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Electronic Filing and Processing of International Applications

Spanish Patent and Trademark Office prepared to receive and process international applications in electronic form

The Spanish Patent and Trademark Office, in its capacity as receiving Office, has notified the International Bureau under PCT Rule 89*bis*.1(d) that it is prepared to receive and process international applications in electronic form with effect from 15 January 2004.

Information on the Office's requirements and practices with regard to the filing of international applications in electronic form, of which the Office has notified the International Bureau in accordance with Section 710(a) of the *Administrative Instructions*, will be published in *PCT Gazette* No. 03/2004, Section IV, page 1734, on 15 January 2004 and will be available, as from that date, on the PCT website at:

www.wipo.int/pct/en/gazette/weekissu.htm

Note About the Use of the January 2004 Demand Form

Applicants filing demands should now be using the January 2004 version of the Demand Form. This version should be used **regardless of the international filing date** of the international application in respect of which the demand is filed—the sentence at the end of the item entitled “Modified Request and Demand Forms,” which was published in *PCT Newsletter* No. 11/2003, should have read: “The revised forms must not be used before 1 January 2004” (and **not**: “The revised forms must not be used for PCT applications filed before 1 January 2004”).

Note, however, that, since new PCT Rule 54*bis*.1(a) applies only to international applications filed on or after 1 January 2004, item 4 of Box No. IV of the Demand Form (“Basis for the international preliminary examination”) should be disregarded where the demand is being filed in respect of an international application filed before that date.

Paris Convention

Accessions by Namibia and Saudi Arabia

Namibia (country code: NA), on 29 December 2003, and Saudi Arabia (country code: SA), on 11 December 2003, deposited their instruments of accession to the Paris Convention for the Protection of Industrial Property.

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<i>Guide</i> , Vol. I/A, Annex B1 (VC),	
Vol. I/B, Annex E (ES), and	
Vol. II/D, National Chapter,	
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index (2003)	



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Namibia will exceptionally become bound by that Convention on 1 January 2004 and Saudi Arabia will become bound by it on 11 March 2004.

This updates the table of States party to the PCT and the Paris Convention and Members of the WTO that was published in *PCT Newsletter* No. 08/2003.

Furnishing by the IB of Copies of the IPER to third parties

Notifications by elected Offices under PCT Rule 94.1(c)

It is recalled that, under PCT Rule 94.1(b), the International Bureau (IB) will, subject to PCT Article 38 and Rule 44*ter*.1, furnish copies of any document contained in its file at the request of any person, but not before the international publication of the international application, subject to the reimbursement of the cost of the service. Under new Rule 94.1(c), the furnishing of documents under paragraph (b) shall, if so requested by an elected Office, include the furnishing of copies of the international preliminary examination report (IPER) on behalf of that elected Office. The Offices of the following States and Organizations, in their capacities as elected Offices, have requested the IB under PCT Rule 94.1(c) to furnish to third parties copies of the IPER on their behalf:

AT Austria
BY Belarus
EA Eurasian Patent Organization (EAPO)
EE Estonia
EP European Patent Organisation (EPO)
GB United Kingdom
GE Georgia
LT Lithuania
MW Malawi

Power of Attorney Waivers

Notifications under PCT Rules 90.4(d) and 90.5(c) by PCT Offices/Authorities

It is recalled that under new PCT Rule 90.4(d), any receiving Office (RO), International Searching Authority (ISA), International Preliminary Examining Authority (IPEA) and the International Bureau (IB) may waive the requirement under PCT Rule 90.4(b) that a separate power of attorney appointing an agent or a common representative be submitted to it. **However, where an agent or a common representative submits a notice of withdrawal, the requirement for a separate power of attorney may not be waived.**

Similarly, under PCT Rule 90.5(c) any RO, any ISA and any IPEA may waive the requirement under PCT Rule 90.5(a)(ii) that a copy of a general power of attorney is attached to the request, the demand or any separate notice, as the case may be. **But, where an agent or a common representative submits a notice of withdrawal, the requirement for a copy of a general power of attorney may not be waived.**

Note that Sections 336(c), 433(b), 517(c) and 617(c) of the Administrative Instructions under the PCT, applicable with effect from 1 January 2004, state, respectively, that an RO, the IB, an ISA or an IPEA may require a separate power of attorney, or a copy of a general power of attorney, in particular instances even if it has waived the requirement in general.

Waivers

The following Offices have informed the IB that they waive the requirement under PCT Rules 90.4(b) and 90.5(a)(ii) to submit either a separate power of attorney and/or copy of a general power of attorney (any particular instances in which a separate power of attorney or a copy of the general power of attorney, as the case may be, is required are given where applicable):

AU Australian Patent Office, in its capacities as RO, ISA and IPEA, waives the requirement to submit either a separate power of attorney and/or a copy of a general power of attorney—particular instances in which a separate power of attorney or a general power of attorney is required: where there is an unresolved dispute about who is the agent representing the applicant(s);

IB International Bureau, **only in its capacity as RO**, waives the requirement to submit either a separate power of attorney and/or a copy of a general power of attorney—particular instances in which a separate power of attorney or a general power of attorney is required: upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the request form at the time of filing;

JP Japan Patent Office, in its capacities as RO, ISA and IPEA, waives the requirement to submit either a separate power of attorney and/or a copy of a general power of attorney—particular instances in which a separate power of attorney or a general power of attorney is required: where an agent or a common representative who is not indicated in the Request Form at the

time of filing performs any actions after filing;

KG Kyrgyz Intellectual Property Office, in its capacity as RO, only waives the requirement under PCT Rule 90.5(a)(ii) to submit a copy of a general power of attorney;

NZ Intellectual Property Office of New Zealand, in its capacity as RO, waives the requirement to submit either a separate power of attorney and/or a copy of a general power of attorney—particular instances in which a separate power of attorney or a general power of attorney is required: where there is a change in representation, that is, where an applicant is represented by a new agent or representative;

US United States Patent and Trademark Office, in its capacities as RO, ISA and IPEA, waives the requirement to submit either a separate power of attorney and/or a copy of a general power of attorney—particular instances in which a separate power of attorney or a general power of attorney is required: where it is unclear whether a purported agent has the power to act on behalf of the applicant, and for certain changes under PCT Rule 92bis.

Non-waivers

The following Offices have informed the International Bureau that they **do not waive** the requirement under PCT Rules 90.4(b) and 90.5(a)(ii) to submit either a separate power of attorney and/or copy of a general power of attorney:

EA Eurasian Patent Office (EAPO) in its capacity as RO;

FR National Institute of Industrial Property in its capacity as RO;

KR Korean Intellectual Property Office in its capacities as RO, ISA and IPEA.

The following Office has informed the International Bureau that it **does not waive** the requirement under PCT Rule 90.4(b) to submit a separate power of attorney:

KG Kyrgyz Intellectual Property Office in its capacity as RO.

The International Bureau, in its capacity other than RO/IB, **does not waive** the requirement under PCT Rule 90.4(b) that a separate power of attorney be submitted to it.

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annexes B2 (IB) and C (AU, EA, FR, IB, JP, KG, KR, NZ and US), Vol. I/B, Annex D (AU, JP, KR and US) and E (AU, JP, KR and US))

Notifications by IPEAs of Applicability of PCT Rule 66.1bis(b)

It is recalled that, under the new enhanced international search and examination system which applies to international applications filed as from 1 January 2004, PCT Rule 66.1bis(a) states that, subject to PCT Rule 66.1bis(b), the written opinion established by the International Searching Authority will be considered to be a written opinion of the International Preliminary Examining Authority (IPEA).

European Patent Office

The European Patent Office (EPO), in its capacity as IPEA, has notified the International Bureau under PCT Rule 66.1bis(b) that PCT Rule 66.1bis(a) will apply as follows:

“[...] the EPO will not consider a written opinion performed by any ISA other than the EPO itself as a written opinion of the IPEA for the purposes of Rule 66.2(a) PCT. This means that Rule 66.1bis(a) PCT will not apply to the procedure before the EPO as IPEA in respect of written opinions established under Rule 43bis.1 PCT by the Austrian Patent Office, the Swedish Patent Office, the Spanish Patent and Trademark Office or by the Finnish Patent Office when it commences its activity as an ISA or by any other industrial property office which may be appointed as an ISA in the future.”

Non-working Days at the IB

For the purposes of computing time limits under PCT Rule 80.5, the days on which the International Bureau (IB) will not be open for business are, for the period from 1 January to 31 December 2004, the following:

All Saturdays and Sundays, and
 1 and 2 January 2004
 2 February 2004
 9 and 12 April 2004
 20 and 31 May 2004
 9 September 2004
 24, 27, 30 and 31 December 2004

Note that the days indicated above concern only the IB and not the national Offices and other international organizations.

PCT Information Update

CO Colombia (competent International Searching and Preliminary Examining Authorities; fees)

The Superintendence of Industry and Commerce (Colombia), in its capacity as receiving

Office, has specified the Spanish Patent and Trademark Office, in addition to the Austrian Patent Office, the European Patent Office and the Russian Patent Office, as a competent International Preliminary Examining Authority (IPEA). (The European Patent Office is a competent IPEA only if the international search is or has been performed by the Austrian Patent Office, the European Patent Office or the Spanish Patent and Trademark Office.)

The amounts of the following national fees, payable to the Office as designated (or elected) Office, have changed:

for patent:	
filing fee:	COP 400,000
for utility model:	
filing fee:	COP 235,000

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (CO), and Vol. II/A, National Chapter, Summary (CO))

CU Cuba (competent International Searching and Preliminary Examining Authorities)

The Cuban Industrial Property Office, in its capacity as receiving Office, has specified the Spanish Patent and Trademark Office, in addition to the Austrian Patent Office, the European Patent Office and the Russian Patent Office, as a competent IPEA. (The European Patent Office is a competent IPEA only if the international search is or has been performed by the Austrian Patent Office, the European Patent Office or the Spanish Patent and Trademark Office.)

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (CU))

ES Spain (filing of international applications in electronic form; competent International Searching and Preliminary Examining Authorities; fees; deposits of microorganisms and other biological material: requirements of designated and elected Offices)

For information on the notification by the Spanish Patent and Trademark Office as receiving Office that it is prepared to receive and process international applications in electronic form with effect from 15 January 2004, see “Electronic filing and processing of international applications,” on the cover page.

The Spanish Patent and Trademark Office in its capacity as receiving Office has specified the Spanish Patent and Trademark Office, in addition to the European Patent Office, as a competent IPEA.

The amounts of the following fees, payable to the Office as receiving Office, have changed:

transmittal fee: see Table I(a)
 fee for priority document: EUR 25.60

The amounts of the following national fees, payable to the Office as designated (or elected) Office, have changed:

for patent:
 filing fee: EUR 83.05
 for utility model:
 filing fee: EUR 83.05

The Office, in its capacity as designated (or elected Office) has notified new requirements concerning the deposit of microorganisms and other biological material, as follows:

- For the purposes of patent procedure before the Spanish Patent and Trademark Office, a deposit is required not later than at the date of filing the international application with any legally recognized institution and, in any case, with any depositary institution having acquired the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms (Article 25.2.a) SPL).
- If the applicant wishes that, until the publication of the mention of the grant of a Spanish patent or for 20 years from the date of filing if the application is refused or withdrawn, the biological material shall be made available as provided in Article 45 SPL only by the issue of a sample to an independent expert, the applicant must, by a written statement, inform the International Bureau accordingly before completion of technical preparations for publication of the international application. Such statement must be separate from the description and claims of the international application and must preferably be made on Form PCT/RO/134, referred to in Section 209 of the Administrative Instructions under the PCT and reproduced in Annex Z of Volume I of the *PCT Applicant's Guide*.

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (ES) and Annex L, and Vol. II/B, National Chapter, Summary (ES))

KR Republic of Korea (fees)

As from 1 March 2004, there will be a change in the equivalent amounts of the following fees payable in KRW to the Korean Intellectual Property Office as receiving Office, as well as a change in the equivalent amount in KRW of the PCT-EASY and electronic filing fee reductions:

international fee, fee per sheet in excess of 30 and PCT-EASY and electronic filing reductions: see Table I(a) and footnotes

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (KR))

MX Mexico (competent International Searching and Preliminary Examining Authorities)

The Mexican Institute of Industrial Property, in its capacity as receiving Office, has specified the Spanish Patent and Trademark Office, in addition to the European Patent Office, the Swedish Patent Office and the United States Patent and Trademark Office, as a competent IPEA. (The European Patent Office is a competent IPEA only if the international search is being or has been performed by the European Patent Office, the Spanish Patent and Trademark Office or the Swedish Patent Office.)

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex C (MX))

UA Ukraine (name of Office; location and mailing address; telephone and fax numbers; e-mail and Internet addresses)

The Ukraine Patent Office has notified changes in the name of its Office, in its location and mailing address, its telephone and fax numbers and its e-mail and Internet addresses, as follows:

name of Office:

Derzhavny Department Intelektualnoi Vlasnosti, Ministerstvo Osvity i Nauky Ukrainy

State Department of Intellectual Property (SDIP), Ministry of Education and Science of Ukraine

location and mailing address:

SDIP, 8, Lvivska ploscha, 04655, Kyiv-53, DSP-655, Ukraine (general matters)

Ukrainsky Instytut Ppomyslovoi Vlasnosti Ukrainian Industrial Property Institute (Ukrpatent)

15, Simyi Khokhlovykh Street 04119, Kyiv, Ukraine (filing and processing of applications)

telephone: (380-44) 212 50 82 (SDIP)
 (380-44) 458 06 11, 458 06 16 (Ukrpatent)

fax: (380-44) 212 34 49 (SDIP)
 (380-44) 458 06 11, 205 47 17 (Ukrpatent)

e-mail: post@sdip.gov.ua (SDIP)
office@ukrpatent.org
(Ukrpatent)

Internet: www.sdip.gov.ua (SDIP)

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (UA))

VC Saint Vincent and the Grenadines (general information)

General information about Saint Vincent and the Grenadines as a Contracting State and a summary of requirements for entry into the national phase in that State is included in this issue on provisional sheets for the *PCT Applicant's Guide*, Vol. I/A, Annex B1 (VC), and Vol. II/D, National Chapter, Summary (VC).

Search fee and other fees relating to the international search (Australian Patent Office, Austrian Patent Office, European Patent Office, Japan Patent Office, Spanish Patent and Trademark Office)

There have been changes (since 1 January 2004) in the equivalent amounts payable in CHF, EUR, KRW, NZD, SGD, USD and ZAR for an international search carried out by the Australian Patent Office, in the equivalent amounts payable in CHF, EUR, KRW and USD for an international search carried out by the Japan Patent Office, and in the equivalent amounts payable in CHF, EUR, NZD and ZAR for an international search carried out by the United States Patent and Trademark Office, as indicated in Table I(b).

There has also been a change (since 1 January 2004) in the amount payable in EUR and in the equivalent amounts payable in CHF and USD for an international search carried out by the Spanish Patent and Trademark Office, as indicated in Table I(b), as well as a change in the amount of the following fees related to international search:

additional search fee:	EUR	1,550
fee for copies of documents cited in the international search report:		
per national document:	EUR	3.89
per foreign document:	EUR	5.48

There has also been a change in the conditions for obtaining a refund of the search fee payable to the European Patent Office where the Authority benefits from an earlier search, as indicated below:

where the Authority benefits from an earlier search (including a privately commissioned "standard" search) already made by the

Authority on an application whose priority is claimed for the international application and depending upon the extent to which the Authority benefits from the earlier search in carrying out the international search and any other task entrusted to it, the search fee paid shall be refunded, to the extent provided for in a communication from the Authority to the International Bureau and published in the *Gazette*.

As from 1 March 2004, there will be a change in the equivalent amount payable in KRW for an international search carried out by the Austrian Patent Office, as indicated in Table I(b).

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex D (AT, AU, EP, ES, JP and US))

Preliminary examination fee and fees relating to the international preliminary examination (Spanish Patent and Trademark Office)

The Spanish Patent and Trademark Office has fixed the amounts of the preliminary examination fee and other fees relating to international preliminary examination performed by it, payable to it in EUR. The amount of the former fee is indicated in Table II and all amounts are indicated in the provisional sheet for the *PCT Applicant's Guide*, Vol. I/B, Annex E (ES) included with this issue.

Handling fee (Korean Intellectual Property Office)

As from 1 March 2004, there will be a change in the equivalent amount of the handling fee, payable in KRW to the Korean Intellectual Property Office as International Preliminary Examining Authority, as indicated in Table II.

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex E (KR))

PCT Publications

***PCT Gazette* special issue: General information on Contracting States, national and regional Offices and International Authorities**

Consolidated general information relating to PCT Contracting States, national and regional Offices and International Authorities under the PCT will be published in a special issue of the *PCT Gazette* dated 8 January 2004 (No. S-01/2004 (E) (English) and (F) (French)), which replaces the previous special issue containing consolidated general information, published on 3 July 2003 (No. S-03/2003 (E))

(English) and (F) (French)). This helpful resource contains the information that is published in Annexes A to E, L and in the National Chapter Summaries of the *PCT Applicant's Guide*.

Subscribers to the *PCT Gazette* automatically receive special issues. If you are not a subscriber to the *PCT Gazette* but would like to obtain that special issue, you may order it from the Marketing and Distribution Section at WIPO:

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The price per special issue is 24 Swiss francs or 18 US dollars by regular mail, and 28 Swiss francs or 20 US dollars by priority mail. Note that the special issue will also be available in PDF format, free of charge, as part of the *PCT Gazette* on WIPO's website at:

www.wipo.int/pct/en/gazette/spec_issu/index.htm

New/Updated PCT Materials on the Internet

(PCT homepage: www.wipo.int/pct/en/index.html)

Consolidated version of Regulations under the PCT including transitional arrangements

Notes containing important transitional arrangements which apply to many of the amendments to the PCT Regulations which entered into force on 1 January 2004 have been added at the end of the English text of the consolidated version of the Regulations under the PCT, as in force from 1 January 2004, available at:

www.wipo.int/pct/en/texts/pdf/pct_regs.pdf

The French text of the consolidated versions, including the notes, will be available shortly.

Amendments to PCT Regulations: PowerPoint presentation

A PowerPoint presentation containing an overview of the amendments to the PCT Regulations that came into effect on 1 January 2004 is now available on the PCT homepage.

Request and Demand Forms

The January 2004 versions of the Request and Demand Forms are now available in editable PDF format in English, French, German and Spanish, filled-in samples of those forms are available in English, and the receiving Office forms are available in editable PDF format in English and French, at:

www.wipo.int/pct/en/forms/index.htm

Seminar materials

Seminar materials in English have been updated and are available at:

www.wipo.int/pct/en/seminar/mat.htm

Notices from the EPO

(See also "Notifications by IPEAs of applicability of PCT Rule 66.1 bis(b)," on page 2.)

Revised Form for Entry into the European Regional Phase

In December 2003, the EPO issued a revised version of Form 1200 (Entry into the European phase). The revised version includes changes to the footnotes to Sections 10.1 and 10.2 (Designation fees), which now include the following new contracting states of the European Patent Convention (EPC): Slovakia, Bulgaria, Czech Republic and Estonia (accession date: 1 July 2002), Slovenia (1 December 2002), Hungary (1 January 2003) and Romania (1 March 2003). A footnote to Section 11 (Extension of the European patent) points out that now that Slovenia and Romania have acceded to the EPC, extension to these two countries is possible only for international applications filed prior to their accession.

The EPO advises applicants to use the new form in future. They may however continue using the old version (01.02) without prejudice to their rights. The revised form ("EPA/EPO/OEB Form 1200 12.03") and amended Notes are reproduced in the *Official Journal of the EPO*, No. 12/2003. They are also obtainable free of charge from the EPO (preferably from Vienna, but also from Munich, The Hague and Berlin) and the central industrial property offices of the contracting states of the EPC. An editable version in PDF format is available on the EPO website at:

www.european-patent-office.org/epo/formul/epc/1200_e.pdf

For further information, see the *Official Journal of the EPO* No. 12/2003, page 587.

Notice concerning certain priority claims in Euro-PCT applications

The EPO has published the following notice, dated 23 October 2003, concerning Euro-PCT applications (that is, PCT applications designating “EP”) claiming priority from a first filing in a Member of the WTO/TRIPS Agreement which is not party to the Paris Convention for the Protection of Industrial Property:

“In J 9/98 and J 10/98 (OJ EPO 2003, 184), the Legal Board of Appeal referred the question to the Enlarged Board of Appeal of whether the applicant of a European patent application, which was originally filed as a Euro-PCT application, is entitled in view of the TRIPS Agreement to claim priority from a previous first filing in a State which was neither at the filing date of the previous application nor at the filing date of the Euro-PCT application a member of the Paris Convention for the Protection of Industrial Property but was, at the filing date of the previous first filing, a member of the WTO/TRIPS Agreement. The case is pending under reference Nos. G 2/02 and G 3/02.

“Under the existing practice of the EPO such priorities do not meet the requirements of Article 87 EPC. Pending a decision of the Enlarged Board of Appeal in this case, the EPO will, when a Euro-PCT application enters the regional phase, check whether the decision of the Enlarged Board of Appeal is relevant for this application. If this is the case, the applicant will receive a communication from the EPO in which he will be invited to declare whether the start of substantive examination should be delayed until after the Enlarged Board of Appeal has taken its decision. If the applicant does not opt for delaying substantive examination, substantive examination will be carried out on the basis of the EPO’s existing practice.”

(See the *Official Journal of the EPO* No. 11/2003, page 567.)

Practical Advice

(1) Signature requirements for the withdrawal of the US designation

Q: I am just about to file an international application, in which I do not want the United States of America (US) to be designated. However, since my application will be filed after

1 January 2004, I understand that US will be automatically designated under the new regulations which entered into force as from that date. In the request I have indicated the inventors as inventors only, but it is my understanding that if US is designated, the receiving Office will make an ex officio correction so that the inventors are indicated as applicants/inventors for the US designation. Bearing in mind that any notice of withdrawal must be signed by all the applicants, will the notice of withdrawal of the US designation which I intend to submit need to be signed by the inventors?

A: Since your application will be filed after the entry into force of amended PCT Rule 4.9(a), your application will automatically include the designation of US.

If you wish to withdraw the US designation, you will not need the signatures of the inventors if they have not been indicated as applicants in the request. This is due to the fact that, according to the PCT Receiving Office Guidelines, as amended with effect from 1 January 2004 (see: www.wipo.int/pct/en/texts/gdlines.htm), the receiving Office should no longer make an *ex officio* correction where, for the purposes of the US designation, the inventors are named but are not also indicated as applicants for the purposes of that designation. The *ex officio* correction procedure was the subject of paragraph 92 of the previous version of the Guidelines, which continues to apply to international applications filed before 1 January 2004, but which has been deleted from the version applicable as from 1 January 2004. Instead, the receiving Office will simply notify the applicant that the application may be rejected by the United States Patent and Trademark Office as designated Office because only the inventor is qualified to file a national application in US (see paragraph 93 of the Guidelines). If the applicant intends to enter the national phase in the US, it will then be up to the applicant to respond to that notification by requesting that the inventors be indicated as applicants for the US, and that request will be treated as a request to record a change under PCT Rule 92*bis*. Therefore, unless the applicant specifically requests the receiving Office to change the inventors to applicant/inventors, their status will remain as indicated by the applicant in the Request Form.

Note also that PCT Rule 90*bis*.5 states that any notice of withdrawal must be signed by the applicant, and paragraph 314 of the Guidelines, as amended with effect from 1 January 2004, more specifically points out that any notice of

withdrawal has to be signed by, or on behalf of, **all applicants indicated as such in the international application at the time the notice of withdrawal is submitted.** Bearing this in mind, and the fact that the indication of “inventors only” will not be changed *ex officio* by the receiving Office to read “applicant and inventor” for the purposes of the US designation, the signatures of the inventors will not be required in your case when withdrawing the US designation.

For any international application in which the inventors are indicated as applicants and inventors at the time when the US designation is withdrawn, their signature would be required for the withdrawal of the US designation.

For further information on the new designation system, see *PCT Newsletter* No. 11/2003, cover page, and for further information on the withdrawal of designations, see the *PCT Applicant’s Guide*, paragraphs 454–459 and *PCT Newsletter* No. 08/1999.

(2) The consequences of using an old version of the Request Form in respect of an international application filed on or after 1 January 2004

Q: My company has filed a number of international applications which were prepared at the end of 2003 using the July 2003 Request Form. However, the applications were not mailed until 2 January 2004. What will be the consequences of using an “old” Request Form for an international application filed after 1 January 2004?

A: Under Rule 4.9(a), as applicable to international applications filed on or after 1 January 2004, the filing of a request constitutes the designation of all Contracting States that are 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. Therefore, if an applicant files an international application on or after 1 January 2004 using a 2003 (or older) version of the PCT Request Form (PCT/RO/101 or PCT-EASY request form print-out), regardless of the specific designation of States made by the applicant in Box No. V of that request, **all designations possible on the international filing date are automatically made.** Also, the text concerning the confirmation of precautionary designations, printed at the bottom of Box No. V of the old request that you submitted, no longer has any effect since former PCT Rules 4.9(b) and (c) have been deleted with

effect from 1 January 2004, given that, with the operation of new PCT Rule 4.9(a), all States are designated automatically.

In cases where the July 2003 request has been used in respect of an international application filed on or after 1 January 2004, the receiving Office (RO) should draw the attention of the applicant to the fact that all possible designations have been made under PCT Rule 4.9(a). However, in order to simplify the handling of such cases for ROs, the International Bureau and the applicant, no *ex officio* corrections to the Request Form need to be made by the RO, and the applicant should not be invited to furnish a corrected request. The list of all designations made as of the international filing date will be included by the IB in Form PCT/IB/301, which is sent to the applicant (or his agent, as the case may be) shortly after the IB has received the record copy of the application from the RO concerned. It is recommended that the list be checked to see whether it contains all the States that the applicant thought had been designated in the application.

As is the case for all international applications filed on or after 1 January 2004, if you do not wish to maintain the designation of all States, you may withdraw, under Rule 90*bis*.2, the designation(s) of the State(s) concerned. (Note that if you had used the January 2004 version of the request, it specifically provides that the designations of DE, KR and/or RU for any kind of national protection may be excluded—for further information, see *PCT Newsletter* No. 11/2003, page 11)

Note also that, since your international application was filed after 2 January 2004, you will be subject to the payment of the fees that are applicable with effect from 1 January 2004, that is, the international filing fee, instead of the basic and designation fees, and, if applicable in respect of the applications concerned, you will be entitled to the fee reductions that are applicable with effect from that date (see *PCT Newsletter* No. 10/2003, cover page, and No. 11/2003, page 4, for further information on the changes regarding fees).

For further information on the differences between the old version of the request and the current version, see *PCT Newsletter* No. 11/2003, page 5; for further information on the new designation system, see *PCT Newsletter* No. 11/2003, cover page; and for further general information on the withdrawal of designations, see the *PCT Applicant’s Guide*, paragraphs 454–459 and *PCT Newsletter* No. 08/1999.

PCT Seminar Calendar			
Dates and location	Language of seminar	Nature of seminar; WIPO speakers (and others where known)	Organizer and contact numbers
21 January 2004 Munich (DE)	German	PCT update seminar WIPO speaker: Mr. Matthes	Forum Institut für Management GmbH Tel: (49-6221) 500 500 Fax: (49-6221) 500 505 E-mail: Management@Forum-Institut.de
29-30 January 2004 San Diego (US)	English	PCT seminar WIPO speaker: Mr. Maassel	QUALCOMM Incorporated (Ms. Barbara Agnihotri) Tel: (1-858) 658 30 41 Fax: (1-858) 658 25 02 E-mail: bagnih@qualcomm.com
10-11 February 2004 Vienna (AT)	German	PCT seminar on the latest changes in the PCT system and on PCT-SAFE WIPO speakers: Mr. H.G. Bartels and Mr. Reischle	Austrian Patent Office (Mr. Peter Hofbauer) Tel: (43-1) 534 24 225 Fax: (43-1) 534 24 200 E-mail: peter.hofbauer@patentamt.at
12-13 February 2004 Munich (DE)	German	Advanced PCT course WIPO speaker: Mr. Reischle Other speaker: Mr. Wolff (European Patent Office)	Forum Institut für Management GmbH Tel: (49-6221) 500 500 Fax: (49-6221) 500 505 E-mail: Management@Forum-Institut.de
29 February-4 March Whistler (CA)	English	PCT presentation at the 2004 Whistler Intellectual Property Law Conference WIPO speaker: Mr. Roy	Oyen Wiggs Green & Mutala For registration, contact: Patski, c/o Bruce M. Green Tel: (1-604) 669 34 32 Fax: (1-604) 681 40 81 E-mail: bgreen@patentable.com
10-11 March 2004 Ecully (FR)	French	PCT seminar for patent attorneys WIPO speaker: Ms. Boutillon	Centre Paul Roubier (Mrs. Audi) Tel: (33-4) 78 33 07 08 Fax: (33-4) 78 33 58 96
26 March 2004 London (GB)	English	PCT seminar for patent attorneys on the latest changes in the PCT system WIPO speaker: Mr. Matthes	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
16-17 April 2004 Concord, New Hampshire (US)	English	Basic PCT seminar for patent attorneys and patent administrators WIPO speaker: Mr. Maassel Other speaker: Mr. Reed (The Procter & Gamble Company (US))	Franklin Pierce Law Center (Ms. Carol Ruh) Tel: (1-603) 228 15 41, ext. 1108 Fax: (1-603) 224 33 42 E-mail: cruh@piercelaw.edu Internet: www.piercelaw.edu/TreatySem/Treatsem.htm
21-22 April 2004 London (GB)	English	Basic formalities seminar on the Patent Cooperation Treaty (PCT) WIPO speakers: Mr. H.G. Bartels and Ms. Schwarz	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
22-24 April 2004 Naples, Florida (US)	English	Advanced PCT seminar for patent attorneys WIPO speaker: Mr. Maassel	Patent Resources Group, Inc. Tel: (1-434) 974 17 00 Fax: (1-434) 975 20 66
23 April 2004 London (GB)	English	PCT-EASY/PCT-SAFE seminar WIPO speaker: Mrs. Metcalfe	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
26-28 April 2004 Naples, Florida (US)	English	Basic PCT seminar for patent attorneys WIPO speaker: Mr. Maassel	Patent Resources Group, Inc. Tel: (1-434) 974 17 00 Fax: (1-434) 975 20 66
27 April 2004 Paris (FR)	French	PCT presentation for patent attorneys WIPO speaker: Ms. Boutillon	Fondation Nationale pour le Droit de l'Entreprise (FNDE) (Mrs. Heuzé) Tel: (33-1) 42 66 18 19 Fax: (33-1) 42 66 17 37 E-mail: pheuze@fnde.asso.fr

PCT Fee Tables

(amounts on 1 January 2004, unless otherwise indicated)

The following Tables show the amounts and currencies of the main PCT fees which are payable to the receiving Offices (ROs) and the International Preliminary Examining Authorities (IPEAs) during the international phase under Chapter I (Tables I(a) and I(b)) and under Chapter II (Table II). Fees which are payable only in particular circumstances are not shown; nor are details of certain reductions and refunds which may be available; such information can be found in the *PCT Applicant's Guide*, Vol. I/B, Annexes C, D and E. Note that all amounts are subject to change due to variations in the fees themselves or fluctuations in exchange rates. The international filing fee may be reduced by CHF 100 under certain circumstances where the request is prepared using the PCT-EASY features of the PCT-SAFE software or by CHF 200 or 300 where the international application is filed in electronic form, as prescribed; see footnotes 2 and 5 for details. A 75% reduction in the international filing fee (including the fee per sheet over 30) and the handling fee, as well as an exemption from the transmittal fee payable to the International Bureau as receiving Office, is also available to applicants from certain States—see footnotes 3 and 10. (Note that if the CHF 100, 200 or 300 reduction, as the case may be, and the 75% reduction are applicable, the 75% reduction is calculated **after** the CHF 100, 200 or 300 reduction.) The footnotes to the Fee Tables follow Table II.

Key to abbreviations used in fee tables:

eq	equivalent of –	BGL	Bulgarian lev	GBP	Pound sterling	LSM	Lesotho loti	SEK	Swedish krona
IPEA	International Preliminary Examining Authority	BRR	Brazilian real	GEL	Georgian lari	LTL	Lithuanian litas	SGD	Singapore dollar
ISA	International Searching Authority	BYR	Belarussian rouble	GHC	Ghanaian cedi	LVL	Latvian lat	SIT	Slovenian tolar
n a	not applicable	BZD	Belize dollar	HRK	Croatian kuna	MAD	Moroccan dirham	SKK	Slovak koruna
RO	receiving Office	CAD	Canadian dollar	HUF	Hungarian forint	MDL	Moldovan leu	TJS	Tajik somoni
		CHF	Swiss franc	IDR	Indonesian rupiah	MKD	Macedonian denar	TND	Tunisian dinar
		CNY	Yuan renminbi	ILS	New Israel shekel	MWK	Malawian kwacha	TTD	Trinidad and Tobago dollar
		COP	Colombian peso	INR	Indian rupee	MXP	Mexican peso	UAH	Ukrainian hryvnia
		CUP	Cuban convertible peso	ISK	Icelandic krona	NOK	Norwegian krone	USD	US dollar
		CYP	Cyprus pound	JPY	Japanese yen	NZD	New Zealand dollar	VND	Vietnamese dong
		CZK	Czech koruna	KES	Kenyan shilling	PHP	Philippine peso	YUD	Yugoslavian dinar
		DKK	Danish krone	KGS	Kyrgyz som	PLZ	Polish zloty	ZAR	South African rand
		DZD	Algerian dinar	KPW	KP won	ROL	Romanian leu	ZWD	Zimbabwe dollar
		EEK	Estonian kroon	KRW	KR won	RUR	Russian rouble		
		EUR	Euro	KZT	Kazakh tenge	SDP	Sudanese pound		

Table I(a) — Transmittal and international filing fees
(amounts on 1 January 2004, unless otherwise indicated)

RO	Transmittal fee ¹	International filing fee ^{1,2,3} (CHF 1,400)	Fee per sheet over 30 ^{1,2,3,4} (CHF 15)	PCT-EASY reduction ^{2,5} (CHF 100)	Competent ISA(s) ⁶
AE	AED ⁷ —	AED eq CHF 1,400	15	n a	AT AU
AG	Information not yet available				
AL	ALL 9,000	CHF 1,400	15	n a	EP
AM	AMD 32,000	USD 1,035	11	74	EP RU
AP	USD 50 (or eq in local currency)	USD 1,035	11	74	AT EP SE
AT	EUR 50	EUR 902	10	64	EP
AU	AUD 100	AUD 1,525	16	109	AU
AZ	AZM 55,000	USD 1,035	11	n a	EP RU
BA	EUR 25.56	EUR 902	10	64	EP
BE	EUR 40	EUR 902	10	64	EP
BG	BGL 60	BGL eq CHF 1,400	eq CHF 15	eq CHF 100	EP RU
BR	BRR 236	BRR eq CHF 1,400	eq CHF 15	eq CHF 100	AT EP SE US
BW	Information not yet available				
BY	BYR eq USD 70	USD 1,035	11	n a	EP RU
BZ	BZD 220	USD 1,035	11	74	EP

[continued on next page]

Table I(a) — Transmittal and international filing fees [continued]
(amounts on 1 January 2004, unless otherwise indicated)

RO	Transmittal fee ¹	International filing fee ^{1,2,3} (CHF 1,400)	Fee per sheet over 30 ^{1,2,3,4} (CHF 15)	PCT-EASY reduction ^{2,5} (CHF 100)	Competent ISA(s) ⁶
CA	CAD 300	CAD 1,394	15	100	EP
CH	CHF 100	CHF 1,400	15	100	EP
CN	CNY 500	CNY eq CHF 1,400	eq CHF 15	eq CHF 100	CN
CO	COP ⁷ —	COP eq USD 1,035	eq USD 11	eq USD 74	AT, EP, ES, RU
CR	USD 175	USD 1,035	11	74	EP ES
CU	USD (or eq CUP) ²⁰⁰	USD (or eq CUP) 1,035	11	74	AT EP ES RU
CY	CYP 75	CYP 526	6	n a	EP
CZ	CZK 1,500	CZK eq CHF 1,400	eq CHF 15	eq CHF 100	EP
DE	EUR 90	EUR 902	10	64	EP
DK	DKK 1,500	DKK 6,700	70	480	EP SE
DM	Information not yet available				
DZ	DZD None	CHF 1,400	15	100	AT EP
EA	RUR eq USD 50	USD 1,035	11	74	EP RU
EC	USD ⁷ —	USD 1,035	11	74	EP ES
EE	EEK 1,800	EEK eq CHF 1,400	eq CHF 15	eq CHF 100	EP
EG	Information not yet available				
EP ⁵	EUR 100	EUR 902	10	64 ⁵	EP
ES	EUR 63.99	EUR 902	10	64	EP ES
FI	EUR 135	EUR 902	10	64	EP SE
FR ⁵	EUR 60	EUR 902	10	64	EP
GB	GBP 55	GBP 628	7	45	EP
GD	Information not yet available				
GE	GEL ⁸ 10	USD 1,035	11	74	EP RU
GH	GHC ⁹ 2,500 or 5,000	USD 1,035	11	n a	AT AU CN EP SE
GR	EUR 115	EUR 902	10	64	EP
HR	HRK 200	HRK eq CHF 1,400	eq CHF 15	eq CHF 100	EP
HU	HUF 10,000	HUF eq CHF 1,400	eq CHF 15	eq CHF 100	EP RU
IB ⁵	CHF ¹⁰ 100 or EUR ¹⁰ 64 or USD ¹⁰ 74	CHF 1,400 or EUR 902 or USD 1,035	15 10 11	100 64 74	See footnote 11
ID	IDR 500,000	IDR eq CHF 1,400	eq CHF 15	eq CHF 100	AU EP RU
IE	EUR 76.00	EUR 902	10	64	EP
IL	ILS 476	USD 1,035	11	74	EP US
IN	INR 5,000 (filing by indiv: 1,500)	USD 1,035	11	74	AT AU CN EP SE US

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Table I(a) — Transmittal and international filing fees [continued]
(amounts on 1 January 2004, unless otherwise indicated)

RO	Transmittal fee ¹	International filing fee ^{1,2,3} (CHF 1,400)	Fee per sheet over 30 ^{1,2,3,4} (CHF 15)	PCT-EASY reduction ^{2,5} (CHF 100)	Competent ISA(s) ⁶
IS	ISK 6,500	ISK 80,000	900	5,700	EP SE
IT	EUR 30.99	EUR 902	10	n a	EP
JP	JPY 13,000	JPY 116,000	1,200	8,300	EP JP
KE	USD (or KES equiv) ²⁵⁰ plus cost of mailing	USD 1,035	11	74	AT AU CN EP SE
KG	KGS eq USD 100	USD 1,035	11	74	EP RU
KP	KPW eq CHF 50	KPW eq CHF 1,400	eq CHF 15	eq CHF 100	AT RU
KR	KRW 45,000	KRW 1,191,000 (from 1.3.04: 1,329,000)	13,000 (14,000)	85,000 (95,000)	AT AU JP ¹² KR
KZ	KZT ⁷ —	USD 1,035	11	74	EP RU
LR	USD 45	USD 1,035	11	n a	AT AU CN EP SE
LS	LSM ⁷ —	LSM eq CHF 1,400	eq CHF 15	n a	AT EP
LT	LTL 320	EUR 902	10	64	EP RU
LU	EUR 19	EUR 902	10	n a	EP
LV	LVL 47.20	USD 1,035	11	74	EP RU
MA	None	CHF 1,400	15	n a	AT EP RU SE
MC	EUR 49 ¹³	EUR 902	10	n a	EP
MD	MDL 180	USD 1,035	11	74	EP RU
MK	MKD 2,750	MKD eq CHF 1,400	eq CHF 15	eq CHF 100	EP
MN	None	CHF 1,400	15	100	EP RU
MW	MWK 6,000	MWK 111,100	1,200	7,900	EP
MX	MXP ³ eq USD 200	MXP eq CHF 1,400	eq CHF 15	eq CHF 100	EP ES SE US
NA	Information not yet available				
NI	USD 175	USD 1,035	11	74	EP ES
NL	EUR 50	EUR 902	10	64	EP
NO	NOK 500	NOK 7,370	80	530	EP SE
NZ	NZD 180 ¹⁴	NZD 1,738	19	124	AU EP US
OA	Information not yet available				
OM	Information not yet available				
PG	Information not yet available				
PH	PHP 3,500	USD 1,035	11	74	AU EP JP KR US
PL	PLZ 300	PLZ eq CHF 1,400	eq CHF 15	n a	EP
PT	EUR 30	EUR 902	10	64	EP
RO	ROL 300,000	CHF 1,400	15	100	AT EP RU
RU	RUR 294	USD 1,035	11	74	EP RU
SC	Information not yet available				
SD	SDP 50	SDP eq CHF 1,400	eq CHF 15	n a	EP
SE	SEK 1,200	SEK 8,140	90	580	EP SE
SG	SGD 150	SGD 1,785	19	128	AT AU EP
SI	SIT 22,000	SIT eq CHF 1,400	eq CHF 15	eq CHF 100	EP
SK	SKK 1,600	SKK eq CHF 1,400	eq CHF 15	eq CHF 100	EP
SY	Information not yet available				

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Table I(a) — Transmittal and international filing fees [continued]
(amounts on 1 January 2004, unless otherwise indicated)

RO	Transmittal fee ¹	International filing fee ^{1,2,3} (CHF 1,400)	Fee per sheet over 30 ^{1,2,3,4} (CHF 15)	PCT-EASY reduction ^{2,5} (CHF 100)	Competent ISA(s) ⁶
TJ	TJS ⁷ —	USD 1,035	11	n a	EP RU
TM	USD ⁷ —	USD 1,035	11	74	EP RU
TN	TND ⁷ —	CHF 1,400	15	n a	EP
TR	CHF 100	CHF 1,400	15	100	EP
TT	TTD 750	USD 1,035	11	74	AT EP SE US
UA	UAH 255	USD (or eq UAH) 1,035	11	n a	EP RU
US	USD 300	USD 1,035	11	74	EP US
UZ	USD ⁷ —	USD 1,035	11	74	EP RU
VC	Information not yet available				
VN	VND eq USD 150	VND eq CHF 1,400	eq CHF 15	n a	AT AU EP KR RU SE
YU	YUD 3,000	YUD eq CHF 1,400	eq CHF 15	eq CHF 100	EP
ZA	ZAR 500	ZAR 7,490	80	530	AT AU EP US
ZM	Information not yet available				
ZW	ZWD 6,000	ZWD eq USD 1,035	eq USD 11	eq USD 74	AT AU CN EP RU

Table I(b) — Search fees
(amounts on 1 January 2004, unless otherwise indicated)

ISA	Search fee ¹									
AT	EUR 159	CHF 247	KRW 199,000*	SGD 310	USD 182	ZAR 1,320				
	* (from 1.3.04: KRW 235,000)									
AU	AUD 1,200	CHF 1,157	EUR 738	KRW 1,014,000	NZD 1,370	SGD 1,490				
	USD 865	ZAR 5,800								
CN	CNY 1,500	CHF 245	EUR 158	USD 181						
EP ¹⁵	EUR 1,550	CAD 2,362	CHF 2,432	CYP 905	DKK 11,520	GBP 1,078				
	ISK 138,000	JPY 196,500	MWK 194,000	NOK 12,700	NZD 2,884	SEK 13,870				
	SGD 3,130	USD 1,818	ZAR 12,280							
ES ¹⁵	EUR 1,550	CHF 2,432	USD 1,818							
JP	JPY 97,000	CHF 1,168	EUR 752	KRW 1,066,000	USD 887					
KR	KRW 150,000	CHF 176	EUR 114	USD 130						
RU ¹⁶	USD 300	CHF 406	EUR 262							
SE	SEK 13,870	CHF 2,432	DKK 11,520	EUR 1,550	ISK 138,000	NOK 12,700				
	USD 1,818									
US	USD 1,000	CHF 1,318	EUR 848	NZD 1,570						
	ZAR 6,500	300 ¹⁷	395 ¹⁷	254 ¹⁷	470 ¹⁷					
		2,000 ¹⁷								

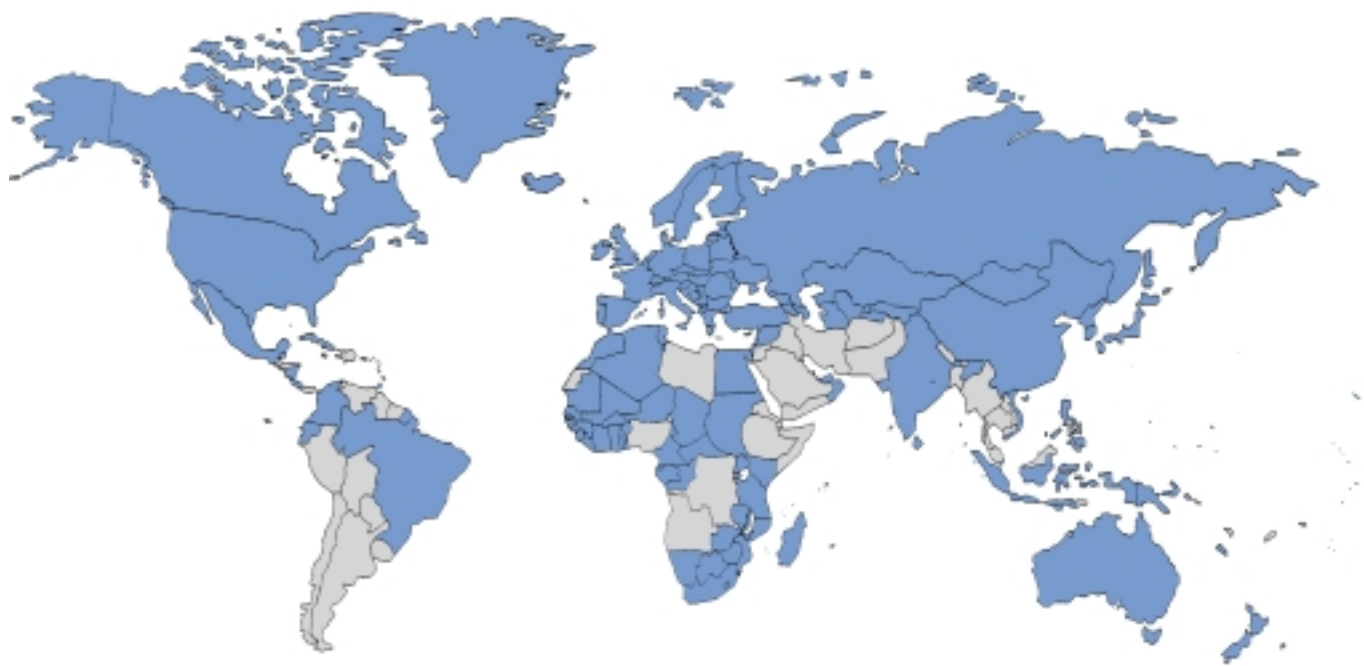
Table II — Preliminary examination fees
(amounts on 1 January 2004, unless otherwise indicated)

IPEA	Preliminary examination fee ¹⁸		Handling fee ^{3,18} (CHF 200)		
AT	EUR	159	EUR	129	
AU	AUD	550	1,000 ¹⁹	AUD	218
CN	CNY	1,500		CNY eq CHF	200
EP ¹⁵	EUR	1,530		EUR	129
ES	EUR	502.97		EUR	129
JP	JPY	36,000		JPY	16,600
KR	KRW	150,000		KRW	170,000 (from 1.3.04: 190,000)
RU ¹⁶	USD	200 ²⁰	300 ²¹	USD	148
SE	SEK	5,000		SEK	1,160
US	USD	600	750 ²²	USD	148

Footnotes to fee tables:

- 1 Payable to the receiving Office in the currency or one of the currencies prescribed by it.
- 2 The international filing fee is reduced by CHF 100 where: (a) the request is presented as a computer print-out prepared using the PCT-EASY features of the PCT-SAFE software; (b) the request is filed together with a computer diskette, prepared using that software, containing a copy in electronic form of the data contained in the request and of the abstract; and (c) the PCT application is filed with a receiving Office which is prepared to accept the filing of PCT applications containing requests in PCT-EASY format together with PCT-EASY diskettes.
- 3 This fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant fulfills the criteria indicated on page 27 of *PCT Newsletter* No. 12/2003.
- 4 Where the PCT application as filed contains a sequence listing part in computer readable form only, or both in that form and on paper, under Section 801 of the Administrative Instructions under the PCT, and where that application is filed with a receiving Office which is prepared to accept such filings, a fixed component of 400 times the fee per sheet over 30 is payable for the sequence listing part, irrespective of the actual length of that part (see Section 803(ii) of the *Administrative Instructions*).
- 5 Where the international application is filed in electronic form in accordance with and to the extent provided for in Part 7 and Annex F of the Administrative Instructions and where the international application is filed with a receiving Office which has notified the International Bureau under Section 710 of the Administrative Instructions that it is prepared to receive international applications in electronic form, the international filing fee is reduced by CHF 200 if the text of the description, claims and abstract is not in character coded format, and by CHF 300 if the text of the description, claims and abstract is in character coded format. Only the following receiving Offices have sent such a notification so far: RO/EP, ES, FI, FR, IB and KR. The equivalent amounts of those reductions in the relevant currencies are as follows: **CHF 200**=EUR 129, KRW 190,000, USD 148; **CHF 300**=EUR 193, KRW 285,000, USD 222.
- 6 For the search fee payable to the receiving Office, consult the entry in Table I(b) for the competent International Searching Authority.
- 7 The amounts are not yet known or, where known, are subject to periodical revision. The Office or the agent should be consulted for the latest applicable schedule of fees.
- 8 This fee is reduced by 80% where the applicant is a natural person.
- 9 The first amount of the transmittal fee is applicable to individuals or entities employing less than 25 persons. The second amount is applicable to entities employing 25 persons or more.
- 10 This fee is not payable in respect of international applications filed by applicants fulfilling the conditions indicated on page 27 of *PCT Newsletter* No. 12/2003.
- 11 The competent International Searching Authority(ies) for an international application filed with the International Bureau as receiving Office is (are) the Authority(ies) which would have been competent if the international application had been filed with the receiving Office of, or acting for, the Contracting State of which the applicant (or any of the applicants) is a resident or national. See also *PCT Applicant's Guide*, Vol. I/B, Annex C (IB).
- 12 The Japan Patent Office is competent only for international applications in Japanese.
- 13 Plus EUR 1 for the preparation of additional copies, for each page and each copy.
- 14 Plus 12.5% GST (Goods and Services Tax) for New Zealand residents.
- 15 The search fee payable to the EPO and the Spanish Patent and Trademark Office, as well as the preliminary examination fee payable to the EPO, are reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person and is a national of and resides in a State not party to the European Patent Convention, which fulfils the requirements for the corresponding reduction of certain PCT fees as specified in the Schedule of Fees annexed to the PCT Regulations, and in accordance with the decision of the EPO's Administrative Council of 11 October 2000, the text of which was included in *PCT Newsletter* No. 11/2000. The States concerned are those indicated on the next page, with the exception of Bulgaria, the Czech Republic, Estonia, Hungary, Romania, Slovakia and Turkey.
- 16 The applicant may, instead of paying the USD amount, pay the equivalent amount in RUR at the exchange rate applicable, on the date of payment, at the Central Bank of the Russian Federation, provided that, in the case of the search fee, the receiving Office accepts payment in RUR.
- 17 Payable when a corresponding prior US national application has been filed under 35 USC 111(a) and the basic filing fee under 37 CFR 1.16(a) has been paid, and the prior US national application is identified by the application number if known, or if the application number is not known, by the filing date, title and name of applicant (and preferably by the application docket number), in the international application or accompanying the papers at the time of filing the international application.
- 18 Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
- 19 Payable when the international search report was not issued by the Australian Patent Office.
- 20 Payable when the international search report was established by the Russian Patent Office.
- 21 In all cases where footnote 20 does not apply.
- 22 Payable when the international search was not carried out by the United States Patent and Trademark Office (USPTO) (provided that the USPTO is a competent International Preliminary Examining Authority in the particular case—see *PCT Applicant's Guide*, Vol. I/B, Annex C (US)).

PCT Contracting States and Two-letter Codes (123 on 1 January 2004)



AE United Arab Emirates	CR Costa Rica	IL Israel	ML Mali (OA) ²	SY Syrian Arab Republic
AG Antigua and Barbuda	CY Cyprus (EP) ²	IN India	MN Mongolia	SZ Swaziland (AP) ²
AL Albania ¹	CZ Czech Republic (EP)	IS Iceland	MR Mauritania (OA) ²	TD Chad (OA) ²
AM Armenia (EA)	DE Germany (EP)	IT Italy (EP) ²	MW Malawi (AP)	TG Togo (OA) ²
AT Austria (EP)	DK Denmark (EP)	JP Japan	MX Mexico	TJ Tajikistan (EA)
AU Australia	DM Dominica	KE Kenya (AP)	MZ Mozambique (AP)	TM Turkmenistan (EA)
AZ Azerbaijan (EA)	DZ Algeria	KG Kyrgyzstan (EA)	NA Namibia	TN Tunisia
BA Bosnia and Herzegovina	EC Ecuador	KP Democratic People's Republic of Korea	NE Niger (OA) ²	TR Turkey (EP)
BB Barbados	EG Egypt	KR Republic of Korea	NI Nicaragua	TT Trinidad and Tobago
BE Belgium (EP) ²	EE Estonia (EP)	KZ Kazakhstan (EA)	NL Netherlands (EP) ²	TZ United Republic of Tanzania (AP)
BF Burkina Faso (OA) ²	ES Spain (EP)	LC Saint Lucia	NO Norway	UA Ukraine
BG Bulgaria (EP)	FI Finland (EP)	LI Liechtenstein (EP)	NZ New Zealand	UG Uganda (AP)
BJ Benin (OA) ²	FR France (EP) ²	LK Sri Lanka	OM Oman	US United States of America
BR Brazil	GA Gabon (OA) ²	LR Liberia	PG Papua New Guinea	VN Viet Nam
BW Botswana (AP)	GB United Kingdom (EP)	LS Lesotho (AP)	PH Philippines	YU Serbia and Montenegro
BY Belarus (EA)	GD Grenada	LT Lithuania ¹	PL Poland	ZA South Africa
BZ Belize	GE Georgia	LU Luxembourg (EP)	PT Portugal (EP)	ZM Zambia (AP)
CA Canada	GH Ghana (AP)	LV Latvia ¹	RO Romania (EP)	ZW Zimbabwe (AP)
CF Central African Republic (OA) ²	GM Gambia (AP)	MA Morocco	RU Russian Federation (EA)	
CG Congo (OA) ²	GN Guinea (OA) ²	MC Monaco (EP) ²	SC Seychelles	
CH Switzerland (EP)	GQ Equatorial Guinea (OA) ²	MD Republic of Moldova (EA)	SD Sudan (AP)	
CI Côte d'Ivoire (OA) ²	GR Greece (EP) ²	MG Madagascar	SE Sweden (EP)	
CM Cameroon (OA) ²	GW Guinea-Bissau (OA) ²	MK The former Yugoslav Republic of Macedonia ¹	SG Singapore	
CN China	HR Croatia		SI Slovenia (EP) ²	
CO Colombia	HU Hungary (EP)		SK Slovakia (EP)	
	ID Indonesia		SL Sierra Leone (AP)	
	IE Ireland (EP) ²		SN Senegal (OA) ²	

¹ Extension of European patent possible.

² May only be designated for a regional patent (the "national route" via the PCT has been closed).

Where a State can be designated for a regional patent, the two-letter code for the regional patent concerned is indicated in parentheses (AP = ARIPO patent, EA = Eurasian patent, EP = European patent, OA = OAPI patent).

Important:

This list includes all States that have adhered to the PCT by the date shown in the heading. Any State indicated in **bold italics** has adhered to the PCT but will only become bound by the PCT on the date shown in parentheses; it will not be considered to have been designated in international applications filed before that date.

Note that even though the filing of a request constitutes under PCT 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, applicants should always use the latest versions of the request form (PCT/RO/101) and demand form (PCT/IPEA/401) (the latest versions are dated January 2004) or, if filing the request using the PCT-EASY features of the PCT-SAFE software, the latest version of that software (the latest version is dated January 2004). The request and demand forms are reproduced in Annexes X and Y, respectively, in Vol. I/B of the *PCT Applicant's Guide* (January 2004 update), and can be printed from the WIPO Internet site, in editable PDF format, at: www.wipo.int/pct/en/forms/index.htm, or obtained from receiving Offices or the International Bureau, or, in the case of the demand form, also from International Preliminary Examining Authorities. The PCT-SAFE software is available from the PCT-SAFE website at: www.wipo.int/pct-safe/en/index.htm

B1 Information on Contracting States B1
VC SAINT VINCENT AND THE GRENADINES VC

General information

Name of Office:	Commerce and Intellectual Property Office (Saint Vincent and the Grenadines)
Location and mailing address:	Top Floor, Methodist Commercial Building, Granby Street, Kingstown, Saint Vincent and the Grenadines
Telephone:	(1-784) 451 28 94
Facsimile machine:	(1-784) 457 28 98
Teleprinter:	—
E-mail:	Ciposvg@vincysurf.com
Internet:	—
Does the Office accept the filing of documents by means of telecommunication (PCT Rule 92.4)?	No
Would the Office accept evidence of mailing a document, in case of loss or delay, where a delivery service other than the postal authorities is used (PCT Rule 82.1)?	Yes
Competent receiving Office for nationals and residents of Saint Vincent and the Grenadines:	International Bureau of WIPO (see Annex C)
Competent designated (or elected) Office if Saint Vincent and the Grenadines is designated (or elected):	Commerce and Intellectual Property Office (Saint Vincent and the Grenadines) (See Volume II)
May Saint Vincent and the Grenadines be elected?	Yes (bound by Chapter II of the PCT)
Types of protection available via the PCT:	Patents
Provisions of the law of Saint Vincent and the Grenadines concerning international-type search:	None
Provisional protection after international publication:	None

Information of interest if Saint Vincent and the Grenadines is designated (or elected)

Time when the name and address of the inventor must be given if Saint Vincent and the Grenadines is designated (or elected):	Within two months from the date of the invitation by the Office
Are there special provisions concerning the deposit of microorganisms and other biological material?	No

E **E**
International Preliminary
Examining Authorities
ES **ES**
SPANISH PATENT AND TRADEMARK
OFFICE

Preliminary examination fee (PCT Rule 58): ¹	Euro (EUR)	502.97
Additional preliminary examination fee (PCT Rule 68.3): ²	EUR	502.97
Handling fee (PCT Rule 57.1): ³	EUR	129
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	EUR	3.89 per national document 5.48 per foreign document
Fee for copies of documents contained in the file of the international application (PCT Rule 94): ²	EUR	0.23 per page
Conditions for refund and amount of refund of the preliminary examination fee:	Money paid by mistake, without cause, or in excess, will be refunded In the cases provided for under PCT Rule 58.3: refund of 100% If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of 100%	
Languages accepted for international preliminary examination:	Spanish	
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of all subject matter which is examined in Spanish national applications	

¹ This fee is payable to the International Preliminary Examining Authority. This fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person and is a national of and resides in a State not party to the European Patent Convention, which fulfils the requirements for the corresponding reduction of certain PCT fees as specified in the Schedule of Fees annexed to the PCT Regulations (see also corresponding footnote to Annex C(IB) and *PCT Gazette* No. 50/1995, pages 19233 and 19234), and in accordance with the decision of the EPO's Administrative Council of 11 October 2000 (OJ EPO 2000, 446).

² This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

³ This fee is payable to the International Preliminary Examining Authority. It is reduced by 75% if certain conditions apply (see corresponding footnote to Annex C(IB)) relating to the international filing fee. For further details, see *PCT Gazette* No. 44/2003, page 24736, Schedule of Fees, item 4.

SUMMARY**Designated
(or elected) Office****SUMMARY****VC****COMMERCE AND INTELLECTUAL
PROPERTY OFFICE (SAINT VINCENT AND
THE GRENADINES)****VC****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: ¹	English
Required contents of the translation for entry into the national phase: ¹	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 has been 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: ¹	Currency: Eastern Caribbean dollar (XCD) National processing fee: XCD ² ... Annual fee for the fourth year: XCD ² ...
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i>): ³	The applicant does not have to be represented by an agent, but an address for service in Saint Vincent and the Grenadines must be given if the applicant is not resident in Saint Vincent and the Grenadines.
Who can act as agent?	Any natural or legal person resident in Saint Vincent and the Grenadines

¹ Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).

² The amount of the fee is not yet known. It will be fixed in the near future. The Office should be consulted for the applicable amount of fee.

³ 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 of two months from the date of receipt of the invitation.