any given year), together with any advice given by the PCT/CTC, with a view to deciding on the application.”

26. The Assembly decided that the procedures for appointment of International Authorities set out in the above Understanding shall apply to any application for appointment as an International Authority submitted after the closure of the present session of the PCT Assembly.

APPOINTMENT OF THE INTELLECTUAL PROPERTY OFFICE OF SINGAPORE AS AN INTERNATIONAL SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT

27. Discussions were based on document PCT/A/46/5.

28. The Chair referred to the twenty-seventh session of the PCT Committee for Technical Cooperation (PCT/CTC) which had been held earlier and the fact that the Committee had given a favorable opinion on the proposed appointment of the Intellectual Property Office of Singapore as an International Searching and Preliminary Examining Authority under the PCT.

29. The Delegation of Singapore expressed its appreciation for the interventions made in support of the appointment of the Intellectual Property Office of Singapore as an International Searching and Preliminary Examining Authority under the PCT, and the favorable opinion from the PCT Committee for Technical Cooperation.

30. The Assembly, having heard the Representative of the Intellectual Property Office of Singapore and taking into account the advice of the PCT Committee for Technical Cooperation, unanimously:

- (i) approved the text of the draft Agreement between the Intellectual Property Office of Singapore and the International Bureau as set out in Annex II to document PCT/A/46/5; and
- (ii) appointed the Intellectual Property Office of Singapore 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.

[Annex I follows]

AMENDMENTS OF THE PCT REGULATIONS
TO ENTER INTO FORCE ON JULY 1, 2015

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Rule 49ter

Effect of Restoration of Right of Priority by Receiving Office;

Restoration of Right of Priority by Designated Office

49ter.1 *[No change]*

49ter.2 *Restoration of Right of Priority by Designated Office*

(a) *[No change]*

(b) A request under paragraph (a) shall:

(i) be filed with the designated Office within a time limit of one month from the applicable time limit under Article 22 or, where the applicant makes an express request to the designated Office under Article 23(2), within a time limit of one month from the date of receipt of that request by the designated Office;

(ii) and (iii) *[No change]*

(c) to (h) *[No change]*

Rule 76

Translation of Priority Document;

Application of Certain Rules to Procedures before Elected Offices

76.1 to 76.4 *[No change]*

76.5 *Application of Certain Rules to Procedures before Elected Offices*

Rules 13^{ter}.3, 20.8(c), 22.1(g), 47.1, 49, 49^{bis}, 49^{ter} and 51^{bis} shall apply, provided that:

(i) *[No change]*;

(ii) any reference in the said Rules to Article 22, Article 23(2) or Article 24(2) shall be construed as a reference to Article 39(1), Article 40(2) or Article 39(3), respectively;

(iii) to (v) *[No change]*

Rule 90

Agents and Common Representatives

90.1 and 90.2 *[No Change]*

90.3 *Effects of Acts by or in Relation to Agents and Common Representatives*

(a) and (b) [No change]

(c) Subject to Rule 90*bis*.5, second sentence, any act by or in relation to a common representative or his agent shall have the effect of an act by or in relation to all the applicants.

90.4 *[No Change]*

90.5 *General Power of Attorney*

(a) to (c) [No change]

(d) Notwithstanding paragraph (c), where the agent submits any notice of withdrawal referred to in Rules 90*bis*.1 to 90*bis*.4 to the receiving Office, the Authority specified for supplementary search, the International Preliminary Examining Authority or the International Bureau, as the case may be, a copy of the general power of attorney shall be submitted to that Office, Authority or Bureau.

90.6 *[No change]*

SCHEDULE OF FEES

Fees	Amounts
1. International filing fee: (Rule 15.2)	1,330 Swiss francs plus 15 Swiss francs for each sheet of the international application in excess of 30 sheets
2. Supplementary search handling fee: (Rule 45 <i>bis</i> .2)	200 Swiss francs
3. Handling fee: (Rule 57.2)	200 Swiss francs

Reductions

4. The international filing fee is reduced by the following amount if the international application is, as provided for in the Administrative Instructions, filed:

- | | |
|--|------------------|
| (a) in electronic form, the request not being in character coded format: | 100 Swiss francs |
| (b) in electronic form, the request being in character coded format: | 200 Swiss francs |
| (c) in electronic form, the request, description, claims and abstract being in character coded format: | 300 Swiss francs |

5. The international filing fee under item 1 (where applicable, as reduced under item 4), the supplementary search handling fee under item 2 and the handling fee under item 3 are reduced by 90% if the international application is filed by:

- (a) an applicant who is a natural person and who is a national of and resides in a State that is listed as being a State whose per capita gross domestic product is below US\$ 25,000 (according to the most recent 10-year average per capita gross domestic product figures at constant 2005 US\$ values published by the United Nations), and whose nationals and residents who are natural persons have filed less than 10 international applications per year (per million population) or less than 50 international applications per year (in absolute numbers) according to the most recent five-year average yearly filing figures published by the International Bureau; or
- (b) an applicant, whether a natural person or not, who is a national of and resides in a State that is listed as being classified by the United Nations as a least developed country;

provided that, if there are several applicants, each must satisfy the criteria set out in either sub-item (a) or (b). The lists of States referred to in sub-items (a) and (b) shall be updated by the Director General at least every five years according to directives given by the Assembly. The criteria set out in sub-items (a) and (b) shall be reviewed by the Assembly at least every five years.

[Annex II follows]

DIRECTIVES FOR UPDATING THE LISTS OF STATES
MEETING THE CRITERIA FOR REDUCTION OF CERTAIN PCT FEES

The Assembly establishes in the following terms the directives referred to in the Schedule of Fees, it being understood that, in the light of experience, the Assembly may at any time modify these directives:

1. Five years after the establishment of the first list of States which meet the criteria referred to in items 5(a) and (b) of the Schedule of Fees, and every five years thereafter, the Director General shall prepare draft lists of States which appear to meet the criteria referred to in:

(i) item 5(a) of the Schedule of Fees according to the most recent 10-year average per capita gross domestic product figures from the United Nations and according to the most recent five-year average yearly PCT filing figures by the International Bureau, respectively, published at least two weeks prior to the first day of the session of the Assembly in September/October of that year;

(ii) item 5(b) of the Schedule of Fees according to the most recent list of countries classified as least developed countries by the United Nations published at least two weeks prior to the first day of the session of the Assembly in September/October of that year;

and shall make those lists available to the PCT Contracting States and States entitled to observer status in the Assembly for comment before the end of that session of the Assembly.

2. Following the end of that session of the Assembly, the Director General shall establish new lists, taking into account any comments received. The revised lists shall become applicable on the first day of the calendar year subsequent to that session and shall be used to determine, in accordance with Rules 15.3, 45*bis*.2(c) and 57.3(d), the eligibility for the fee reduction under items 5(a) and (b), respectively, of the Schedule of Fees of any relevant fee payable. Any revised list shall be published in the Gazette.

3. Where any State is not included in a particular list but subsequently becomes eligible for inclusion in that list due to the publication, after the expiration of the period of two weeks prior to the first day of the session of the Assembly referred to in paragraph 1, above, of revised per capita gross domestic product figures by the United Nations or revised PCT filing figures by the International Bureau, or of a revised list of States that are being classified as least developed countries by the United Nations, that State may request the Director General to revise the relevant list of States so as to include that State in the relevant list. Any such revised list shall become applicable on a date to be specified by the Director General, that date being no more than three months from the date of receipt of the request. Any revised list shall be published in the Gazette.

[End of Annex II and of document]