

PCT

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NEWSLETTER

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This is the first issue of the *PCT Newsletter*. It is published by the International Bureau of the World Intellectual Property Organization (WIPO) with the aim of providing users of the PCT with up-to-date news about the PCT. It comes in response to requests from many PCT users that information be provided on a regular basis, separately from the *PCT Gazette*. The *PCT Newsletter* will include information which is published in Section IV of the *PCT Gazette* (Notices and Information of a General Character) and will include advance notice of certain changes to the *PCT Applicant's Guide*. The *PCT Newsletter* will also contain subject matter which is not included in those publications; it is intended to be complementary to them rather than a substitute. Some of the main topics which will be covered in the *PCT Newsletter* are:

- Adherence of further States to the PCT and information about States which are considering joining the PCT in the near future.
- Changes relating to PCT receiving Offices, the International Bureau, International Searching and Preliminary Examining Authorities, and national and regional Offices, such as changes in requirements, fees and addresses. Important changes will be reflected in provisional sheets (on pink paper in tear-out format) for the *PCT Applicant's Guide* which can be inserted in the *Guide* until the usual update sheets are published.
- Reports on the outcome of meetings of representatives of PCT Contracting States and PCT Authorities, relating in particular to amendments to the PCT Regulations, PCT Administrative Instruc-

tions, PCT Guidelines and PCT Forms.

- Statistics relating to the filing of PCT applications.

Regular features appearing in the *PCT Newsletter* will include:

- A section containing practical advice for PCT users.
- A list of forthcoming seminars on the PCT.
- A table of the fees which are fixed by the International Bureau in Swiss francs and their equivalent amounts in other currencies, a table of search fees and a table of transmittal fees.
- The current list of PCT Contracting States and an indication of the date of issue of the latest versions of the request and demand forms.

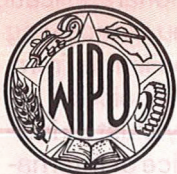
The *PCT Newsletter* will be published at least once a month. The first four issues (from March to June) will be sent free of charge. If, after seeing those issues, you would like to receive the *PCT Newsletter* on a regular basis, you will need to subscribe to it. Details on how to subscribe are set out on the subscription form inserted in this issue.

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Tear-out sheets: provisional sheets for the *PCT Applicant's Guide*, Vol. II, National Chapter Summaries (EP) and (PL) .

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NEW POSSIBILITY OF DIRECT FILING OF PCT APPLICATIONS WITH THE INTERNATIONAL BUREAU OF WIPO AS RECEIVING OFFICE

Since 1 January 1994, it has been possible for any resident or national of a PCT Contracting State to file an international application direct with the International Bureau of WIPO as receiving Office, as an alternative to filing with the competent national or regional Office. This was made possible by the adoption of amendments to the PCT Regulations (see particularly PCT Rule 19.1(a)(iii)) by the Assembly of the PCT Contracting States in September 1993. The text of the amended Rules has been incorporated in the January 1994 edition of the text of the PCT and Regulations (see page 4).

1. How can an international application be filed with the International Bureau as receiving Office?

International applications may be filed direct with the International Bureau as receiving Office by mail or hand-delivery to WIPO headquarters (see address in 8, below), or by fax on condition that the original of the faxed application is furnished within 14 days from the date of the fax transmission (see fax number in 8, below).

A special form for use when filing applications and other documents (Form PCT/RO/198) can be obtained from WIPO on which applicants may fill in details concerning the number of pages and nature of documents filed. These indications will be compared with the pages actually received by the International Bureau. The International Bureau will send to the applicant (either by fax or by mail) a confirmation of receipt of the international application or other document (Form PCT/RO/199), and will indicate, in particular in the case of a fax transmission, whether any pages are missing or illegible.

The two-letter code IB will appear in international application numbers accorded by the International Bureau as receiving Office. (The code WO will continue to be used in all international publication numbers.)

2. What special features have to be taken into account?

It is the responsibility of the applicant or the applicant's agent to comply with any applicable national security provisions before filing an international application with the International Bureau as receiving Office.

In the case of filings by fax, where a difference exists between the time in the country from which the international application is transmitted and the time in Geneva (where the International Bureau is located), the operative date is the date in Geneva at the time of receipt of the international application.

3. What are the admitted languages?

It is possible to file an international application with the International Bureau in any of the seven publication languages under the PCT, namely, Chinese, English, French, German, Japanese, Russian or Spanish. In any particular case, however, the choice of language from among those seven must be made having regard to the language(s) accepted by the International Searching Authority or Authorities competent for the searching of the international application in question (see 4, below). In any event, correspondence between the applicant and the International Bureau as receiving Office must be in English or French, at the applicant's option.

4. Which are the competent International Searching Authorities and International Preliminary Examining Authorities?

The competent Authorities are the same as would have been competent if the international application had been filed with the national Office of, or acting for, a Contracting State of which the applicant is a resident or national (see PCT Rules 35.3 and 59.1(b)). This may result in a wider choice of Authorities for international applications filed with the International Bureau as receiving Office if there are two or more applicants from different Contracting States. The choice of International Searching Authority must be indicated in the request and the choice of International Preliminary Examining Authority must be indicated in the demand. Information as to which Authorities are competent for residents and nationals of the various Contracting States is published in the *PCT Gazette* and in the *PCT Applicant's Guide*, Volume I, Annex C.

5. Who can act as agent?

Any person who has the right to practice before the national Office of, or acting for, a Contracting State of which the applicant, or, if there are two or more applicants, any of the applicants, is a resident or national is entitled to practice in respect of the international application before the International Bureau in its capacity as receiving Office (see PCT Rule 83.1^{bis}).

6. What fees are payable?

Fees may be paid in Swiss francs or US dollars. The amounts payable are shown below:

	Swiss francs	US dollars
Transmittal fee	300	200
Basic fee	762	530
Supplement per sheet		
over 30	15	10
Designation fee	185	128
Search fee	Depends on Authority chosen - see page 7	

7. What modes of payment of fees are available?

Fees may be paid in any of the following ways:

- by debit from a current account established with WIPO (Swiss francs only);
- by bank transfer to WIPO bank account No. 487080-81 at the Crédit Suisse, CP 2153, 1211 Geneva 2, Switzerland (Swiss francs or US dollars);
- by transfer to WIPO postal account No. 12-5000-8, Geneva, Switzerland (Swiss francs only);
- by check made payable to the World Intellectual Property Organization (Swiss francs or US dollars);
- in cash (only if payment is made in person; in Swiss francs only).

8. Which address should be used for filing international applications with the International Bureau?

The following address should be used for the filing of international applications:

International Bureau of WIPO
PCT Receiving Office Section
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Fax:(41-22) 910 06 10

In the case of filings by hand-delivery, the PCT Receiving Office Section is open for that purpose from 9.00 am to 11.00 am and from 2.15 pm to 4.15 pm. A letter box is also available seven days a week.

For telephone enquiries, please use the following numbers:

(41-22) 730 93 52 (Receiving Office Section)
or (41-22) 730 91 11 (switchboard)

PCT INFORMATION UPDATE

Poland (translations): see pink tear-out provisional sheet for *PCT Applicant's Guide*, Volume II, National Chapter Summary (PL).

Poland has withdrawn its declaration under Article 64(2)(a) of the PCT concerning the time limit for furnishing a translation of an international application into Polish to the Polish Patent Office as an elected Office. On 1 March 1994, Poland became bound by the provisions of Chapter II of the PCT, without any reservations.

From 1 March 1994, for an international application in relation to which Poland was, prior to the expiration of the 19th month from the priority date, elected in a demand for international preliminary examination or in a later election, the time limit for furnishing a translation of the international application into Polish to the Polish Patent Office as elected Office is 30 months from the priority date.

This 30-month time limit also applies to international applications filed before 1 March 1994, provided that, on that date, 20 months from the priority date had not expired.

European Patent Office (translations; fees): see pink tear-out provisional sheet for *PCT Applicant's Guide*, Volume II, National Chapter Summary (EP).

The section dealing with the required contents of the translation of the international application for the entry into the national phase has been clarified and a footnote concerning the furnishing of a translation of claims made under PCT Article 19 has been added. In addition, the fee for extending a European patent to Slovenia has been included (see page 4).

Finland (fees)

As from 1 April 1994, the new amount of the search fee, in Finnish Markka (FIM), for an international search by the European Patent Office will be FIM 8,200.

Italy, Norway and Spain (fees)

There will be a change in the PCT fees payable in Lira (ITL), as from 6 March 1994, and in Norwegian Kroner (NOK) and Peseta (ESP), as from 18 April 1994. Please refer to the table of fees on page 6.

NEW PCT CONTRACTING STATES**Trinidad and Tobago (country code: TT)**

Trinidad and Tobago deposited its instrument of accession to the PCT on 10 December 1993, and will become bound by the PCT on 10 March 1994. Therefore, in any international application filed on or after 10 March 1994, Trinidad and Tobago may be designated and, because it is bound by Chapter II of the PCT, may also be elected. Furthermore, as from 10 March 1994, nationals and residents of Trinidad and Tobago will be entitled to file international applications under the PCT.

Georgia (country code: GE)**Kyrgyzstan (KG)****Republic of Moldova (MD)****Tajikistan (TJ)**

Georgia (on 18 January 1994), and Kyrgyzstan, the Republic of Moldova and Tajikistan (on 14 February 1994) have deposited declarations of continuation of the PCT as successor States to the former Soviet Union. Consequently, in any international application filed on or after 18 January 1994, Georgia may be designated and, because it is bound by Chapter II of the PCT, may also be elected. In any international application filed on or after 14 February 1994, Kyrgyzstan, the Republic of Moldova and/or Tajikistan may be designated, and because they are bound by Chapter II of the PCT, may also be elected. Furthermore, as from 18 January 1994, nationals and residents of Georgia are entitled to file international applications under the PCT, and, as from 14 February 1994, nationals and residents of Kyrgyzstan, the Republic of Moldova and Tajikistan are entitled to file international applications under the PCT.

Applicants are, under the PCT Regulations, afforded the possibility of requesting the extension of the effects of any international application filed between 25 December 1991 and 18 March 1994 to Georgia, and of requesting the extension of the effects of any international application filed between 25 December 1991 and 14 April 1994 to Kyrgyzstan, the Republic of Moldova and/or Tajikistan (see PCT Rule 32).

The applicant in respect of each international application concerned, or his agent, will receive a notification from the International Bureau informing him about the possibility and the applicable conditions for extending the effects of his international application to Georgia, Kyrgyzstan, the Republic of Moldova and/or Tajikistan.

Slovenia (country code: SI)

On 1 March 1994, Slovenia became bound by the PCT. Consequently, in any international application filed on or after 1 March 1994, Slovenia may be designated and, because it is bound by Chapter II of the PCT, may also be elected. Furthermore, as from 1 March 1994, nationals and residents of Slovenia are entitled to file international applications under the PCT.

Entering the national phase before the Slovenian Patent Office: the national law of Slovenia provides that, if an international application designating Slovenia **also** contains a designation for a European patent, there are two options available to the applicant for entering the national phase:

- (a) enter the national phase before the Slovenian Patent Office according to PCT Article 22(1) or Article 39(1) by paying the national fees and furnishing a translation of the international application into Slovenian; or,
- (b) enter the regional phase before the European Patent Office (EPO) and, within the time limit by which the European designation fees must be paid at the EPO, request the extension of the European patent to Slovenia and pay to the EPO a fee for the extension of the international application to Slovenia.

If the applicant chooses option (b), the EPO will transmit the resulting European patent, if granted, to the Slovenian Patent Office and that patent will have the effect of a national patent granted by the Slovenian Patent Office, provided that, within three months from the publication of the patent, a translation of the claims into Slovenian is filed with the Slovenian Patent Office. Renewal fees for the extended European patent must be paid to the Slovenian Patent Office for the years following the year in which the mention of the grant of the European patent was published by the EPO.

UPDATED PCT TEXT

On 1 January 1994, a number of changes to the PCT Regulations entered into force. The International Bureau has therefore published new editions of the English and French texts of the PCT and the Regulations, which can be ordered from the Publications Sales and Distribution Unit at WIPO (see address on the cover page). The WIPO publication number should be indicated in orders for the text: No. 274 (E) for the English version and No. 274 (F) for the French version. New editions in other languages are under preparation.

PRACTICAL ADVICE

International publication

Q: What is the due date for the international publication of an international application? When are the technical preparations for international publication completed?

A: Provided that a request for early publication has not been made (PCT Article 21(2)(b)) or unless the only State which has been designated is the United States of America (which is the only State which has made a declaration under PCT Article 64(3)(a)), the publication of an international application takes place **as soon as possible after the expiration of 18 months, and not later than 19 months, from the priority date** (or from the international filing date where there is no priority claim) (PCT Article 21(2)(a)).

International publication in the form of the PCT pamphlets (containing the complete international application, the international search report and any amendments of the claims under PCT Article 19) and the *PCT Gazette* (containing the abstract, a drawing (if any) and bibliographical data of all international applications published on that day) generally takes place every second Thursday. If that Thursday is a day on which the International Bureau is closed for an official holiday (see list below), the date of publication is usually moved by one day. The next official holiday in 1994 which falls on a Thursday which would normally be a publication day is 12 May 1994. The publication date in this case will be Wednesday, 11 May 1994.

The technical preparations for international publication are normally completed **15 days before the actual publication date**. For example, if the publication date is 28 April 1994, the technical preparations will be completed on 13 April 1994. Consequently, any document (for example, withdrawal of the international application, a designation or a priority claim, change of name or address, or amendment of the claims under PCT Article 19) that reaches the International Bureau **before** 13 April 1994 will be taken into account for international publication.

For specific enquiries concerning international publication, please contact the PCT Publications Section of the International Bureau.

Amendments under PCT Article 19

Q: May amendments under PCT Article 19 still be filed if the international search report is trans-

mitted late and international publication has already taken place or the technical preparations for international publication are completed?

A: Yes. PCT Article 19 amendments can still be filed where the time limit of two months from the date of transmittal of the international search report (PCT Rule 46.1) has not yet expired. As long as the amendments are filed with the International Bureau within that time limit, there will be a later publication of the amended claims together with an updated version of the front page of the pamphlet. If, at the time of the completion of the technical preparations for international publication, the time limit for amending the claims under Article 19 has not expired, the pamphlet will contain an indication that the time limit under Article 19 had not expired at the time of the publication and that, in the event that amendments are filed in time, there will be a further publication. That indication is mainly for the information of third parties who can then watch the *PCT Gazette* for any subsequent publication.

Time limit for filing demands

Q: Can the time limit of 19 months from the priority date for filing a demand for international preliminary examination in order to delay national processing be extended in the case of late transmittal of the international search report (ISR)?

A: No. The PCT does not provide for extension of the 19-month time limit in the case of late transmittal of the ISR. The applicant must file the demand before the expiration of that time limit in order to defer the date for entry into the national phase of processing, even if the ISR has not been issued. Examination by the International Preliminary Examining Authority (IPEA) will not begin, however, until the IPEA is in possession of the ISR.

NON-WORKING DAYS AT THE INTERNATIONAL BUREAU

For the purpose of computing time limits under PCT Rule 80.5, the days on which the International Bureau is not open for business are, for the period from 1 February 1994 to 1 February 1995, the following:

All Saturdays and Sundays, and	
1 April 1994	26 December 1994
4 April 1994	27 December 1994
12 May 1994	30 December 1994
23 May 1994	2 January 1995
8 September 1994	

FEES SET IN SWISS FRANCS AND THEIR EQUIVALENT AMOUNTS
(as at 1 March 1994, unless otherwise indicated)

Currency	Basic Fee	Supplement per sheet over 30	Designation fee	Confirmation fee (per designation)	Handling fee
CHF	762	15	185	92.50	233
ATS	6,220	122	1,510	755	1,902
AUD <i>(from 07.04.94)</i>	835 <i>(748)</i>	16 <i>(15)</i>	203 <i>(182)</i>	101.50 <i>(91)</i>	255 <i>(229)</i>
BEF	18,208	358	4,421	2,210.50	5,568
CAD	696	14	168	84	—
DEM	883	17	214	107	270
DKK	3,440	70	840	420	1,050
ESP <i>(from 18.04.94)</i>	66,000 <i>(76,300)</i>	1,300 <i>(1,500)</i>	16,000 <i>(18,500)</i>	8,000 <i>(9,250)</i>	—
FIM	3,200	65	780	390	—
FRF	3,010	60	730	365	920
GBP	352	7	85	42.50	108
GRD	131,000	3,000	32,000	16,000	—
IEP	357	7	87	43.50	109
ITL <i>(from 06.03.94)</i>	760,000 <i>(884,000)</i>	15,000 <i>(17,000)</i>	185,000 <i>(215,000)</i>	92,500 <i>(107,500)</i>	230,000 <i>(270,000)</i>
JPY	59,000	1,000	14,000	7,000	18,000
KRW	427,000	8,000	103,000	51,500	—
LUF	18,208	358	4,421	2,210.50	5,568
MWK	2,350	46	570	285	—
NLG	1,000	20	240	120	305
NOK <i>(from 18.04.94)</i>	3,500 <i>(3,940)</i>	70 <i>(80)</i>	850 <i>(960)</i>	425 <i>(480)</i>	—
NZD	976	19	237	118.50	—
PTE	89,000	1,800	21,700	10,850	27,000
SEK	4,355	85	1,060	530	1,330
USD	530	10	128	64	162

This table shows the applicable equivalent amounts, fixed by the International Bureau, of the PCT fees set out in the Schedule of Fees annexed to the PCT Regulations. Please note that the amounts, other than those in Swiss francs, are subject to periodical changes due to fluctuations in exchange rates.

Key to currency abbreviations for all fee tables:

ATS	Schilling	DKK	Danish Krone	KPW	Won	ROL	Leu
AUD	Australian Dollar	ESP	Peseta	KRW	Won	RUR	Rouble
BEF	Belgian Franc	FIM	Markka	LUF	Luxembourg Franc	SDP	Sudanese Pound
BGL	Lev	FRF	French Franc	LVL	Lat	SEK	Swedish Krona
BRC	Cruzeiro Real	GBP	Pound Sterling	MWK	Kwacha	SKK	Slovak Koruna
CAD	Canadian Dollar	GRD	Drachma	NLG	Guilder	UAK	Karbovanets
CHF	Swiss Franc	HUF	Forint	NOK	Norwegian Krone	USD	US Dollar
CNY	Yuan Renminbi	IEP	Punt	NZD	New Zealand Dollar		
CZK	Koruna	ITL	Lira	PLZ	Zloty		
DEM	Mark	JPY	Yen	PTE	Escudo		

SEARCH FEES
(as at 1 March 1994)

ISA ¹	Search fee ²									
AT	ATS	2,200	CHF	285	KRW	161,000	USD	198		
AU	AUD	750	CHF	772	KRW	439,000	NZD	945	USD	537
CN	CNY	800	CHF	210	USD	146				
EP ³	DEM	2,400	DKK	9,600	GRD	347,800	MWK	6,400	SEK	11,590
	ATS	17,140	ESP	203,400	IEP	1,017	NLG	2,740	USD	1,415
	BEF	51,600	FIM	8,700 ⁴	ITL	2,308,000	NOK	10,300		
	CAD	1,870	FRF	8,480	JPY	149,000	NZD	2,557		
	CHF	2,160	GBP	960	LUF	51,600	PTE	255,300		
ES	ESP	50,100	CHF	537	USD	373				
JP	JPY	66,000	KRW	543,000	CHF	900	USD	626		
RU	RUR	53,000	CHF	288	USD	200				
SE	SEK	2,600 ⁵	3,600 ⁶	4,200 ⁷	FIM	1,875 ⁵	2,600 ⁶	3,030 ⁷		
	CHF	460 ⁵	635 ⁶	740 ⁷	NOK	2,290 ⁵	3,170 ⁶	3,695 ⁷		
	DKK	2,115 ⁵	2,930 ⁶	3,420 ⁷	USD	320 ⁵	442 ⁶	515 ⁷		
US	USD	620 (410 ⁸)			CHF	890 (590 ⁸)				

TRANSMITTAL FEES
(as at 1 March 1994)

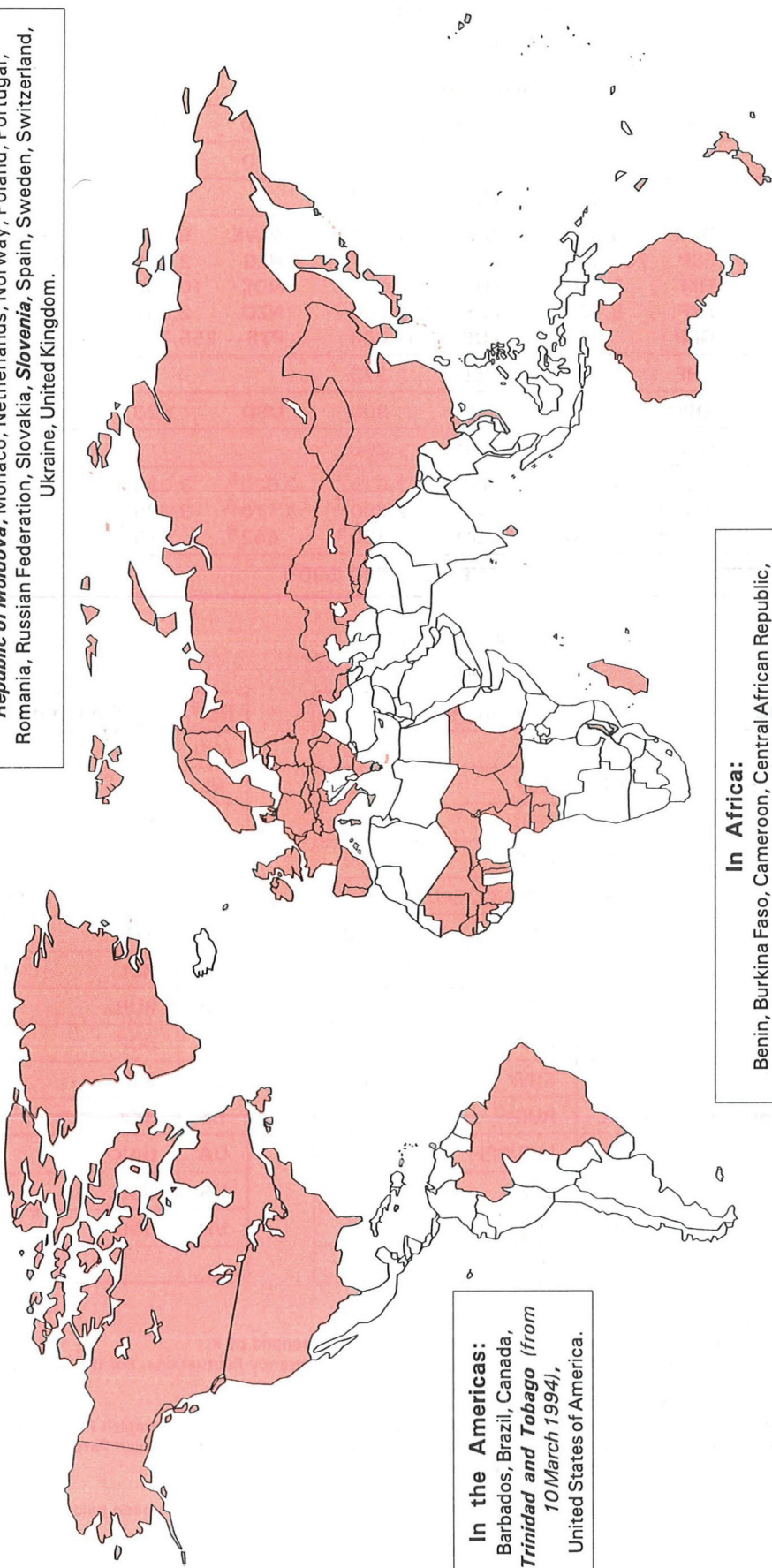
RO ⁹	Transmittal fee	
AT	ATS	700
AU	AUD	55
BE	BEF	1,500
BG	BGL	600
BR	BRC	21,670
BY	RUR ¹⁰	—
CA	CAD	200
CH	CHF	100
CN	CNY	500
CZ	CZK	1,200
DE	DEM	150
DK	DKK	1,500
EP ¹¹	DEM	200
ES	None	
FI	FIM	700

RO ⁹	Transmittal fee	
FR	FRF	400
GB	GBP	55
GR	GRD	23,500
HU	HUF	1,000
IB	CHF 300 or USD 200	
IE	IEP	60
IT	ITL	60,000
JP	JPY	16,000
KP	KPW	50
KR	KRW	40,000
KZ	RUR ¹⁰	—
LU	LUF/BEF	1,000
LV	LVL	40
MC	FRF	200
MN	None	

RO ⁹	Transmittal fee	
MW	MWK	8
NL	NLG	110
NO	NOK	500
NZ	NZD	155
PL	PLZ	1,500,000
PT	PTE	3,000
RO	ROL	10,000
RU	RUR	13,000
SD	SDP	50
SE	SEK	600
SK	SKK	1,200
UA	UAK ¹⁰	—
US	USD	200
VN	USD	50

- 1 International Searching Authority.
- 2 This fee is payable to the receiving Office in the currency or one of the currencies prescribed by it.
- 3 The equivalent amounts in currencies other than DEM are subject to change, due to currency fluctuations. For the current amount, reference should be made to the latest issue of the *Official Journal* of the EPO.
- 4 This amount will be FIM 8,200 from 01.04.94.
- 5 If on an earlier application, the priority of which is claimed, a first office action has been issued by the Swedish Patent Office.
- 6 If on an earlier application, the priority of which is claimed, a first office action has been issued by the Danish Patent Office, the National Board of Patents and Registration (Finland) or the Norwegian Patent Office.
- 7 In all cases where 4 and 5 do not apply.
- 8 Payable when a corresponding prior US national application has been filed and the basic national fee has been paid.
- 9 Receiving Office.
- 10 The amounts are not yet known. They will be fixed in the near future and will be subject to periodical revision. The Office or the agent should be consulted for the latest applicable schedule of fees.
- 11 Payments can also be made in ATS, BEF, CHF, DKK, ESP, FRF, GBP, FRD, IEP, ITL, LUF, NLF, PTE or SEK. For the amounts in the said currencies, reference should be made to the latest issue of the *Official Journal* of the EPO.

PCT CONTRACTING STATES (67) (information on 1 March 1994)



In Europe:
 Austria, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Republic of Moldova, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom.

In the Americas:
 Barbados, Brazil, Canada, Trinidad and Tobago (from 10 March 1994), United States of America.

In Africa:
 Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Madagascar, Malawi, Mali, Mauritania, Niger, Senegal, Sudan, Togo.

In Asia and the Pacific:
 Australia, China, Democratic People's Republic of Korea, Georgia, Japan, Kazakhstan, Kyrgyzstan, Mongolia, New Zealand, Republic of Korea, Sri Lanka, Tajikistan, Uzbekistan, Viet Nam.

Note about request (Form PCT/RO/101) and demand (Form PCT/IPEA/101)
 When filing an international application, to avoid any unintentional omission of designations, applicants should use the current version of the request form; the latest version was issued in January 1994 and can be obtained from receiving Offices or the International Bureau. Please note that, since that version was issued, the States indicated in *bold italics* have joined the PCT. Applicants can contact their receiving Office to find out whether any further States have adhered to the PCT after the publication of this Newsletter. The latest version of the demand form was printed in January 1994 and can be obtained from International Preliminary Examining Authorities or the International Bureau. The latest versions of the request and demand forms are also reproduced in Annexes X and Y of the *PCT Applicant's Guide*, Volume I, as updated to January 1994.

SUMMARY**Designated
(or elected) Office****SUMMARY****EP****EUROPEAN PATENT OFFICE (EPO)****EP****Summary of requirements for entry into the national phase¹**

Time limits applicable for the entry into the national phase:	Under PCT Article 22: 21 months from the priority date Under PCT Article 39(1): 31 months from the priority date
Translation of international application required into:	English, French or German
Required contents of the translation for the entry into the national phase:	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, if the applicant wishes the amendments to form the basis for the proceedings, together with any statement under PCT Article 19) ² , any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings (if any of those parts amended, both as originally filed and as amended by the annexes to the international preliminary examination report and claims amended under PCT Article 19, if the applicant wishes these amendments to form the basis for the proceedings, together with any statement under PCT Article 19), abstract
Is a copy of the international application required?	No
National fee:	Currency: Deutsche Mark (DEM) ³ National fee, ⁴ comprising – basic national fee: DEM 600 – designation fee for each EPO Contracting State designated and for the joint designation of Switzerland and Liechtenstein: DEM 350 – claims fee for the 11th and each subsequent claim: DEM 80 Search fee: ⁴ DEM 1,900 Surcharge for late payment of the national fee, a designation fee or the search fee: 50% of the relevant fee, but not to exceed a total of: DEM 1,400 Fee for extension of the European patent to Slovenia (Slovenia must have been designated in the international application) ⁴ DEM 200

[continued on next page]

¹ See also the "Information for PCT Applicants" in Supplement No.1 to OJ EPO 12/1992, pages 1 to 15 concerning the EPO as designated Office and pages 16 to 32 concerning the EPO as elected Office, and amendments in OJ EPO 1-2/1994, pgs. 131 to 136.

² Where the applicant furnishes only one translation, either of the claims as filed or as amended, the claims which have not been translated will be disregarded; no invitation to furnish the missing translation will generally be issued (Rule 49.5(c^{bis})).

³ Payments can also be made in the following currencies: Austrian Schilling, Belgian Franc, Danish Krone, French Franc, Greek Drachma, Irish Pound, Lira, Luxembourg Franc, Netherlands Guilder, Portuguese Escudo, Pound Sterling, Peseta, Swedish Krona, Swiss Franc. For the equivalent amounts fixed by the EPO in those currencies, reference should be made to the latest issue of the OJ EPO.

⁴ Must be paid within 21 months or 31 months from the priority date depending on whether PCT Article 22 or 39(1) applies.

SUMMARY**Designated
(or elected) Office****SUMMARY****EP****EUROPEAN PATENT OFFICE (EPO)****EP**

[continued]

National fee (cont'd):	Examination fee: ⁵	DEM 2,800
	Surcharge for late filing of the request for examination:	DEM 1,400
	Renewal fee for the third year: ⁶	DEM 750

Exemptions, reductions or refunds of the national fee:

No search fee is payable where the international search report has been established by the EPO, the Austrian Patent Office or the Swedish Patent Office

The search fee is reduced by 20% where the international search report has been established by the Australian Patent Office, the Chinese Patent Office, the Japanese Patent Office, the Russian Patent Office or the United States Patent and Trademark Office

The examination fee is reduced by 50% where an international preliminary examination report has been established by the EPO

Furthermore, in certain cases the examination fee is reduced by 20% for language reasons (see paragraph EP.15 of the National Chapter EP)

Special requirements of the Office (PCT Rule 51^{bis}):

The translation and the amendments to the international application must be filed in triplicate (this applies particularly to the amendments annexed to the international preliminary examination report if the applicant wishes them to be taken into consideration for the European procedure)⁷

Name and address of the inventor if they have not been furnished in the "Request" part of the international application⁷

Where applicable, translation of priority document into English, French or German⁷

Appointment of an agent if applicant has neither a residence nor his principal place of business within the territory of one of the Contracting States of the European Patent Convention⁷

Filing, where applicable, of nucleotide and/or amino acid sequence listings on an electronic data carrier (diskette), as prescribed, including the required statements (see OJ EPO 12/1992, Supplement No. 2)⁷

Who can act as agent?

Any professional representative entered on the relevant list maintained by the EPO (the directory of professional representatives is available free of charge from the EPO, Munich)

Any legal practitioner to the extent he is entitled to practice in patent matters in one of the Contracting States of the European Patent Convention and who has his place of business in that State

⁵ A written request for examination must be made and the examination fee must be paid within six months after the publication by the International Bureau of the international search report or within the time limit applicable under PCT Article 22 or 39(1) (21 months or 31 months from the priority date), whichever expires later.

⁶ This fee is due on the last day of the month containing the second anniversary (24 months) of the international filing date; where PCT Article 39(1) applies, it is due within 31 months from the priority date if that 31-month time limit expires later.

⁷ If not already complied with within the time limit applicable under PCT Article 22 or 39(1) (21 months or 31 months from the priority date), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

SUMMARY**Designated
(or elected) Office****SUMMARY****PL****POLISH PATENT OFFICE****PL****Summary of requirements for entry into the national phase**

Time limits applicable for the entry into the national phase:	Under PCT Article 22: 20 months from the priority date Under PCT Article 39(1): 30 months from the priority date
Translation of international application required into:	Polish
Required contents of the translation for the entry into the national phase:	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required?	No
National fee:	Currency: Zloty (PLZ) For patent or utility model: – where international preliminary examination has been carried out: PLZ 1,000,000 – where no international preliminary examination has been carried out: PLZ 2,000,000 Fee for priority claims, per priority: PLZ 200,000
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 ^{bis}): ¹	Statement justifying the applicant's right to the patent if he is not the inventor Statement justifying the applicant's priority right where the applicants are not identical Appointment of an agent if applicant is not resident in Poland Translation of the priority document into Polish if it is not in English, French, German or Russian Translation of the international application to be furnished in three copies
Who can act as agent?	Any patent attorney resident in Poland

¹ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.



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