



PCT SEMINAR

WIPO/PCT/RVD/14/1

**National Seminar and Workshop
on the Patent Cooperation Treaty (PCT)**

The System for Worldwide Filing of Patent Applications

organized by
the World Intellectual Property Organization

in cooperation with the
King Abdulaziz City for Science and Technology (KACST)

Riyadh, May 13 and 14, 2014

Document prepared by the International Bureau

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PREFACE

This document has been prepared by the International Bureau of the World Intellectual Property Organization (WIPO), Geneva, Switzerland, as a support material for seminars on the Patent Cooperation Treaty (PCT).

The following words and expressions used throughout the document should be understood as follows:

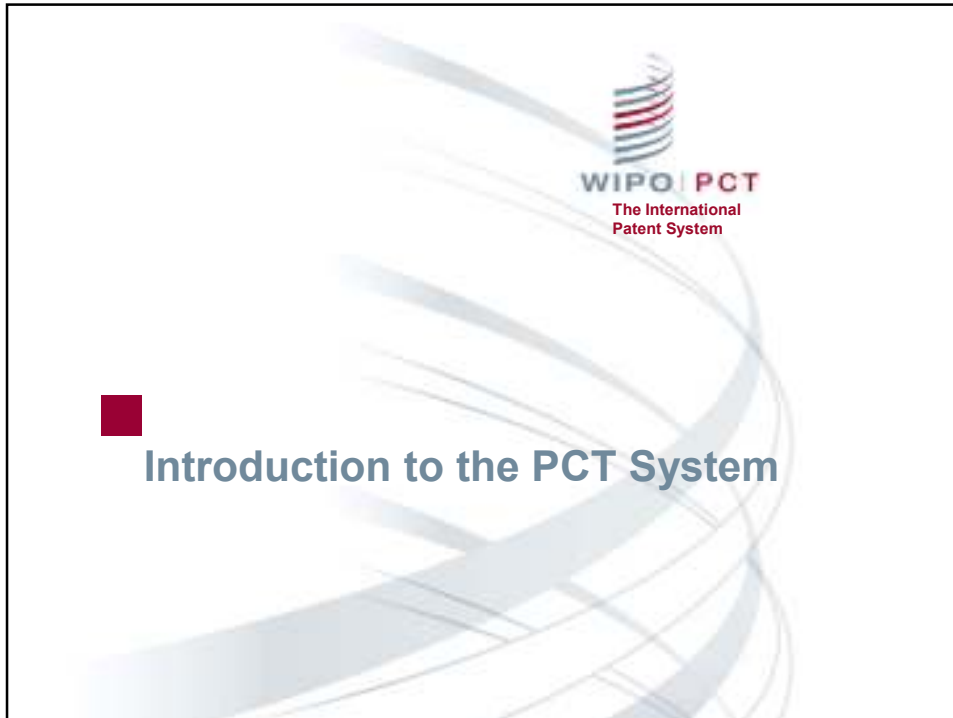
Administrative Instructions	–	the Administrative Instructions under the PCT
Article	–	an Article of the PCT
Chapter I	–	Chapter I of the PCT
Chapter II	–	Chapter II of the PCT
Contracting State	–	a State party to the PCT
Regulations	–	the Regulations under the PCT
Rule	–	a Rule of the Regulations under the PCT
Section	–	a Section of the Administrative Instructions under the PCT

References to “national” Office or national fees, national phase, national processing, etc., should be understood to include “regional” Office (e.g., the EPO), etc.

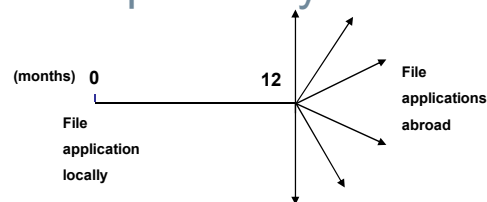
The following abbreviations should be understood as meaning:

ARIPO	–	African Regional Intellectual Property Organization
DAS	–	Digital Access Service for Priority Documents
DO	–	Designated Office
EAPC	–	Eurasian Patent Convention
EAPO	–	Eurasian Patent Office
EO	–	Elected Office
EPC	–	European Patent Convention
EPO	–	European Patent Office/European Patent Organisation
Euro-PCT	–	a Euro-PCT application is an international application containing the designation “EP” irrespective of the receiving Office with which it was filed
IB	–	International Bureau (of the World Intellectual Property Organization)
IPE	–	International Preliminary Examination
IPEA	–	International Preliminary Examining Authority
IPRP (Chapter I)	–	International Preliminary Report on Patentability (Chapter I of the PCT)
IPRP (Chapter II)	–	International Preliminary Report on Patentability (Chapter II of the PCT)
ISA	–	International Searching Authority
ISR	–	International Search Report
OAPI	–	African Intellectual Property Organization
RO	–	Receiving Office
SIS	–	Supplementary International Search
SISA	–	Supplementary International Searching Authority
SISR	–	Supplementary International Search Report
WIPO	–	World Intellectual Property Organization
WO of ISA	–	Written Opinion of the International Searching Authority
WTO	–	World Trade Organization

This document is based on the requirements of the Patent Cooperation Treaty (PCT), the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between this document and those requirements, the latter are applicable.



Traditional patent systems



- Local patent application followed within 12 months by multiple foreign applications claiming priority under Paris Convention:
 - multiple formality requirements
 - multiple searches
 - multiple publications
 - multiple examinations and prosecutions of applications
 - translations and national fees required at 12 months
- Some rationalization because of regional arrangements:
 - ARIPO, EAPO, EPO, OAPI

PCT system

Local patent application followed within 12 months by international application under the PCT, claiming Paris Convention priority, with “national phase” commencing at 30 months*:

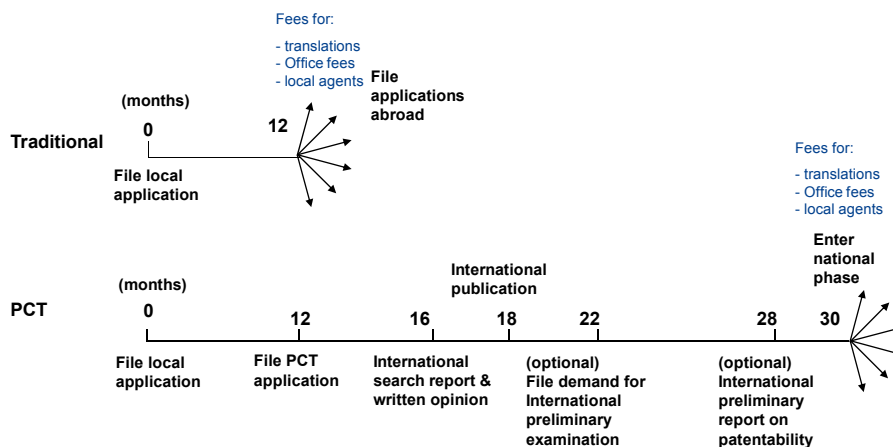
- ❑ one set of formality requirements
- ❑ international search
- ❑ international publication
- ❑ international preliminary examination
- ❑ international application can be put in order before national phase
- ❑ translations and national fees required at 30 months, * and only if applicant wishes to proceed

* For exceptions, see http://www.wipo.int/pct/en/texts/reservations/res_incomp.html

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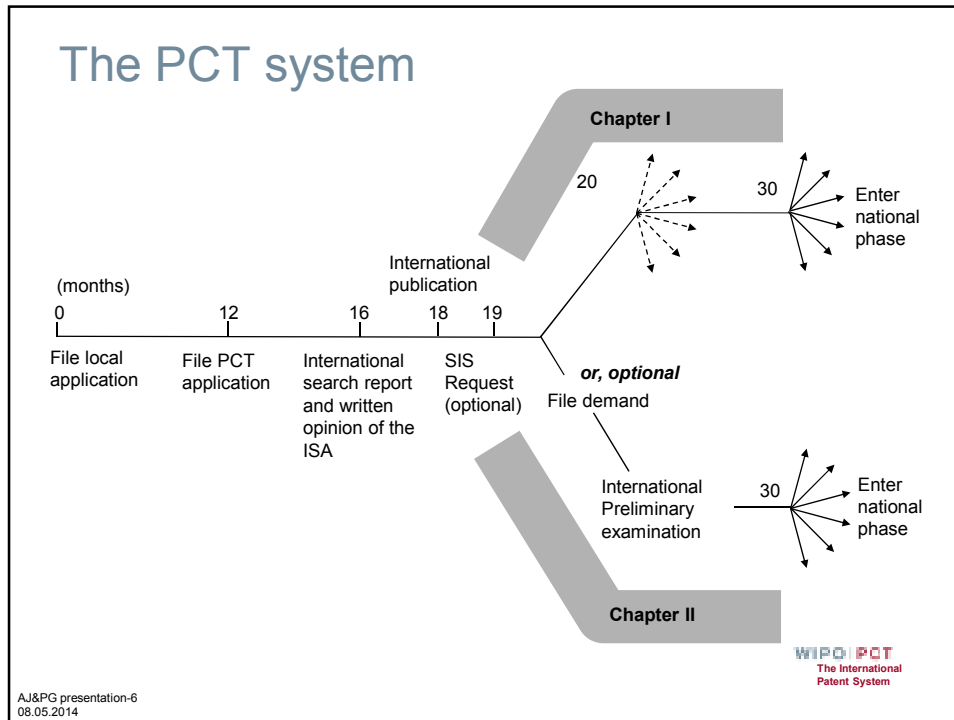
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Traditional patent system vs. PCT system



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General remarks on the PCT system (1)

- The PCT system is a patent “filing” system, not a patent “granting” system. There is no “PCT patent”
- The PCT system provides for
 - an international phase comprising:
 - filing of the international application
 - international search and written opinion of the ISA
 - international publication and
 - international preliminary examination
 - a national/regional phase before designated Offices
- The decision on granting patents is taken exclusively by national or regional Offices in the national phase

General remarks on the PCT system (2)

- Only inventions may be protected via the PCT by applying for patents, utility models and similar titles.
- Design and trademark protection cannot be obtained via the PCT. There are separate international conventions dealing with these types of industrial property protection (the Hague Agreement and the Madrid Agreement and Protocol, respectively).
- The PCT is administered by WIPO as are other international treaties in the field of industrial property, such as the Paris Convention.

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PCT Contracting States (148)

States designated for regional protection and also, unless otherwise indicated, national protection

EA Eurasian Patent

AM Armenia
AZ Azerbaijan
BY Belarus
KG Kyrgyzstan
KZ Kazakhstan
RU Russian Federation
TJ Tajikistan
TM Turkmenistan

EP European Patent

AL Albania¹
AT Austria
* BE Belgium
BG Bulgaria
CH Switzerland
* CY Cyprus
CZ Czech Republic
DE Germany
DK Denmark
EE Estonia
ES Spain
FI Finland
* FR France
GB United Kingdom
* GR Greece
HR Croatia¹
HU Hungary
* IE Ireland
IS Iceland
* IT Italy

LI Liechtenstein
LT Lithuania
LU Luxembourg
* LV Latvia
* MC Monaco
MK The former Yugoslav
Republic of Macedonia¹
* MT Malta
* NL Netherlands
NO Norway
PL Poland
PT Portugal
RO Romania
RS Serbia¹
SE Sweden
* SI Slovenia
SK Slovakia
SM San Marino
TR Turkey

* Regional patent only

¹ Extension agreement continues to apply to applications filed before 1 January 2008 (for AZ, HR, RU, SI, SK, TR), 1 January 2009 (for MK), 1 May 2010 (for AL) or 1 October 2010 (for RS)

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PCT Contracting States (148) (continued)

States designated for regional protection and also, unless otherwise indicated, national protection

AP ARIPO Patent

BW	Botswana
GH	Ghana
GM	Gambia
KE	Kenya
LR	Liberia
LS	Lesotho
MW	Malawi
MZ	Mozambique
NA	Namibia
RW	Rwanda (from 24.09.2011)
SD	Sudan
SL	Sierra Leone
* SZ	Swaziland
TZ	United Republic of Tanzania
UG	Uganda
ZM	Zambia
ZW	Zimbabwe

OA OAPI Patent

* BF	Burkina Faso
* BJ	Benin
* CF	Central African Republic
* CG	Congo
* CI	Côte d'Ivoire
* CM	Cameroon
* GA	Gabon
* GN	Guinea
* GQ	Equatorial Guinea
* GW	Guinea-Bissau
* ML	Mali
* MR	Mauritania
* NE	Niger
* SN	Senegal
* TD	Chad
* TG	Togo

* Regional patent only

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PCT Contracting States (148) (continued)

States designated for national protection only except where otherwise indicated

AE	United Arab Emirates	ID	Indonesia	OM	Oman
AG	Antigua and Barbuda	IL	Israel	PA	Panama
AO	Angola	IN	India	PE	Peru
AU	Australia	IR	Islamic Republic of Iran	PG	Papua New Guinea
* BA	Bosnia and Herzegovina	JP	Japan	PH	Philippines
BB	Barbados	KM	Union of the Comoros	QA	Qatar
BH	Bahrain	KN	Saint Kitts and Nevis	SA	Saudi Arabia
BN	Brunei Darussalam	KP	Democratic People's Republic of Korea	SC	Seychelles
BR	Brazil	KR	Republic of Korea	SG	Singapore
BZ	Belize	LA	Lao People's Democratic Republic	ST	Sao Tome and Principe
CA	Canada	LC	Saint Lucia	SV	El Salvador
CL	Chile	LK	Sri Lanka	SY	Syrian Arab Republic
CN	China	LY	Libya	TH	Thailand
CO	Colombia	MA	Morocco	TN	Tunisia
CR	Costa Rica	MD	Republic of Moldova	TT	Trinidad and Tobago
CU	Cuba	* ME	Montenegro	UA	Ukraine
DM	Dominica	MG	Madagascar	US	United States of America
DO	Dominican Republic	MN	Mongolia	UZ	Uzbekistan
DZ	Algeria	MX	Mexico	VC	Saint Vincent and the Grenadines
EC	Ecuador	MY	Malaysia	VN	Viet Nam
EG	Egypt	NG	Nigeria	ZA	South Africa
GD	Grenada	NI	Nicaragua		
GE	Georgia	NZ	New Zealand		
GT	Guatemala				
HN	Honduras				

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* Extension of European patent possible

Countries not yet PCT Contracting States (45)

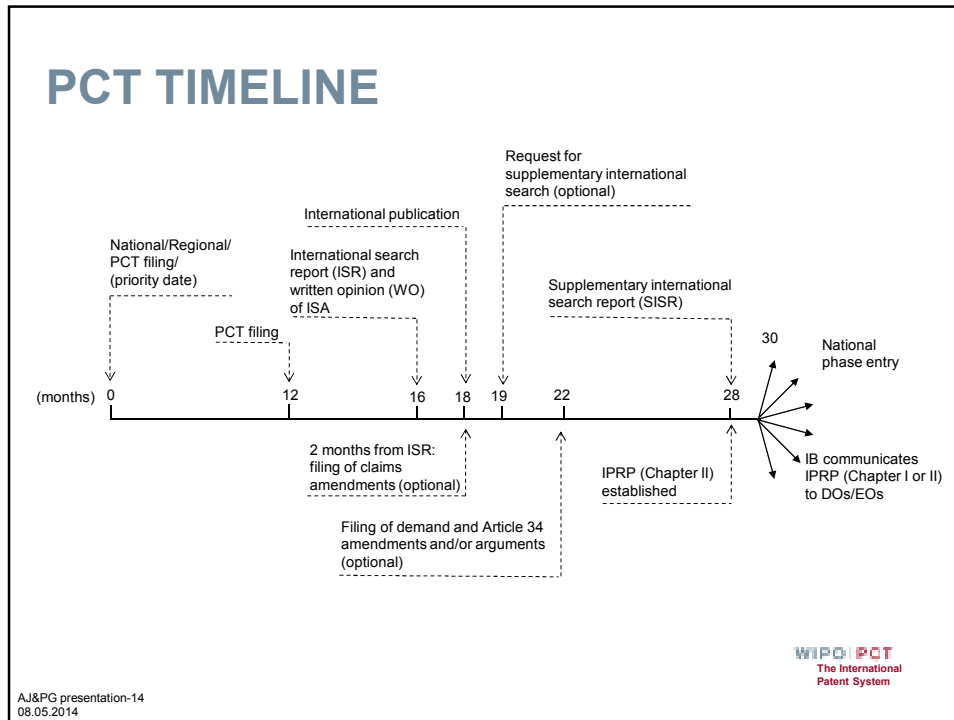
Afghanistan	Guyana	Pakistan
Andorra	Haiti	Palau
Argentina	Iraq	Paraguay
Bahamas	Jamaica	Samoa
Bangladesh	Jordan	Solomon Islands
Bhutan	Kiribati	Somalia
Bolivia	Kuwait	South Sudan
Burundi	Lebanon	Suriname
Cambodia	Maldives	Timor-Leste
Cabo Verde	Marshall Islands	Tonga
Democratic Republic of Congo	Mauritius	Tuvalu
Djibouti	Micronesia	Uruguay
Eritrea	Myanmar	Vanuatu
Ethiopia	Nauru	Venezuela
Fiji	Nepal	Yemen

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PCT Timeline



Non-applicability of time limit of 30 months under Article 22(1)

- The Offices of the following States have notified the International Bureau that they will not apply the 30 month time limit under Chapter I, as of 1 April 2002, for as long as modified Article 22(1) is not compatible with their national law:
 - LU Luxembourg
 - TZ United Republic of Tanzania
 - UG Uganda
- Where one of these States has been designated for the purposes of a regional patent, the applicable time limit is 31 months
- If no demand for international preliminary examination is filed before the expiration of 19 months in respect of above States, the national phase will have to be entered before the expiration of 20 or 21 months from the priority date



Basics of the PCT

- The international application
- The international filing date
- The applicant
- Competent RO and ISA

The international application

- Only one application filed, containing, by default, the designation of all States (for every kind of protection available) and usual priority claim(s)
- Has the effect of a regular national filing (including establishment of a priority date) in each designated State: the international filing date is the filing date in each designated State
- Filed in one language
- Filed with one office
- One set of formality requirements
- Delays national processing until 30 months from the priority date (for exceptions, see www.wipo.int/pct/en/texts/reservations/res_incomp.html)

Minimum requirements for an international filing date (Article 11(1)) (1)

■ The application must contain at least:

- an indication that it is intended as an international application
- a request which has the effect of making all possible designations (Article 4 and Rules 3 and 4.9)
- the name of the applicant (Rule 4.5)
- a description (Rule 5)
- a claim (Rule 6)

Minimum requirements for an international filing date (Article 11(1)) (2)

■ Note that if:

- none of the applicants have the right to file with the receiving Office for reasons of residence or nationality (Rules 18 and 19); or
- the application is filed in a language not accepted by the receiving Office for that purpose (Rule 12.1),

the receiving Office will transmit the application to the receiving Office of the International Bureau for further processing (Rule 19.4)

Not required for obtaining an international filing date

- payment of fees
- applicant's signature
- title of the invention
- abstract
- drawings (for missing drawings, see Article 14(2) and Rule 20.5)
- translation into language of search or publication

The PCT applicant (Article 9 and Rule 18)

- The applicant may be a natural person (e.g. the inventor) or a legal entity (e.g. company, university, NGO) (also for the US since 16 September 2012)
- It is possible to indicate different applicants for different designated States (Rule 4.5(d))
- At least one of the applicants must be a national or resident of a PCT Contracting State (Rule 18.3)

Where to file the international application (Rule 19)

- with a national Office
- with the International Bureau of WIPO, or
- with a regional Office

For details, see PCT Applicant's Guide, International Phase, General Information, Annexes B1 and B2

Choice of receiving Office

Considerations:

- Accepted filing languages
- Choice of International Searching Authorities
- Criteria for restoration of the priority right and fee to be paid
- Possibility to incorporate by reference
- Acceptance of pre-conversion files

Which ISA(s) is (are) competent (Rule 35)

- The competent ISA(s) is (are) specified by the RO
- If more than one is specified by the RO, the applicant has the choice:
 - in making that choice, the applicant must take into account the language(s) accepted by the ISA (a translation of the international application for the purposes of international search may be required in certain cases (Rule 12.3))
- If the international application is filed with RO/IB, the competent ISAs will be those which would have been competent if the international application had been filed with (any of) the national or regional Office(s) which, on the basis of applicant's nationality or residence, could be a competent RO
- Choice of ISA to be indicated in the request (Box No. VII)

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Filing of PCT Applications

Elements making up the international application

- Request (Article 3(2))
- description (Article 3(2))
- one or more claims (Article 3(2))
- abstract (may be filed later without affecting the international filing date) (Articles 3(2) and 3(3))
- drawings (where applicable) — later submission may, subject to certain conditions, result in a later international filing date (Articles 3(2) and 14(2))
- sequence listing part of description (where applicable) (Rule 5.2(a))
- indications containing references to deposited microorganisms or other biological material (some designated Offices (e.g. Japan) require that they be in the description or in the international application on the international filing date) (Rule 13*bis*)

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Elements which may accompany the international application

- translation of the international application for the purposes of international search or international publication — may be furnished later without affecting the international filing date (Rules 12.3 and 12.4)
- separate power of attorney or copy of general power of attorney — may be filed later without affecting the international filing date (Rules 90.4 and 90.5)
- priority document(s) — may be furnished until the date of international publication (Rule 17.1)
- sequence listing in electronic form complying with the Standard set out in Annex C of the Administrative Instructions—may be furnished later directly to the ISA without affecting the international filing date but subject to a late furnishing fee (Rule 13*ter*)
- separate indications concerning deposited biological material that are not part of the international application, for ex.,
Form PCT/RO/134 (Rule 13*bis*)

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The request

- Printed request form (Form PCT/RO/101)
 - periodically updated
 - available on Internet (<http://www.wipo.int/pct/en/forms>)
 - may be obtained free of charge from the receiving Office or the International Bureau
- Computer-generated request (Rules 3.1 and 3.4, Section 102(h))
 - layout and contents must correspond to those of the printed form (no boxes may be omitted)
 - slight adjustments are permitted
 - any text printed in italics may be omitted
- PCT-SAFE (EASY mode) request (Rule 89ter and Section 102bis)
- Electronic filing of the international application in accordance with Part 7 and Annex F of the Administrative Instructions with ROs which accept the filing of international applications in electronic form

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Concept and operation of designation system (Rule 4.9)

- Automatic and all-inclusive designation of all PCT Contracting States
 - exceptions to the all-inclusive designation possible for DE, JP and KR (countries with particular rules on “self-designation”)
 - but only if the international application contains a priority claim to an earlier application filed in the State that is to be excluded
 - otherwise withdrawals of designations possible
- Choice of types of protection postponed until national phase entry (e.g. patent or utility model, national or regional patent)
- “Parent” information (continuation applications, patents of addition) may be included in PCT request form for search purposes

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Signature of the request (1) (Rules 4.15, 26.2bis(a))

- In principle, the request must be signed by all persons (legal entity or natural persons) indicated as “applicant” or “applicant and inventor”

BUT: if only one of the applicants signs, the lack of signature of the other applicants will not be considered a defect

WARNING: Any notice of withdrawal would have to be signed by or on behalf of all applicants (including applicant/inventors)

NOTE: DOs are entitled to require confirmation of the international application by the signature of any applicant for the DO who has not signed the request

Signature of the request (2) (Rules 4.15, 26.2bis(a))

- Signature by a person not named as applicant
(FOR---ON BEHALF OF---AS AUTHORIZED SIGNATORY OF)
depends on national law applied by receiving Office:
 - either an officer or employee of a legal entity (an officer or employee who does not have to be a patent attorney or patent agent)
 - or a legal representative, if the applicant is a natural person who is incapacitated
 - or a legal representative, if the applicant is a bankrupt company
- A person indicated as “inventor only” need not sign the request

Signature of the request (3) (Rules 4.15, 26.2bis(a))

- If the request is not signed by the applicant(s) but by an agent, a separate power of attorney signed by all the applicant(s) must be filed (either original individual power or copy of general power)

BUT: if only a power of attorney signed by one applicant is filed, the lack of powers of attorney signed by the other applicants will not be considered a defect

NOTE: ROs may waive requirement that a separate power or a copy of a general power of attorney must be submitted

Physical requirements of the international application (Rule 11) (1)

- A4 size paper for all the sheets (Rule 11.5)
- Line spacing: 1 1/2 for pages of text in description, claims and abstract (Rule 11.9(c))
- Minimum and maximum margins for the sheets of text and drawings (Rule 11.6)
- Indication of the applicant's or agent's file reference (Rule 11.6(f) and Section 109)
 - 12 characters maximum
 - in the upper left-hand corner of the sheet
 - within 1.5 cm of the top of the sheet

Physical requirements of the international application (Rule 11) (2)

- Numbering of the sheets (Rule 11.7, Sections 207 and 311)
 - centered at the top or bottom of the sheets, not in the margin
 - 4 series: request
description, claims, abstract
drawings (if any)
sequence listing part of the description (if any)
- Special requirements for drawings (Rule 11.13)

Recommendation: no text matter in the drawings (avoids problems with translations for national phase)

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Headings of the parts of the description (Rule 5 and Section 204 of the Administrative Instructions)

- Technical Field
- Background Art
- Disclosure of Invention *or* Summary of Invention
- Brief Description of Drawings
- Best Mode for Carrying Out the Invention *or, where appropriate, Mode(s) for Carrying Out the Invention*
- Industrial Applicability
- Sequence Listing
- Sequence Listing Free Text

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Declarations under Rule 4.17

- Purpose: possibility to anticipate certain national phase requirements during the international phase (Rule 51*bis*.2)
- Inclusion in request or subsequent filing is optional
- Declarations relate to the following matters (Rule 4.17):
 - identity of the inventor
 - applicant's entitlement to apply for and be granted a patent
 - applicant's entitlement to claim priority of an earlier application
 - declaration as to inventorship (for the US designation only)
 - non-prejudicial disclosures or exceptions to lack of novelty

Formal requirements

- Declarations have to use standardized wording as prescribed in Sections 211 to 215 of the Administrative Instructions
- Where a declaration has been furnished, no documents or evidence as to that matter may be required by the designated/elected Office
 - unless that Office may reasonably doubt the veracity of the declaration; and/or
 - evidence concerning non-prejudicial disclosures or exceptions to lack of novelty may be required

Declaration of inventorship (Rule 4.17(iv)) (only for US designation)

- New standardized wording since 16 September 2012 (see Section 214 of the AIs)
- All inventors need to be named in the same declaration
- Declaration must be signed and dated by all inventors
- Signatures may appear on different copies of the same complete declaration
- Signature does not have to be an original (fax copy)
- DO/US accepts a seal as signature when the international application is filed with receiving Offices which accept seals as signatures

Addition/correction of declarations (Rule 26ter)

- Applicants may correct or add any of the declarations filed under Rule 4.17
- Time limit: until the expiration of 16 months from the priority date (or even later, provided that the declaration is received by the International Bureau before the technical preparations for international publication have been completed)
- The receiving Office or International Bureau may invite the applicant to correct any declaration that is not worded as required or, in the case of the declaration of inventorship (Rule 4.17(iv)), is not signed as required

Publication of declarations

- Declarations received within the applicable time limit will be mentioned on the front page of the published international application
- The full text of the declarations will be published as part of the international application

Declarations referred to under Rule 4.17: Additional issues

- National forms should not be used for declarations in the international phase (for instance, a combined declaration of inventorship/ power of attorney) since they do not use the standardized wording
- When a declaration is furnished after the international filing date, no further page fee would be required
- If a defective declaration is not corrected during the international phase:
 - does not affect the processing of the declaration by the International Bureau
 - DOs/EOs may accept defective declaration
- No provision for the withdrawal of declarations

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Agents and Common Representatives

Agents (Rule 90)

■ Who can act as agent?

- any person (attorney, patent agent, etc.) who has the right to practice before the RO can act as agent and automatically has the right to practice before the IB, the ISA and the IPEA (Article 49);
- an agent who has the right to practice before the ISA and/or IPEA can be appointed specifically for the purposes of the procedure before that ISA or IPEA (Rule 90.1(b) and (c));
- sub-agents may be appointed by agents (Rule 90.1(d))

■ What is a common agent?

- an agent appointed by all the applicants

Common representatives (Rule 90)

■ Who can act as common representative?

- one of the applicants, who is entitled to file an international application (i.e., who is a resident or national of a PCT Contracting State), may be appointed by all the other applicants, or
- where neither a common agent nor a common representative has been appointed, the first named applicant in the request who is entitled to file an international application with the RO with which the international application was filed is automatically “deemed” to be common representative

Agents and common representatives (Rule 90)

- Any act by or in relation to a common agent or a common representative has the effect of an act by or in relation to all the applicants, except for:
 - a withdrawal made by a “deemed” common representative (Rules 90.3(c) and 90bis.5(a)); and,
 - where an RO does not require that powers of attorney have to be submitted (Rules 90.4 and 90.5), a withdrawal made by an agent or common representative who has not submitted powers signed by all applicants (Rule 90bis.5(a))

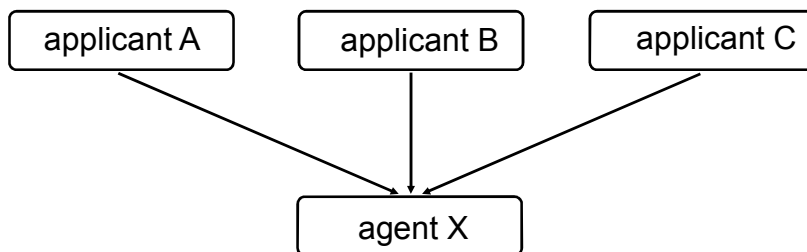
Appointment of agents and common representatives (Rules 90.4 to 90.6)

- Agents and common representatives may be appointed in any of the following ways:
 - in the request or, under Chapter II, in the demand;
 - in a separate power of attorney relating to a given international application;
 - in a general power of attorney relating to all international applications filed in the name of the applicant.
- General powers of attorney are to be filed with the RO or, where applicable, with the ISA or IPEA.
- For provisions on revocation of appointment of agents and renunciation by an agent of his appointment, see Rule 90.6

Waiver of requirement that a power of attorney be furnished (Rules 90.4(d) and 90.5(c))

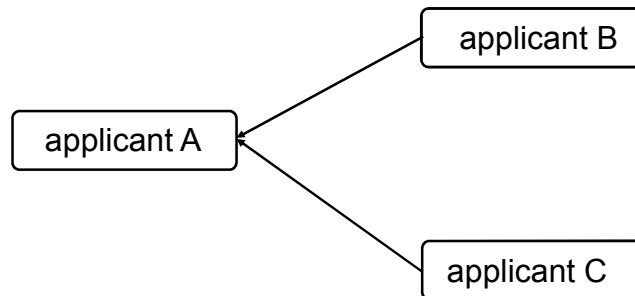
- RO, ISA, IPEA and IB may waive the requirement that:
 - a separate power of attorney; and/or
- RO, ISA and IPEA may waive the requirement that
 - a copy of a general power of attorney has to be furnished
- Any Office or Authority that has waived the requirement in general may nevertheless require that a power of attorney be furnished in particular instances
- For the table of Offices that made such a waiver, see www.wipo.int/pct/en/texts/pdf/p_a_waivers.pdf

Common agent



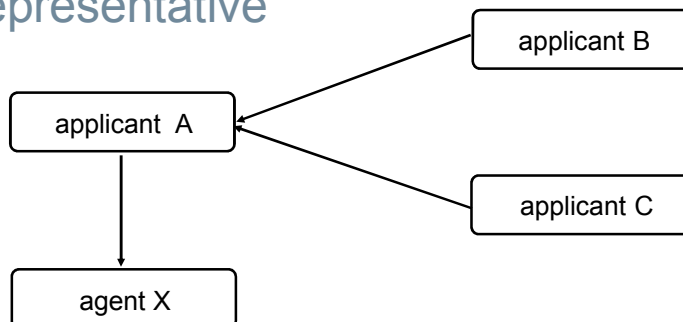
- Agent X is a common agent if he has been appointed by all applicants

Appointed common representative (Rule 90.2(a))



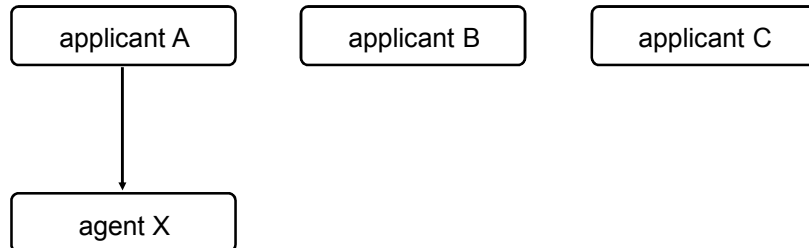
- Applicants B and C appoint applicant A as their common representative
- A may be so appointed only if national or resident of a PCT Contracting State

Agent of the appointed common representative



- Applicant A (e.g. corporate applicant), who has been appointed by the other applicants (e.g. applicants/inventors) as their common representative, appoints agent X
- Agent X can, on behalf of the appointed common representative, sign all documents for all applicants including any withdrawal (Rule 90.3(c)), provided that where a PCT Authority has waived the requirement that powers of attorney have to be submitted, such powers are on file

“Deemed” common representative (Rule 90.2(b))



- There is no common agent and the applicants have not appointed a common representative. Consequently applicant A is the "deemed" common representative (i.e., the first applicant named in the Request, who has the right to file an international application with the receiving Office with which the international application was filed)
- Agent X, appointed only by applicant A, can sign all documents for all applicants except any withdrawal (Rules 90.3(c) and 90*bis*.5(a))

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Priority Claims

- PCT requirements
- Priority documents
- Correction/Addition of priority claims
- Restoration of the right of priority

The right of priority (1) (Article 4 of the Paris Convention)

- Any filing of an application for a patent by an applicant in one member country, entitles that applicant (or his successor in title) to have certain rights when applying for patent protection in all other member countries within 12 months
- For prior art purposes, the later applications will be regarded as having been filed on the same date as the first application
- The right of priority can be based only on the first filed application on the subject matter (see Paris Convention Art.4C(4) for exception)

The right of priority (2) (Article 4 of the Paris Convention)

- Multiple and partial priorities may be claimed
- The later application must concern the same subject as the first application the priority of which is claimed
- Withdrawal, abandonment or rejection of the first application does not destroy its capacity to serve as a basis for priority

Priority date (PCT Article 2(xi))

- The priority date for the purposes of computing time limits means:
 - where the international application contains a priority claim, the filing date of the application whose priority is claimed
 - where the international application contains several priority claims, the filing date of the earliest application whose priority is claimed
 - where the international application does not contain any priority claim, the international filing date

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Claiming priority (PCT Article 8, Rule 4.10)

- The international application may contain a declaration claiming the priority of one or more earlier applications
 - filed in or, by way of a regional or international application, for any country party to the Paris Convention and/or
 - filed in any Member of the World Trade Organization (WTO) that is not party to the Paris Convention

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Contents of priority claims (Rule 4.10) (1)

■ Earlier national application:

- filing date
- application number
- country party to the Paris Convention or Member of WTO in which earlier application was filed

■ Earlier regional application:

- filing date
- application number
- authority entrusted with the granting of regional patents (in practice, the regional Office concerned)
- where at least one country party to the regional patent treaty is neither party to the Paris Convention nor Member of WTO, at least one country party to that Convention or one Member of that Organization for which that earlier application was filed

Contents of priority claims (Rule 4.10) (2)

■ Earlier international application:

- international filing date
- international application number
- receiving Office with which the earlier international application was filed

Furnishing of priority documents (Rule 17.1)

- Where the priority of an earlier national, regional or international application is claimed, the applicant must provide a priority document for each corresponding earlier application (that is, a certified copy of the earlier application)
 - by furnishing such document directly to the receiving Office or the International Bureau (Rule 17.1(a)), or
 - by requesting the receiving Office to prepare such document and transmit it to the IB (Rule 17.1(b)), if the earlier application was filed with that Office, or
 - by requesting the IB to obtain the priority document from a digital library (Rule 17.1(b-bis)) (only for Offices participating in the Digital Access Service (DAS))

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Digital Access Service for Priority Documents (DAS)

- Legal Basis:
 - PCT Rule 17.1(b-bis)
 - Administrative Instructions 715 and 716
- Applicants may request the IB to retrieve priority documents from digital libraries (may also be possible at some DOs)
- Participating Offices: AU, CN, DK, ES, FI, GB, IB, JP, KR, SE, US
- For detailed information on DAS, see: www.wipo.int/das/en

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Retrieval of priority documents via DAS

- Possibility to request the IB to retrieve a copy of the priority document of an earlier application, in electronic form, via DAS
- The service is available for earlier national applications filed with AU, CN, DK, ES, FI, GB, JP, KR, SE and US and for earlier international applications filed with AU, CN, DK, FI, SE and RO/IB
- The Office with which the earlier national application was filed is known as the Office of First Filing (OFF) or the Depositing Office
- The Office that retrieves the document is known as the Office of Second Filing (OSF) or Accessing Office

Main steps for the use of DAS

- Request the OFF to make the earlier application available via DAS
- The OFF (or, in some cases, the IB on behalf of the OFF) provides the applicant with an access code
- File the PCT international application and request the IB to retrieve the priority document via DAS by checking the appropriate box on the request form and include the access code
- The IB retrieves the priority document via DAS and sends a confirmation of retrieval to the applicant by means of the form PCT/IB/304

Requesting DAS p-doc retrieval

- Select the checkbox on the Priority details page for the corresponding priority claim and indicate the access code.

Time limit for the furnishing of priority documents (Rule 17.1)

- Direct submission by the applicant to the RO:
 - within 16 months from the priority date
- Direct submission by the applicant to the IB:
 - before international publication
- Request to the RO to prepare and transmit the priority document to the IB:
 - within 16 months from the priority date
- Submission via DAS to IB:
 - The priority document must be made available to the IB via DAS and the request to the IB to retrieve the priority document must be made before international publication

Correction/addition of priority claims

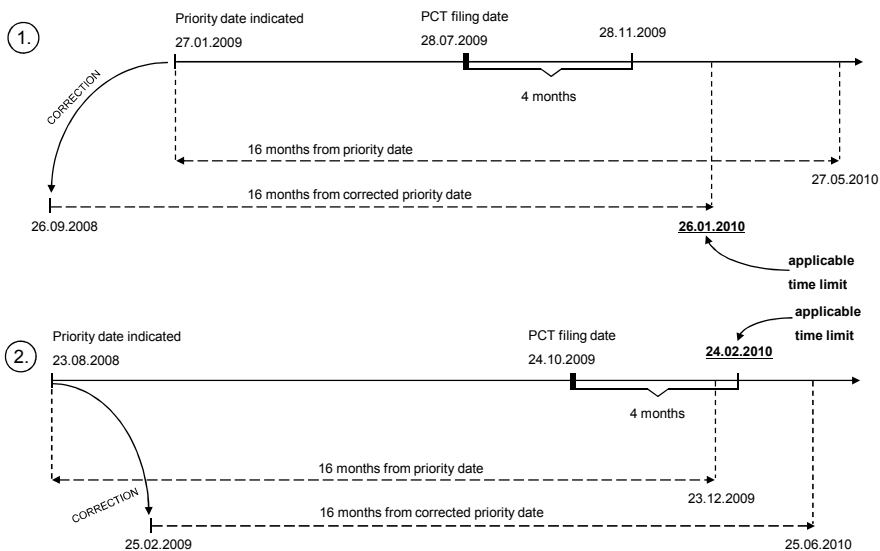
■ What can be the problem?

- missing priority claim
- missing priority date
- missing indications of the date, number or country of filing
- filing date of earlier application more than 12 months before the international filing date
- earlier filing not in a country party to the Paris Convention or a Member of WTO

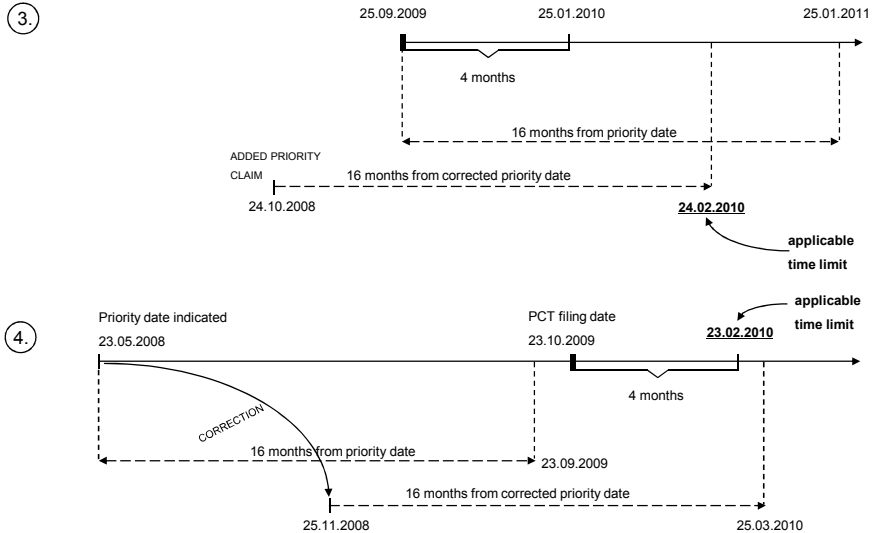
■ Applicable provisions:

- Article 8
- Rules 4.10, 26*bis*, 48.2(a)(vii) and 91

Correction and addition of priority claim (Rule 26*bis*)



Correction and addition of priority claim (Rule 26bis) — continued —



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Correction/addition of priority claims affecting the priority date (Rule 26bis) (1)

■ Cases concerned:

- adding a priority claim with an earlier filing date than any priority claim present in the application
- correction of the filing date of the earliest priority claim

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Correction/addition of priority claims affecting the priority date (Rule 26bis) (2)

- Applicable time limit:
 - within 4 months from the international filing date; or
 - possibly later, if the earlier of the following two time limits expires later than the 4-month time limit:
 - 16 months from the priority date before the correction or addition
 - 16 months from the priority date after the correction or addition
 - any correction received before the RO or IB has declared the priority claim to be void and not later than one month after the expiration of the above time limit, will be considered as timely received (Rule 26bis.2(b))

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NOTE: This does not apply to late additions of priority claims

Correction/addition of priority claims not affecting the priority date (Rule 26bis) (1)

- Cases concerned:
 - corrections which do not affect the filing date of the priority claim
 - adding a priority claim with a later filing date than the earliest priority claim present in the application (e.g. second priority claim)
 - corrections of the filing date of a priority claim which is not the earliest one

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Correction/addition of priority claims not affecting the priority date (Rule 26bis) (2)

■ Applicable time limit:

Rule 26bis.1(a):

- within 4 months from the international filing date; or
- within 16 months from the priority date, whichever time limit expires later
- any correction received before the RO or IB has declared the priority claim to be void and not later than one month after the expiration of the above time limit, will be considered as timely received (Rule 26bis.2(b))

NOTE: This does not apply to late additions of priority claims

Rule 91: within 26 months from the priority date

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Invitation to correct by RO or IB (1)

■ Forms:

- receiving Office: Form PCT/RO/110
- International Bureau: Form PCT/IB/316

■ Invitation (Rule 26bis.2(a)), is issued if:

- priority claim does not comply with requirements of Rule 4.10
- any indication in the priority claim is inconsistent with the corresponding indication appearing in the priority document
- International application has an international filing date outside the priority period

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Invitation to correct by RO or IB (2)

- The RO will also draw the attention of the applicant to the possibility to request restoration of the priority right (Rule 26*bis*.3) if the international filing date is outside of the priority period but within a period of two months from the date of expiration of the priority period
- If the applicant does not correct the priority claim in response to the invitation, the priority claim concerned will be considered void, for the purposes of the procedure under the PCT (Rule 26*bis*.2(b))

Invitation to correct by RO or IB (3)

- However, a priority claim will not be considered void only because (Rule 26*bis*.2(c)) :
 - the indication of the number of the earlier application is missing; or
 - an indication in the priority claim is not the same as the corresponding indication appearing on the priority document; or
 - the international filing date is outside of the priority period but within a period of two months from the date of expiration of the priority period

Invitation to correct by RO or IB (4)

- The finding that the priority claim is considered void for the purposes of the procedure under the PCT, would not prevent any designated Office from recognizing such a priority claim for the purposes of the national phase if so permitted or required by national law
- Warning to third parties: different priority dates may apply in different designated States (Rules 26*bis*.2(d) and 48.2(a)(ix))

Publication related to priority claims (1)

- Information concerning a priority claim considered void or only not considered void because:
 - the number was missing
 - inconsistency with the indications on priority document
 - the international filing date is outside of the priority period but with a period of two months from the date of expiration of the priority period

will be published by the International Bureau free of charge together with, where applicable, information furnished by the applicant concerning such priority claims
(Rule 26*bis*.2(d))

Publication related to priority claims (2)

- Correction and addition of priority claims under Rule 26*bis*.1(a):

After the expiration of the applicable time limit to correct or add a priority claim, applicant may request the International Bureau (Rule 26*bis*.2(e)) to publish information concerning the priority claim concerned:

- within 30 months from priority date; and
- subject to the payment of a fee

Restoration of the right of priority - Competent Authorities

- RO during the international phase
(Rule 26*bis*.3)
- DO during the national phase
(Rule 49*ter*.2)

Restoration of the right of priority

Applicable criteria

- Applicable Rules: 26bis.3(a) and 49ter.2(a)
- Two possible criteria for restoration:
 - failure to file the application within the priority period occurred in spite of due care required by the circumstances having been taken
 - failure to file the application within the priority period was unintentional
- All Offices must apply at least one of these criteria and may apply both; designated Offices may also apply a more favorable criterion in accordance with their national law

Restoration by RO (Rule 26bis.3)

- Conditions:
 - request to restore must be filed with the RO
 - time limit: within a period of 2 months from the date of the expiration of the priority period
 - filing of statement of reasons for failure to comply with the time limit
 - statement should preferably be accompanied by a declaration or other evidence to support such statement
 - where applicable, payment of the required fee

Effects of refusal to restore by RO (Rule 26*bis*.3)

- Any priority claim to an earlier application filed less than 14 months before the international filing date
 - will not be declared void even if priority is not restored by the RO (Rule 26*bis*.2(c)(iii))
 - will serve as a basis to calculate time limits during the international phase
- The validity of such a priority claim in the national phase is not assured

Effects of restoration in the national phase (Rule 49*ter*.1)

- Effect of restoration by RO in the national phase:
 - RO restoration based on the “due care” criterion is effective in all DOs
 - RO restoration based on the “unintentional” criterion is effective in those DOs which apply that criterion (or a more lenient one)
 - RO restoration is not conclusively binding on DOs: limited review by DOs is possible
 - RO refusal to restore is not binding on DOs
- For declarations of incompatibility with the national law (reservations), see the WIPO website at:
www.wipo.int/pct/en/texts/reservations/res_incomp.html

Reservations made by Offices

The following Offices have notified the International Bureau of the incompatibility of Rule 26*bis*.3(a) to (i), Rule 49*ter*.1(a) to (d) and/or Rule 49*ter*.2(a) to (g) with their national/regional law:

- Incompatibility as RO (Rule 26*bis*.3(j)):
BE, BR, CO, CU, CZ, DE, DZ, GR, ID, IN, IT, JP, KR,
NO, PH
- Incompatibility of the effect of decision of RO on DO
(Rule 49*ter*.1(g)):
BR, CA, CN, CO, CU, CZ, DE, DZ, ID, IN, JP, KR, MX,
NO, PH, TR, US
- Incompatibility as DO (Rule 49*ter*.2(h)):
BR, CA, CN, CO, CU, CZ, DE, DZ, ID, IN, JP,
KR, MX, NO, PH, TR, US

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Correction of Defects Relating to the Filing of the Application

Defects which can be corrected without affecting the international filing date (1)

- Office not competent because of the applicant's nationality and residence (Rule 19.4(a)(i))
- International application filed in a language not accepted by the receiving Office (Rule 19.4(a)(ii))
- Errors in the indication of the applicant's nationality and/or residence (Section 329 of the Administrative Instructions)
- Non-admitted language for the request, abstract, text matter in drawings (Rule 26.3ter)
- Incomplete, erroneous or missing priority claim (Rule 26bis)

Defects which can be corrected without affecting the international filing date (2)

- Unpaid or not fully paid fees (Rule 16bis)
- Missing signature in the request (Rule 4.15)
- Incomplete, erroneous or missing declarations under Rule 4.17 (Rule 26ter)
- Formal defects (Rules 11 and 26)
- Missing title of the invention
- Missing abstract
- Obvious mistakes (Rule 91)

Defects which may result in a later international filing date (Rule 20.5)

- missing sheets of
 - description
 - claims
 - drawings

Missing elements and parts of the international application (Rule 20) (1)

- Objective: Enable inclusion of accidentally omitted elements or parts that are contained in a priority application without affecting the international filing date
 - element = all of the description or all of the claims
 - part = part of the description, part of claims or part or all of pages of drawings

Missing elements and parts of the international application (Rule 20) (2)

■ Conditions:

- priority must have been claimed on the original filing date (Rule 4.18)
- priority application contains the element or part (Rule 20.6(b))
- request contains statement of (conditional) incorporation by reference (Rule 4.18)
- timely confirmation of incorporation by reference (Rules 20.6 and 20.7)

■ Competent Authority: RO

Confirmation of incorporation by reference (Rules 20.6 and 20.7) (1)

■ Time limit: two months from filing or from invitation to correct (Rule 20.7)

■ Documents to be filed (Rule 20.6):

- notice of confirmation
- missing sheets
- copy of the earlier application as filed unless the priority document already submitted
- translation if not in the language of the international application
- indication as to where in the priority document (and translation) the missing parts are contained

Confirmation of incorporation by reference (Rules 20.6 and 20.7) (2)

- If not all requirements for incorporation by reference are fulfilled

(for example, if a missing element or part is not entirely contained in the earlier application):

- the international application is assigned a later filing date (date of receipt of missing element or part),
- applicant may request that missing part be disregarded (Rule 20.5(e))

Invitation by RO to correct defect under Article 11(1) (Rule 20.3)

Where the entire description or all claims are missing, RO invites the applicant to either:

- furnish a correction under Article 11(2) and the international application is accorded a later filing date or,
- confirm under Rule 20.6(a) that the element is incorporated by reference under Rule 4.18 and the international filing date is maintained

Effect of incorporation by reference in the national phase (Rule 82*ter*.1(b))

- DOs may, to a limited extent, review the decision allowing the incorporation by reference
- Declarations of incompatibility with the national law (reservations) were made by a number of ROs and DOs
See WIPO website at:
www.wipo.int/pct/en/texts/reservations/res_incomp.html

Declarations of incompatibility with the national law

The following Offices have notified the International Bureau of the incompatibility of Rules 20.3(a)(ii) and (b)(ii), 20.5(a)(ii) and (d), and 20.6 with its national/regional law:

- Incompatibility as RO (Rule 20.8(a)):

BE, CU, CZ, DE, ID, IT, KR, MX

- Incompatibility as DO (Rule 20.8(b)):

CN, CU, CZ, DE, ID, KR, LT, MX, TR

Rectification of obvious mistakes (Rule 91) (1)

- No rectification shall be made except with the express authorization:
 - of the receiving Office if the mistake is in the request,
 - of the International Searching Authority if the mistake is in any part of the international application other than the request or in any paper submitted to that Authority,
 - of the International Preliminary Examining Authority if the mistake is in any part of the international application other than the request or in any paper submitted to that Authority,
 - of the International Bureau if the mistake is any paper, other than the international application or amendments or corrections to that application, submitted to the International Bureau

Rectification of obvious mistakes (Rule 91) (2)

- Time limit: 26 months from the priority date (Rule 91.2)
- Clarification as to mistakes which are not rectifiable under Rule 91:
 - missing pages and parts
 - mistake in the abstract
 - mistake in Article 19 amendments
 - mistake in the priority claims causing a change in the priority date

Rectification of obvious mistakes (3)

- DO may disregard a rectification “if it finds that it would not have authorized the rectification if it had been the competent authority”, but must give the applicant an opportunity to make observations (Rule 91.3(f))
- Authorized request for rectification:
 - if this is received after technical preparations for publication have been completed, the IB will publish a statement reflecting the rectifications, any replacement sheets and the request for rectification together with the republished front page (Rule 48.2(i))

Rectification of obvious mistakes (4) (Publication, Rule 48.2)

- Refused request for rectification:
 - this will be published, upon request by the applicant within two months from the refusal and against payment of a fee, together with the reasons for refusal and any brief comments by applicant (Rule 91.3(d)); if this is received after technical preparations for publication have been completed, it will be promptly published with the republished front page (Rule 48.2(k))

Correction procedure (Rule 26.4)

- Correction in the request:
 - may be stated in a letter
- Correction of any element of the international application other than the request:
 - replacement sheet and letter drawing attention to the differences between the replaced and the replacement sheet must be submitted

What is a replacement (substitute) sheet? (Rules 26.4, 46.5(a) and 66.8(a))

- A sheet filed during the international phase which differs from the sheet as originally (or previously) filed because it contains:
 - correction(s) of formal defects (Rule 26)
 - rectification(s) of obvious mistakes (Rule 91)
 - amendment(s) of claims (Article 19)
 - amendment(s) of description, claims, drawings (Article 34)
 - change(s) in the indication(s) in the Request concerning applicants, inventors, agents (Rule 92*bis*)

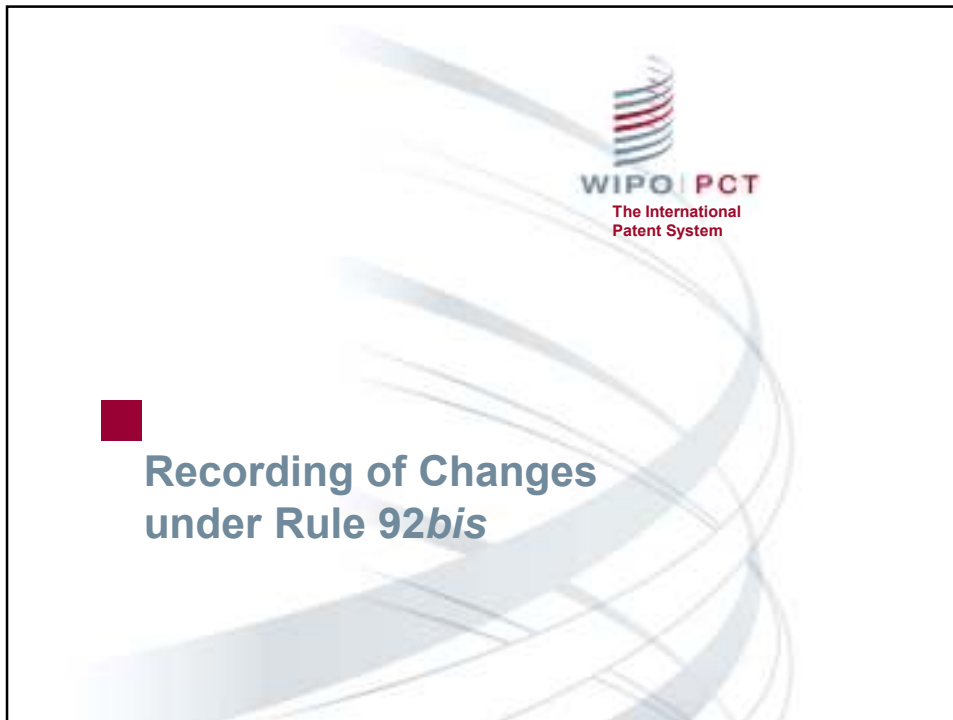
When and how to file a replacement sheet?

- A replacement sheet must be submitted
 - where the correction/rectification/amendment is in any part of the international application other than the request, in all cases
 - where the correction/rectification/amendment is in the request, in cases where it is of such a nature that it cannot be communicated in a letter and transferred to the request without adversely affecting the clarity and direct reproducibility of that sheet of the request
- It must be accompanied by a letter explaining the differences between the replaced sheet and the replacement sheet

Additional correction procedures

Review by and opportunity to correct before the designated/elected Offices:

(Articles 24(2), 25, 26, 39(3) and 48, Rules 82*bis* and 82*ter*)



Rule 92bis: cases covered

- Change of name
- Change of address
- Change of nationality
- Adding/deleting an inventor
- Change of applicant (assignment, addition, deletion)
- Change of agent

Request for recording of a change under Rule 92bis

- must be made in writing
- may be filed with the International Bureau or the receiving Office
- generally no evidence of the change is required during the international phase (the designated Offices may, however, require that evidence (for example, assignment) be submitted once the national phase has been entered)
- the International Bureau will notify the applicant (using Form PCT/IB/306) that the requested change has been recorded

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Recording of a change in the person of the applicant under Rule 92bis

- Where such request is made by a person not yet named in the request (“the new applicant”) without the written consent of the (“old”) applicant, a copy of an assignment or other documentary evidence supporting the change in person must be filed with the request for the change
- Where such request is made by an agent of the new applicant, a power of attorney signed by the new applicant must be furnished at the same time

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Time limit under Rule 92bis (1)

- The request must reach the International Bureau before the expiration of 30 months from the priority date
 - Therefore, it is recommended to file it directly with the International Bureau even though it is possible to file it also with the receiving Office
- If it reaches the International Bureau after the expiration of the applicable time limit, the change will not be recorded and the applicant will have to proceed with such request before each designated or elected Office concerned

Time limit under Rule 92bis (2)

- If the applicant wishes that a particular change be taken into account for the international publication of the international application, the request for recording of that change must reach the International Bureau before the completion of technical preparations for international publication (normally, 15 days before the actual date of publication)
- If the request for recording of a change reaches the International Bureau too late to be reflected in the international publication, the International Bureau will notify all designated or elected Offices concerned



The receiving Office (1)

- Specifies the International Searching Authority or Authorities competent for searching international applications filed with it (Article 16(2))
- Specifies the International Preliminary Examining Authority or Authorities competent for examining international applications filed with it (Article 32(2))
- Prescribes the language(s) in which international applications must be filed with it (Rule 12.1(a) and (c))
- Fixes the amount of the transmittal fee (Rule 14.1(b))

The receiving Office (2)

- Checks whether it is competent to act as receiving Office with regard to nationality/residence of the applicant (Rules 19.1 and 19.2), language of filing (Rule 12.1(a)) and, where applicable, transmits international application to RO/IB (Rule 19.4)
- Accords or refuses international filing date (Article 11(1) and Rule 20)
- Decides on requests for incorporation by reference of missing elements or parts (Rules 20.5 to 20.7)
- Checks if any drawings referred to are included (Article 14(2))

The receiving Office (3)

- Checks whether translation of international application is required (Rules 12.3 and 12.4)
- Checks for formal defects (Article 14(1))
- Collects fees for RO, IB and ISA (Rules 14, 15 and 16)
- Checks if the required fees are timely paid (Rule 16*bis*)
- Checks priority claim(s) (Rules 4.10 and 26*bis*)
- Decides on requests for restoration of the priority right (Rule 26*bis*.3)

The receiving Office (4)

- Obtains national security clearance, if required by national law (where RO is regional Office or RO/IB, clearance is applicant's responsibility)
- Forwards the record copy to IB and the search copy to ISA, including any required translation (Article 12 and Rules 22.1 and 23.1)
- Forwards and receives correspondence from applicants and the international authorities
- Establishes certified copies of PCT applications filed with it (Rule 21.2)

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**The International Bureau as
receiving Office**

International Bureau as receiving Office (RO/IB) (1)

- The International Bureau is available as receiving Office for nationals and residents of all PCT Contracting States (Rule 19.1(a)(iii))
- Compliance with national security provisions is applicant's responsibility
- RO/IB accepts international applications filed in ANY language
- The competence of ISAs and IPEAs will be determined as if the international application had been filed with a competent national or regional Office (Rules 35.3(a) and 59.1(b)). Choice of ISA must be indicated in the request (Rules 4.1(b)(iv) and 4.14*bis*)

International Bureau as receiving Office (RO/IB) (2)

- An agent has the right to practice before RO/IB if qualified to act before a competent national or regional Office (Rule 83.1*bis*)
- RO/IB has waived the requirement that a separate power of attorney or a copy of a general power of attorney has to be submitted in respect of any agent or common representative indicated in Box IV of the request, subject to certain conditions (see www.wipo.int/pct/en/texts/pdf/p_a_waivers.pdf)
- No transmittal fee for applicants from certain Contracting States

Transmittal of international applications to RO/IB (Rule 19.4) (1)

■ Cases where the international application will be transmitted to RO/IB:

- if it is filed by an applicant from a PCT Contracting State with an Office which is not competent as receiving Office because of the nationality or residence of the applicant
- if it is in a language which is not accepted by the Office with which it is filed
- if for any other reason, the receiving Office and RO/IB agree to the transmittal and the applicant authorizes it

Transmittal of international applications to RO/IB (Rule 19.4) (2)

■ Conditions for the transmittal:

- any applicable national security requirements are met
- a fee, equal to the transmittal fee, is paid (not all Offices will require such a fee)

■ Effect of the transmittal on the international filing date: the international filing date will be the date of receipt by the “non competent” Office provided that

- the minimum requirements for according an international filing date are met

Transmittal of international applications to RO/IB (Rule 19.4) (3)

■ Consequences of the transmittal:

- ❑ all PCT filing fees will be payable to the International Bureau in Swiss Francs, Euro or US Dollars
 - the one-month time limit for payment being calculated from the actual date of receipt of the application by RO/IB
- ❑ any fees paid to the non-competent Office, other than a fee equal to the transmittal fee (if required), will be refunded
- ❑ the question whether the person previously appointed as agent is entitled to represent the applicant before RO/IB must be checked (Rule 83.1bis)
- ❑ the question whether the International Searching Authority chosen by the applicant is correct will be checked (Rule 35)

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Filing PCT applications by fax at RO/IB (1)

- RO/IB accepts filing of all documents, including international applications, by fax; some are subject to confirmation within 14 days, others only upon invitation (14 days or more)*
- Note time difference: if the document transmitted is due within a certain time limit, it is the expiration of that time limit in Geneva which will determine whether the document was filed on time (Rule 80.4(b))
- Mechanical failure or other problem associated with the fax transmission remains at the applicant's risk (Rule 92.4(c))

* See *PCT Applicant's Guide*, General Information, Annex B2(1B)

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Filing PCT applications by fax at RO/IB (2)

- Acknowledgement of receipt of PCT application –
Form PCT/RO/199: by fax, if a fax number is given by the applicant/agent/sender;
(also) by special courier service (outside Europe)
- RO/IB decides on petitions if applicant does not agree with decision taken as to whether pages were received

Furnishing of priority document(s) in respect of PCT/IB applications (1)

- Where priority of an earlier national, regional or international (RO other than RO/IB) application is claimed in a PCT application filed with, or transmitted under Rule 19.4 to, RO/IB:
 - RO/IB cannot be requested to establish a certified copy of such application (“priority document”) since RO/IB is not the Office with which that earlier application was filed
 - if the relevant check-box in Box No. VI of the request is marked, RO/IB will delete the check-mark *ex officio*

Furnishing of priority document(s) in respect of PCT/IB applications (2)

- ❑ the priority document must be obtained by the applicant from the national or regional Office or receiving Office concerned and furnished within the 16-month time limit – Note that, even if the Office concerned sends the priority document to IB on behalf of the applicant, the 16-month time limit applies (in other words, Rule 17.1(b) does not apply); and that, in order to meet the time limit, the document may be sent by fax to IB, subject to confirmation
- ❑ RO/IB may be requested to obtain the priority document via DAS to the extent that the Office with which the earlier application was filed participates in DAS (Rule 17.1(b-bis))

Furnishing of priority document(s) in respect of PCT/IB applications (3)

- Where priority of an earlier PCT/IB application is claimed in a subsequent PCT/IB application, the relevant check-box in Box No. VI of the request may be marked and RO/IB will prepare and transmit to the IB the corresponding priority document (see Rules 17.1(b) and 21.2)

Translation for the purposes of international search (Rules 12.3, 20.1(c) and (d))

- Where the international application is filed with RO/IB in a language which is not accepted by the ISA that is to carry out the international search, the applicant is required:
 - to furnish to RO/IB
 - within one month from the date of receipt of the international application by RO/IB
 - a translation of the international application into a language which is a language accepted by the ISA that is to carry out the international search and a language of publication

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Invitation to furnish required translation (Rule 12.3(c) and (e))

- Where, by the time RO/IB sends to the applicant the notification of the PCT number and of the international filing date, the applicant has not furnished the required translation, RO/IB will invite the applicant:
 - to furnish the required translation within one month from the date of receipt of the international application
 - in the event that the required translation is not furnished within that one month time limit, to furnish it (and to pay, where applicable, a late furnishing fee equal to 25% of the international filing fee) within
 - one month from the date of the invitation or
 - two months from the date of receipt of the international application by RO/IB,
- whichever time limit expires later

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Failure to furnish translation and/or pay late furnishing fee (Rule 12.3(d))

- Where the applicant has not, within the applicable time limit, furnished the required translation and/or paid, where applicable, the late furnishing fee, the international application will be considered withdrawn and RO/IB will so declare
 - Any translation and any payment received by RO/IB
 - before RO/IB makes the declaration that the international application is considered withdrawn and
 - before the expiration of 15 months from the priority date
- is considered to have been received before the expiration of the applicable time limit (that is, one month from the date of the invitation or two months from the date of receipt of the international application, whichever expires later)

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International Search and Written Opinion of the ISA

The International Searching Authority (1)

- Checks unity of invention (Rules 13 and 40)
- Checks title (Rule 37); checks abstract (Rule 38)
- Searches claimed invention (Article 15(3), Rule 33.3)
- Authorizes rectification of obvious mistakes if the mistake is:
 - in any part of the international application other than the request, (Rule 91.1(b)(ii)) or
 - in any paper submitted to that Authority (Rule 91.1(b)(iv))

The International Searching Authority (2)

- Establishes international search report (ISR) (Rules 42 and 43) and/or declaration that no international search report will be established (Article 17(2))
- Establishes written opinion of the ISA (Rule 43*bis*): non-binding first opinion on novelty, inventive step (non-obviousness) and industrial applicability of claimed invention

Prior art for international search (Article 15(2) and Rule 33)

■ Prior art:

- everything which has been made available to the public,
- anywhere in the world,
- by means of written disclosure,
- which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step,
- provided the making available to the public occurred prior to the international filing date.

■ PCT Minimum Documentation (Rule 34)

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International Search Report (ISR) (Rules 42 and 43)

■ Contains:

- IPC (International Patent Classification) symbols
- indications of the technical areas searched
- indications relating to any finding of lack of unity
- a list of the relevant prior art documents
- indications relating to any finding that a meaningful search could not be carried out in respect of certain (but not all) claims

■ Time limit to establish ISR and written opinion of the ISA:

- 3 months from the date of receipt of the search copy by the ISA (usually within approximately 16 months from the priority date if priority is claimed); or
- 9 months from the priority date, whichever time limit expires later

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Cases where no international search report will be established (1)

- The application relates to a subject matter which the ISA is not required to search, and in the particular case decides not to search (Article 17(2)(a)(i) and Rule 39.1))
- The description, claims or drawings do not comply with the prescribed requirements to such an extent that a meaningful search cannot be carried out in respect of any of the claims (Article 17(2)(a)(ii))
- The application contains the disclosure of a nucleotide and/or amino acid sequence, but:
 - no listing of that sequence is furnished,
 - the listing furnished does not comply with the Standard set out in Annex C of the Administrative Instructions or is not in electronic form (Rule 13ter.1(d)), or
 - the fee for late furnishing of the sequence listing has not been paid within the applicable time limit (Rule 13ter.1(d))

Cases where no international search report will be established (2)

- Consequences:
 - the ISA will declare that no international search report has been established and that declaration will be published as part of the published international application (Rule 48.2(a)(v))
 - the application remains valid but the IPEA will not be obliged to carry out the international preliminary examination for lack of an international search report (Rule 66.1(e))

Written opinion of the ISA (Rule 43bis) (1)

- Initial preliminary non-binding opinion on:
 - novelty (not anticipated)
 - inventive step (not obvious)
 - industrial applicability
- A written opinion will be established for all international applications at the same time as the ISR
- The written opinion is sent to applicant and the International Bureau together with the ISR

Written opinion of the ISA (Rule 43bis) (2)

- The written opinion is NOT published together with the application
- No formal procedure for applicants to respond to written opinion of the ISA
- Possibility to submit informal comments to the International Bureau which will communicate such comments to DOs together with the IPRP (Chapter I) if and when it is sent

Prior art for written opinion of the ISA (Rules 43bis.1(b) and 64.1)

- Prior art:
 - same as for international search purposes; BUT:
 - relevant date: everything made available to the public prior to the priority date
- The ISA may request a copy of a priority document from the International Bureau (Rule 66.7(a)); however, even if, at the time of establishment of the written opinion of the ISA, a copy cannot be made available to the ISA, the written opinion will nevertheless be established on the assumption that the priority date is the relevant prior art date, except if the applicant had failed to comply with his obligations under Rule 17.1

International preliminary report on patentability (IPRP) (Chapter I of the PCT) (Rule 44bis)

- If applicant does not file a demand for international preliminary examination:
 - IB establishes IPRP (Chapter I) on basis of the written opinion of ISA
 - IPRP (Chapter I) and any informal comments by the applicant
 - are sent to designated Offices
 - are made publicly available (but not “published” like the international application and ISR)
 - but not before the expiration of 30 months from the priority date

Use of the written opinion of the ISA for the purposes of the Chapter II procedure (Rule 66.1 *bis*)

- If applicant files a demand for international preliminary examination:
 - written opinion of the ISA becomes written opinion of the IPEA (exception: IPEA decides not to accept written opinions by certain ISAs)
 - informal comments by applicant on written opinion of ISA will not be sent to IPEA (Article 34 amendments/arguments only)
 - if an international preliminary examination report is established, any informal comments submitted to the IB will not be sent to DOs or EOs

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Supplementary International Search (SIS) (PCT Rule 45*bis*)

Objectives

- To address PCT applicants' concerns about new prior art being found once they have already incurred significant costs and entered national phase
- To reduce this risk by introducing optional supplementary searches in the PCT international phase
- To expand the scope of search in the international phase taking into account the growing linguistic diversity in prior art

Main Features

- An optional service for applicants,
 - it is currently offered by : AT, EP, FI, RU, SE and XN
 - more Authorities are expected to offer SIS in the future
- An applicant can request supplementary search by any Authority offering this service, except the one responsible for main international search
- Each Authority determines the scope and fees for its supplementary search
- Supplementary international search (SIS) covers only one invention – there is no option for paying additional fees

Deciding When to Use the Service (1)

- The main international search report is intended to be of a high quality, sufficient for normal purposes
- Consequently, this service need not be used for every international application, but to give extra information in some cases where the applicant believes that this additional expense in the international phase will be worthwhile
- Before requesting supplementary search, applicants should consider:
 - the main international search report
 - the commercial value of particular application
 - the number of disclosures relevant to the particular technical field which are known to be made in languages that are not a speciality of the main ISA

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Deciding when to Use the Service (2)

- Interest in a search being carried out by a particular International Authority (free choice of SISA)
- Interest in a search being carried out in prior art documents in a particular language
- Interest in a particular subject matter not searched by the main ISA in accordance with Article 17(2) (e.g. methods of treatment, Rule 39.1(iv))

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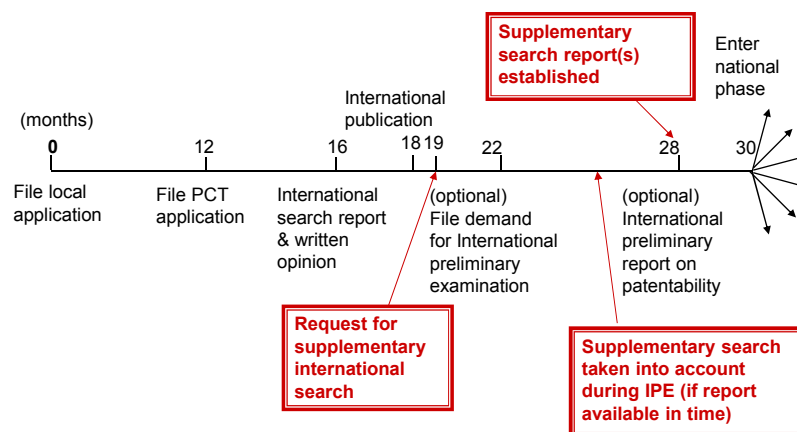
Timing and Fees

- The supplementary search request must be filed with the **International Bureau** within 19 months from the priority date
- Fees must be paid in **Swiss francs within 1 month** of filing the request:
 - supplementary search fee*
 - supplementary search handling fee*
- The Authority begins SIS on receipt of the request and international search report (ISR), or 22 months from the priority date, at latest, if the main ISR is late
- The SIS Report is established by 28 months from the priority date

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SIS in the PCT System



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Supplementary Search Request (1)

- The request must be filed using the supplementary search request Form PCT/IB/375, specifying
 - which Authority is to carry out the supplementary search
 - (in certain circumstances - see Unity of Invention) which claims are to be searched

- The request may need to be accompanied by:
 - a translation of the international application into a language accepted by the Authority*
 - any sequence listing in electronic format*

* (see *PCT Applicant's Guide*, Annex SISA)

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Supplementary Search Request (2)

- There is no requirement that an agent be appointed to represent the applicant before the Authority specified for supplementary international search; applicants may, however, appoint an agent if they so wish

- A late payment fee may also apply if fees are not paid within one month and the IB issues an invitation to pay fees (Form PCT/IB/377)

- The request is considered withdrawn if the fees for supplementary search are not paid

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Unity of Invention

- Only one invention is searched – there is no option of paying additional fees for additional inventions
- Usually the first claimed invention is searched, but if the main ISA has found lack of unity of invention, the applicant may request supplementary search to focus on an invention other than the first
 - note that the Authority is not obliged to search inventions which have not been searched by the main ISA (Rule 45bis.5(d))
- The Authority is not obliged to follow the views of the main ISA on unity of invention
- A review procedure is available which is similar to the “protest” procedure for the main search

Scope of Search (1)

- Supplementary search is carried out on the claims as filed, usually on the first claimed invention (Article 19 and 34 amendments are not taken into account)
- The Authority is not required to search:
 - subject matter which it would not normally search in accordance with Article 17(2)
 - claims which have not been searched by the main ISA
 - any international application which is subject to a limitation set out in the Agreement between WIPO and the Authority defining the scope of their service (see www.wipo.int/pct/en/access/isa_ipea_agreements.html)
 - limitation of number of supplementary searches carried out
 - limitation of number of claims searched

Scope of Search (2)

- The range of prior art to be searched is determined by the Authority
 - the search may be either a new search which takes into account all PCT minimum documentation as well as documents held in other languages by that Authority or
 - the search may be a complement to the main search, typically including a subset of language-related documentation held by that Authority

Services currently available (1)

- SISA/AT: three search options
 - search of only the German-language documentation
 - search of only the European and North American documentation
 - search of only the PCT minimum documentation
- SISA/EP: supplementary search includes the PCT minimum documentation as well as documents held in its search collection
- SISA/FI and SISA/SE: supplementary search includes the PCT minimum documentation as well as documents in Danish, Finnish, Norwegian and Swedish held by the Authority

Services currently available (2)

- SISA/RU: two supplementary search options
 - The first includes Russian-language documentation and certain other patent documentation of the former Soviet Union and CIS States
 - The second is only available for applications where the main ISA has made an Article 17(2)(a) declaration because of subject matter referred to in Rule 39.1(iv) (methods of treatment): Includes the PCT minimum documentation, plus the above
- SISA/XN: supplementary search includes the PCT minimum documentation, as well as documents in Danish, Icelandic, Norwegian and Swedish held by the Authority

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Supplementary International Search Report

- The supplementary international search report (Form PCT/SISA/501) is very similar to the ISR, but:
 - it does not contain the classification of the international application or comments on the title and abstract
 - it need not contain citations of documents contained in the ISR unless cited in conjunction with a new reference not cited in the ISR
 - it may contain explanations regarding:
 - citations that are considered relevant (these are more detailed than references in the ISR)
 - the scope of the SIS (particularly where the ISR is late and assumptions have been made on the likely scope of main search)
- No written opinion is issued with the supplementary international search report

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Further Processing of Report

- The supplementary international search report is transmitted to the applicant and to the IB
- The IB makes the report publicly available (if the international application has been published)
- If the report is not in English, it will be translated into English by the IB
- The IB sends the report and translations, where appropriate, to the IPEA and designated Offices

Refunds When No Search Is Carried Out

- If the Authority **commences** work, but **no** search is carried out:

- for reasons equivalent to those available for the main international search (subject matter, lack of clarity or lack of sequence listing in electronic format) or
- because the main ISA has made an Article 17(2)(a) declaration

the supplementary search fee **will not** be refunded

- because of limitations specific to the scope of the service offered by the Authority, the supplementary search request is considered not to have been submitted and

the supplementary search fee **will** be refunded



Basics of international preliminary examination (1)

- Optional procedure for applicants from a PCT Contracting State bound by Chapter II (at present all Contracting States are bound by Chapter II)
- Requested by filing, directly with the International Preliminary Examining Authority, a “demand” which contains the automatic “election” of all the States bound by Chapter II and which had been designated
- Results in a preliminary, non-binding opinion by IPEA on novelty, inventive step and industrial applicability
 - Does not give an opinion on patentability according to the national laws of the various elected States

Basics of international preliminary examination (2)

- Gives applicant the opportunity to amend the entire international application before entering the national phase in the elected Offices
- In respect of designated Offices for which the 20-month time limit under Article 22(1) continues to apply, it defers entry into national phase from 20 to 30 months from the priority date if examination is requested within 19 months from that date

Who is entitled to make a demand? (Article 31(2)(a) and Rule 54.2)

The applicant, or if there are two or more applicants, at least one of them,

- who is a resident or national of a PCT Contracting State bound by Chapter II, and
- whose international application has been filed with a receiving Office of or acting for a Contracting State bound by Chapter II (currently all States)

Where to file the demand? (Rule 59) (1)

- Directly with the competent IPEA
- The competent IPEA(s):
 - is (are) specified by the RO
 - if more than one is specified by the RO, applicant has the choice
- In making his choice, the applicant must take into account:
 - the language(s) accepted by the IPEA
 - that some IPEA(s) accept only international applications which have been searched by certain ISAs (that is the case, for example, of IPEA/EP)

Where to file the demand? (Rule 59) (2)

- If the international application was filed with IB as RO, the competent IPEAs will be those which would have been competent if the international application had been filed with (any of) the national Office(s) which, on the basis of applicant's nationality or residence, could be a competent RO
- Choice of IPEA should be indicated on the first sheet of the demand

Transmittal of demand to competent IPEA (Rule 59.3)

- Where a demand is submitted to a non-competent IPEA or to a RO, an ISA or the IB, that Authority or Office must:
 - mark the date of receipt on the demand and,
 - either forward it to the IB, which will in turn transmit it to the competent IPEA (or, if more than one, to the competent IPEA chosen by the applicant)
 - or transmit it directly to the competent IPEA (or, if more than one, to the competent IPEA chosen by the applicant)
- Any demand so transmitted to the competent IPEA will be considered to have been received on behalf of that Authority on the date on which it was received by the RO, ISA or IB or the non-competent IPEA concerned

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At what time should a demand be filed? (Rule 54bis.1(a)) (1)

- At any time prior to the expiration of whichever of the following periods expires later:
 - 3 months from the date of transmittal of the ISR and WO of the ISA
 - 22 months from the priority date
- In respect of designated Offices for which the 20-month time limit under Article 22(1) continues to apply, prior to the expiration of 19 months from the priority date, in order to delay national phase from 20 to 30 months from the priority date
- International preliminary examination will not start before the expiration of the time limit under Rule 54bis.1(a) unless applicants expressly request earlier start

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At what time should a demand be filed? (Rule 54bis.1(a)) (2)

■ Recommendation:

Upon receipt of the international search report and the written opinion of the ISA, evaluate the cited prior art documents and decide whether to proceed further, and if so, file the demand as soon as possible thereafter together with any amendments/arguments in light of the written opinion, thus allowing maximum time prior to issuance of international preliminary examination report (i.e., usually 28 months from the priority date)

Signature of demand (Rule 53.8)

- Only the persons indicated as applicants for the States elected in the demand need to sign the demand
- If these applicants have appointed an agent or a common representative, that agent or common representative may sign
- If there is no appointed agent or common representative, it is sufficient that the demand is signed by at least one of the applicants (see Rule 60.1(a-ter))
- Note that some Authorities do not require that a separate power of attorney or a copy of a general power of attorney is furnished (Rules 90.4 and 90.5)

The demand form

- Printed demand form (PCT/IPEA/401)
 - periodically updated
 - may be obtained free of charge from the IPEA or the RO
 - available on Internet
(www.wipo.int/pct/en/forms/index.htm)
- Computer-generated demand (Rule 53.1(a) and Section 102(h) and (i))
 - same requirements regarding layout and contents as for request form

The demand for international preliminary examination: contents (Rule 53)

- The demand must contain the following indications:
 - a petition
 - particulars enabling the international application to be identified (for example, the international application number)
 - the name of the applicant(s) under Chapter II
 - where appropriate, the name of the agent
 - the basis on which international preliminary examination should be carried out (a statement concerning amendments)
 - the language for the purposes of international preliminary examination
 - the signature of (at least one of) the applicant(s) or of the agent

Defects under Chapter II (1)

- Defects whose correction results in a later filing date of the demand
 - no eligible applicant for filing the demand (Rule 54.2(i))
 - international application not identifiable (Rule 60.1(b))
- A demand filed after the expiration of 19 months from the priority date but within the applicable time limit under Rule 54*bis*.1(a), is valid but entry into the national phase will not be postponed until 30 months (Article 39(1)(a)) for LU, TZ and UG

Defects under Chapter II (2)

- Defects which can be corrected without any adverse consequences:
 - demand not filed with a competent IPEA (Rule 59.3)
 - form of the demand (Rule 53.1)
 - indications relating to applicants and agents (Rules 53.4 and 53.5)
 - language of the demand (Rule 55.1)
 - lack of at least one signature (Rules 53.8 and 60.1(a-*ter*))
 - amendments under Article 34 referred to but not furnished (Rule 53.9(a)(i))

Chapter II correction procedure

- Invitation by the IPEA to correct defects (Rule 60.1)
- Invitation by the IPEA to pay missing fees (Rule 58*bis*)
- Further possibilities:
 - request rectification of obvious mistakes before IPEA (Rule 91)
 - request review by and use opportunity to correct before the designated or elected Offices (Articles 25, 26 and 39(3))

■ International Preliminary Examination

Start of international preliminary examination (Rule 69.1)

- When the IPEA is in possession of:
 - the demand
 - the international search report (or the declaration under Article 17(2)(a)) and the written opinion of the ISA
 - the preliminary examination and handling fees

provided that the IPEA shall not start the international preliminary examination before the expiration of the applicable time limit under Rule 54bis.1(a) unless the applicant expressly requests an earlier start
- If the demand contains a statement about amendments, when copies of these amendments are available (see Rule 69.1(c), (d) and (e))
- If international preliminary examination is to be carried out on the basis of a translation of the international application, when that translation is available (see Rule 55.2(c))

International preliminary examination (1)

- The purpose of the international preliminary examination is to provide a preliminary non-binding opinion on
 - novelty (not anticipated) (Article 33(2) and Rule 64)
 - inventive step (not obvious) (Article 33(3) and Rule 65)
 - industrial applicability (Article 33(4))
- Relevant prior art (Rule 64, see also Rule 33)
- Only claims relating to the invention(s) searched by the ISA will be examined by the IPEA (Rules 66.1(e) and 66.2(a)(vi))

International preliminary examination (2)

- Finding of lack of unity of invention (Rule 68)
 - same criteria as for international search (Rule 13 and paragraphs 10.20 to 10.59 of the International Search and Preliminary Examination Guidelines)
 - invitation by the IPEA to restrict the claims or to pay additional fees (which can be paid under protest)
 - applicant can select invention as “main invention” and those inventions for which additional fees are paid

Prior art for IPE (Rule 64.1)

- What is considered prior art?

Everything made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) provided that such making available occurred prior to the relevant date

- What is the relevant date?

- the date of the earlier application of which priority is claimed unless the IPEA considers that the priority claim is not valid for reasons other than the fact that the international filing date is later than the date on which the priority period expired, but is within two months from that date; or
- the international filing date of the international application in all other cases

Written opinion of IPEA (Rule 66.2)

- The written opinion of the ISA is considered to be the written opinion of the IPEA (exception: IPEA decides not to accept written opinions by certain other ISAs)
- Where the written opinion of the ISA is taken as the written opinion of the IPEA, no second written opinion has to be issued
- If a second written opinion is issued, the applicant may respond within the time limit fixed in that second written opinion

The international preliminary report on patentability (Chapter II) (1)

- Must be established by the IPEA within:
 - 28 months from the priority date
 - 6 months from the time provided under Rule 69.1 for the start of the international preliminary examination
 - 6 months from date of receipt by IPEA of translation under Rule 55.2,whichever expires last (Rule 69.2)

The international preliminary report on patentability (Chapter II) (2)

- May contain “annexes” (Rule 70.16):
 - replacement sheets containing amendments under Art. 19 or Art. 34 and any letter indicating the basis for the amendments
 - replacement sheets containing rectifications of obvious mistakes authorized under Rule 91 by the IPEA and accompanying letter
 - when referred to in the report, any sheet and letter concerning the rectification of an obvious mistake which has not been taken into account because it was not available in time (Rule 66.4bis)

The international preliminary report on patentability (Chapter II) (3)

- May contain “annexes” (Rule 70.16):
 - earlier amendments when later amendments are not used as a basis for the report because they are
 - considered to go beyond the disclosure in the international application or
 - not accompanied by a letter indicating the basis for the amendments
- Not annexed to the report: any other correspondence or copies of amendments superseded by later amendments

The international preliminary report on patentability (Chapter II) (4)

- No provisions for appeal or further proceedings during the international phase before the International Authorities
- Sent to the applicant and the IB (Rule 71.1)
- IB forwards copies of the report, and any required translation of the report into English (prepared by the IB), to the elected Offices (Article 36(3)(a) and Rule 72.1)
- The annexes are not translated by the IB (Article 36(3)(b))

The international preliminary report on patentability (Chapter II) (5)

- Calls attention to:
 - non-written disclosures (see Rules 64.2 and 70.9)
 - certain published documents (see Rules 64.3 and 70.10)
- Shall cite (Rule 70.7):
 - all documents considered to be relevant for supporting statements made concerning claims
 - documents whether or not they are cited in the ISR
 - documents cited in the ISR when the IPEA considers them relevant

Reasons for delays in international preliminary examination (1)

■ On the part of the applicant:

- late payment of fee(s)
- late correction of defects in the demand
- incomplete statement, in the demand, concerning amendments
- failure to attach amendments referred to in the statement
- late furnishing of any required translation of the international application or of amendments
- late response to invitation to pay additional examination fees in case of finding of lack of unity
- late response to written opinion
- failure to file replacement sheets containing amendments

Reasons for delays in international preliminary examination (2)

■ On the part of the ISA:

- late issuance of international search report

■ On the part of the IPEA:

- finding of lack of unity
- late issuance of written opinion



Requirement of unity of invention (Rule 13)

- An international application must relate to
 - one invention only or,
 - if there is more than one invention, those inventions must be so linked as to form a single general inventive concept (Rule 13.1).
- Inventions are considered linked so as to form a single general inventive concept only when there is a technical relationship involving one or more of the same or corresponding “special technical features”.
- The expression “special technical features” means those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art (Rule 13.2).

(For further details and examples, see paragraphs 10.20 to 10.59 of the International Search and Preliminary Examination Guidelines)

Lack of unity of invention before ISA (1) (Article 17(3) and Rule 40)

- Where there are several inventions, the first claimed invention (“main invention”) is always searched; further inventions are searched only if additional search fees are paid.
- The ISA will:
 - specify the reasons for the finding of lack of unity of invention (ISA/EP will send together with this notification the results of a partial search on the main invention); and
 - invite the applicant to pay, within one month from the date of the invitation, additional search fees and, if the applicant wishes to pay the additional fees under protest, a protest fee where applicable

Lack of unity of invention before ISA (2) (Article 17(3) and Rule 40)

- Failure to pay additional fees does not affect the application; however, the additional inventions will not be searched and the written opinion will not contain a preliminary opinion on the unsearched claims; subsequently, the claims relating to unsearched inventions need not be examined by the IPEA
- No provisions for filing divisional applications during the international phase. This may only be done in the national phase before certain DOs (refer to applicable national law)

Protest procedure before the ISA (1) (Rule 40.2)

- If the applicant pays any or all additional fees under protest, the ISA carries out the search on the additional inventions and, in parallel, reviews the invitation to pay additional fees
- Depending on the ISA, the review may be subject to the payment of a protest fee
- If, upon review, the ISA concludes that the protest was justified, the additional search fees paid will be refunded either totally or partially; the protest fee will only be refunded if the ISA finds that the protest was entirely justified

Protest procedure before the ISA (2) (Rule 40.2)

- If, upon review, the ISA concludes that the invitation was justified, the protest is denied. The applicant will be given detailed reasons for the denial.
- The applicant may request that the text of the protest and the decision thereon be notified to the designated Offices. (Attention: the designated Offices may require that the applicant furnish a translation thereof)

Lack of unity of invention before IPEA (Article 34(3)(a) and Rule 68)

- Unity of invention based on same criteria as for international search (Rules 13 and 68)
- If IPEA considers there is lack of unity of invention, it invites the applicant to restrict the claims or pay additional examination fees
- Applicant can select part of the application to be examined as “main invention” and for which additional fees are paid
- Payment of additional fees may be made under protest, subject to the payment of a protest fee
- Decision on protest made in same manner as for international search

Protest procedure before the IPEA (1) (Rule 68.3)

- If the applicant pays any or all additional fees under protest, the IPEA carries out the international preliminary examination on the additional inventions and, in parallel, reviews the invitation to pay additional fees.
- Depending on the IPEA, the review may be subject to the payment of a protest fee.
- If, upon review, the IPEA concludes that the protest was justified, the additional examination fees concerned will be refunded either totally or partially; the protest fee will only be refunded if the IPEA finds that the protest was entirely justified.

Protest procedure before the IPEA (2) (Rule 68.3)

- If, upon review, the IPEA concludes that the invitation was justified, the protest is denied. The applicant will be given detailed reasons for the denial.
- The applicant may request that the text of the protest and the decision thereon be notified to the elected Offices as an annex to the international preliminary examination report. (Attention: the elected Offices may require that the applicant furnish a translation thereof)

■ Functions of the International Bureau

General responsibilities under the PCT (1)

- International coordination of the PCT system
- Assistance to Contracting States (which have already joined the PCT or which have shown interest in doing so) and their national/regional Offices
 - advice on how to implement the PCT into national law
 - advice on how to set up internal procedures for dealing with PCT applications, including receiving Office training

General responsibilities under the PCT (2)

- Dissemination of information about the PCT system
 - PCT Applicant's Guide*
 - PCT Newsletter*
 - Official Notices
 - List server messages, etc.
 - PCT's website
- PCT Seminars and training courses
- Receiving Office for applicants from all Contracting States

Responsibilities related to international applications (1)

- Performs a second formalities review of record copies of international applications
- Publishes international applications
- Receives and publishes Article 19 amendments
- Communicates copies of international applications, international search reports and related documents to designated Offices

Responsibilities related to international applications (2)

- Records changes under Rule 92*bis* in the indications related to applicants, inventors and agents
- Receives and reviews requests and collects fees for supplementary international search (SIS)
- Transmits SIS requests to the SISA concerned
- Performs second formalities review of demands

Responsibilities related to international applications (3)

- Communicates international preliminary reports on patentability (Ch.I or Ch.II) to DOs/EOs
- Translates titles and abstracts (into English and French), international search reports (into English, if necessary) and international preliminary reports on patentability (Ch.I or Ch.II) (into English, if necessary)



International Publication

International publication (1) (Article 21 and Rule 48)

■ When?

Promptly after 18 months from priority date on the Internet
(www.wipo.int/pctdb/)

■ Publication languages:

- Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian or Spanish
- title, abstract and search report always (also) in English

■ Contents of published international application

- always:
 - front page with bibliographic data and abstract
 - description, claims, and drawings, if any
 - international search report

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International publication (2) (Article 21 and Rule 48)

where applicable:

- amended claims (and any statement) under Article 19
- any declaration referred to in Rule 4.17 (Rule 48.2(a)(x))
- any relevant data concerning deposited biological material furnished under Rule 13*bis* (Rule 48.2(a)(viii))
- information regarding requests for restoration of right of priority (Rule 48.2(a)(xi))
- statement concerning authorized requests for rectification of obvious mistakes received after publication (Rule 48.2(i))
- information about a priority claim considered not to have been made (Rule 26*bis*.2(d))

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International publication (3) (Article 21 and Rule 48)

- upon applicant's request*:
 - information about the applicant's wish to correct or add a priority claim after the expiration of the time limit under Rule 26bis.1(a) (Rule 26bis.2(e))
 - refused request for rectification of an obvious mistake (Rule 91.3(d))

* See Annex B2/IB of the *PCT Applicant's Guide* for applicable fee

Communication of published international applications (Article 20 and Rule 47)

- Paper copies of published international applications are only sent to the applicant upon specific request
- Communicated to DOs by IB
- Notice of communication of the international application sent by IB to DOs serves as conclusive evidence of receipt of the application by DOs (Rule 47.1(c-bis), Form PCT/IB/308 (First Notice) for DOs which do not yet apply modified Article 22(1) and Form PCT/IB/308 (Second and Supplementary Notice) for all other DOs)

Early publication (Article 21(2)(b) and Rule 48.4(a))

- upon express request by applicant
- if international search report available, no fee required
- if international search report not yet available: see the *PCT Applicant's Guide* International Phase, General Information (Annex B2/IB) for applicable fee

Form of publication

- Published international applications are available at www.wipo.int/patentscope/search/en/structuredSearch.jsf
- Official notices (PCT Gazette) are available at www.wipo.int/pct/en/official_notices/index.htm

Frequency of international publication

- International publication of international applications and publication of the Official Notices takes place every Thursday,
 - except where that Thursday is a day on which the International Bureau is not open for official business, for example, Ascension Day or the Thursday that follows the first Sunday of September and certain Thursdays in the Christmas/New Year period.
- In such cases, inquire at the International Bureau as to what will be the publication date (possibly, but not always, the preceding Wednesday).

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Technical preparations for international publication

- The technical preparations for international publication are normally completed 15 calendar days before the actual publication date

For example: if the publication date is: Thursday, *23 January 2014*, technical preparations are completed on Wednesday, *8 January 2014*

Consequently, any document that reaches the International Bureau on Tuesday, *7 January 2014*, is still taken into account for international publication (for example, change of name or address, amendment of the claims under Article 19, withdrawal of the international application or of a designation or of a priority claim)

- Technical preparations may be completed more than 15 days before the publication date where that publication date is not the “usual” Thursday because the International Bureau is not open for business or where there are a number of official holidays falling within that 15-day period. If in doubt, inquire at the International Bureau as to what will be the date of completion

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of technical preparations

Effects of international publication

- The PCT published application becomes part of the prior art as of its international publication date (Rule 34.1(b)(ii))
- International publication entitles PCT applicants to provisional protection in the designated States, if such protection is granted for published national applications (Article 29)
 - Such protection may be made conditional
 - on the furnishing of a translation (which may be of the claims only)
 - on receipt by the designated Office of a copy of the international application as published under the PCT, and/or
 - in the case of early publication under Article 21(2)(b), on the expiration of 18 months from the priority date
 - For further information on the specific requirements of a given Office, see the *PCT Applicant's Guide*, International Phase, General Information (Annexes B1 and B2)

Preventing publication of the international application (Rule 90bis.1(c)) (1)

- How: by withdrawing the international application
- When: before completion of the technical preparations for international publication
- The notice of withdrawal must:
 - be made in writing (use of Form PCT/IB/372 recommended)
 - be signed by all the applicants or on their behalf (by the appointed common agent or the appointed common representative), and
 - reach the International Bureau before completion of the technical preparations for publication

Preventing publication of the international application (Rule 90bis.1(c)) (2)

- **Safeguard:** the withdrawal should be made conditional on its being received by the International Bureau on time to prevent publication
- **Consequence:** the international application will not be published and will cease to have effect

Postponing publication of the international application (Rule 90bis.3(d) and (e)) (1)

- **How:** by withdrawing the (earliest) priority claim
- **When:** before completion of the technical preparations for international publication
- **The notice of withdrawal must:**
 - be made in writing (use of Form PCT/IB/372 recommended)
 - be signed by all the applicants or on their behalf (by the appointed common agent or the appointed common representative), and
 - reach the International Bureau before completion of the technical preparations for publication

Postponing publication of the international application (Rule 90bis.3(d) and (e)) (2)

- **Safeguard:** the withdrawal should be made conditional on its being received by the International Bureau on time to postpone publication
- **Consequences:** all time limits computed on the basis of the priority date which have not yet expired are recalculated on the basis of any remaining priority date or the international filing date, in particular for:
 - international publication
 - filing of demand
 - entry into the national phase

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Access to File After Publication

- General principles
- Information accessible to third parties
- Access to files held by the IB
- Extending the period of confidentiality

General principles

- International applications are confidential in relation to third parties until international publication
- Applicant or anyone authorized by the applicant always has access to the international application file
- DOs have full access to all communications from IB and to documents in IB file insofar as they relate to Chapter I procedure (Article 30(1)(b))
- EOs, in addition, have full access to IPEA file once IPRP (Ch.II) is established (Article 38(1) and Rule 94.2) and to all communications from IB relating to the Chapter II procedure

Information accessible to third parties

- Published international applications
- Priority documents
- Other documents in file of IB/DOs/EOs

Access to priority documents (Rule 17.2(c))

- Electronically: www.wipo.int/pctdb/en/
- On paper from the IB:
 - upon request
 - subject to reimbursement of the cost
 - after international publication
- UNLESS, before international publication:
 - the international application was withdrawn
 - the priority claim was withdrawn
 - the priority claim was considered not to have been made

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Access to files held by the International Bureau

- International applications filed before 1 July 1998: No access
- International applications filed on or after 1 July 1998
 - Generally, after international publication, copies of any document in the file are made available to third parties;

HOWEVER:

only made available after the expiration of 30 months from the priority date:

- copies of the written opinion of the ISA, informal comments on the written opinion of the ISA, the IPRP (Ch. I) or any translation thereof (Rule 44*ter*)
- copies of the IPRP (Ch.II) or only translation thereof

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How to obtain access to files held by the International Bureau (1)

■ Via the database of published international applications:

www.wipo.int/patentscope/search/en/structuredSearch.jsf

- access to published international applications, the latest bibliographic data, certain documents and forms
- for international applications filed on or after 1 January 2009: access to full file content after publication
- details on availability of documents can be found by clicking on “data coverage” under the “help” tab

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How to obtain access to files held by the International Bureau (2)

■ By sending a fax to the PCT Legal Division at (41 22) 910 00 30 or by email to pct.infoline@wipo.int

- paper copies of documents are sent, subject to reimbursement of the cost
- information on the cost of the service is available at:
www.wipo.int/pct/guide/en/gdvol1/annexes/annexb2/ax_b_ib.pdf
- invoice sent separately once the documents are mailed

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Extending the period of confidentiality

- Delay access to the file by:
 - withdrawing the (earliest) priority claim prior to completion of technical preparation for international publication so as to delay international publication

- Prevent access to the file by:
 - withdrawing the international application prior to completion of technical preparation for international publication so as to prevent international publication

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Fees Payable under the PCT

Fees payable to the receiving Office (RO)

- **transmittal fee**
- **international filing fee** (for IB)
- **search fee** (for ISA)
- **supplement per sheet in excess of 30** (for IB)
- *fee for priority document*
- *late payment fee*
- *late furnishing fee (translation of international application)*
- *fee for requesting restoration of the right of priority*
- *fee for copies of documents*

(Fees indicated in italics are payable only in certain circumstances)

Fees payable to the International Searching Authority (ISA)

- *additional search fee*
- *protest fee (where applicable)*
- *fee for copies of documents*
- *late furnishing fee (furnishing of a sequence listing)*

(Fees indicated in italics are payable only in certain circumstances)

Fees payable to the International Bureau (IB)

- *fee for early publication (before issuance of ISR)*
- *fee for publication of refused request for rectification of obvious mistake*
- *fee for publication of late request for correction/addition of priority claim*
- *fee for copies of documents*
- *supplementary search fee (for the SISA)*
- *supplementary search handling fee*

(Fees indicated in italics are payable only in certain circumstances)

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PCT fees payable to the International Preliminary Examining Authority (IPEA)

- **preliminary examination fee**
- **handling fee** (for IB)
- *late payment fee*
- *additional examination fee*
- *protest fee (where applicable)*
- *fee for copies of documents*
- *late furnishing fee (furnishing of a sequence listing)*

(Fees indicated in italics are payable only in certain circumstances)

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Fees not payable during international phase

Under the PCT, there is:

- no fee for requesting extension of time to correct certain formal defects
- no claims fee (at the time of filing of the international application or during the international phase, if claims are added)
- no fee for late response to certain communication (for example, invitation to correct or written opinion)
- no fee for filing a request for rectification of an obvious mistake under Rule 91
- no fee for requesting a change in the indications concerning the applicant, inventor, etc. under Rule 92*bis*

Time limits for payment of fees (1)

- Chapter I:
 - transmittal fee, international filing fee, search fee: one month from the date of receipt of the international application by the RO (Rules 14.1(c), 15.4 and 16.1(f))
 - special provisions for cases where the international application is transmitted to RO/IB under Rule 19.4 (Rule 19.4(c))

Time limits for payment of fees (2)

■ Chapter II:

- preliminary examination fee and handling fee: one month from the date of receipt of the demand by the IPEA or 22 months from the priority date, whichever expires later (Rules 57.3 and 58.1(b))
- special provisions for cases where the demand is transmitted to the competent IPEA under Rule 59.3 (Rules 57.3 and 58.1(b))

Safeguards in respect of payment of fees

- In respect of the transmittal, international filing and search fees payable to the receiving Office (Rule 16*bis*.1(d))
- In respect of the handling and preliminary examination fees payable to the IPEA (Rule 58*bis*.1(d))
- If fees concerned are paid after the expiration of the applicable time limit(s) but before any further action is taken by the Office or Authority concerned, the fees are considered to have been paid within the applicable time limit(s)

Invitation to pay missing fees (Chapter I) (Rule 16*bis*)

- If the fees due (i.e., transmittal fee, search fee, international filing fee) are not paid within the applicable time limit(s):
 - the RO invites the applicant to pay to it the missing fees within one month from the date of the invitation; and
 - the RO may require a late payment fee of 50% of the missing amount (minimum: transmittal fee; maximum: 50% of the international filing fee)
- The RO will not transmit the search copy to the ISA until the search fee is paid (Rule 23.1(a))
- Consequence in case of non-payment:
 - the international application will be considered withdrawn by the RO

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Invitation to pay missing fees (Chapter II) (Rule 58*bis*)

- If the fees due (i.e., preliminary examination fee and handling fee) are not paid within the applicable time limit:
 - the IPEA invites the applicant to pay to it the missing fees within one month from the date of the invitation; and
 - the IPEA may require a late payment fee of 50% of the missing amount (minimum: handling fee; maximum: double the amount of the handling fee)
- Examination will not start until the fees are paid (Rule 69.1(a)(ii))
- Consequence in case of non-payment:

If the amount paid is not sufficient to cover the examination fee, the handling fee and, where applicable, the late payment fee, the demand will be considered by the IPEA as if it had not been submitted and the IPEA will so declare

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Refund of fees by the receiving Office (Rules 15.6 and 16.2)

- If no international filing date is accorded, or, due to prescriptions concerning national security, the international application is not treated as such: international filing and search fee
- If the international application is withdrawn or considered withdrawn:
 - before transmittal of the record copy to the IB: international filing fee
 - before transmittal of the search copy to the ISA: search fee
- For the other fees (e.g. transmittal fee) or when outside of the time limits indicated, certain fees may be refunded under certain circumstances. Check with the competent Office or Authority

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Refund of fees by the IPEA

- Handling fee: full refund (Rule 57.4)
 - if demand withdrawn before having been sent by the IPEA to the IB
 - if demand considered, under Rule 54.4, not to have been submitted
- Preliminary examination fee: refund of up to 100%, depending on circumstances and IPEA
 - where demand considered as if it had not been submitted (Rule 58.3)
 - where demand withdrawn before start of international preliminary examination (Agreement between IPEA and IB of WIPO); see the *PCT Applicant's Guide*, International Phase, International Preliminary Examining Authorities (Annex E) for details

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Warning – fraudulent requests for payment of registration fees

- PCT applicants and agents are receiving invitations to pay fees that do not come from the IB and are unrelated to the processing of international applications under the PCT
- Whatever registration services might be offered in such invitations, they bear no connection to WIPO or to any of its official publications
- The services offered do not give applicants any added value, since they are provided by the IB for no additional charge (www.wipo.int/pctdb)
- Examples of such misleading invitations can be viewed on our website at the following link:

http://www.wipo.int/pct/en/warning/pct_warning.htm

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Amendments under the PCT

- Amendments under Article 19
- Amendments under Article 34
- Amendments upon National Phase Entry
- How to make amendments

Amendments under Article 19 (Rule 46) (1)

- One opportunity to amend the claims only after receipt of the international search report and written opinion of the ISA
- Amended claims must not go beyond disclosure of the international application as filed (Article 19(2)) (compliance with that requirement is, however, not checked at this point)
- Amended claims may be accompanied by a statement (Article 19(1), Rule 46.4)
- Normally must be filed within two months from the date of transmittal of the international search report and written opinion of the ISA (Rule 46.1)

Amendments under Article 19 (Rule 46) (2)

- Filed directly with the IB (Rule 46.2)
- Generally used to better define provisional protection, where available
- Published as part of the international application at 18 months, together with the claims as originally filed (Rule 48.2(f))

Amendments under Article 34 (Rules 53.9 and 66.3 to 66.9) (1)

- Description, claims and drawings may be amended in connection with the international preliminary examination under Chapter II
- They should be filed
 - together with the demand for international preliminary examination so that examination will be based on the application as amended (Rule 53.9); or
 - at least before the expiration of the time limit to file a demand (Rule 54*bis*.1(a))
- Attention: amendments need not be taken into account by the examiner if they are received after he has begun to draw up another written opinion or the report (Rule 66.4*bis*)

Amendments under Article 34 (Rules 53.9 and 66.3 to 66.9) (2)

- Amendments shall not go beyond the disclosure of the international application as filed (Article 34(2)(b))
- If an amendment goes beyond the disclosure in the international application as filed, the international preliminary examination report shall be established as if that amendment had not been made, and the report shall so indicate. The report shall also indicate the reasons why the amendment is considered to go beyond the disclosure in the international application as filed (Rule 70.2(c))

Comparison between types of amendments during international phase

Chapter I (Article 19)

- have effect in all DOs
- claims only
- filed upon receipt of the ISR and written opinion of ISA
- filed directly with IB (not ISA)
- formality examination by IB
- published as part of the international application by IB
- serve as basis for examination by IPEA unless reversed

Chapter II (Article 34)

- have effect in all EOs
- description, claims, drawings
- filed best together with the demand, or during examination by IPEA
- filed directly with IPEA
- formality and substantive examination by IPEA
- are confidential between IPEA and the applicant, are not published during the international phase
- serve as basis for examination by IPEA unless superseded

How to make amendments (Rules 46.5 and 66.8)

- Where claims are amended under Article 19 or 34, they have to be presented in the form of replacement sheets containing a complete set of claims
- Applicants must indicate the basis for the amendments in the application as filed, otherwise the IPRP (Ch.II) may be established as if the amendments had not been made
- In case of cancelation of certain claims, no renumbering of the remaining claims is required
- An accompanying letter explaining what has been amended is required
- Further details: Administrative Instructions Section 205

Replacement sheets containing amendments under Article 19 or 34

- May not be filed with the receiving Office
- If filed under Article 19 (claims only), must be filed directly with IB in Geneva
 - If, however, they also contain rectifications of obvious mistakes (Rule 91), they must also be submitted to the ISA for authorization of rectification
- If filed under Article 34 (description, claims, drawings), must be filed directly with competent IPEA
 - If they also contain rectifications of obvious mistakes (Rule 91), that IPEA will also be competent to authorize rectification

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Amendments upon entry into the national phase (Articles 28 and 41 and Rules 52 and 78)

- Description, claims and drawings may be amended
- Time limit = normally at least one month from the date of fulfillment of the requirements for entry into the national phase (i.e. not from the time limit under Article 22 or 39(1))
- Any later time limits under the national law apply
- Different amendments possible for different DOs and EOs
- Generally, any claims fee due for the national phase will be calculated on the basis of the number of claims valid at the time of entry into the national phase

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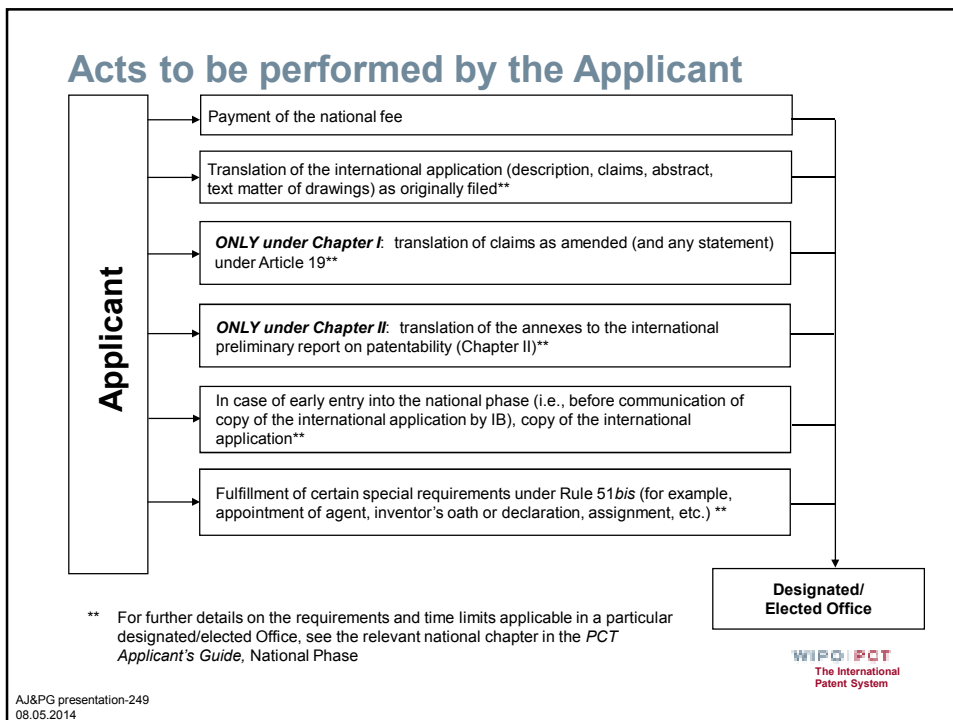
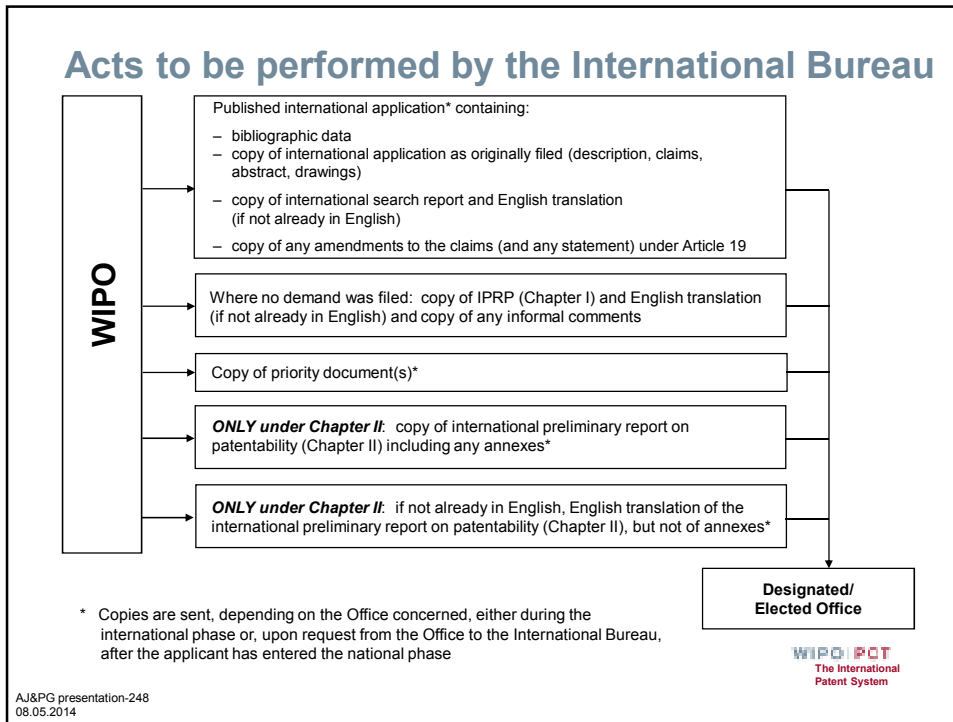
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Decisions to be taken by the applicant

- Whether
 - to proceed with or drop the international application ?
- When
 - at the end of 30 months (in some cases 31 months or more)
 - under Chapter I ?*
 - under Chapter II ?
 - early entry ?
- Where (choice limited to designated/elected Offices)
 - which national Offices
 - which regional Offices

* LU, TZ and UG continue to apply a 20-month time limit



Time limit for entry in the national phase

The time limit applies irrespective of possible delays in the international phase due to:

- late international search report and written opinion of the ISA
- international preliminary examination delayed
- late international preliminary report on patentability (Chapter II)
- late translation of international preliminary report on patentability (Chapter II)

General national requirements Art. 22(1) and 39(1)(a)

- Requirements:
 - Translation, if applicable
 - Payment of national fee
 - Copy of international application in particular circumstances only
- Time limit under Art. 22(1): 30 months from the priority date
 - For additional time, see PCT Applicant's Guide, national phase summaries
 - For exceptions, see www.wipo.int/pct/en/texts/reservations/res_incomp.html
- Time limit under Art. 39(1)(a): 30 months from the priority date
 - For additional time, see PCT Applicant's Guide, national phase summaries

Special national requirements (Art. 27 and Rule 51*bis*.1)

■ Time limit under Rule 51*bis*.3:

- If requirements are not fulfilled within the time limit for entry into national phase under Art. 22 or 39:
 - Invitation by DO
 - At least 2 months from the invitation

Examples of special requirements under Rule 51*bis*.1 (1)

■ Oath or declaration by the inventor (US only):

Where the corresponding declaration has been furnished during the international phase or directly to the DO/EO, no documents or evidence as to that matter may be required by DO/EO/US unless that Office may reasonably doubt the veracity of the declaration

■ Assignment documents (of the priority rights or of the application):

Where the corresponding declaration has been furnished during the international phase or directly to the DO/EO, no documents or evidence as to that matter may be required by the DO/EO unless that Office may reasonably doubt the veracity of the declaration

Examples of special requirements under Rule 51*bis*.1 (2)

- Translation of the priority document may only be required (Rule 51*bis*.1(e)):
 - where the validity of the priority is relevant to the determination whether the invention is patentable
 - in cases of incorporation by reference
- Appointment of local agent and submission of power of attorney
- Translation or other documents relating to the international application in more than one copy
- Certified translation of the international application (only where the Office may reasonably doubt the accuracy of the translation)

National requirements simplified for PCT applications (1)

- Priority document
 - The applicant does not need to furnish the priority document since the IB transmits copies to the DO/EOs
 - If the DO/EO did not receive a copy of the priority document from the IB, it must request a copy from the IB (not from the applicant)
- Drawings
 - If the drawings do not contain any text matter to be translated, a simple copy of the drawings as filed is required by a few DOs
 - If the drawings contain text matter to be translated, a set of drawings containing the translated text matter needs to be furnished

National requirements simplified for PCT applications (2)

- No legalized or certified translation of the international application
 - Otherwise, a simple translation is required
 - A few Offices (such as, AU, GB, IN, NZ, SG, ZA) require a "verified" translation
- No special form required (but strongly recommended) for entry into national phase

Communication with DOs/EOs (Rule 93bis)

- Any communication, notification, correspondence or other document relating to an international application will be communicated by the International Bureau to DOs/EOs only upon their request and at the time specified by the Offices
- Most DOs/EOs will receive the majority of documents concerned only after an applicant has entered the national phase before its Office
- Almost all PCT Contracting States now receive the DVD collections containing the full texts of the published international applications

Furnishing by International Bureau of copies of priority documents (Rule 17.2(a))

- The International Bureau provides copies of priority documents to designated Offices:
 - upon request
 - after international publication, unless the applicant made a specific request for early processing under Article 23(2)
- Almost all Offices request a copy of the priority document only after the application entered the national phase
- Only the European Patent Office systematically receives copies of all priority documents

Recommendations for preparing entry into the national phase (1)

- Leave sufficient time, where necessary, to prepare the translation of the international application
- Send your local agent, copies of the (relevant) documents on file: the published international application, the international search report and written opinion by the ISA, the international preliminary examination report, priority documents; note that none of these documents are required to be filed by the local agent at the local patent office

Recommendations for preparing entry into the national phase (2)

- Where you would prefer avoiding paying additional claims fee or other fees that are applicable under any particular national law, prepare the application, and any amendments thereof, according to the national practice
- Even though several designated/elected Offices provide for longer time limits, it is preferable to docket the 30-month time limits for all Offices (See www.wipo.int/pct/en/texts/reservations/res_incomp.html for exceptions under Article 22 (1))

A few further tips to remember

- Remember to monitor time limits for entering national phase
 - they apply irrespective of delays in the international phase
- Make necessary indications that application is entering the national phase, i.e., that it is not a direct national filing
- Translation of the international application must be correct and complete (no subject matter may be added and/or deleted)
- Pay the required fees (amount may be different from that applicable to direct national filing)

Reinstatement of rights by DO/EOs (Rule 49.6) (1)

- Available in certain DO/EOs, where the applicant has missed the time limit under Article 22 or 39(1) to enter the national phase:
 - unintentionally
 - or - at the option of the Office -*
 - in spite of due care required by the circumstances

Reinstatement of rights by DO/EOs (Rule 49.6) (2)

- Applicants may submit a request for reinstatement and enter the national phase within:
 - 2 months from the date of removal of the cause of the failure to meet the time limit to enter national phase; or
 - 12 months from the date of expiration of the time limit to enter national phase;whichever period expires first

Reinstatement of rights by DO/EOs (Rule 49.6) (3)

- Longer time limits and/or further requirements may apply depending on the applicable national law
- For further details, see for each DO/EO, the relevant National Chapter in the *PCT Applicant's Guide*, National Phase

DO/EOs to which Rule 49.6 does not apply

- Notifications of incompatibility with respective national law were filed in accordance with Rule 49.6(f):

CA	Canada	LV	Latvia
CN	China	MX	Mexico
DE	Germany	NZ	New Zealand
IN	India	PH	Philippines
JP	Japan*	PL	Poland
KR	Republic of Korea		

- The national law applicable by some of these Offices may nevertheless provide for other forms of protection against loss of rights - for further details, see for each DO/EO, the relevant National Chapter in the *PCT Applicant's Guide*, National Phase

* Notification withdrawn effective 1 April 2012 (JP)
See the Table of "PCT Reservations, Declarations, Notifications and Incompatibilities"
www.wipo.int/pct/en/texts/reservations/res_incomp.html

Additional cases of protection against loss of rights

- Other than the (minimum) protection under Rule 49.6: excuse of delays in meeting time limits by designated/elected Offices (Article 48 and Rule 82*bis*)
- Rectification by designated/elected Offices of errors made by RO or IB (Rule 82*ter*)
- Review by and opportunity to correct before the designated/elected Offices (Articles 24(2), 25, 26, 39(3) and 48, Rules 82*bis* and 82*ter*)

■ Withdrawals

Withdrawals under Chapter I (1) (Article 24(1)(i) and Rule 90*bis*)

■ What?

- international application, designations (also for certain kinds of protection), priority claim

■ When?

- before the expiration of 30 months from the priority date

■ How?

- by a notice of withdrawal (use of Form PCT/IB/372 recommended) signed by all applicants, their agent or the appointed common representative, and filed with the RO or the IB

Withdrawals under Chapter I (2) (Article 24(1)(i) and Rule 90*bis*)

■ Effect:

- withdrawal effective upon receipt by the RO or the IB
- withdrawal has no effect in DOs where national processing or examination has already started
- withdrawal of international application or designations:
 - effect ceases in each designated State concerned, with same consequences as withdrawal of a national application in that State
 - if notice of withdrawal received by the IB before completion of technical preparations for international publication, there will be no international publication (withdrawal can be made conditional on receipt in time to prevent publication)
- withdrawal of priority claim: time limits which have not expired are re-computed on the basis of the revised priority date resulting from the withdrawal

Withdrawals under Chapter II (1) (Article 37 and Rule 90*bis*)

■ What?

- international application, designations, demand, elections, priority claim

■ When?

- before the expiration of 30 months from the priority date

■ How?

- by a notice of withdrawal (use of Form PCT/IB/372 recommended) signed by all applicants, their agent or the appointed common representative, and filed with:
 - the RO, the IB or the IPEA, if withdrawing international application or priority claim
 - the IB, if withdrawing demand or elections

Withdrawals under Chapter II (2) (Article 37 and Rule 90*bis*)

■ Effect:

- withdrawal effective upon receipt by appropriate Authority (see above)
- withdrawal has no effect in DOs/EOs where national processing or examination has already started
- withdrawal of demand or elections: withdrawal after expiration of Chapter I time limit for entry into national phase is considered to be withdrawal of the international application in relation to the State(s) concerned
- withdrawal of priority claim: time limits which have not expired are re-computed on the basis of the revised priority date resulting from the withdrawal



Microbiological inventions

- Deposit of a sample in order to meet the requirement of full disclosure:
 - Many national laws require that, where a patent application refers to biological material which has not been made available to the public, a sample thereof be deposited with a recognized culture collection
- The Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (Budapest Treaty)
 - provides for the recognition by its Contracting States of deposits made with any International Depository Authority (IDA) under the Budapest Treaty
- The IDAs are recognized by all PCT Contracting States, whether they are Contracting States of the Budapest Treaty or not

When must the deposit be made?

- Many Offices require the deposit to be made before the filing date of the PCT application
- A late deposit, however, is no excuse for filing a PCT application claiming priority after the expiration of 12 months from the priority date (restoration of the right of priority may not work)
- Some Offices require that the deposit be made before the filing date of the application of which priority is claimed in the PCT application and that the priority application also makes reference to the deposited biological material, e.g. BY, CN, US

Reference to deposited biological material in a PCT application (Rule 13bis)

- Required in a PCT application only where the national law of a designated State provides for it. Usually needed for full disclosure of the invention.
- The *PCT Applicant's Guide*, Deposits of Biological Material (Annex L), contains information on the requirements of the designated States whose national law includes provisions on the deposit of biological material and indicates when and how reference to such deposited biological material should be made.

Time limit for furnishing references to deposited biological material (Rule 13*bis*.4)

- At the time of filing, as part of the international application (in the description): references in accordance with Rule 13.*bis*.3(a)(i) to (iv)
- Within 16 months from the priority date, or before completion of technical preparations for international publication: any further references related to the deposited biological material not part of the international application
- In case of a request for early publication: before completion of technical preparations for international publication

Reference to deposited biological material to be made in the description

- In accordance with Rule 13*bis*.3, the reference must include:
 - the name and address of the depositary institution
 - the date of deposit of the biological material with that institution
 - the accession number given to the deposit by that institution
 - any relevant information on the characteristics of the biological material
- Usually included in a paragraph at the beginning of the description
- Alternatively, Form PCT/RO/134 may be used for that purpose and be numbered as a sheet of the description

Reference to deposited biological material separate from the description

- Statement concerning the “expert solution”
- In the case where the applicant is not the depositor, a statement by the depositor concerning the right of the applicant to make reference to the biological material and to make it available to the public
- Form BP/4: acknowledgement of receipt by the IDA
- Form BP/9: viability statement
- All the above documents will be published by the IB with the international application

The “expert solution” (Rule 13bis.6)

- In respect of certain designated Offices, the applicant is entitled to request that a sample be issued only to an expert nominated by the requester
- A space is provided in form PCT/RO/134 to make such indication
- The request must reach the IB before the completion of technical preparations for the international publication of the application
- Some Offices also require the applicant to notify them directly before international publication takes place, e.g. DO/AU, DO/DE, DO/DK

Applicant and depositor of the sample are not the same person

- In this case, DO/GB and DO/EP require
 - within the time limit of 16 months from the priority date or before technical preparations for international publication have been completed
 - the name and address of the depositor to be included in the reference and
 - a statement specifying that the depositor has authorized the applicant to refer to the deposited biological material in the application and has given his unreserved and irrevocable consent to the deposited material being made available to the public
- Failure to do so may result in the application being refused in the national phase for insufficient disclosure

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Which type of reference is covered by Rule 13bis?

- Only references to deposits under the Budapest Treaty will be treated as references to biological material under Rule 13bis
- Certificates on the Grant of Community Plant Variety Rights issued by the Community Plant Variety Office, a European Union Agency, are not covered by the Budapest Treaty and Rule 13bis
- References other than to biological material under Rule 13bis will not be published as part of the international application, but will be made available on PATENTSCOPE under “related documents on file at the International Bureau”

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Recent changes regarding the filing of sequence listings

What has changed as of 1 July 2009?

- Deletion of Part 8 of the Administrative Instructions
- Modified Administrative Instruction 707(a-bis): Calculation of international filing fee and fee reduction
- IB makes sequence listings, filed only for the purposes of international search, publicly available

Filing of sequence listings forming part of the international application

- For international applications filed on or after 1 July 2009:
 - No page fees are payable for sequence listings filed in ST. 25 **text** format as part of an international application filed in electronic form
 - Full page fees are payable for all pages of a sequence listing filed in **image** format as part of an international application in electronic form
 - Full page fees are payable for sequence listings filed on paper
 - ATTENTION:** mixed mode filings (former Part 8 of the Administrative Instructions) no longer permissible

Tables related to sequence listings

- Pages of tables relating to sequence listings count as regular pages of the description
- Full page fees are payable for pages containing tables related to sequence listings, irrespective of whether or not they are submitted in electronic form

Filing of sequence listings not forming part of the international application

- Where a copy of a ST.25-compliant text format sequence listing has been furnished to the ISA under Rule 13*ter*.1 (for the purposes of international search only), the ISA will forward a copy of such a sequence listing to the International Bureau
- The International Bureau will make a copy of all sequence listings in text format received publicly available on PATENTSCOPE

Presentation of nucleotide and/or amino acid sequence listings (1)

- Relevant provisions:
 - Rules 5.2 and 49.5(a-bis)
 - Section 208 and Annex C of the Administrative Instructions
- Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences, the description must contain a sequence listing complying with the standard provided for in Annex C of the Administrative Instructions (“PCT Sequence Listing Standard”) (that standard has replaced the previously applicable various requirements of the ISAs, IPEAs and designated/elected Offices)

Presentation of nucleotide and/or amino acid sequence listings (2)

- If so required by the competent ISA, a copy of the sequence listing must also be submitted in electronic form complying with the Standard, in addition to the sequence listing as contained in the application; that copy:
 - must be identical to the written sequence listing
 - must be accompanied by a statement to that effect
- A sequence listing which complies with the Standard must be accepted:
 - by all ROs, ISAs and IPEAs for the purposes of the international phase and
 - by all designated/elected Offices for the purposes of the national phase

PCT Sequence Listing Standard (1)

- Basis: Section 208 and Annex C of the Administrative Instructions
- Where the sequence listing is filed together with the international application, it:
 - must be presented as a separate “Sequence Listing Part” of the description
 - must be placed at the end of the application
 - must begin on a new page
 - should preferably have independent page numbering

PCT Sequence Listing Standard (2)

- The Standard provides further details as to:
 - the symbols and the format which must be used for the presentation of nucleotide and/or amino acid sequences
 - with regard to other available information to be included in the sequence listing, the mandatory items which must, and the optional item which may, be included, and the order in which those items must appear
 - the presentation of features of sequences
 - the presentation of “free text”

PCT Sequence Listing Standard: presentation of free text (1)

- The Standard defines “free text” as a wording describing characteristics of the sequence which does not use “language neutral vocabulary”, that is, controlled vocabulary used in the sequence listing that represents scientific terms as prescribed by sequence database providers (including scientific names, qualifiers and their controlled vocabulary values, the symbols and the feature keys appearing in the Appendices to the Standard).
- Where the sequence listing part of the international application contains free text, that free text:
 - may, and preferably should, be in English (irrespective of the language of the main part of the description) (Rule 12.1(d))
 - must be repeated in the main part of the description (“Sequence Listing Free Text”) in the language thereof (ISA invites to furnish correction if not contained in main part of description as filed) (Rules 5.2(b) and 13ter.1(f))

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PCT Sequence Listing Standard: presentation of free text (2)

- For the purposes of the national phase (Rule 49.5(a-bis)), no designated Office is entitled to require the applicant to furnish to it a translation of any text matter contained in the sequence listing part of the description if such text matter:
 - is presented in accordance with the Standard
 - is repeated in the main part of the description (and hence in any translation thereof)

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Procedure where the sequence listing does not comply with the Standard (1)

- If the international application as filed does not contain:
 - a written sequence listing complying with the Standard; and/or
 - a sequence listing in electronic form complying with the Standard,

the ISA invites the applicant to furnish to it a listing (in such format) complying with the Standard, unless such a listing is already available to it, and to pay to it, where applicable, a late furnishing fee (Rule 13*ter*.1(a) and (b))

Procedure where the sequence listing does not comply with the Standard (2)

- Any sequence listing which is not contained in the international application as filed but which is furnished subsequently must not go beyond the disclosure in the application as filed and must be accompanied by a statement to that effect (Rule 13*ter*.1(e))
- If the applicant does not comply with the invitation within the time limit fixed in the invitation, the ISA is not required to search the application to the extent that a meaningful search cannot be carried out without the listing (Rule 13*ter*.1(d))

Sequence listing for International Preliminary Examining Authority (Rule 13*ter*.2)

The requirements applicable in respect of the procedure before the ISA apply *mutatis mutandis* in respect of the procedure before the IPEA

Sequence listing for designated/elected Offices (Rule 13*ter*.3)

- Once the processing of the international application has started before a designated/elected Office, the requirements applicable in respect of the procedure before the ISA (and IPEA) apply *mutatis mutandis* in respect of the procedure before that Office
- No designated/elected Office is entitled to require the applicant to furnish to it a sequence listing other than a sequence listing complying with the PCT Sequence Listing Standard

PatentIn Software

- Windows-based version (available free of charge from the JPO, the USPTO and the EPO) designed to expedite the process of preparing sequence listings in a standardized electronic format complying with the WIPO Sequence Listing Standard
- Helps in creating a database of patent-disclosed sequences
- Supports the exchange of published sequence data between the European Patent Office, the Japan Patent Office and the United States Patent and Trademark Office in a Trilateral Sequence Exchange Project

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- **Procedural Safeguards for International Applications**

Procedural safeguards (1)

- Transmittal of international application by a non-competent receiving Office to the International Bureau as receiving Office (Rule 19.4)
- Invitation to correct defects (formal defects, priority claims)
- Extension of time limits by the receiving Office (except for payment of fees, correction and/or addition of priority claims)
- Invitation to pay missing or not fully paid fees (Rules 16*bis* and 58*bis*)
- Incorporation by reference (Rule 20)

Procedural safeguards (2)

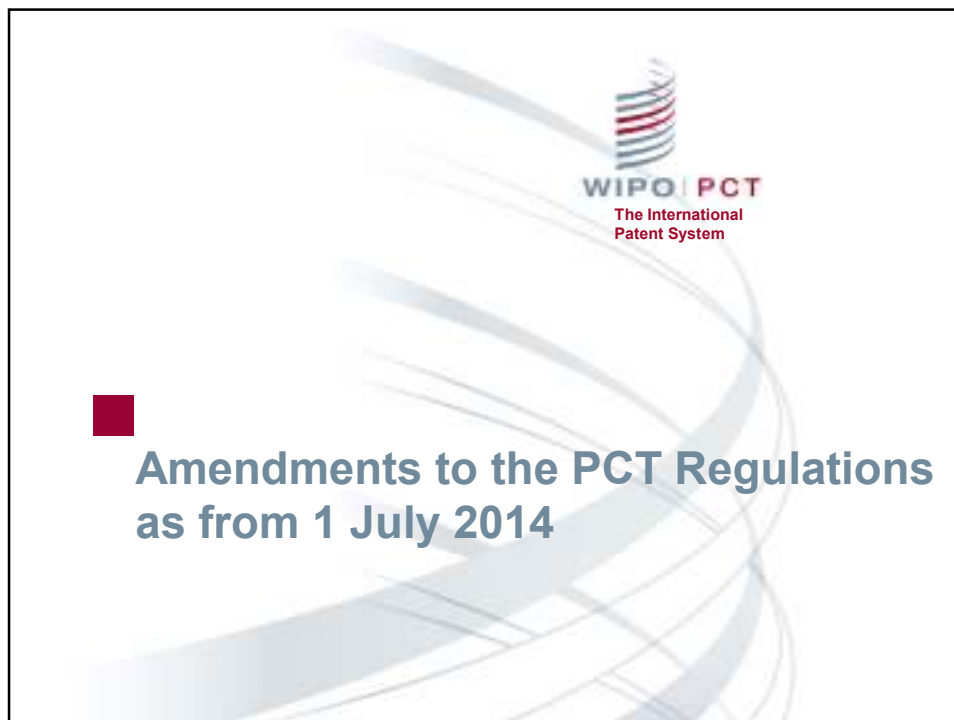
- Restoration of the right of priority (Rules 26*bis*.3 and 49*ter*)
- Rectification of obvious mistakes (Rule 91)
- Withdrawal of application in order to prevent its publication
- Withdrawal of priority claim in order to delay publication of application and/or postpone entry into national phase
- Filing by facsimile in order to meet time limits (Rule 92.4)
- Delay in mail sent to applicant: 7-day rule (Rule 80.6)

Procedural safeguards (3)

- Delay or loss in mail sent by applicant: 5-day rule, registered airmail and delivery services (Rule 82.1)
- Reinstatement of rights after failure to enter national phase within applicable time limits (Rule 49.6)
- Excuse of delays in meeting time limits by designated/elected Offices (Article 48 and Rule 82*bis*)
- Rectification by designated/elected Offices of errors made by RO or IB (Rule 82*ter*)
- Review by designated/elected Offices (Articles 24, 25 and 26)

Procedural safeguards (4)

- Excuse of delay in meeting time limits due to *force majeure* (Rule 82*quater*)
 - RO, ISA, SISA, IPEA or IB will excuse a delay in meeting any time limit provided for in the Regulations, if it is proven to the Office's satisfaction that
 - the time limit could not be met due to war, revolution, civil disorder, strike, natural calamity, or other similar reason, and
 - evidence is offered not later than six months after the expiration of the relevant time limit
 - The Rule does not apply to
 - the 12 month priority period under the Paris Convention
 - the time limit for entry into the national phase
 - The excuse of delay need not be considered by the DOs before which the national phase has already started



Availability of the Written Opinion

- Availability of the written opinion of the ISA as of the date of international publication
 - The written opinion of the ISA and any informal comments submitted by the applicant are available on PATENTSCOPE in their original language as of the publication date
 - The IPRP Chapter I and its translation will continue to be made available at 30 months from the priority date
- Effective as from 1 July 2014 for international applications filed on or after that date

Mandatory Top-up Search during the Chapter II procedure

- The IPEA is required to carry out a top-up search (Rule 66.1*ter*)
 - Aims at uncovering any prior art not available at the time when the ISR was established (patent applications which were published or became available to the IPEA on or after the date of establishment of the ISR but which have an earlier priority date)
 - Exceptions:
 - Only in respect of claims that are the subject of international preliminary examination
 - Where a search would serve no useful purpose, e.g. where the IPEA considers that the documents cited in the ISR are sufficient to demonstrate lack of novelty of the entire subject matter
- Effective as from 1 July 2014 for applications in respect of which a demand for international preliminary examination is made on or after July 1, 2014

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Recent developments

Recent Developments

- America Invents Act (AIA)
- New ISAs/IPEAs
- PCT Brief
- Licensing availability
- Third Party Observations
- PATENTSCOPE
- PCT and PPH
- Arbitration and Mediation Center Fee Reductions

America Invents Act (AIA) and the PCT

- PCT applications can now be filed in the name of an entity (e.g. corporate applicant, university, NGO) for all States, including the US
- It is recommended to still name the inventors in the request (as applicant/inventor or inventor only) since this information is generally required in the national phase
- If an inventor is indicated as ‘inventor only’ in the request at the time of filing, it is important to ensure that at least one of the applicants is a national or resident of a PCT Contracting State, and has the right to file with the competent RO
- A declaration of inventorship is still required in the US national phase

New ISAs/IPEAs

- The PCT Assembly appointed the Ukrainian IP Office as an ISA/IPEA at its annual meeting in September/October 2013
 - The appointment will become effective from a future date to be notified by the Office

PCT Brief

- High-level summary of recent and future developments in the PCT, with hyperlinks to more detailed information, databases, videos, etc.
- Targeted, in particular, at managers and attorneys
- Possibility to subscribe to PCT Brief mailing list to be notified about updates
- <http://www.wipo.int/pct/en/brief/index.html>

Licensing availability (1)

- Applicants interested in concluding license agreements in relation to their international application may request the International Bureau to make this information available in PATENTSCOPE:
 - ❑ How? Applicants should submit a “licensing request” (see Form PCT/IB/382) directly to the IB (preferably by means of ePCT)
 - ❑ When? At the time of filing or within 30 months from the priority date
 - ❑ Free of charge
 - ❑ Applicants can file multiple licensing requests or update previously submitted ones (within 30 months from the priority date)

Licensing availability (2)

- ❑ Licensing indications will be made publicly available after international publication of the application
- ❑ The licensing indications will be visible on PATENTSCOPE under the “*Bibliographic data*” tab with a link to the submitted licensing request itself
- ❑ International applications containing licensing information can be searched for in PATENTSCOPE
- ❑ The licensing indication displayed under the “*Bibliographic data*” tab may be revoked by the applicant at any time, that is, also after 30 months from the priority date

Third Party Observations - Main Features

- Allows third parties to submit prior art observations relevant to novelty and inventive step
- Web-based system using ePCT or web-forms in PATENTSCOPE
- Free-of-charge
- Submissions possible until the expiration of 28 months from the priority date
- Applicants may submit comments in response until the expiration of 30 months from the priority date
- Anonymous submission of third party observations possible
- Third-party supplied documents will not be available via PATENTSCOPE, but will be made available to International Authorities and national Offices

Third Party Observations – Role of the IB

- Check for spam
- Notifies the applicant of submission of observations
- Makes observations available in PATENTSCOPE
- Sends to International Authorities and designated Offices observations, cited documents, and applicant responses
- Available since July 2012

PATENTSCOPE

- Information on national phase entry for more than 40 countries
- Access to more than 30 searchable national and regional patent collections
- Cross-Lingual Information Retrieval (CLIR)
 - Multi language retrieval of patent documents based on a single language query (with Chinese, Dutch, English, French, German, Italian, Japanese, Korean, Portuguese, Russian, Spanish and Swedish as query language)
- PATENTSCOPE mobile search interface
- Corpus of English/French titles and abstracts (20 years of data) available for purchase, or free for research purposes

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Patent Prosecution Highway (PPH) and PCT

- Accelerated examination in the national phase based on a positive work product of an International Authority (written opinion of the ISA or the IPEA, IPRP (Chapter I or II))
- Conditions:
 - At least one claim has been determined to be patentable and
 - ALL the claims must sufficiently correspond to the claims deemed patentable by the ISA or the IPEA (they are of the same or similar scope or they are narrower in scope than the claims in the PCT application)
- Global PPH and PCT:
 - It allows applicants with a positive PCT work product to request accelerated processing of the PCT application during the national phase at any or all of the participating offices, with all of the participating offices evaluating such requests based on the same set of agreed criteria

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Patent Prosecution Highway (PPH) and PCT

- Bilateral and plurilateral agreements on accelerated national phase processing of PCT applications with positive work products
- Information on the PCT Website:
www.wipo.int/pct/en/filing/pct_pph.html
- Information on the PPH Portal:
www.jpo.go.jp/cgi/linke.cgi?url=/torikumi_e/t_torikumi_e/patent_highway_e.htm
- Information on procedures and forms can be found on the websites of the participating Offices
- The IB requests feedback on experience with PCT-PPH at pct.legal@wipo.int



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Arbitration and Mediation Center (AMC) (1)

- Independent and impartial body that offers alternative dispute resolution options for the resolution of commercial disputes between private parties (time and cost efficient alternatives to litigation)
- Services:
 - Mediation
 - (Expedited) Arbitration
 - Expert Determination
- IP disputes and other commercial disputes
 - Contractual disputes (patent licenses, software, R&D agreements, patent pools, distribution agreements)
 - Non-contractual disputes (infringement of IP rights)



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Arbitration and Mediation Center (AMC) (2)

- 25% reduction on AMC's registration and administration fees where at least one party to the dispute has been named as an applicant or inventor in a published PCT application
- Fee calculator
 - <http://www.wipo.int/amc/en/calculator/adr.jsp>

ePCT Overview

- Getting started <http://pct.wipo.int/ePCT>
- ePCT private services and ePCT public services
- eOwnership of PCT applications
- eHandshakes and sharing of access rights
- Features and functions
- Future developments

What is ePCT?

- Online portal that provides PCT services for both applicants and Offices
- Available since May 2011
- Provides secure and direct interaction with PCT applications maintained by the International Bureau
- ePCT-Filing - Web-based filing of PCT applications (since October 2013)
- Applicants can conduct most PCT transactions electronically with the International Bureau

ePCT modes

■ ePCT private services

- Authentication using both a WIPO User Account (username and password) and a digital certificate
- Access to full range of services and functions
- Access to PCT applications filed as of January 1, 2009, including before publication

■ ePCT public services

- Only a WIPO User Account (username and password) is required
- Limited functionality (document upload and third party observations) for all PCT applications regardless of filing date

ePCT private services

- <http://pct.wipo.int/epct>
- Create a WIPO User Account using the WIPO Accounts service
- Obtain/Upload a “supported” certificate
 - WIPO digital certificate
 - EPO digital certificate (smart card)
 - JP SECOM digital certificate
 - KIPO digital certificate
- Note: USPTO digital certificates are NOT supported

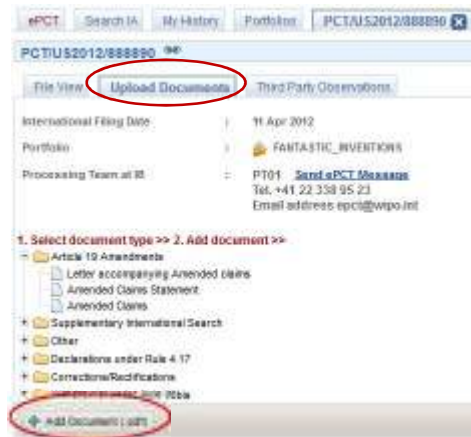
WIPO Digital Certificate

- A small electronic file with data that identifies the user (must be installed in your browser in order to authenticate access to ePCT private services)
- Available free-of-charge from WIPO, valid 2 years, renewable
- One-time opportunity to download the requested digital certificate (must be done within a week)
- Backup the digital certificate
 - Export and password protect the digital certificate (for details see the [ePCT Applicant User Guide](#))
 - E-mail the digital certificate to yourself and/or save it on a USB stick

ePCT public services (1)

- Create a WIPO User Account using the WIPO Accounts service
 - <https://pct.wipo.int/wipoaccounts/ePCT/public/register.jsf>
- Documents can be uploaded for all PCT applications which are available in the electronic processing system of the International Bureau
- User Guide for Document Upload available
 - http://www.wipo.int/export/sites/www/pct/en/epct/pdf/transit ion_to_epct_for_document_upload.pdf

ePCT public services (2)



ePCT-Filing

- Web-based filing of PCT applications filed in any language
- Real-time validation of data against the electronic processing system of the International Bureau
- Available to all PCT applicants
- For filings with RO/IB and other participating Offices
- Request form can be prepared in all PCT languages (except for Arabic which will be added in the future)
- Specification in PDF format (text-based formats coming soon)

eOwnership of PCT applications

- Right to access and manage a PCT application in ePCT
- Process is automatic when using ePCT-Filing
 - Access rights can be pre-assigned
- If ePCT-Filing is not used, additional steps are required to take eOwnership

Taking eOwnership

- At the time of electronic filing using PCT-SAFE or eOLF software
- Subsequent to electronic filing using a supported digital certificate
- Paper-filed applications or electronically-filed applications with non-supported digital certificate
- All other cases
- Multiple applications

Taking eOwnership PCT-SAFE or eOLF electronic filing

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DEMO

Current time in Berlin, to GMT+02:00: Wednesday, 10 February 2014, 11:18 CET

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International Application Number*

International Filing Date*

Coordination Code*

*Only for unpublished file

Request of eOwnership Code for use in PCT or eOLF software

Request of eOwnership Code

For use at the time of filing a new application

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Taking eOwnership PCT-SAFE electronic filing

eOwnership Code

Copy/Paste your Customer ID and eOwnership Code to the fields on the e-filing software signature screen.

NOTE: This eOwnership Code can only be used at the time of filing, for one application and is not required when using ePCT-Filing.

Customer ID: usac_CA_SIB QUAN LING_0554

eOwnership Code: SXBAGZUATVQWMB

Signature

Legal Signature

Alphanumeric

Facsimile

Advanced Digital (No more signatures can be applied - file signature should be finalizing the signing process.)

Assign eOwnership in ePCT (optional)

ePCT Customer ID:

ePCT eOwnership code:

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Taking eOwnership eOLF electronic filing

Select an entry from the list, choose the type of signature and enter the corresponding details:

Applications:
 METCALFE, ARND
 others
 Representations:
 others

Sign for applicant METCALFE, ARND:

Applicant Name: METCALFE, ARND

ePCT Customer ID: ex_CH_METCALFE_ARND_7918

ePCT eOwnership code: 6XDRG2ZMF9320

Type of signature:
 Smart Card
 Soft Certificate
 Alphabetical
 Facsimile

Smart card details:
 Enter PIN Code: _____

Place of Signing: Geneva

Sign

Close

Save settings as default (can be changed in preferences)

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Taking eOwnership PCT-SAFE or eOLF electronic filing

- Indications provided at the time of filing will be verified by the International Bureau against the record in ePCT
- eOwnership automatically assigned
- Timing depends on the receiving Office (RO)
 - Filings at RO/IB: more or less immediately after filing
 - Filing made at other ROs: only when the Record Copy is received at the International Bureau

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Taking eOwnership After electronic filing of an unpublished application

- Unpublished e-filed applications using a supported digital certificate
 - Both the e-filing and ePCT digital certificates must match
 - Enter the confirmation code in the bottom right-hand corner of Form PCT/IB/301
 - eOwnership automatically assigned

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 Form PCT/IB/301 (July 2010)	Authorized officer Bardini Ann e-mail pt04.pct@wipo.int Telephone No. +41 22 338 74 04
--	--

I/EYK64AFLSN7PW0

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Taking eOwnership Paper or non-supported digital certificate

- Applications filed on paper or with non-supported digital certificate (unpublished applications only)
- Enter PCT/IB/301 confirmation code
- Will trigger an on-line form for the International Bureau to approve or reject the request

ePCT cannot detect and validate any digital certificate used to file this international application.
 Do you want to request eOwnership from the IB? Yes

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Please complete the form below to request a new contribution code from the International Bureau.

International Application Number: PCT/01/014512

International Filing Date: 24 Feb 2004

Patent Class: Tanaka

Locality: London

Customer ID: owner_YU_14001000_100004_01FF

Email: kandachandran@ipolipct

Telephone Number: +41 21 330 9985

Address: UK, 88, LONDON, W1R 9JH

Company Name: WIPOLIPCT

Company Address:

Position in company:

Role in IPR: Agent Applicant Inventor/Representative Address for Correspondence

Message:

Request contribution code

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Taking eOwnership Other Cases

- For all other cases, by online request to the International Bureau, e.g., published applications, Rule 92*bis* changes

The contribution code is a unique identifier for identifying a specific contribution code.

International Application Number: PCT/01/014512

International Filing Date: 24 Feb 2004

Locality: London

Request contribution code

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eOwnership approval by the IB

- Only requests from persons on the file of a PCT application can be approved
 - Applicant, agent, person appointed as address for correspondence, person named on the transmittal receipt for e-filed applications
- If the International Bureau cannot match the request with a person on the file, form PCT/IB/345 containing the confirmation code will be sent to the address for correspondence
- The notification also contains the contact details of the requestor, so that the person at the address for correspondence can pass on the confirmation code if appropriate

Sharing of Access Rights – eHandshake (1)

- First step in providing access to PCT applications
- Consists in the association and trusted recognition between different WIPO User Accounts
- eHandshakes do not directly result in shared access rights which have to be specifically assigned (default access rights options can be pre-defined)
- eHandshake screen is hosted in WIPO Accounts (your name at the top of the screen functions as a shortcut link, or select “My Account” from the cogwheel)

Sharing of Access Rights – eHandshake (2)

■ Request new eHandshake

- If you know the associate's customer ID, enter it in the corresponding field

The screenshot shows a web interface for requesting a new eHandshake. On the left, there is a sidebar with navigation options like 'Home', 'My eHandshakes', and 'My eHandshakes'. The main content area is titled 'eHandshakes' and contains a section for 'Request new eHandshake'. This section has a text input field labeled 'Customer ID' and a 'Request eHandshake' button below it.

- If you do not know the associate's customer ID, send yours by e-mail so that the associate can initiate the process

Types of Access Rights

■ eOwner

- Complete control over all aspects of the PCT application

■ eEditor

- Can do everything except assign access rights

■ eViewer

- “Look” but don’t “Touch”

■ Full history of all access rights modifications is available

■ Assignment of access rights for multiple applications

■ Access rights automatically assigned to default list of eHandshake users

Assigning and Managing Access Rights

- An eOwner can give access rights to other persons, change the type of access right, and remove them via the Workbench or the Access Rights of each application

Assign New Rights

To assign rights to another person you must first have established an [eAssistant](#)

Users with existing rights	New Rights
Silke Weiss	eOwner
Antje-Eva Zandrin	eOwner
Ann Bardin	eViewer

Select eAssistant user(s) to add

Prefill my default access rights options

Select eAssistant user(s) to add	New Rights
Atsushi SHIONO	
Quan-Ling Sim	

Apply Changes Cancel

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Workbench

- List of all PCT applications to which you have access (eOwner, eEditor, eViewer)
- The Workbench contains a number of columns
 - IA Number
 - IA Status
 - File Ref
 - [...]
- Various filter options can be applied to the Workbench
- Clicking on a PCT application will open up a detailed File View

File View

- Access to the PCT file maintained by the International Bureau (documents plus up-to-date bibliographic data)
- Front-page preview
- My Comments (visible only to the current ePCT user)
- Warning (viewable to all users who have access rights)
- Information about the target date for international publication
- Indications about the public availability of each document type
- Direct link to the PCT application in PATENTSCOPE (as of the publication date)

Notifications

- Preferences
 - Specify the events in the lifecycle of a PCT application for which you want to receive notifications
 - Manner and type of notifications
- Filters
 - Received date, read date, date range
- Clearing notifications
 - Removing notifications from the list

My History

- All actions that “you” as a user have performed in ePCT
- Default view is for the last one week period
- There is also a similar History function within each PCT application which includes all actions by all ePCT users and some actions taken by the International Bureau

Portfolios

- User-defined personal folders for filing and grouping PCT applications
- PCT applications contained in portfolios are links to applications contained in the workbench
- Deletion of PCT applications from a portfolio only deletes the folder link, not the applications themselves

Actions (1)

- “Actions” can only be submitted to the International Bureau (currently)



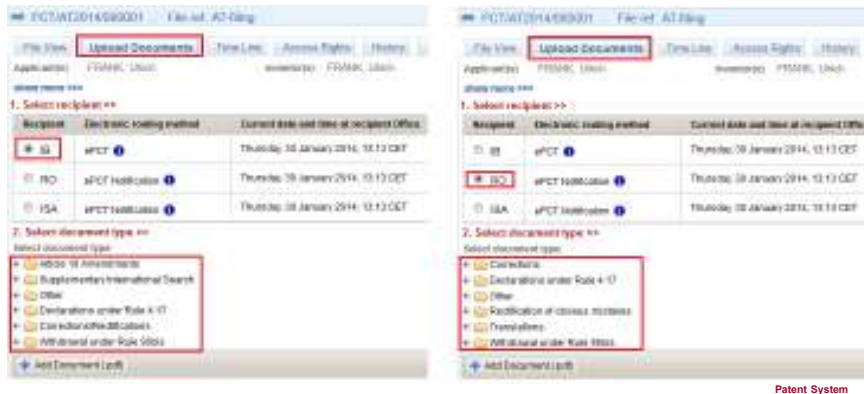
- The user benefits from pre-filled bibliographic data and automated validations to avoid errors

Actions (2)

- Data submitted through “Actions” are directly imported for processing with no need for retyping (reduces potential transcription errors)
- All “Actions” are subject to review by the International Bureau
- “Actions” should be used instead of the equivalent document upload
- Option to save “Actions” as a draft

Upload Documents (1)

- Documents (PDF) can be uploaded for all PCT applications that are available in the electronic processing system of the International Bureau
- Simple, secure alternative to sending documents by mail or fax
- Types of document selectable for upload depend on the recipient selected

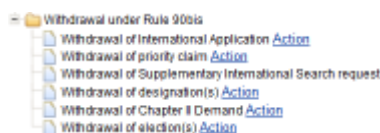


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Upload Documents (2)

- Current date and time at the *recipient* Office is displayed in the interface and is set as the date of receipt of uploaded documents
- After upload, documents are visible in the File View in ePCT and the recipient Office is notified by the system
- As an alternative to document upload, where an equivalent ePCT “Action” exists, a link to the “Action” is displayed next to the document type



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Time Line

- Date and time in Geneva, Switzerland, is displayed at the top of the screen to facilitate awareness of deadlines
- Graphical representation of PCT time limits
- Summary of key dates
- E-mail alerts for most of these time limits can be set up in Notification Preferences

Bibliographic Data

- Up-to-date bibliographic data for the PCT application being viewed
- Preview of bibliographic data in publication front page layout
- Download of bibliographic data in PDF format
- Where the language of filing of an international application is Chinese, Japanese, Korean or Russian, bibliographic data is now available in those languages in addition to the English transliteration

Future Developments (1)

- User interface in all PCT languages
- Progressive extension of ePCT-Filing to other receiving Offices
- EFS-Web mode for filings with RO/US
- 'Cloning' of PCT applications
- Real-time online credit card payment to the International Bureau
- Text-based formats for the specification (currently limited to PDF)

Future Developments (2)

- Single specification document
- Additional draft options
 - Declarations
 - Third Party Observations in ePCT public services
- Fee reductions for all ISAs/IPEAs
- Same day corrections for ePCT filings
- Clearer signature options

Need help with ePCT

- Use the “CONTACT US” link in the ePCT header
- PCT eServices
 - Tel: +41-22-338-9523 (Monday to Friday, 9am-6pm Geneva time)
 - E-mail: ePCT@wipo.int
- More Information
 - [ePCT Applicant User Guide](#)

■ Use of the PCT System as an Engine for Technology Transfer

Role of Patents: Catalyst for Innovation ?

- Heller, M.A. and R.S. Eisenberg, "Can Patents Deter Innovation?" *Science* Vol.280. pp.698-701. 1 May 1998

The "tragedy of the commons" metaphor helps explain why people overuse shared resources. However, the recent proliferation of intellectual property rights in biomedical research suggests a different tragedy, an "anticommons" in which people underuse scarce resources because too many owners can block each other. Privatization of biomedical research must be more carefully deployed to sustain both upstream research and downstream product development. Otherwise, more intellectual property rights may lead paradoxically to fewer useful products for improving human health.

- Ryan, M.P., "Patent Incentives, Technology Markets, and Public-Private Bio-Medical Innovation Networks in Brazil," *World Development* Vol.38(8), pp.1082-1093, 2010

Summary. — Contested is whether patent laws promote indigenous technology invention and innovation in developing countries. Brazil reformed its patent laws in 1996 to permit pharmaceutical product patents. Study of five post-patent law reform bio-medical technology invention and innovation projects in the state of Sao Paulo supports the propositions that patents provide incentives to Brazilian bio-medical technology entrepreneurs to make risky investments into innovation and that patents facilitate technology markets among public-private technology innovation networks, both Brazilian collaborations and North-South collaborations. Brazil enacted a technology law in 2005 that encourages public-private technology innovation through patent incentives and patent-facilitated technology markets.

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What is Technology Transfer?

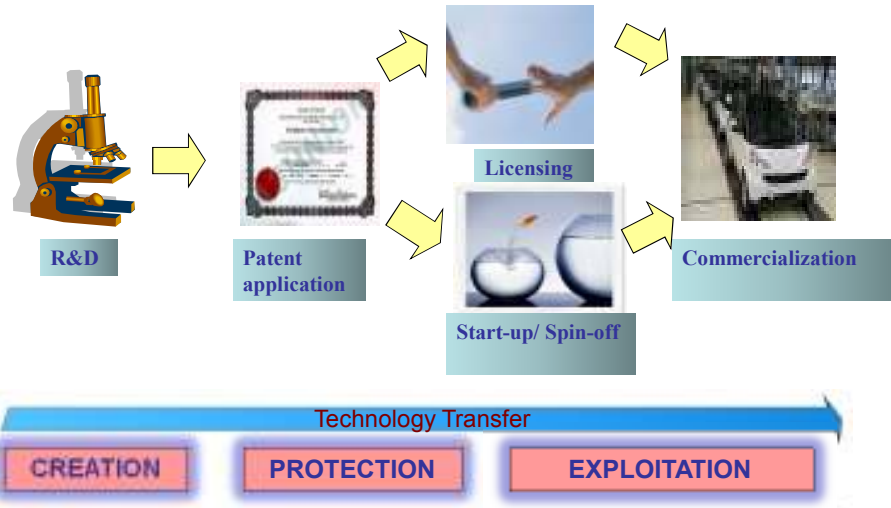
- Transfer of technology refers broadly to a series of processes enabling and facilitating flows of *skills*, *knowledge*, *ideas*, *know-how* and *technology* among different stakeholders such as university and research institutions, international organizations, IGOs, NGOs, private sector entities and individuals, as well as the international transfer of technology between countries
- Transfer of technology, which is often considered to include the absorption of new technologies, is sometimes also considered to involve the transfer of concrete knowledge for the manufacture of products, the application of a process or for the rendering of a service granting the improvement of domestic as well as the international competitiveness in the economic market

Reference: Project Document for
Recs. 19, 25, 26, 28, WIPO (2010).

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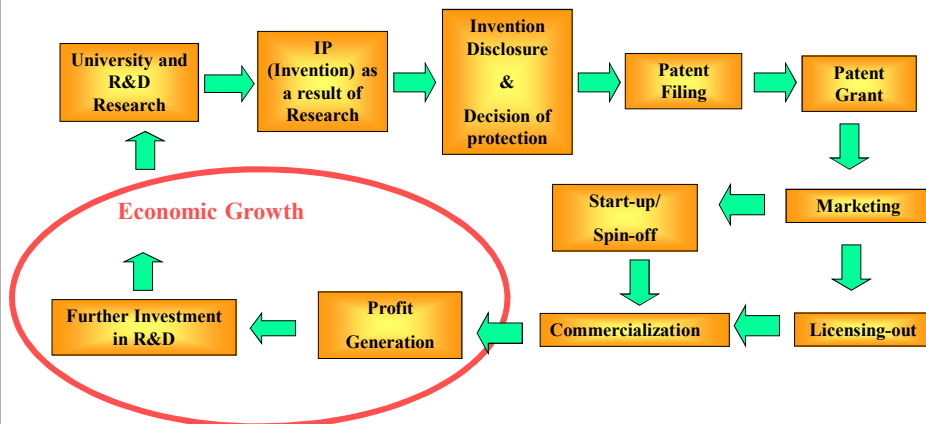
National Transfer: From Lab to Market



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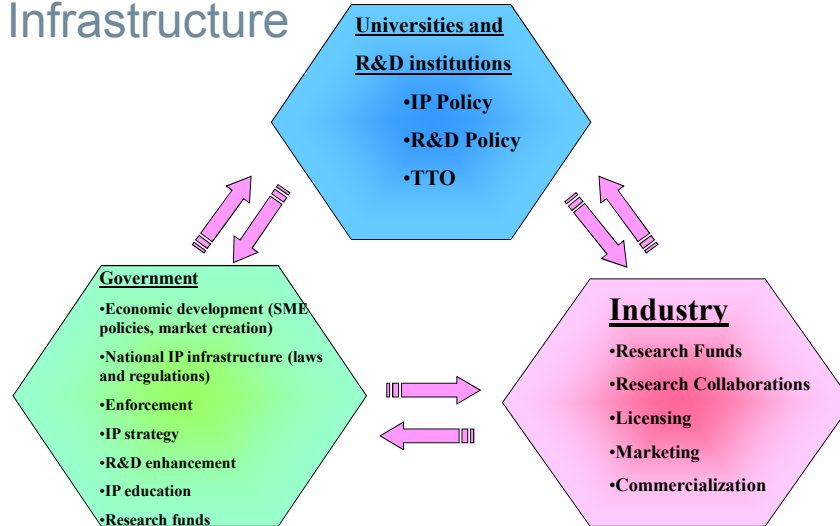
IP Creation and Economic Growth



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Technology Transfer Collaboration Infrastructure



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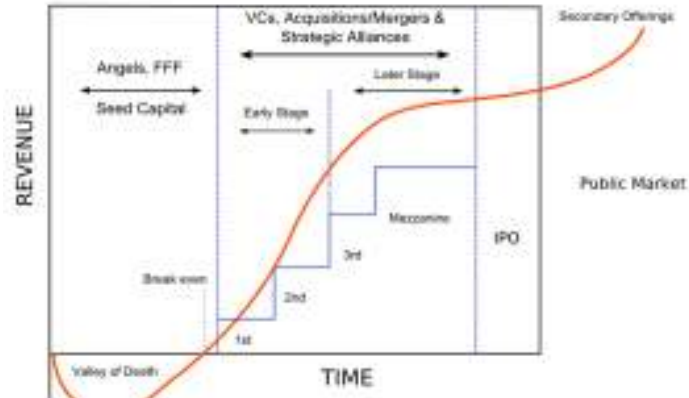
Key Challenges for Technology Transfer

- Lack of IP management infrastructure
- Lack of strategic research planning
- Gap between basic research and market needs
- Lack of funds for IP protection
- Lack of IP knowledge
- Lack of expertise to manage TT and commercialization process
- Lack of entrepreneurial culture among researchers
- Lack of business skills
- Lack of marketing skills
- Lack of support (Government, senior managers) and incentive
- Culture gap (University vs. Industry)

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Startup Financing Cycle

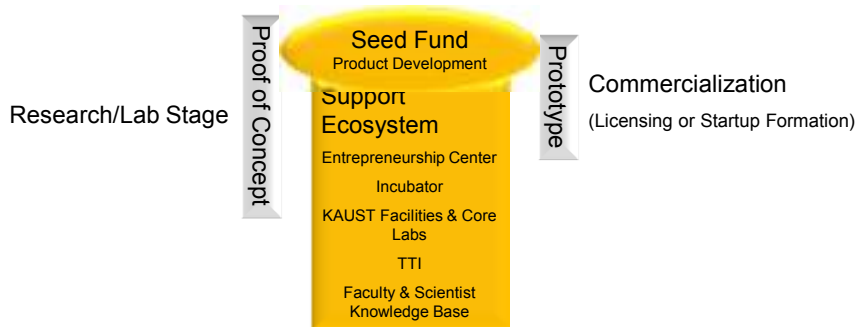


Reference: Komper.

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Seed Funding



- The seed fund is a catalyst for moving technological innovation from the lab to the marketplace, and for helping dreamers become entrepreneurs. The funding is up to \$200,000 over 24 months

Reference: [King Abdullah University of Science and Technology \(KAUST\) Seed Fund](#)

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Technology Transfer – U.S. Activity in 2010

- 20,642 Invention Disclosures
 - Patent Filings and Patent/Legal Expenditures
 - 18,712 total U.S. patent applications
 - 12,281 new U.S. patent applications
 - 1,116 non-U.S. patent applications
 - \$323.2 million external legal fees paid
 - \$155.7 million legal fees reimbursed

- 4,469 Issued U.S. Patents

Source: 2010 AUTM Survey

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Technology Transfer — Top U.S. Universities in TT-related Income (2010)

1. Northwestern University, \$180 million
2. New York University, \$178 million
3. Columbia University, \$147 million
4. University of California System, \$104 million
5. Wake Forest University, \$86 million
6. University of Minnesota, \$84 million
7. Massachusetts Institute of Technology, \$69 million
8. University of Washington/Washington Research Foundation, \$69 million
9. Stanford University, \$65 million
10. University of Wisconsin-Madison/Wisconsin Alumni Research Foundation, \$54 million
11. California Institute Of Technology, \$52 million
12. University of Rochester, \$42 million
13. University of Massachusetts, \$40 million
14. University of Michigan, \$40 million
15. University of Texas System, \$38 million
16. University of Utah, \$38 million
17. University of Florida, \$29 million
18. University of Iowa Research Foundation, \$27 million
19. Duke University, \$26 million
20. University of South Florida, \$17 million

Source: 2010 AUTM Survey

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Requirements for an Efficient Innovation and Technology Transfer System



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Where to Get Help

PCT information available on the Internet (1)

- PCT Treaty and Regulations (www.wipo.int/pct/en/texts/)
- PCT Administrative Instructions (www.wipo.int/pct/en/texts/)
- PCT Applicant's Guide (updated weekly)
(www.wipo.int/pct/guide/en/)
- PCT Newsletter (monthly) (www.wipo.int/pct/en/newslett/)
- PCT Brief (<http://www.wipo.int/pct/en/brief/>)
- PCT Legal Text Index, providing references to PCT Articles, Rules, Administrative Instructions, Forms and various PCT Guidelines (www.wipo.int/pct/en/texts/pdf/legal_index.pdf)
- Official Notices
(www.wipo.int/pct/en/official_notices/index.html)



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PCT information available on the Internet (2)

- PCT Receiving Office Guidelines
(www.wipo.int/pct/en/texts/gdlines.html)
- PCT International Search and Preliminary Examination Guidelines (www.wipo.int/pct/en/texts/gdlines.html)
- WIPO Standards
(www.wipo.int/standards/en/part_03_standards.html)
- PCT Minimum Documentation, Patents and Non-Patent Literature (www.wipo.int/scit/en/standards/pdf/04-01-01.pdf and www.wipo.int/scit/en/standards/pdf/04-02-01.pdf)
- Agreements between International Bureau of WIPO and International Searching and/or Preliminary Examining Authorities
(www.wipo.int/pct/en/access/isa_ipea_agreements.html)



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PCT Applicant's Guide (1)

- Regularly updated, web-based publication, available free-of-charge at www.wipo.int/pct/guide/en/
- Free weekly e-mail updating service detailing updated information
- Contents:
 - International phase
 - instructions concerning the preparation, filing and processing of international applications
 - blank forms (request, demand, power of attorney, etc.)
 - “Annexes” setting out information relevant to each Contracting State and regional or international Organization and each Office and Authority

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PCT Applicant's Guide (2)

- National phase
 - information on all acts that must or may be performed before the DO/EOs
 - time limits
 - fees
 - blank national forms

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PCT training options

- “Learn the PCT” Video Series
(<http://www.wipo.int/pct/en/training/index.html>)
 - A series of 29 short videos designed to provide a basic introduction to important aspects and issues in the PCT system (in English)
- PCT Distance Learning Course available in the 10 publication languages
(http://www.wipo.int/pct/en/distance_learning/index.html)
- PCT Webinars
(<http://www.wipo.int/pct/en/seminar/webinars/index.html>)
 - Free webinars on PCT topics for companies/law firms on request
- More information on the PCT resources website:
www.wipo.int/pct



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Where to get help at WIPO on PCT-related questions (1)

PCT Infoline	Telephone	+41 22 338 83 38
	Fax	+41 22 338 83 39
	e-mail	<i>pct.infoline@wipo.int</i>
PCT Processing Service	Gijsbertus Beijer	+41 22 338 94 79
	Fax	+41 22 338 82 70
Also for questions relating to RO/IB	Gijsbertus Beijer	+41 22 338 92 22
	Fax	+41 22 910 06 10
PCT eServices Help Desk	Telephone	+41 22 338 95 23
	Internet address	www.wipo.int/pct-safe
	e-mail	epct@wipo.int



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Where to get help at WIPO on PCT-related questions (2)

Marketing and Distribution Section (PCT Publications)	Telephones	+41 22 338 96 18 +41 22 338 99 30 +41 22 338 95 90
	Fax	+41 22 740 18 12 +41 22 733 54 28
	Order online at	Internet address www.wipo.int/ebookshop e-mail publications.mail@wipo.int
	WIPO Switchboard	+41 22 338 91 11
PCT Internet Site	Internet address	www.wipo.int/pct/en/

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WIPO
WORLD INTELLECTUAL PROPERTY ORGANIZATION

IP Services Policy Cooperation References About IP Inside WIPO

Home IP Services PCT System

PCT Information Service

The PCT Information Service answers general inquiries about the filing of international applications and the procedure to be followed during the international phase of the PCT. For an overview of the PCT system please see [Processing your Invention Abroad: Frequently Asked Questions about the Patent Cooperation Treaty \(PCT\)](#).

Please note that correspondence relating to specific international applications should be addressed to the PCT Operations Division, preferably uploaded through ePCT. (This may be done through ePCT public services, which does not require you to obtain a digital certificate) or by facsimile: (+41-22) 338 82 70 or the specific fax number indicated on the forms issued by the International Bureau (IB), or you can contact the "authorized officer" directly.

Specifically and only for inquiries relating to:

- international applications filed directly with the IB in its capacity as receiving Office, or
- international applications transmitted to the IB as receiving Office under PCT Rule 19.4 (that is: where the national (or regional) Office with which the application was filed is not competent to receive the application concerned; where the application is not in a language accepted by that national Office; or for any other reason where the national Office and the IB agree that the procedure under this Rule should apply),

please contact the PCT Receiving and Processing Section of the IB: telephone: (41-22) 338 92 22, facsimile: (41-22) 910 06 10 or e-mail: ro.ib@wipo.int. Further information on filing directly at the IB.

The PCT Information Service can be contacted as follows:

- Telephone: (+41-22) 338 83 38
- Facsimile: (+41-22) 338 83 39
- E-mail: pet.infoline@wipo.int

Telephone opening hours are from 9.00 a.m. to 6.00 p.m. Central European time (from 3.00 a.m. to 12.00 p.m. (noon) US Eastern time zone).

Shortcuts

- For orders or subscriptions to PCT information products or publications please use the WIPO Electronic Bookshop or contact the Marketing and Distribution Section: publications.mail@wipo.int or facsimile (+41-22) 740 18 11.
- International Bureau closed date

WIPO PATENTSCOPE
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Search for Contact Details of the Team in Charge of your PCT Application

If you wish to ask any questions relating to a specific international patent application, you can contact the "authorized officer" directly. To know who is the authorized officer in charge of your PCT application, type your IA number in the box below; the name and contact details of the staff in charge will appear.

IA Number

Search For: e.g. EP2007001234

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IA Number

Search For: e.g. EP2007001234

US2009061003

Team	P103
Coordinator	Simin Beharlow
Phone	+41 22 338 74 88
Fax	+41 22 338 71 30
Email	pt03.pct@wipo.int

PCT case law database

■ Text-searchable PCT case law database available at:
www.wipo.int/pctcaselawdb/en

■ Contents:

- decisions from national courts
- decisions from regional administrative bodies
- abstracts and legal references added by IB

■ Any comments or submissions for addition can be sent to the IB at: pct.legal@wipo.int

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	Masanori Tachibana	+41 22 338 99 16
	Zhilong Yu	+41 22 338 71 79
	Ingrid Aulich	+41 22 338 95 77
	Fabienne Gateau	+41 22 338 95 63
	Margret Fourné-Godbersen	+41 22 338 93 28

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	Silke Weiss	+41 22 338 88 44
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PCT Knowledge Management Section	Rosina Bisi-Kurkdjian	+41 22 338 95 66



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	Fax	+41 22 338 71 60
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	'Nyalleng Pii	+41 22 338 81 48
	Patrick Genin	+41 22 338 86 67
	Mikhail Gavrikov	+41 22 338 70 22
	Anjali Aeri	+41 22 338 70 66
Technical Cooperation Section	Peter Waring	+41 22 338 85 21
	Carlos Roy	+41 22 338 95 61



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	Michael Richardson	+41 22 338 91 71
	Ann Bardini	+41 22 338 91 17
	Allal Aloui	+41 22 338 74 24
	Thomas Marlow	+41 22 338 74 23

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■ Annexes

- Sample filled-in Request form (PCT/RO/101)
- Sample filled-in Demand form (PCT/IPEA/401)

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference
(if desired) (12 characters maximum) **CHOCO 95549**

Box No. I TITLE OF INVENTION	
PROCESS FOR FOLDING WRAPPING PAPER FOR CHOCOLATES	
Box No. II APPLICANT <input type="checkbox"/> This person is also inventor	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	
CANDY WRAP UNLIMITED, INC. 300 Colorado Street Baltimore, Maryland 21201-4307 United States of America	
Telephone No. (+1-301) 876-5432	Facsimile No. (+1-301) 876-5555
Applicant's registration No. with the Office	
E-mail authorization: Marking one of the check-boxes below authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send, notifications issued in respect of this international application to that e-mail address if those offices are willing to do so. <input type="checkbox"/> as advance copies followed by paper notifications; or <input checked="" type="checkbox"/> exclusively in electronic form (no paper notifications will be sent). E-mail address: candy@anumma.com	
State <i>(that is, country)</i> of nationality: US	State <i>(that is, country)</i> of residence: US
This person is applicant for the purposes of: <input checked="" type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box	
Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)	
<input checked="" type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet.	
Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE	
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: <input checked="" type="checkbox"/> agent <input type="checkbox"/> common representative	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)</i>	
DAVIS, Catherine 2500 Virginia Avenue, N.W. Washington, D.C. 20037-1902 United States of America	
Telephone No. (+1-301) 557-3054	Facsimile No. (+1-301) 557-3060
Agent's registration No. with the Office 44,111	
E-mail authorization: Marking one of the check-boxes below authorizes the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send, notifications issued in respect of this international application to that e-mail address if those offices are willing to do so. <input type="checkbox"/> as advance copies followed by paper notifications; or <input checked="" type="checkbox"/> exclusively in electronic form (no paper notifications will be sent). E-mail address: davispatents@anumma.com	
<input type="checkbox"/> Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.	

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)	
<i>If none of the following sub-boxes is used, this sheet should not be included in the request.</i>	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i> JONES, Mary 1600 South Eads Street Arlington, Virginia 22202-2913 United States of America	This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input checked="" type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
Applicant's registration No. with the Office	
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
Applicant's registration No. with the Office	
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
Applicant's registration No. with the Office	
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
Applicant's registration No. with the Office	
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box	
Name and address: <i>(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)</i>	This person is: <input type="checkbox"/> applicant only <input type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only <i>(If this check-box is marked, do not fill in below.)</i>
Applicant's registration No. with the Office	
State <i>(that is, country)</i> of nationality:	State <i>(that is, country)</i> of residence:
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> the States indicated in the Supplemental Box	
<input type="checkbox"/> Further applicants and/or (further) inventors are indicated on another continuation sheet.	

Supplemental Box

If the Supplemental Box is not used, this sheet should not be included in the request.

1. *If, in any of the Boxes, except Boxes Nos. VIII(i) to (v) for which a special continuation box is provided, **the space is insufficient** to furnish all the information: in such case, write "Continuation of Box No...." (indicate the number of the Box) and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:

 - (i) **if more than one person is to be indicated as applicant and/or inventor** and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below;
 - (ii) if, in Box No. II or in any of the sub-boxes of Box No. III, the indication "**the States indicated in the Supplemental Box**" is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
 - (iii) if, in Box No. II or in any of the sub-boxes of Box No. III, **the inventor or the inventor/applicant is not inventor for the purposes of all designated States**: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be), indicate the name of the inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor;
 - (iv) if, in addition to the agent(s) indicated in Box No. IV, there are **further agents**: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV;
 - (v) if, in Box No. VI, there are **more than three earlier applications whose priority is claimed**: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI.*
2. *If the applicant intends to make an indication of the wish that the international application be treated, in certain designated States, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition: in such case, write the name or two-letter code of each designated State concerned and the indication "**patent of addition**," "**certificate of addition**," "**inventor's certificate of addition**" or "**utility certificate of addition**," the number of the parent application or parent patent or other parent grant and the date of grant of the parent patent or other parent grant or the date of filing of the parent application (Rules 4.11(a)(i) and 49bis.1(a) or (b)).*
3. *If the applicant intends to make an indication of the wish that the international application be treated, in the United States of America, as a continuation or continuation-in-part of an earlier application: in such case, write "United States of America" or "US" and the indication "**continuation**" or "**continuation-in-part**" and the number and the filing date of the parent application (Rules 4.11(a)(ii) and 49bis.1(d)).*

**TO BE INCLUDED
ONLY IF NECESSARY**

Box No. V DESIGNATIONS

The filing of this request **constitutes under Rule 4.9(a) the designation** of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.

However,

- DE Germany **is not designated** for any kind of national protection
 JP Japan **is not designated** for any kind of national protection
 KR Republic of Korea **is not designated** for any kind of national protection

(The check-boxes above may only be used to exclude (irrevocably) the designations concerned if, at the time of filing or subsequently under Rule 26bis.1, the international application contains in Box No. VI a priority claim to an earlier national application filed in the particular State concerned, in order to avoid the ceasing of the effect, under the national law, of this earlier national application.)

Box No. VI PRIORITY CLAIM AND DOCUMENT

The priority of the following earlier application(s) is hereby claimed:

Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country or Member of WTO	regional application: regional Office	international application: receiving Office
item (1) 26 October 2011 (26.10.2011)	61/274,654	US		
item (2) 13 December 2011 (13.12.2011)	11187654.4		EP	
item (3)				

- Further priority claims are indicated in the Supplemental Box.

Furnishing the priority document(s):

- The **receiving Office** is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application(s) was filed with the receiving Office which, for the purposes of this international application, is the receiving Office) identified above as:

- all items item (1) item (2) item (3) other, see Supplemental Box

- The **International Bureau** is requested to obtain from a digital library a certified copy of the earlier application(s) identified above, using, where applicable, the access code(s) indicated below (if the earlier application(s) is available to it from a digital library):

- item (1) access code _____ item (2) access code _____ item (3) access code _____ other, see Supplemental Box

Restore the right of priority: the receiving Office is requested to restore the right of priority for the earlier application(s) identified above or in the Supplemental Box as item(s) (_____). (See also the Notes to Box No. VI; further information **must** be provided to support a request to restore the right of priority.)

Incorporation by reference: where an element of the international application referred to in Article 11(1)(iii)(d) or (e) or a part of the description, claims or drawings referred to in Rule 20.5(a) is not otherwise contained in this international application but is completely contained in an earlier application whose priority is claimed on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, that element or part is, subject to confirmation under Rule 20.6, incorporated by reference in this international application for the purposes of Rule 20.6.

Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA) (if more than one International Searching Authority is competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):

ISA/ EP

Continuation of Box No. VII USE OF RESULTS OF EARLIER SEARCH, REFERENCE TO THAT SEARCH		
<input checked="" type="checkbox"/> The ISA indicated in Box No. VII is requested to take into account the results of the earlier search(es) indicated below (<i>see also Notes to Box VII; use of results of more than one earlier search</i>).		
Filing date (<i>day/month/year</i>)	Application Number	Country (<i>or regional Office</i>)
13 December 2011 (13.12.2011)	11187654.4	EP
<input type="checkbox"/> Statement (Rule 4.12(ii)): this international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out except, where applicable, that it is filed in a different language.		
<input checked="" type="checkbox"/> Availability of documents: the following documents are available to the ISA in a form and manner acceptable to it and therefore do not need to be submitted by the applicant to the ISA (Rule 12bis.1(f)): <ul style="list-style-type: none"> <input checked="" type="checkbox"/> a copy of the results of the earlier search,* <input checked="" type="checkbox"/> a copy of the earlier application, <input type="checkbox"/> a translation of the earlier application into a language which is accepted by the ISA, <input type="checkbox"/> a translation of the results of the earlier search into a language which is accepted by the ISA, <input checked="" type="checkbox"/> a copy of any document cited in the results of the earlier search. (<i>If known, please indicate below the document(s) available to the ISA</i>): 		
<input type="checkbox"/> Transmit copy of results of earlier search and other documents (<i>where the earlier search was not carried out by the ISA indicated above but by the same Office as that which is acting as the receiving Office</i>): the receiving Office is requested to prepare and transmit to the ISA (Rule 12bis.1(c)): <ul style="list-style-type: none"> <input type="checkbox"/> a copy of the results of the earlier search,* <input type="checkbox"/> a copy of the earlier application, <input type="checkbox"/> a copy of any document cited in the results of the earlier search. 		
* Where the results of the earlier search are neither available from a digital library nor transmitted by the receiving Office, the applicant is required to submit them to the receiving Office (Rule 12bis.1(a)) (<i>See item 11. in the check-list and also Notes to Box No. VII</i>).		
Filing date (<i>day/month/year</i>)	Application Number	Country (<i>or regional Office</i>)
<input type="checkbox"/> Statement (Rule 4.12(ii)): this international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out except, where applicable, that it is filed in a different language.		
<input type="checkbox"/> Availability of documents: the following documents are available to the ISA in a form and manner acceptable to it and therefore do not need to be submitted by the applicant to the ISA (Rule 12bis.1(f)): <ul style="list-style-type: none"> <input type="checkbox"/> a copy of the results of the earlier search,* <input type="checkbox"/> a copy of the earlier application, <input type="checkbox"/> a translation of the earlier application into a language which is accepted by the ISA, <input type="checkbox"/> a translation of the results of the earlier search into a language which is accepted by the ISA, <input type="checkbox"/> a copy of any document cited in the results of the earlier search. (<i>If known, please indicate below the document(s) available to the ISA</i>): 		
<input type="checkbox"/> Transmit copy of results of earlier search and other documents (<i>where the earlier search was not carried out by the ISA indicated above but by the same Office as that which is acting as the receiving Office</i>): the receiving Office is requested to prepare and transmit to the ISA (Rule 12bis.1(c)): <ul style="list-style-type: none"> <input type="checkbox"/> a copy of the results of the earlier search,* <input type="checkbox"/> a copy of the earlier application, <input type="checkbox"/> a copy of any document cited in the results of the earlier search. 		
* Where the results of the earlier search are neither available from a digital library nor transmitted by the receiving Office, the applicant is required to submit them to the receiving Office (Rule 12bis.1(a)) (<i>See item 11. in the check-list and also Notes to Box No. VII</i>).		
<input type="checkbox"/> Further earlier searches are indicated on a continuation sheet.		
Box No. VIII DECLARATIONS		
The following declarations are contained in Boxes Nos. VIII (i) to (v) (<i>mark the applicable check-boxes below and indicate in the right column the number of each type of declaration</i>):		Number of declarations
<input type="checkbox"/> Box No. VIII (i)	Declaration as to the identity of the inventor	:
<input checked="" type="checkbox"/> Box No. VIII (ii)	Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent	: 1
<input type="checkbox"/> Box No. VIII (iii)	Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application	:
<input checked="" type="checkbox"/> Box No. VIII (iv)	Declaration of inventorship (only for the purposes of the designation of the United States of America)	: 1
<input type="checkbox"/> Box No. VIII (v)	Declaration as to non-prejudicial disclosures or exceptions to lack of novelty	:

Box No. VIII (i) DECLARATION: IDENTITY OF THE INVENTOR

The declaration must conform to the standardized wording provided for in Section 211; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (i). If this Box is not used, this sheet should not be included in the request.

Declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)):

NOT INCLUDED
(not needed since the inventor is named in Box No. III)

This declaration is continued on the following sheet, "Continuation of Box No. VIII (i)".

Box No. VIII (ii) DECLARATION: ENTITLEMENT TO APPLY FOR AND BE GRANTED A PATENT

The declaration must conform to the standardized wording provided for in Section 212; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (ii). If this Box is not used, this sheet should not be included in the request.

Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

in relation to this international application,

CANDY WRAP UNLIMITED, INC., is entitled to apply for and be granted a patent by virtue of the following:

an assignment from JONES, Mary, to CANDY WRAP UNLIMITED, INC., dated 10 April 2012 (10.04.2012).

This declaration is continued on the following sheet, "Continuation of Box No. VIII (ii)".

Box No. VIII (iii) DECLARATION: ENTITLEMENT TO CLAIM PRIORITY

The declaration must conform to the standardized wording provided for in Section 213; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iii). If this Box is not used, this sheet should not be included in the request.

Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

**TO BE INCLUDED
ONLY IF NECESSARY**

This declaration is continued on the following sheet, "Continuation of Box No. VIII (iii)".

Box No. VIII (iv) DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)

The declaration must conform to the following standardized wording provided for in Section 214; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iv). If this Box is not used, this sheet should not be included in the request.

**Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv))
for the purposes of the designation of the United States of America:**

I hereby declare that I believe I am the original inventor or an original joint inventor of a claimed invention in the application.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/..... (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that the above-identified international application was made or authorized to be made by me.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

Name: **JONES, Mary**

Residence: **Arlington, Virginia**
(city and either US state, if applicable, or country)

Mailing Address: **1600 South Eads Street**
Arlington, Virginia 22202-2913
United States of America

Inventor's Signature: **Mary Jones** Date: **18 September 2012 (18.09.2012)**
(The signature must be that of the inventor, not that of the agent)

Name:
.....

Residence:
(city and either US state, if applicable, or country)

Mailing Address:
.....
.....

Inventor's Signature: Date:
(The signature must be that of the inventor, not that of the agent)

Name:
.....

Residence:
(city and either US state, if applicable, or country)

Mailing Address:
.....
.....

Inventor's Signature: Date:
(The signature must be that of the inventor, not that of the agent)

This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".

Box No. VIII (v) DECLARATION: NON-PREJUDICIAL DISCLOSURES OR EXCEPTIONS TO LACK OF NOVELTY

The declaration must conform to the standardized wording provided for in Section 215; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (v). If this Box is not used, this sheet should not be included in the request.

Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v)):

**TO BE INCLUDED
ONLY IF NECESSARY**

This declaration is continued on the following sheet, "Continuation of Box No. VIII (v)".

Continuation of Box No. VIII (i) to (v) DECLARATION

*If the space is insufficient in any of Boxes Nos. VIII (i) to (v) to furnish all the information, including in the case where **more than two inventors are to be named** in Box No. VIII (iv), in such case, write "Continuation of Box No. VIII ..." (indicate the item number of the Box) and furnish the information in the same manner as required for the purposes of the Box in which the space was insufficient. If additional space is needed in respect of two or more declarations, a separate continuation box must be used for each such declaration. If this Box is not used, this sheet should not be included in the request.*

**TO BE INCLUDED
ONLY IF NECESSARY**

Box No. IX CHECK LIST for PAPER filings – this sheet is only to be used when filing an international application on PAPER			
This international application contains the following:	Number of sheets	This international application is accompanied by the following item(s) (<i>mark the applicable check-boxes below and indicate in right column the number of each item</i>):	Number of items
(a) request form PCT/RO/101 (including any declarations and supplemental sheets)	7	1. <input checked="" type="checkbox"/> fee calculation sheet	1
(b) description (excluding any sequence listing part of the description, see (f), below)	24	2. <input checked="" type="checkbox"/> original separate power of attorney	1
(c) claims	3	3. <input type="checkbox"/> original general power of attorney	
(d) abstract	1	4. <input type="checkbox"/> copy of general power of attorney; reference number:	
(e) drawings (if any)	4	5. <input checked="" type="checkbox"/> priority document(s) identified in Box No. VI as item(s) . 2	1
(f) sequence listing part of the description (if any)		6. <input type="checkbox"/> Translation of international application into (<i>language</i>):	
Total number of sheets :	39	7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material	
		8. <input type="checkbox"/> copy in electronic form (Annex C/ST.25 text file) on physical data carrier(s) of the sequence listing, not forming part of the international application, which is furnished only for the purposes of international search under Rule 13ter (<i>type and number of physical data carriers</i>)	
		9. <input type="checkbox"/> a statement confirming that “the information recorded in electronic form submitted under Rule 13ter is identical to the sequence listing as contained in the international application” as filed on paper	
		10. <input type="checkbox"/> copy of results of earlier search(es) (Rule 12bis.1(a))	
		11. <input type="checkbox"/> other (<i>specify</i>):	
Figure of the drawings which should accompany the abstract:	3	Language of filing of the international application:	English
Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE			
<i>Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).</i>			
<p><i>Catherine Davis</i></p> <p>Catherine Davis</p>			

For receiving Office use only	
1. Date of actual receipt of the purported international application:	2. Drawings: <input type="checkbox"/> received: <input type="checkbox"/> not received:
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:	
4. Date of timely receipt of the required corrections under PCT Article 11(2):	
5. International Searching Authority (if two or more are competent): ISA /	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid

For International Bureau use only
Date of receipt of the record copy by the International Bureau:

Box No. IX CHECKLIST for EFS-Web filings - this sheet is only to be used when filing an international application with RO/US via EFS-Web

This international application contains the following:	Number of sheets	This international application is accompanied by the following item(s) (<i>mark the applicable check-boxes below and indicate in right column the number of each item</i>):	Number of items
(a) request form PCT/RO/101 (including any declarations and supplemental sheets) :		1. <input type="checkbox"/> fee calculation sheet :	
(b) description (excluding any sequence listing part of the description, see (f), below) :		2. <input type="checkbox"/> original separate power of attorney :	
(c) claims :		3. <input type="checkbox"/> original general power of attorney :	
(d) abstract :		4. <input type="checkbox"/> copy of general power of attorney; reference number: :	
(e) drawings (if any) :		5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s) :	
(f) sequence listing part of the description in the form of an image file (e.g. PDF) :		6. <input type="checkbox"/> Translation of international application into (<i>language</i>): :	
Total number of sheets (including the sequence listing part of the description if filed as an image file) :		7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material :	
(g) sequence listing part of the description		8. <input type="checkbox"/> (<i>only where item (f) is marked in the left column</i>) copy of the sequence listing in electronic form (Annex C/ST.25 text file) not forming part of the international application but furnished only for the purposes of international search under Rule 13ter. :	
<input type="checkbox"/> filed in the form of an Annex C/ST.25 text file		9. <input type="checkbox"/> (<i>only where item (f) is marked in the left column</i>) a statement confirming that "the information recorded in electronic form submitted under Rule 13ter is identical to the sequence listing as contained in the international application" as filed via EFS-Web: :	
<input type="checkbox"/> WILL BE filed separately on physical data carrier(s), on the same day and in the form of an Annex C/ST.25 text file		10. <input type="checkbox"/> copy of results of earlier search(es) (Rule 12bis.1(a)) :	
Indicate type and number of physical data carrier(s) :		11. <input type="checkbox"/> other (<i>specify</i>): :	

Figure of the drawings which should accompany the abstract: _____ **Language of filing** of the international application: _____

Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

For receiving Office use only	
1. Date of actual receipt of the purported international application:	2. Drawings: <input type="checkbox"/> received: <input type="checkbox"/> not received:
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:	
4. Date of timely receipt of the required corrections under PCT Article 11(2):	
5. International Searching Authority (if two or more are competent): ISA / _____	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid

For International Bureau use only

Date of receipt of the record copy by the International Bureau: _____

NOTES TO THE REQUEST FORM (PCT/RO/101)

These Notes are intended to facilitate the filling in of the request form. For more detailed information, see the *PCT Applicant's Guide*, a WIPO publication, which is available, together with other PCT related documents, at WIPO's website: www.wipo.int/pct/en/. The Notes are based on the requirements of the Patent Cooperation Treaty (PCT), the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the request form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

The request form should be typed or printed; check-boxes may be marked by hand with black ink (Rule 11.9(a) and (b)).

The request form and these Notes may be downloaded from WIPO's website at the address given above.

WHERE TO FILE THE INTERNATIONAL APPLICATION

The international application (request, description, claims, abstract and drawings, if any) must be filed with a competent receiving Office (Article 11(1)(i)) – that is, subject to any applicable prescriptions concerning national security, at the choice of the applicant, either:

(i) the receiving Office of, or acting for, a PCT Contracting State of which the applicant or, if there are two or more applicants, at least one of them, is a resident or national (Rule 19.1(a)(i) or (ii) or (b)), or

(ii) the International Bureau of WIPO in Geneva, Switzerland, if the applicant or, if there are two or more applicants, at least one of the applicants is a resident or national of any PCT Contracting State (Rule 19.1(a)(iii)).

CONFIRMATION COPY OF THE REQUEST FORM

Where the international application was initially filed by facsimile with a receiving Office that accepts such filings (see the *PCT Applicant's Guide*, Annex C) this should be indicated on the first sheet of the form by the annotation "CONFIRMATION COPY" followed by the date of the facsimile transmission.

APPLICANT'S OR AGENT'S FILE REFERENCE

A **File Reference** may be indicated, if desired. It should not exceed 12 characters. Characters in excess of 12 may be disregarded by the receiving Office or any International Authority (Rule 11.6(f) and Section 109).

BOX No. I

Title of Invention (Rules 4.3 and 5.1(a)): The title must be short (preferably two to seven words when in English or translated into English) and precise. It must be identical with the title heading the description.

BOXES Nos. II AND III

General: At least one of the applicants named must be a resident or national of a PCT Contracting State for which the receiving Office acts (Articles 9 and 11(1)(i) and Rules 18 and 19). If the international application is filed with the International Bureau under Rule 19.1(a)(iii), at least one of the applicants must be a resident or national of any PCT Contracting State.

Indication Whether a Person is Applicant and/or Inventor (Rules 4.5(a) and 4.6(a) and (b)):

Check-box "This person is also inventor" (Box No. II): Mark this check-box if the applicant named is also the inventor or one of the inventors; do not mark this check-box if the applicant is a legal entity.

Check-box "applicant and inventor" (Box No. III): Mark this check-box if the person named is both applicant and inventor; do not mark this check-box if the person is a legal entity.

Check-box "applicant only" (Box No. III): Mark this check-box if the person named is a legal entity or if the person named is not also inventor.

Check-box "inventor only" (Box No. III): Mark this check-box if the person named is inventor but not also applicant. This would be the case, for example, where the inventor is deceased or has assigned the invention and the assignee is the applicant for all designated States. Do not mark this check-box if the person is a legal entity.

In Box No. III, one of the three check-boxes must always be marked for each person named.

A person must not be named more than once in Boxes Nos. II and III, even where that person is both applicant and inventor.

Different Applicants for Different Designated States (Rules 4.5(d), 18.3 and 19.2): It is possible to indicate different applicants for the purposes of different designated States. At least one of all the applicants named must be a national or resident of a PCT Contracting State for which the receiving Office acts, irrespective of the designated State(s) for the purposes of which that applicant is named.

For the indication of the designated States for which a person is applicant, mark the applicable check-box (only one for each person). If the person is not an applicant for all designated States, the check-box "the States indicated in the Supplemental Box" must be marked, and the name of the person must be repeated in the Supplemental Box with an indication of the States for which that person is applicant (see item 1(ii) in that Box).

Naming of Inventor (Rule 4.1(a)(iv) and (c)(i)): It is strongly recommended to always name the inventor since such information is generally required in the national phase. For details, see the *PCT Applicant's Guide*, Annex B.

Different Inventors for Different Designated States (Rule 4.6(c)): Different persons may be indicated as inventors for different designated States (for example, where, in this respect, the requirements of the national laws of the designated States are not the same); in such a case, the Supplemental Box must be used (see item 1(iii) in that Box). In the absence of any indication, it will be assumed that the inventor(s) named is (are) inventor(s) for all designated States.

Names and Addresses (Rule 4.4): The family name (preferably in capital letters) must be indicated before the given name(s). Titles and academic degrees must be omitted. Names of legal entities must be indicated by their full official designations.

The address must be indicated in such a way that it allows prompt postal delivery; it must consist of all the relevant administrative units (up to and including the indication of the house number, if any), the postal code (if any), and the name of the country.

Only one address may be indicated per person. For the indication of a special “address for correspondence”, see the notes to Box No. IV.

Telephone, Facsimile Numbers and/or E-mail Addresses should be indicated for the persons named in Boxes Nos. II and IV in order to allow rapid communication with them (see Rule 4.4(c)). Any telephone or facsimile number should include the applicable country and area codes. A single e-mail address only should be indicated.

Unless one of the applicable check-boxes is marked, any e-mail address supplied will be used only for the types of communication which might be made by telephone. If one of the applicable check-boxes is marked, the receiving Office, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority may send notifications in respect of the international application to the applicant, avoiding processing or postal delays. Note that not all Offices will send such notifications by e-mail, (for details about each Office’s procedure see the *PCT Applicant’s Guide*, Annex B). If the first check-box is marked, any such e-mail notification will always be followed by the official notification on paper. Only that paper copy of the notification is considered the legal copy of the notification and only the date of mailing of that paper copy will commence any time limit within the meaning of Rule 80. If the second check-box is marked, the applicant requests the discontinuation of the sending of paper copies of notifications and acknowledges that the date of mailing indicated on the electronic copy will commence any time limit within the meaning of Rule 80.

Note that it is the applicant’s responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked for any reason on the recipient’s side. Changes to the e-mail address indicated in the request should be requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis*. Where the e-mail authorization is given both in respect of the applicant and in respect of an agent or common representative, the International Bureau will send e-mail communications only to the appointed agent or common representative.

Applicant’s Registration Number with the Office (Rule 4.5(e)): Where the applicant is registered with the national or regional Office acting as receiving Office, the request may indicate the number or other indication under which the applicant is so registered.

Nationality (Rules 4.5(a) and (b) and 18.1): For each applicant, the nationality must be indicated by the name or two-letter code of the State (that is, country) of which the person is a national. A legal entity constituted according to the national law of a State is considered a national of that State. The indication of the nationality is not required where a person is inventor only.

Residence (Rules 4.5(a) and (c) and 18.1): For each applicant, the residence must be indicated by the name or two-letter code of the State (that is, country) of which the person is a resident. If the State of residence is not indicated, it will be assumed to be the same as the State indicated in the address. Possession of a real and effective industrial or commercial establishment in a State is considered residence in that State. The indication of the residence is not required where a person is inventor only.

Names of States (Section 115): For the indication of names of States, the two-letter codes appearing in WIPO Standard ST.3 and in the *PCT Applicant’s Guide*, Annex K, may be used.

BOX No. IV

Who Can Act as Agent? (Article 49 and Rule 83.1*bis*): For each of the receiving Offices, information as to who can act as agent is given in the *PCT Applicant’s Guide*, Annex C.

Agent or Common Representative (Rules 4.7, 4.8, 90.1 and 90.2 and Section 108): Mark the applicable check-box in order to indicate whether the person named is (or has been) appointed as “agent” or “common representative” (the “common representative” must be one of the applicants). For the manner in which name(s), address(es) (including names of States), telephone, facsimile numbers and/or e-mail addresses must be indicated, see the notes to Boxes Nos. II and III. Where several agents are listed, the agent to whom correspondence should be addressed is to be listed first. If there are two or more applicants but no common agent is appointed to represent all of them, one of the applicants who is a national or resident of a PCT Contracting State may be appointed by the other applicants as their common representative. If this is not done, the applicant first named in the request who is entitled to file an international application with the receiving Office concerned will be considered to be the common representative.

Manner of Appointment of Agent or Common Representative (Rules 90.4 and 90.5 and Section 106): The appointment of an agent or a common representative may be effected by designating the agent or common representative in Box No. IV and by the applicant signing the request or a separate power of attorney. Where there are two or more applicants, the appointment of a common agent or common representative must be effected by each applicant signing, at his choice, the request or a separate power of attorney. If the separate power of attorney is not signed, or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney will be considered non-existent unless the defect is corrected. However, the receiving Office may waive the requirement that a separate power of attorney be submitted to it (for details about each receiving Office, see the *PCT Applicant’s Guide*, Annex C).

Where a general power of attorney has been filed and is referred to in the request, a copy thereof must be attached to the request. Any applicant who did not sign the general power of attorney must sign either the request or a separate power of attorney, unless the receiving Office has waived the requirement that a separate power of attorney be submitted to it (for details, see the *PCT Applicant’s Guide*, Annex C).

Agent’s Registration Number with the Office (Rule 4.7(b)): Where the agent is registered with the national or regional Office that is acting as receiving Office, the request may indicate the number or other indication under which the agent is so registered.

Address for Correspondence (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. IV will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II or III, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address must be indicated in Box No. IV instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. IV must be marked (that is, the last check-box must not be marked if either of the check-boxes “agent” or “common representative” has been marked).

Telephone, Facsimile Numbers and/or E-mail Addresses
See Notes to Boxes Nos II and III.

BOX No. V

Designations (Regional and national patents) (Rule 4.9): Upon filing of the request, the applicant will obtain an automatic and all-inclusive coverage of all designations available under the PCT on the international filing date, in respect of every kind of protection available and, where applicable, in respect of both regional and national patents. If the applicant wishes the international application to be treated, in a certain designated or elected State, as an application not for a patent but for another kind of protection available under the national law of the designated or elected State concerned, the applicant will have to indicate his choice directly to the designated or elected Office when performing the acts, referred to in Articles 22 or 39(1), for entry into the national phase. For details about various kinds of protection available in designated or elected States, see the *PCT Applicant's Guide*, Annex B.

However, for the reasons explained below, it is possible to indicate, by marking the applicable check-box(es), that DE Germany, JP Japan and/or KR Republic of Korea are not designated for any kind of national protection. Each of those States has notified the International Bureau that Rule 4.9(b) applies to it since its national law provides that the filing of an international application which contains the designation of that State and claims the priority, **at the time of filing** or subsequently under Rule 26bis.1, of an earlier national application (for DE: for the same kind of protection) having effect in that State shall have the result that the earlier national application ceases, where applicable, after the expiration of certain time limits, to have effect with the same consequences as the withdrawal of the earlier national application. The designation of DE Germany for the purposes of a EP European patent is not affected by what is said above. For details see the *PCT Applicant's Guide*, in the relevant Annex B.

Only the three States mentioned above may be excluded from the all-inclusive coverage of all designations in Box No. V. For any other PCT Contracting State which the applicant wishes to exclude from the all-inclusive coverage of all designations, the applicant should submit a separate notice of withdrawal of the designation concerned under Rule 90bis.2. **Important: Should a notice of withdrawal be filed, that notice will have to be signed by the applicant or, if there are two or more applicants, by all of them (Rule 90bis.5(a)), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney (Rule 90.4(a)).**

BOX No. VI

Priority Claim(s) (Rule 4.10): If the priority of an earlier application is claimed, the declaration containing the priority claim must be made in the request.

The request must indicate the *date* on which the earlier application from which priority is claimed was filed and the *number* it was assigned. Note that that date must fall within the period of 12 months preceding the international filing date.

Where the earlier application is a national application, the *country* party to the Paris Convention for the Protection of Industrial Property, or the *Member* of the World Trade Organization that is not a party to that Convention, in which that earlier application was filed must be indicated. Where the earlier application is a regional application, the *regional Office* concerned must be indicated. Where the earlier application is an international application, the *receiving Office* with which that earlier application was filed must be indicated.

Where the earlier application is a regional application (see however below), or an international application, the priority claim may also, if the applicant so wishes, indicate one or more countries party to the Paris Convention for which that earlier

application was filed (Rule 4.10(b)(i)); such an indication is not, however, mandatory. Where the earlier application is a regional application and at least one of the countries party to the regional patent treaty is neither party to the Paris Convention nor a Member of the World Trade Organization, at least one country party to the Paris Convention or one Member of the World Trade Organization for which that earlier application was filed must be indicated (Rule 4.10(b)(ii)) in the Supplemental Box.

As to the possibility of correcting or adding a priority claim, see Rule 26bis.1 and the *PCT Applicant's Guide*, International Phase.

Restoration of the Right of Priority (Rules 4.1(c)(v) and 26bis.3): The procedure for restoration of the right of priority is not applicable to a receiving Office which has provided notice to the International Bureau under Rule 26bis.3(j) of the incompatibility of Rule 26bis.3(a) to (i) with the national law applied by that Office. Where the international application is filed on a date which is later than the date on which the priority period (see Rule 2.4) expired but within the period of two months from that date, the applicant may request the receiving Office to restore the right of priority (Rule 26bis.3). Such a request must be filed with the receiving Office within two months from the date on which the priority period expired; it may be included in the request (Rule 4.1(c)(v)) by identifying the priority claim(s) in Box No. VI. If, in Box No. VI, a priority claim is identified in respect of which a request to restore the right of priority is made, in such case, a separate document should be submitted entitled "Statement for Restoration of the Right of Priority". This separate document should indicate, for each earlier application concerned, the filing date, the earlier application number and the name or two-letter code of the country, Member of WTO, regional Office or receiving Office. Then, for each earlier application concerned, the applicant should state the reasons for the failure to file the international application within the priority period (Rules 26bis.3(a) and 26bis.3(b)(ii)). Note that such a request may be subjected by the receiving Office to the payment to it of a fee, payable within the time limit referred to above (Rule 26bis.3(e)). According to Rule 26bis.3(d), the time limit for payment of the fee may be extended, at the option of the receiving Office, for a period of up to two months from the expiration of the time limit applicable under Rule 26bis.3(e). Note further that the receiving Office may require the furnishing, within a reasonable time limit, of a declaration or other evidence in support of the statement of reasons; preferably, such declaration or other evidence should already be submitted to the receiving Office together with the request for restoration (Rule 26bis.3(b) and (f)). The receiving Office shall restore the right of priority if it finds that a criterion for restoration applied by the Office is satisfied (Rule 26bis.3(a)). For information on which criteria a receiving Office applies see the *PCT Applicant's Guide*, Annex C.

Incorporation by Reference (Rules 4.18 and 20): The procedure for incorporation by reference is not applicable to a receiving Office which has provided notice to the International Bureau under Rule 20.8(a) of the incompatibility of Rules 20.3(a)(ii) and (b)(ii), 20.5(a)(ii) and (d), and 20.6 with the national law applied by that Office. Where the receiving Office finds that any of the requirements of Article 11(1)(iii)(d) and (e) are not or appear not to be fulfilled, it will invite the applicant to either furnish the required correction or confirm that the element concerned referred to in Article 11(1)(iii)(d) or (e) is incorporated by reference under Rule 4.18. Where the applicant furnishes the required correction under Article 11(2), the international filing date will be the date on which the receiving Office receives the required correction (see Rule 20.3(a)(ii) and (b)(i)), provided that all other requirements of Article 11(1) are fulfilled. However, where the applicant confirms the incorporation by reference of an element referred to in Article 11(1)(iii)(d) or (e) which is completely contained in an earlier application the priority of which is claimed in the international application, that element will be considered to have been contained in the purported international application on the date on which one or more elements referred to in

Article 11(1)(iii) were first received by the receiving Office, and the international filing date will be the date on which all Article 11(1) requirements are fulfilled (see Rule 20.3(a)(ii) and (b)(ii)).

Where the applicant furnishes a missing part to the receiving Office after the date on which all of the requirements of Article 11(1) were fulfilled but within the applicable time limit under Rule 20.7, that part will be included in the international application and the international filing date will be corrected to the date on which the receiving Office received that part (see Rule 20.5(c)). In such a case, the applicant will be given the opportunity to request the receiving Office to disregard the missing part concerned, in which case the missing part would be considered not to have been furnished and the correction of the international filing date not to have been made (see Rule 20.5(e)). However, where the applicant confirms the incorporation by reference of a part of the description, claims or drawings under Rule 4.18 and the receiving Office finds that all the requirements of Rules 4.18 and 20.6(a) are complied with, that part will be considered to have been contained in the purported international application on the date on which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office, and the international filing date will be the date on which all of the requirements of Article 11(1) are fulfilled (see Rule 20.5).

Furnishing the priority document(s) (Rule 17.1): A certified copy of each earlier application the priority of which is claimed (priority document) must be submitted by the applicant, irrespective of whether that earlier application is a national, regional or international application. The priority document must be submitted to the receiving Office or to the International Bureau before the expiration of 16 months from the (earliest) priority date or, where an early start of the national phase is requested, not later than at the time such request is made. Any priority document received by the International Bureau after the expiration of the 16-month time limit but before the date of international publication shall be considered to have been received on the last day of that time limit (Rule 17.1(a)).

Where the priority document was issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office (not later than 16 months after the priority date) to prepare and transmit the priority document to the International Bureau (Rule 4.1(c)(ii)). Such requests may be made by marking the applicable check-boxes in Box No. VI. Note that where such a request is made, the applicant must, where applicable, pay to the receiving Office the *fee for priority document*, otherwise, the request will be considered not to have been made (see Rule 17.1(b)).

Where the priority document is available from an Office that participates in the WIPO Digital Access Service for Priority Documents (DAS) (www.wipo.int/patentscope/en/priority_documents/offices.html), the applicant may use DAS to provide the priority document to the International Bureau. Once the applicant requests the depositing Office to provide a copy of the priority document to DAS (see *PCT Applicant's Guide*, Annex B of the DAS depositing Office for further indications of the procedure to be followed), the applicant will receive an access code. The applicant should then mark the applicable check-boxes in Box No. VI, and indicate the access code for each specific priority document. (For a transitional period, until all DAS accessing offices are using the system described above, the old system will continue to work, where the check-box to request retrieval from DAS can be selected without indicating the access code, as long as the applicant allows access to the priority document for the International Bureau using the access control list in the DAS applicant portal.)

Information concerning whether and which priority documents are available to the International Bureau from a digital library is published in the *Official Notices (PCT Gazette)* pursuant to Section 715(c) and the *PCT Applicant's Guide*, Annex B(IB).

Dates (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year – in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order and separated by periods, slants or hyphens, for example, “26 October 2012 (26.10.2012)”, “26 October 2012 (26/10/2012)” or “26 October 2012 (26-10-2012)”.

BOX No. VII

Choice of International Searching Authority (ISA) (Rules 4.1(b)(iv) and 4.14*bis*): If two or more International Searching Authorities are competent for carrying out the international search in relation to the international application – depending on the language in which that application is filed and the receiving Office with which it is filed – the name of the competent Authority chosen by the applicant must be indicated in the space provided, either by its full name or two-letter code.

Request to Use Results of Earlier Search; Reference to that Search (Rules 4.12, 12*bis*, 16.3 and 41.1). The applicant may request the ISA to take into account, in carrying out the international search, the results of an earlier search carried out either by that Authority, by another ISA or by a national Office (Rule 4.12). Where the applicant has made such a request and complied with the requirements under Rule 12*bis*, the ISA shall, to the extent possible, take into account the results of the earlier search. If, on the other hand, the earlier search was carried out by another ISA or by another national or regional Office, the ISA may, but is not obliged to, take the results of the earlier search into account (Rule 41.1). Where the ISA takes into account the results of an earlier search, it shall (partially) refund the search fee to the extent and under the conditions provided for in the agreement under Article 16(3)(b) (see, for each ISA, the *PCT Applicant's Guide*, Annex D).

Any request to take into account the results of an earlier search should identify: the filing date and number of the application in respect of which the earlier search was carried out and the Authority or Office which carried out the earlier search (Rules 4.1(b)(ii) and 4.12(i)).

The applicant shall submit to the receiving Office, together with the international application at the time of filing, a copy of the results of the earlier search (Rule 12*bis*.1(a)), except:

- where the earlier search was carried out by the same Office as that which is acting as the receiving Office, the applicant may, instead of submitting copies of the required documents, request the receiving Office to transmit copies of those documents to the ISA by marking the appropriate check-box (Rule 12*bis*.1(c));
- where the earlier search was carried out by the same Authority or Office as that which is acting as ISA, no copy or translation of any document (i.e. of the results of the earlier search or of the earlier application or of any document cited in the earlier search, where applicable) is required to be submitted (Rule 12*bis*.1(d));
- where a copy or translation of the earlier search is available to the ISA in a form and manner acceptable to it, and if so indicated in the request form by the applicant by marking the appropriate check-box, no copy or translation of any document is required to be submitted to the ISA (Rule 12*bis*.1(f));
- where the request form contains a statement under Rule 4.12(ii) that the international application is the same, or substantially the same, as an application in respect of which the earlier search was carried out, or that the international application is the same, or substantially the same, as that earlier application, except that it is filed in a different language, no copy of the earlier application or its translation is required to be transmitted to the ISA (Rules 4.12(ii) and 12*bis*.1(e)).

Use of Results of more than one Earlier Search: Where the ISA is requested to use the results of more than one earlier search, the check-boxes in Box No. VII should be marked, as applicable, for each earlier search. Where *more than two results of previous searches are indicated*, please mark the relevant check-box, and furnish duplicates of this page, marked “continuation sheet for Box No. VII” and attached to the request form.

BOX No. VIII

Declarations Containing Standardized Wording (Rules 4.1(c)(iii) and 4.17): At the option of the applicant, the request may, for the purposes of the national law applicable in one or more designated States, contain one or more of the following declarations:

- (i) declaration as to the identity of the inventor;
- (ii) declaration as to the applicant’s entitlement, as at the international filing date, to apply for and be granted a patent;
- (iii) declaration as to the applicant’s entitlement, as at the international filing date, to claim the priority of the earlier application;
- (iv) declaration of inventorship (only for the purposes of the designation of the United States of America);
- (v) declaration as to non-prejudicial disclosures or exceptions to lack of novelty;

which must conform to the standardized wording provided for in Sections 211 to 215, respectively, and which must be set forth in Boxes Nos. VIII (i) to (v), as detailed below. Where any such declarations are included, the appropriate check-boxes in Box No. VIII should be marked and the number of each type of declaration should be indicated in the right-hand column. As to the possibility of correcting or adding a declaration, see Rule 26ter, Section 216 and the *PCT Applicant’s Guide*, International Phase.

If the circumstances of a particular case are such that the standardized wordings are not applicable, the applicant should not attempt to make use of the declarations provided for in Rule 4.17 but rather will have to comply with the national requirements concerned upon entry into the national phase.

The fact that a declaration is made under Rule 4.17 does not of itself establish the matters declared; the effect of those matters in the designated States concerned will be determined by the designated Offices in accordance with the applicable national law.

Even if the wording of a declaration does not conform to the standardized wording provided for in the Administrative Instructions pursuant to Rule 4.17, any designated Office may accept that declaration for the purposes of the applicable national law, but is not required to do so.

Details as to National Law Requirements: For information on the declarations required by each designated Office, see the *PCT Applicant’s Guide*, in the relevant National Chapter.

Effect in Designated Offices (Rule 51bis.2): Where the applicant submits any of the declarations provided for in Rule 4.17(i) to (iv) containing the required standardized wording (either with the international application, or to the International Bureau within the relevant time limit under Rule 26ter, or directly to the designated Office during the national phase), the designated Office may not, in the national phase, require further documents or evidence on the matter to which the declaration relates, unless that designated Office may reasonably doubt the veracity of the declaration concerned.

Incompatibility of Certain Items of Rule 51bis.2(a) with National Laws (Rule 51bis.2(c)): Certain designated Offices have informed the International Bureau that the applicable national law is not compatible in respect of certain declarations provided in Rule 4.17(i), (ii) and (iii). Those designated

Offices are therefore entitled to require further documents or evidence on the matters to which those declarations relate. For regularly updated information on such Offices, see the WIPO website: www.wipo.int/pct/en/texts/reservations/res_incomp.html.

BOXES Nos. VIII (i) TO (v) (IN GENERAL)

Different Declaration Boxes: There are six different declaration boxes in the pre-printed request form – one box for each of the five different types of declarations provided for in Rule 4.17 (Box No. VIII (i) to Box No. VIII (v)) and a continuation sheet (Continuation of Box No. VIII (i) to (v)) to be used in case any single declaration does not fit in the corresponding box. The title of each type of declaration which is found in the standardized wording provided for in the Administrative Instructions is pre-printed on the appropriate sheet of the request.

Separate Sheet for Each Declaration: Each declaration must start on a separate sheet of the request form in the appropriate Declaration Box.

Titles, Items, Item Numbers, Dotted Lines, Words in Parentheses and Words in Brackets: The prescribed standardized wording of the declarations includes titles, various items, item numbers, dotted lines, words in parentheses and words in brackets. Except for Box No. VIII (iv) which contains the pre-printed standardized wording, only those items which are applicable should be included in a declaration where necessary to support the statements in that declaration (that is, omit those items which do not apply) and item numbers need not be included. Dotted lines indicate where information is required to be inserted. Words in parentheses are instructions to applicants as to the information which may be included in the declaration depending upon the factual circumstances. Words in brackets are optional and should appear in the declaration without the brackets if they apply; if they do not apply, they should be omitted together with the corresponding brackets.

Naming of Several Persons: More than one person may be named in a single declaration. In the alternative, with one exception, a separate declaration may be made for each person. With respect to the declaration of inventorship set forth in Box No. VIII (iv), which is applicable only for the purposes of the designation of the United States of America, all inventors must be indicated in a single declaration (see Notes to Box No. VIII (iv), below). The wording of declarations to be set forth in Boxes Nos. VIII (i), (ii), (iii) and (v) may be adapted from the singular to the plural as necessary.

BOX No. VIII (i)

Declaration as to the Identity of the Inventor (Rule 4.17(i) and Section 211): The declaration must be worded as follows:

“Declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)):

in relation to [this] international application [No. PCT/...],

... (name) of ... (address) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application”

Such a declaration is not necessary in respect of any inventor who is indicated as such (either as inventor only or applicant and inventor) in Box No. II or No. III in accordance with Rule 4.5 or 4.6. However, where the inventor is indicated as applicant in Box No. II or No. III in accordance with Rule 4.5, a declaration as to the applicant’s entitlement to apply for and be granted a patent (Rule 4.17(ii)) may be appropriate. Where indications regarding the inventor in accordance with Rule 4.5 or 4.6 are not included in Box No. II or No. III, this declaration may be combined with the prescribed wording of the declaration as to the applicant’s entitlement to apply for and be granted a

patent (Rule 4.17(ii)). For details on such a combined declaration, see Notes to Box No. VIII (ii), below. For details as to the declaration of inventorship for the purposes of the designation of the United States of America, see Notes to Box No. VIII (iv), below.

BOX No. VIII (ii)

Declaration as to the Applicant's Entitlement to Apply for and Be Granted a Patent (Rule 4.17(ii) and Section 212): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant's entitlement:

"Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

in relation to [this] international application [No. PCT/...],

... (name) is entitled to apply for and be granted a patent by virtue of the following:

- (i) ... (name) of ... (address) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application
- (ii) ... (name) [is] [was] entitled as employer of the inventor, ... (inventor's name)
- (iii) an agreement between ... (name) and ... (name), dated ...
- (iv) an assignment from ... (name) to ... (name), dated ...
- (v) consent from ... (name) in favor of ... (name), dated ...
- (vi) a court order issued by ... (name of court), effecting a transfer from ... (name) to ... (name), dated ...
- (vii) transfer of entitlement from ... (name) to ... (name) by way of ... (specify kind of transfer), dated ...
- (viii) the applicant's name changed from ... (name) to ... (name) on ... (date)"

Items (i) to (viii) may be incorporated as is necessary to explain the applicant's entitlement. **This declaration is only applicable to those events which have occurred prior to the international filing date.** The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the inventor, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement. Where the inventor is not indicated in Box No. II or No. III, this declaration may be presented as a combined declaration explaining the applicant's entitlement to apply for and be granted a patent and identifying the inventor. In such a case, the introductory phrase of the declaration must be as follows:

"Combined declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51bis.1(a)(ii)) and as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)), in a case where the declaration under Rule 4.17(iv) is not appropriate:"

The remainder of the combined declaration must be worded as indicated in the preceding paragraphs.

For details as to the declaration as to the identity of the inventor, see the Notes to Box No. VIII (i), above.

BOX No. VIII (iii)

Declaration as to the Applicant's Entitlement to Claim Priority of the Earlier Application (Rule 4.17(iii) and Section 213): The declaration must be worded as follows,

with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant's entitlement:

"Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii)):

in relation to [this] international application [No. PCT/...],

... (name) is entitled to claim priority of earlier application No. ... by virtue of the following:

- (i) the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application
- (ii) ... (name) [is] [was] entitled as employer of the inventor, ... (inventor's name)
- (iii) an agreement between ... (name) and ... (name), dated ...
- (iv) an assignment from ... (name) to ... (name), dated ...
- (v) consent from ... (name) in favor of ... (name), dated ...
- (vi) a court order, issued by ... (name of court), effecting a transfer from ... (name) to ... (name), dated ...
- (vii) transfer of entitlement from ... (name) to ... (name) by way of ... (specify kind of transfer), dated ...
- (viii) the applicant's name changed from ... (name) to ... (name) on ... (date)"

Items (i) to (viii) may be incorporated as is necessary to explain the applicant's entitlement. **This declaration is only applicable to those events which have occurred prior to the international filing date.** In addition, this declaration is only applicable where the person or name of the applicant is different from that of the applicant who filed the earlier application from which priority is claimed. For example, this declaration may be applicable where only one applicant out of five is different from the applicants indicated in respect of an earlier application. The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the applicant in respect of the earlier application, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement.

BOX No. VIII (iv)

Declaration of Inventorship (Rule 4.17(iv) and Section 214): The standardized wording for the declaration is pre-printed in Box No. VIII (iv).

The name, residence and address must be included for each inventor. If the name and address of an inventor is not written in the Latin alphabet, the name and address must be indicated in the Latin alphabet. All inventors must sign and date the declaration even if they do not all sign the same copy of the declaration (Section 214(b)).

If there are more than three inventors, those other inventors must be indicated on the "Continuation of Box No. VIII (i) to (v)" sheet. The continuation sheet should be entitled "Continuation of Box No. VIII (iv)," must indicate the name, residence and address for those other inventors, and at least the name and address in the Latin alphabet. In such a case, the "complete declaration" includes Box No. VIII (iv) and the continuation sheet. All inventors must sign and date a complete declaration even if they do not all sign the same copy of the complete declaration, and a copy of each separately signed complete declaration must be submitted (Section 214(b)).

Where the declaration was not included in the request, but is furnished later, the PCT application number MUST be indicated within the text of Box No. VIII (iv).

BOX No. VIII (v)

Declaration as to Non-prejudicial Disclosures or Exceptions to Lack of Novelty (Rule 4.17(v) and Section 215): The declaration must be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (iv) as is necessary:

“Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v)):

in relation to [this] international application [No. PCT/...],

... (name) declares that the subject matter claimed in [the] [this] international application was disclosed as follows:

- (i) kind of disclosure (*include as applicable*):
 - (a) international exhibition
 - (b) publication
 - (c) abuse
 - (d) other: ... (*specify*)
- (ii) date of disclosure: ...
- (iii) title of disclosure (*if applicable*): ...
- (iv) place of disclosure (*if applicable*): ...”

Either (a), (b), (c) or (d) of item (i) should always be included in the declaration. Item (ii) should also always be included in the declaration. Items (iii) and (iv) may be incorporated depending upon the circumstances.

BOX No. IX

Sheets Constituting the International Application: The number of sheets of the various parts of the international application must be indicated in the check list using Arabic numerals. Sheets containing any of the Boxes Nos. VIII(i) to (v) (declaration sheets) must be counted as part of the request. It is noted that any tables, including those related to a sequence listing, should be an integral part of the description and the pages containing such tables will be counted as sheets of the international application. There is no longer any provision for submission of those tables separately or a reduced fee for such a submission.

Nucleotide and/or amino acid sequences: Paper Filings: Where the international application is filed on paper (using the sheet “last sheet - paper”) and contains disclosure of one of more nucleotide and/or amino acid sequences, a sequence listing must be presented as a separate part of the description (“sequence listing part of description”) in accordance with the standard contained in Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.25. The number of pages of the sequence listing must be indicated under item (f) in Box No. IX and included in the total number of sheets. Furthermore, where the sequence listing is filed on paper, a copy of the sequence listing in the form of an Annex C/ST.25 text file saved on physical data carrier(s) (together with the required statement) should accompany the international application, if so required by the ISA but **only** for the purposes of international search under Rule 13ter. In such cases therefore, check-boxes Nos. 8 and 9 must be marked in Box No. IX. In addition, the type and number of carriers such as diskettes, CD-ROMs, CD-Rs or other data carriers accepted by the ISA, should be indicated in item 8.

For EFS-Web filing with RO/US

Nucleotide and/or amino acid sequences: Electronic Filings via EFS-Web with RO/US: There exist two alternative last sheets of the request form which contain two distinct

Boxes No. IX. The sheet “last sheet – paper”, described earlier, should be used if the applicant intends to file the international application on paper. The sheet “last sheet – EFS” should **only** be used if the request form is filed online with the receiving Office of the United States of America via EFS-Web.

(a) EFS-Web and text file: Where the international application is filed via EFS-Web (using the sheet “last sheet - EFS”) and contains disclosure of one or more nucleotide and/or amino acid sequences, a sequence listing must be presented as a separate part of the description (“sequence listing part of description”) in accordance with the standard contained in Annex C of the Administrative Instructions, that is, in compliance with WIPO Standard ST.25. The sequence listing should **preferably** be furnished as an Annex C/ST.25 text file; in such cases, the first check-box of check-box (g) in Box No. IX should be marked. When furnished in this manner, the number of sheets of the sequence listing is **not** included in the total number of sheets making up the international application. Whenever the sequence listing is furnished as an Annex C/ST.25 text file, there is no need to file another copy of the text file for search purposes under Rule 13ter since the text file submitted will be used for both disclosure of the international application and for search purposes.

(b) EFS-Web and image file: If the sequence listing is filed online via EFS-Web as an image file (e.g. PDF file) rather than the recommended text file, the corresponding boxes in check-box (f) in Box No. IX should be marked. The number of sheets of the sequence listing **must be** included in the total number of sheets making up the international application. Where the sequence listing is filed in image format, a copy of the sequence listing in the form of an Annex C/ST.25 text file (together with the required statement) should accompany the international application, if so required by the ISA but **only** for the purposes of international search under Rule 13ter. In such cases, check-boxes Nos. 8 and 9 must be marked in Box No. IX.

(c) EFS-Web and physical data carriers: The receiving Office of the United States of America has two distinct limitations on the size of the sequence listing file it can accept via EFS-Web. If the text file containing the sequence listing is larger than 100MB, or if the image file (e.g. PDF file) containing the sequence listing is larger than 25MB, the applicant must file the sequence listings as an Annex C/ST.25 text file on physical data carrier(s). The receiving Office does not accept the filing of image (e.g. PDF file) on physical data carrier(s). In such cases, the data carrier(s) must be furnished on the same day that the international application is filed online. This may be furnished via “Express Mail Post Office to Addressee” with a date-in by the United States Postal Service the same date as the online filing date, or via commercial delivery services or by hand, provided that it reaches the receiving Office on the same day as the international application filed online. In such cases, the corresponding check-boxes in check-box (g) in Box No. IX must be marked. The number and type of carrier(s) should be indicated in check-box (g). Whenever the sequence listing is furnished as an Annex C/ST.25 text file, there is no need to file another copy of the text file for search purposes under Rule 13ter since the text file submitted will be used for both disclosure of the international application and for search purposes.

Items Accompanying the International Application: Where the international application is accompanied by certain items, the applicable check-boxes must be marked, any applicable indication must be made on the dotted line after the applicable item, and the number of such items should be indicated at the end of the relevant line; detailed explanations are provided below only in respect of those items which so require.

Check-box No. 4: Mark this check-box where a copy of a general power of attorney is filed with the international application; where the general power of attorney has been deposited with the receiving Office, and that Office has accorded to it a reference number, that number may be indicated.

Check-box No. 6: Mark this check-box where a translation of the international application for the purposes of international search (Rule 12.3) is filed together with the international application and indicate the language of that translation.

Check-box No. 7: Mark this check-box where a filled-in Form PCT/RO/134 or any separate sheet containing indications concerning deposited microorganisms and/or other biological material is filed with the international application. If Form PCT/RO/134 or any sheet containing the said indications is included as one of the sheets of the description (as required by certain designated States (see the *PCT Applicant's Guide*, Annex L)), do not mark this check-box (for further information, see Rule 13*bis* and Section 209).

Check-boxes Nos. 8 and 9: Where the sequence listing part of the description is submitted on paper, a copy of the sequence listing in the form of an Annex C/ST.25 text file (together with the required statement) should accompany the international application, if so required by the ISA, but **only** for the purposes of international search under Rule 13*ter*. In this case, check-boxes Nos. 8 and 9, must be marked in Box No. IX.

Language of Filing of the International Application (Rules 12.1(a) and 20.4(c) and (d)): With regard to the language in which the international application is filed, for the purposes of according an international filing date, it is, subject to the following sentence, sufficient that the description and the claims are in the language, or one of the languages, accepted by the receiving Office for the filing of international applications; that language should be indicated in that check-box (as regards the language of the abstract and any text matter in the drawings, see Rule 26.3*ter*(a) and (b); as regards the language of the request, see Rules 12.1(c) and 26.3*ter*(c) and (d)). Note that where the international application is filed with the United States Patent and Trademark Office as receiving Office, all elements of the international application (request, description, claims, abstract, text matter of drawings) must, for the purposes of according an international filing date, be in English except that the free text in any sequence listing part of the description, complying with the standard set out in Annex C of the Administrative Instructions, may be in a language other than English.

BOX No. X

Signature (Rules 4.1(d), 4.15, 26.2*bis*(a), 51*bis*.1(a)(vi), 90 and 90*bis*.5): The signature must be that of the applicant; if there are several applicants, all must sign. However, if the signature of one or more of the applicants is missing, the receiving Office will not invite the applicant to furnish the missing signature(s) provided that at least one of the applicants signed the request.

Important: Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicants by all of them (Rule 90*bis*.5(a)), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney (Rule 90.4(a)).

Furthermore, for the purposes of the national phase processing, each designated Office will be entitled to require the applicant to furnish the confirmation of the international application by the signature of any applicant for the designated State concerned, who has not signed the request.

Where the signature on the request is not that of the applicant but that of the agent, or the common representative, a separate power of attorney appointing the agent or the common representative, respectively, or a copy of a general

power of attorney already in the possession of the receiving Office, must be furnished. The power of attorney must be signed by the applicant, or if there is more than one applicant, by at least one of them. If the power is not filed with the request, the receiving Office will invite the applicant to furnish it, unless it has waived the requirement for a separate power of attorney (for details about each receiving Office, see the *PCT Applicant's Guide*, Annex C).

SUPPLEMENTAL BOX

The cases in which the Supplemental Box may be used and the manner of making indications in it are explained in the left column of that Box.

Items 2 and 3: Even if an indication is made in respect of items 2 and 3 under Rule 49*bis*.1(a), (b) or (d), the applicant will be required to make an indication to this effect upon entry into the national phase before the designated offices concerned.

If the applicant wishes to specify that the international application be treated in any designated State as an application for a utility model, see Notes to Box No. V.

GENERAL REMARKS

Language of Correspondence (Rule 92.2 and Section 104): Any letter from the applicant to the receiving Office must be in the language of filing of the international application provided that, where the international application is to be published in the language of a translation required under Rule 12.3, such letter should be in the language of that translation; however, the receiving Office may authorize the use of another language.

Any letter from the applicant to the International Bureau must be in the same language as the international application if that language is English or French; otherwise, it must be in English or French, at the choice of the applicant.

Any letter from the applicant to the ISA must be in the same language as the international application, provided that, where a translation of the international application for the purposes of international search has been transmitted under Rule 23.1(b), such letter is in the language of that translation. However, the ISA may authorize the use of another language.

Arrangement of Elements and Numbering of Sheets of the International Application (Rule 11.7 and Section 207): The elements of the international application must be placed in the following order: the request, the description (excluding the sequence listing part, if any), the claim(s), the abstract, the drawings (if any), the sequence listing part of the description (if any).

All sheets of the description (excluding the sequence listing part), claims and abstract must be numbered in consecutive Arabic numerals, which must be placed at the top or bottom of the sheet, in the middle, but not in the margin which must remain blank. The number of each sheet of the drawings must consist of two Arabic numerals separated by an oblique stroke, the first being the sheet number and the second being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3). For numbering of the sheets of the sequence listing part of the description, see Section 207.

Indication of the Applicant's or Agent's File Reference on the sheets of the description (excluding the sequence listing part, if any), claim(s), abstract, drawings and sequence listing part of the description (Rule 11.6(f)): The file reference indicated on the request may also be indicated in the left-hand corner of the top margin, within 1.5 cm from the top of any sheet of the international application.

This sheet is not part of and does not count as a sheet of the international application.

PCT

FEE CALCULATION SHEET Annex to the Request

For receiving Office use only

International Application No.

Date stamp of the receiving Office

Applicant's or agent's
file reference **CHOCO 95549**

Applicant
CANDY WRAP UNLIMITED, INC., et al.

CALCULATION OF PRESCRIBED FEES

1. TRANSMITTAL FEE **USD 240** T

2. SEARCH FEE **USD 2,426** S

International search to be carried out by EP
(If two or more International Searching Authorities are competent to carry out the international search, indicate the name of the Authority which is chosen to carry out the international search.)

3. INTERNATIONAL FILING FEE

Enter total number of sheets indicated in Box No IX: 39

i1 first 30 sheets **1,453** i1

i2 9 x 16 = **144** i2
number of sheets in excess of 30 fee per sheet

Add amounts entered at i1 and i2 and enter total at I **1,597** I
(Applicants from certain States are entitled to a reduction of 90% of the international filing fee. Where the applicant is (or all applicants are) so entitled, the total to be entered at I is 10% of the international filing fee.)

4. FEE FOR PRIORITY DOCUMENT (if applicable) P

5. FEE FOR RESTORATION OF THE RIGHT OF PRIORITY (if applicable) RP

6. FEE FOR EARLIER SEARCH DOCUMENTS (if applicable) ES

7. TOTAL FEES PAYABLE **USD 4,263**

Add amounts entered at T, S, I, P, RP and ES, and enter total in the TOTAL box

USD 4,263
TOTAL

MODE OF PAYMENT (Not all modes of payment may be available at all receiving Offices)

- authorization to charge deposit or current account (see below) postal money order credit card (details should be furnished separately and not included on this sheet) cash
- check bank transfer revenue stamps other (specify):

AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT OR CURRENT ACCOUNT

(This mode of payment may not be available at all receiving Offices)

- Authorization to charge the total fees indicated above.
- (This check-box may be marked only if the conditions for deposit or current accounts of the receiving Office so permit) Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.
- Authorization to charge the fee for priority document.

Receiving Office: RO/ US

Deposit or Current Account No.: 12-3456

Date: 20 September 2012 (20.09.2012)

Name: Catherine Davis

Signature: Catherine Davis

**NOTES TO THE FEE CALCULATION SHEET
(ANNEX TO FORM PCT/RO/101)**

The purpose of the fee calculation sheet is to help the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete the sheet by entering the appropriate amounts in the boxes provided and submit the fee calculation sheet at the time of filing the international application. This will help the receiving Office to verify the calculations and to identify any error in them.

Information about the applicable fees payable can be obtained from the receiving Office. The amounts of the international filing and search fees may change due to currency fluctuations. Applicants are advised to check what are the latest applicable amounts. All fees, must be paid within one month from the date of receipt of the international application.

CALCULATION OF PRESCRIBED FEES

Box T: Transmittal Fee for the benefit of the receiving Office (Rule 14.1): The amount of the transmittal fee, if any, is fixed by the receiving Office. It must be paid within one month from the date of receipt of the international application by the receiving Office. Information about this fee is contained in the *PCT Applicant's Guide*, Annex C.

Box S: Search Fee for the benefit of the International Searching Authority (ISA) (Rule 16.1): The amount of the search fee is fixed by the ISA. It must be paid within one month from the date of receipt of the international application by the receiving Office. Information about this fee is contained in the *PCT Applicant's Guide*, Annex D.

Where two or more ISAs are competent, the applicant must indicate his choice in the space provided for this purpose and pay the amount of the international search fee fixed by the ISA chosen. Information on the competent ISA and whether the applicant has a choice between two or more ISAs is contained in the *PCT Applicant's Guide*, Annex C.

Box I: International Filing Fee: The amount of the international filing fee depends on the number of sheets of the international application indicated in Box No. IX of the request as explained below.

That number is the **Total number of sheets** indicated in Box No. IX of the request, which includes the actual number of sheets of the sequence listing part of the description, if the listing is filed on paper and not as an Annex C/ST.25 text file.

For EFS-Web filing with RO/US

Nucleotide and/or amino acid sequences: via EFS-Web: Where the international application is filed via EFS-Web and contains a sequence listing filed in an Annex C/ST.25 text file, even when, due to the size of the text file, the sequence listing has to be submitted on a data carrier, no fee is due for filing the sequence listing.

Where the sequences listing is an image file (e.g. PDF) the actual number of sheets that make up this part of the description must be included.

The international filing fee must be paid within one month from the date of receipt of the international application by the receiving Office.

Reduction of the International Filing Fee Where PCT-SAFE Software Is Used in PCT-EASY Mode: A fee reduction of 100 Swiss francs (or the equivalent in the currency in which the international filing fee is paid to the receiving Office) is available in certain cases where the PCT-SAFE software is used to prepare the request, provided that the necessary conditions are met. For further details, see the *PCT Applicant's Guide*, International Phase and Annex C, as well as information

published in the *Official Notices (PCT Gazette)* and the *PCT Newsletter*. Since applicants using the PCT-SAFE software will file the Request Form and Fee Calculation Sheet in the form of a printout prepared using that software in PCT-EASY mode, no provision is made for this fee reduction in the Fee Calculation Sheet annexed to Form PCT/RO/101.

Reduction of the International Filing Fee Where the International Application Is Filed in Electronic Form:

Where the international application is filed in electronic form, the total amount of the international filing fee is reduced depending on the electronic formats used. The international filing fee is reduced by: 100 Swiss francs (or the equivalent in the currency in which the international filing fee is paid to the receiving Office) in respect of international applications where the request is not in character coded format (see PCT Schedule of Fees, item 4(b)); 200 Swiss francs (or the equivalent in the currency in which the international filing fee is paid to the receiving Office) where the request is in character coded format (see PCT Schedule of Fees, item 4(c)); and 300 Swiss francs (or the equivalent in the currency in which the international filing fee is paid to the receiving Office) where the request, description, claims and abstract are all in character coded format (see PCT Schedule of Fees, item 4(d)). For further details, see the *PCT Applicant's Guide*, International Phase and Annex C, as well as information published in the *Official Notices (PCT Gazette)* and the *PCT Newsletter*. Since international applications filed in electronic form will contain the Request Form and Fee Calculation Sheet in such electronic form, no provision is made for this fee reduction in the Fee Calculation Sheet annexed to Form PCT/RO/101.

Reduction of the International Filing Fee for Applicants from Certain States:

An applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below 3,000 US dollars (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), or who is a national of and resides in one of the following States: Antigua and Barbuda, Bahrain, Barbados, the Libyan Arab Jamahiriyah, Oman, the Seychelles, Singapore, Trinidad and Tobago and the United Arab Emirates; or an applicant, whether a natural person or not, who is a national of and resides in a State that is classed as a least developed country by the United Nations, is entitled, in accordance with the Schedule of Fees, to a reduction of 90% of certain PCT fees including the international filing fee. If there are several applicants, each must satisfy the above-mentioned criteria. The reduction of the international filing fee will be automatically available to any applicant (or applicants) who is (or are) so entitled on the basis of the indications of name, nationality and residence given in Boxes Nos. II and III of the request.

The fee reduction is available even if one or more of the applicants are not from PCT Contracting States, provided that each of them is a national and resident of a State that meets the above-mentioned requirements and that at least one of the applicants is a national or resident of a PCT Contracting State and thus is entitled to file an international application.

Information about PCT Contracting States whose nationals and residents are entitled to a reduction of 90% of certain PCT fees, including the international filing fee, is contained in the *PCT Applicant's Guide*, Annex C and on the WIPO website (see www.wipo.int/pct/en/), and is also published and regularly updated in the *Official Notices (PCT Gazette)* and the *PCT Newsletter*.

Calculation of the International Filing Fee in Case of Fee Reduction: Where the applicant is (or all applicants are) entitled to a reduction of the international filing fee, the total to be entered in box I is 10% of the international filing fee (see below).

Box P: Fee for Priority Document (Rule 17.1(b)): Where the applicant has requested, by marking the applicable check-box in Box No. VI of the request, that the receiving Office prepare and transmit to the International Bureau a certified copy of the earlier application the priority of which is claimed, the amount of the fee prescribed by the receiving Office for such service may be entered (for information, see the *PCT Applicant's Guide*, Annex C).

If that fee is not paid at the latest before the expiration of 16 months from the priority date, the receiving Office may consider the request under Rule 17.1(b) as not having been made.

Box RP: Fee for the restoration of the right of priority (Rule 26bis.3(d)): Where the applicant has requested within the applicable time limit under Rule 26bis.3(e) that the receiving Office restore the right of priority in connection with any earlier application the priority of which is claimed in the international application, the amount of the fee prescribed by the receiving Office for such service may be entered (for information, see the *PCT Applicant's Guide*, Annex C).

Box ES: Fee for earlier search documents (Rule 12bis.1(c)): Where the applicant has requested, by marking the appropriate check-box in Box No. VII of the request, that the receiving Office prepare and transmit to the ISA copies of the documents in connection with an earlier search, the results of which are requested by the applicant to be taken into consideration by the ISA (such a request may only be filed if the earlier search was carried out by the same Office as that which is acting as the receiving Office (Rule 12bis.1(c))), the amount of the fee prescribed by the receiving Office for such service may be entered (for information, see the *PCT Applicant's Guide*, Annex C).

Total Box: The total of the amounts entered in boxes T, S, I, P, RP and ES should be entered in this box. If the applicant so wishes, the currency, or currencies, in which the fees are paid may be indicated next to or in the total box.

MODE OF PAYMENT

In order to help the receiving Office identify the mode of payment of the prescribed fees, it is recommended that the applicable check-box(es) be marked. Credit card details should not be included on the fee calculation sheet. They should be furnished separately and by secure means acceptable to the receiving Office.

AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT OR CURRENT ACCOUNT

The receiving Office will not charge (or credit) fees to deposit or current accounts unless the deposit or current account authorization is signed and indicates the deposit or current account number.

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ EP _____

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only

Identification of IPEA		Date of receipt of DEMAND	
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION		Applicant's or agent's file reference CHOCO 95549	
International application No. PCT/US2012/654321	International filing date (<i>day/month/year</i>) 20 September 2012 (20.09.2012)	(Earliest) Priority date (<i>day/month/year</i>) 26 October 2011 (26.10.2011)	
Title of invention PROCESS FOR FOLDING WRAPPING PAPER FOR CHOCOLATES			
Box No. II APPLICANT(S)			
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>) CANDY WRAP UNLIMITED, INC. 300 Colorado Street Baltimore, Maryland 21201-4307 United States of America		Telephone No. (+1) 301 876-5432	
		Facsimile No. (+1) 301 876-5555	
		Applicant's registration No. with the Office	
E-mail authorization: Marking one of the check-boxes below authorizes the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application if those offices are willing to do so. <input type="checkbox"/> as advance copies followed by paper notifications; or <input checked="" type="checkbox"/> exclusively in electronic form (no paper notifications will be sent). E-mail address: <u>candy@anumma.com</u>			
State (<i>that is, country</i>) of nationality: US		State (<i>that is, country</i>) of residence: US	
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>)			
State (<i>that is, country</i>) of nationality:		State (<i>that is, country</i>) of residence:	
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.			

Continuation of Box No. II APPLICANT(S)

If none of the following sub-boxes is used, this sheet should not be included in the demand.

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*

State *(that is, country)* of nationality:

State *(that is, country)* of residence:

Further applicants are indicated on another continuation sheet.

**TO BE INCLUDED
ONLY IF NECESSARY**

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is agent common representative
and has been appointed earlier and represents the applicant(s) also for international preliminary examination.
 is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.
 is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: *(Family name followed by given name; for a legal entity, full official designation.
The address must include postal code and name of country.)*

DAVIS, Catherine
2500 Virginia Avenue, N.W.
Washington, D.C. 20037-1902
United States of America

Telephone No.

(+1) 301 557-3054

Facsimile No.

(+1) 301 557-3060

Agent's registration No. with the Office

E-mail authorization: Marking one of the check-boxes below authorizes the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application if those offices are willing to do so.

as advance copies followed by paper notifications; or exclusively in electronic form (no paper notifications will be sent).
E-mail address: davispatents@anumma.com

Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION**Statement concerning amendments:***

1. The applicant wishes the international preliminary examination **to start on the basis of:**

- the international application as originally filed
the description as originally filed
 as amended under Article 34
the claims as originally filed
 as amended under Article 19
 as amended under Article 34
the drawings as originally filed
 as amended under Article 34

2. The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.

3. Where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant requests the IPEA **to postpone** the start of the international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d).

4. The applicant expressly wishes the international preliminary examination **to start earlier** than at the expiration of the applicable time limit under Rule 54bis.1(a).

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: English

- which is the language in which the international application was filed.
 which is the language of a translation furnished for the purposes of international search.
 which is the language of publication of the international application.
 which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The filing of this demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the PCT.

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | | |
|---|---|---|--------|
| 1. translation of international application | : | | sheets |
| 2. amendments under Article 34 | : | 3 | sheets |
| 3. letter accompanying the amendments under Article 34 (Rule 66.8) | : | 2 | sheets |
| 4. copy (or, where required, translation) of amendments under Article 19 | : | | sheets |
| 5. copy of the letter accompanying the amendments under Article 19 (Rules 46.5(b) and 53.9) | : | | sheets |
| 6. copy (or, where applicable, translation) of any statement under Article 19 (Rule 62.1(ii)) | : | | sheets |
| 7. other (<i>specify</i>) | : | | sheets |

For International Preliminary Examining Authority use only

received not received

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> fee calculation sheet | 5. <input type="checkbox"/> sequence listing in electronic form |
| 2. <input type="checkbox"/> original separate power of attorney | 6. <input type="checkbox"/> other (<i>specify</i>): _____ |
| 3. <input type="checkbox"/> original general power of attorney | _____ |
| 4. <input type="checkbox"/> copy of general power of attorney; reference number, if any: | _____ |
| | _____ |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

Catherine Davis
Catherine Davis

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.

The applicant has been informed accordingly.

4. The date of receipt of the demand is WITHIN the time limit of 19 months from the priority date as extended by virtue of Rule 80.5.

5. Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

6. The date of receipt of the demand is AFTER the expiration of the time limit under Rule 54bis.1(a) and item 7 or 8, below, does not apply.

7. The date of receipt of the demand is WITHIN the time limit under Rule 54bis.1(a) as extended by virtue of Rule 80.5.

8. Although the date of receipt of the demand is after the expiration of the time limit under Rule 54bis.1(a), the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA on:

NOTES TO THE DEMAND FORM (PCT/IPEA/401)

These Notes are intended to facilitate the filling in of the demand form and to give some information concerning international preliminary examination under Chapter II of the Patent Cooperation Treaty (PCT). For more detailed information, see the *PCT Applicant's Guide*, a WIPO publication, which is available, together with other PCT related documents, at WIPO's website: www.wipo.int/pct/en/. The Notes are based on the requirements of the PCT, the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the demand form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the Administrative Instructions, respectively.

The demand form shall be typed or printed; check-boxes may be marked by hand with dark ink (Rules 11.9(a) and (b) and 11.14).

The demand form and these Notes may be downloaded from WIPO's website at the address given above.

IMPORTANT GENERAL INFORMATION

Who May File a Demand? (Article 31(2)(a) and Rule 54): A demand (for international preliminary examination) may only be filed by an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II of the PCT; furthermore, the international application must have been filed with a receiving Office of, or acting for, a State bound by Chapter II. Where there are two or more applicants (for the same or different elected States) at least one of them must qualify.

Where Must the Demand Be Filed? (Article 31(6)(a)): The demand must be filed with a competent International Preliminary Examining Authority (IPEA). The receiving Office with which the international application was filed will, upon request, give information about the competent IPEA (or see the *PCT Applicant's Guide*, Annex C). If several IPEAs are competent, the applicant has the choice and the demand must be filed with (and the fees must be paid to) the IPEA chosen by the applicant. The IPEA chosen by the applicant may be identified, preferably by an indication of the name or two-letter code of the IPEA, at the top of the first sheet of the demand in the space provided for that purpose.

When Must the Demand Be Filed? (Article 39(1) and Rule 54bis.1): As long as certain designated Offices are still not bound by the 30-month time limit under Article 22 for entry into the national phase, the demand – because it contains the required election of designated States – must be filed within 19 months from the priority date if the applicant wishes to postpone entry into the national phase from 20 to 30 months from the priority date in respect of those designated Offices. For updated information about those Offices, see the *PCT Applicant's Guide*, National Chapters, Summaries, available on the WIPO website at the address indicated above. It is recalled that the time limit of 30 months from the priority date applies to all other designated Offices regardless of whether or not a demand is filed.

If the applicant wishes to file a demand, but not because of the reason explained above, the applicable time limit for filing such demand is three months from the date of transmittal of the international search report or of the declaration referred to in Article 17(2)(a), and the written opinion established by the International Searching Authority or 22 months from the priority date, whichever expires later (see Rule 54bis.1(a)).

Any demand made after the expiration of the applicable time limit will be considered as if it had not been submitted and the IPEA shall so declare.

In Which Language Must the Demand Be Filed? (Rule 55.1): The demand must be filed in the language in which international preliminary examination will be carried out (see Notes to Box No. IV).

What is the Language of Correspondence? (Rules 55.3 and 92.2 and Section 104): Any letter from the applicant to the IPEA must be in the same language as the international application to which it relates. However, where the international preliminary examination will be carried out on the basis of a translation (see Notes to Box No. IV), any letter from the applicant to the IPEA must be in the language of the translation. The IPEA may authorize the use of other languages for letters which do not contain or relate to amendments of the international application. Any letter from the applicant to the International Bureau must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

BOX No. I

Applicant's or Agent's File Reference: A file reference may be indicated, if desired. It should not exceed 12 characters. Characters in excess of 12 may be disregarded (Section 109).

Identification of the International Application (Rule 53.6): The international application number must be indicated in Box No. I. Where the demand is filed at a time when the international application number has not yet been notified by the receiving Office, the name of that Office must be indicated instead of the international application number.

International Filing Date and (Earliest) Priority Date (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year – in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order, and separated by periods, slants or hyphens, for example, "26 October 2012 (26.10.2012)", "26 October 2012 (26/10/2012)" or "26 October 2012 (26-10-2012)". Where the international application claims the priority of several earlier applications, the filing date of the earliest application whose priority is claimed must be indicated as the priority date.

Title of the Invention: If a new title has been established by the International Searching Authority, that title must be indicated in Box No. I.

BOX No. II

Applicant(s) (Rule 53.4): All the applicants for the elected States must be indicated in the demand. It should be noted that those persons named as "inventor only" in the request need not be named in the demand.

Insert in Box No. II of the demand the required indications as in Boxes Nos. II and III of the request. The Notes to the request apply *mutatis mutandis*. If there are two or more applicants for the States elected in the demand, give the required indications for each of them; if there are more than three applicants, make the required indications on the “Continuation Sheet”.

If different applicants were indicated in the request for different designated States, there is no need to again indicate in the demand the States for which a person is applicant, because those indications have been made in the request.

Applicant’s registration number with the Office (Rule 53.4): Where the applicant is registered with the national or regional Office that is acting as International Preliminary Examining Authority, the demand may indicate the number or other indication under which the applicant is so registered.

An E-mail address should be indicated for the person named in Box No. II in order to allow rapid communication with the applicant (see Rule 4.4(c)). Any telephone or facsimile number should include the applicable country and area codes. A single e-mail address only should be indicated.

Unless one of the applicable check-boxes is marked, any e-mail address supplied will be used only for the types of communication which might be made by telephone. If one of the applicable check-boxes is marked, the International Bureau and the International Preliminary Examining Authority may, if they wish to do so, send notifications in respect of the international application to the applicant by e-mail, thus avoiding processing or postal delays. Note that not all Offices will send such notifications by e-mail, (for details about each Office’s procedure see the *PCT Applicant’s Guide*, Annex B). If the first check-box is marked, any such e-mail notification will always be followed by the official notification on paper. Only that paper copy of the notification is considered the legal copy of the notification and only the date of mailing of that paper copy will commence any time limit within the meaning of Rule 80. If the second check-box is marked, the applicant requests the discontinuation of the sending of paper copies of notifications and acknowledges that the date of mailing indicated on the electronic copy will commence any time limit within the meaning of Rule 80.

Note that it is the applicant’s responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked, for any reason, on the recipient’s side. Changes to the e-mail address indicated should be requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis*. Where the e-mail authorization is given both in respect of the applicant and in respect of an agent or common representative, the International Bureau and the International Preliminary Examining Authority will send e-mail communications only to the appointed agent or common representative.

BOX No. III

Agent or Common Representative (Rules 53.5, 90.1 and 90.2): Mark the applicable check-boxes to indicate *first* whether the person named in this Box is agent or common representative, *then* whether that person *has been appointed earlier* (i.e., during the procedure under Chapter I), or *is appointed in the demand* and any earlier appointment of another person is revoked, or *is appointed specifically for the procedure before the IPEA* (without revocation of any earlier appointment), in addition to the person(s) appointed earlier.

Where an additional person is appointed specifically for the procedure before the IPEA, all notifications issued by the IPEA will be addressed only to that additional person.

A separate power of attorney must be filed with the IPEA, the International Bureau or the receiving Office, if the person appointed at the time the demand is filed (i.e., was not appointed earlier) signs the demand on behalf of the applicant (Rule 90.4). However, the receiving Office, the International Bureau or the IPEA may waive the requirement that a separate power of attorney be filed. For details, see the *PCT Applicant’s Guide*, Annex B(IB), Annex C and Annex E.

Agent’s registration number with the Office (Rule 53.5): Where the agent is registered with the national or regional Office that is acting as International Preliminary Examining Authority, the demand may indicate the number or other indication under which the agent is so registered.

E-mail address (see Notes to Box. No. II).

Address for Correspondence (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. III will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address may be indicated in Box No. III instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. III must be marked (that is, the last check-box must not be marked if either of the check-boxes “agent” or “common representative” in Box No. III has been marked).

BOX No. IV

Statement Concerning Amendments (Rules 53.2(a)(iv), 53.9, 62, 66.1 and 69.1): The international preliminary examination will start on the basis of the international application as filed or, if amendments have been filed, as amended. Mark the appropriate check-box(es) to enable the IPEA to determine when and on what basis it can start international preliminary examination.

Mark the corresponding check-box(es) under No. 1 where the international preliminary examination should start on the basis of the international application as originally filed or where amendments are to be taken into account, as the case may be. Where amendments under Article 19 are to be taken into account, the applicant should preferably submit a copy of the amendments made under Article 19, the letter accompanying the amendments (Rules 62.1(ii) and 46.5(b)) and any statement (Rule 62.1(ii)). Where amendments under Article 34 are to be taken into account, the applicant must submit *with the Demand* the amendments of the international application under Article 34, together with a letter which must draw attention to the differences caused by the amendments and indicate the basis for the amendments in the application as filed and shall also explain the reasons for the amendments (Rule 66.8). If a check-box is marked but the demand is not accompanied by the

documents referred to, the start of international preliminary examination will be delayed until the IPEA receives them.

Mark check-box No. 2 if amendments of the claims under Article 19 have been filed with the International Bureau during the Chapter I procedure, but the applicant wishes those amendments to be considered reversed by an amendment under Article 34 (Rule 53.9(a)(ii)).

Mark check-box No. 3 where the applicant wants to keep the option for the filing of amendments of the claims under Article 19 open and where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b). The applicant may request the IPEA to **postpone** the start of international preliminary examination until the expiration of the applicable time limit (Rules 46.1, 53.9(b) and 69.1(d)).

Mark check-box No. 4 if the applicant wishes that the international preliminary examination start earlier than at the expiration of the applicable time limit under Rule 54bis.1(a).

Where the ISA and IPEA are not the same Authority, examination will not commence until the IPEA is in possession of the international search report, or a notice of the declaration under Article 17(2)(a) and the written opinion established by the ISA.

The applicable time limit under Rule 54bis.1(a) is three months from the date of transmittal of the international search report or of the declaration referred to in Article 17(2)(a), and the written opinion established by the International Searching Authority, or 22 months from the priority date, whichever expires later.

If no check-box is marked, refer to the footnote at the bottom of the Box.

Language for the Purposes of International Preliminary Examination (Rule 55.2): Where neither the language in which the international application is filed nor the language in which the international application is published is accepted by the IPEA that is to carry out the international preliminary examination, the applicant must furnish with the demand a translation of the international application into a language which is both a language accepted by that Authority and a language of publication.

Where such translation has already been furnished to the International Searching Authority for the purposes of carrying out international search and the IPEA is part of the same Office or intergovernmental organization as the International Searching Authority, the applicant need not furnish another translation. In such a case the international preliminary examination is carried out on the basis of the translation furnished for the purposes of international search.

The language for the purposes of international preliminary examination should be indicated in Box No. IV and the corresponding check-box should be marked.

Language of Amendments (Rule 55.3): Amendments, letters and statements relating thereto must be in the same language as that in which the international preliminary

examination is carried out, as explained in the preceding paragraphs.

Time Limit for Furnishing Translation of the International Application (Rule 55.2): Any required translation of the international application should be furnished (by the applicant) together with the demand. If it is not so furnished, the IPEA will invite the applicant to furnish it within a time limit which shall not be less than one month from the date of the invitation. That time limit may be extended by the IPEA.

BOX No. V

Election of States (Rule 53.7): The making of a demand shall constitute the election of all States which have been designated and which are bound by Chapter II of the PCT.

BOX No. VI

Check List: It is recommended that this Box be filled in carefully in order for the IPEA to determine as soon as possible whether it is in possession of the documents on the basis of which the applicant wishes international preliminary examination to start.

Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences, and a copy of the sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions is required by the IPEA, the applicant may furnish the listing in electronic form to the IPEA with the demand. If this is the case, check-box No. 5 must be marked.

BOX No. VII

Signature (Rules 53.8, 60.1(a-ter), 90.3(a) and 90.4(a) and (d)): The demand must be signed by the applicant or by his agent; if there are several applicants, the demand must be signed by all of them, or by the common agent or the common representative of all of them. However, if the signature(s) of one or more applicants is missing, the IPEA will not invite the applicants to furnish the missing signature(s) provided that at least one of the applicants has signed the demand.

Where the signature on the demand is not that of the applicant, but that of the agent or the common representative, a separate power of attorney appointing the agent or the common representative, respectively, or a copy of a general power of attorney already in the possession of the receiving Office, must be furnished. The power of attorney must be signed by the applicant or, if there is more than one applicant, by at least one of them. If the power is not filed with the demand, the IPEA will invite the applicant to furnish it, unless it has waived the requirement for a separate power of attorney (for details about each IPEA, see the *PCT Applicant's Guide*, Annex E).

Important: Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicant's by all of them (Rule 90bis.5(a)), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand or a separate power of attorney (Rule 90.4(a)).

PCT

FEE CALCULATION SHEET

Annex to the Demand

International application No. PCT/US2012/654321	For International Preliminary Examining Authority use only
Applicant's or agent's file reference CHOCO 95549	Date stamp of the IPEA
Applicant CANDY WRAP UNLIMITED, INC.	
<p align="center">CALCULATION OF PRESCRIBED FEES</p>	
1. Preliminary examination fee	EUR 1,850 P
2. Handling fee (<i>Applicants from certain States are entitled to a reduction of 90% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 10% of the handling fee.</i>)	EUR 165 H
3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> EUR 2,015 </div> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 5px auto;"> TOTAL </div>
<p>MODE OF PAYMENT <i>(Not all modes of payment may be available at all IPEAs)</i></p>	
<input checked="" type="checkbox"/> authorization to charge deposit or current account with the IPEA (see below)	<input type="checkbox"/> credit card (<i>details should be furnished separately and not included on this sheet</i>)
<input type="checkbox"/> cheque	<input type="checkbox"/> revenue stamps
<input type="checkbox"/> postal money order	<input type="checkbox"/> cash
<input type="checkbox"/> bank transfer	<input type="checkbox"/> other (<i>specify</i>): _____
<p>AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT OR CURRENT ACCOUNT <i>(This mode of payment may not be available at all IPEAs)</i></p>	
<input checked="" type="checkbox"/> Authorization to charge the total fees indicated above.	IPEA/ <u>EP</u>
<input type="checkbox"/> (<i>This check-box may be marked only if the conditions for deposit or current accounts of the IPEA so permit</i>) Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.	Deposit or Current Account No.: <u>123456</u>
	Date: <u>6 May 2013 (06.05.2013)</u>
	Name: <u>Catherine Davis</u>
	Signature: <u><i>Catherine Davis</i></u>

**NOTES TO THE FEE CALCULATION SHEET
(ANNEX TO FORM PCT/IPEA/401)**

The purpose of the fee calculation sheet is to help the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete, by entering the appropriate amounts in the boxes provided, and submit the fee calculation sheet at the time of filing of the demand. This will help the International Preliminary Examining Authority (IPEA) to verify the calculations and to identify any error in them.

CALCULATION OF PRESCRIBED FEES

Two fees must be paid for international preliminary examination:

- (i) the preliminary examination fee for the benefit of the IPEA (Rule 58.1);
- (ii) the handling fee for the benefit of the International Bureau (Rule 57).

Both fees must be paid to the IPEA within one month from the date on which the demand is submitted or 22 months from the priority date, whichever expires later. The amount payable is the amount applicable on the date of payment (Rules 57.3 and 58.1(b)). The fees must be paid in a currency acceptable to the IPEA.

Information about the amount of those fees or about equivalent amounts in other currencies can be obtained from the IPEA or the receiving Office. This information is also published in the *PCT Applicant's Guide*, Annex E, and from time to time in *Official Notices (PCT Gazette)*.

Box P: The amount of the preliminary examination fee must be entered in Box P.

Box H: The amount of the handling fee must be entered in Box H.

Reduction of the Handling Fee for Applicants from Certain States: An applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below 3,000 US dollars (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), or who is a national of and resides in one of the following States: Antigua and Barbuda, Bahrain, Barbados, the Libyan Arab Jamahiriya, Oman, the Seychelles, Singapore, Trinidad and Tobago and the United Arab Emirates; or an applicant, whether a natural person or not, who is a national of and resides in a State that is classed as a least developed country by the United Nations, is entitled, in accordance with the Schedule of Fees, to a reduction of 90% of certain PCT fees including the handling fee. If there are several applicants, each must satisfy the above-mentioned criteria. The reduction of the handling fee will be automatically available to any applicant (or applicants) who is (or are) so entitled on the basis of the indications of name, nationality and residence given in Box No. II of the demand.

The fee reduction will be available even if one or more of the applicants are not from PCT Contracting States, provided that each of them is a national and resident of a State that meets the above-mentioned requirements and that at least one of the applicants is a national or resident of a PCT Contracting State and thus is entitled to file an international application.

Information about PCT Contracting States whose nationals and residents are entitled to a reduction of 90% of certain PCT fees, including the handling fee, is contained in the *PCT Applicant's Guide*, Annex C and on the WIPO website (see www.wipo.int/pct/en/), and is also published and regularly updated in the *Official Notices (PCT Gazette)* and the *PCT Newsletter*.

Calculation of the Handling Fee in Case of Fee Reduction: Where the applicant is (or all applicants are) entitled to a reduction of the handling fee, the total to be entered at Box H is 10% of the handling fee.

Total Box: The total of the amounts inserted in Boxes P and H is the amount which must be paid to the IPEA.

MODE OF PAYMENT

In order to help the IPEA identify the mode of payment of the prescribed fees, it is recommended to mark the applicable check-box(es).

**AUTHORIZATION TO CHARGE
(OR CREDIT) DEPOSIT OR CURRENT ACCOUNT**

The applicant should check whether the IPEA allows the use of deposit or current accounts for payment of PCT fees. In addition, it is recommended that the applicant check what are the specific conditions applicable to the use of deposit or current accounts with the IPEA since not all IPEAs provide the same services.

Finally, if the IPEA is not the same national Office or intergovernmental organization as that with which the international application was filed, the deposit or current account with the receiving Office cannot be charged for the purpose of paying the preliminary examination and handling fees due to the IPEA.

The IPEA will not charge fees to deposit or current accounts unless the deposit or current account authorization is signed and indicates the deposit or current account number.