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## Power of Attorney Waivers

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

For background information on the above-mentioned notifications, see *PCT Newsletter* No. 01/2004, page 2.

### International Bureau

The International Bureau (IB) has, with effect from 1 January 2005, waived the requirement under PCT Rule 90.4(b) that a separate power of attorney be submitted to it. Particular instances in which a separate power of attorney will be required are as follows:

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.

It is recalled that the IB in its capacity as receiving Office (RO) has already waived the requirement that a separate power of attorney and/or a copy of a general power of attorney be submitted to it (see *PCT Newsletter* No. 01/2004, page 3).

For further information on the consequences of the IB waiver, see "Practical Advice" on page 10.

### Other waivers

The following Offices have recently informed the International Bureau that they waive the requirement under PCT Rules 90.4(b) and/or 90.5(a)(ii) to submit a separate power of attorney and/or a 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):

**CH** Swiss Federal Intellectual Property Institute, in its capacity as RO, has waived the requirement to submit a separate power of attorney and/or a copy of a general power of attorney with immediate effect.

**SE** Swedish Patent Office, in its capacity as RO, International Searching Authority and International Preliminary Examining Authority waives the require-

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- Reservations and incompatibilities
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[www.wipo.int/pct/en/newslett/index.htm](http://www.wipo.int/pct/en/newslett/index.htm)

ment to submit a separate power of attorney and/or a copy of a general power of attorney with effect from 1 January 2005. Particular instances in which a separate power of attorney or a copy of 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 or in the Demand Form at the time of their filing.

**SG** Intellectual Property Office of Singapore, in its capacity as receiving Office (RO), waives the requirement to submit a separate power of attorney and/or a copy of a general power of attorney with respect to international applications filed with it on or after 1 December 2004. Particular instances in which a separate power of attorney or a copy of 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 action after filing; or where it is unclear that an agent or common representative has power to act on behalf of the applicant.

The table showing the PCT Office/Authorities which have notified WIPO that they have waived the requirement to submit a power of attorney under PCT Rule 90.4(b) and/or Rule 90.5(a)(ii) (which was last published in *PCT Newsletter* No. 07/2004) has been updated and appears on pages 13 and 14 of this issue, and is also available on the PCT website

**Reminder**

The national Offices of the following States do not yet apply the 30-month time limit for entering the national phase under Chapter I as fixed in PCT Article 22(1) (as modified with effect from 1 April 2002). Note, however, that in respect of the **regional** designation of all those States, the time limit under PCT Article 22(3) of 31 months applies.

CH Switzerland  
FI Finland (only until 31 December 2004)  
LU Luxembourg  
SE Sweden  
TZ United Republic of Tanzania  
UG Uganda  
ZM Zambia

A list of time limits applicable for each designated/elected Office for entering the national phase under Chapters I and II of the PCT is available at:

[www.wipo.int/pct/en/access/legal\\_text.htm](http://www.wipo.int/pct/en/access/legal_text.htm)

(see: [www.wipo.int/pct/en/texts/pdf/p\\_a\\_waivers.pdf](http://www.wipo.int/pct/en/texts/pdf/p_a_waivers.pdf)).

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annexes B2 (IB) and C (CH, SE and SG), Vol. I/B, Annexes D (SE) and E (SE))

### **PCT Article 22(1): Withdrawal of Notification of Incompatibility**

#### **Finland**

Further to its notification of the incompatibility of PCT Article 22(1), as modified with effect from 1 April 2002, with its national law (see *PCT Newsletter* No. 02/2002), the National Board of Patents and Registration (Finland), in its capacity as designated Office, has notified the International Bureau that it has withdrawn its notification with effect from 1 January 2005.

Furthermore, pursuant to PCT Articles 22(3) and 39(1)(b), the Office has notified the International Bureau that the time limit applicable for entry into the national phase before it as a designated or elected Office is, with effect from 1 January 2005, 31 months from the priority date. (Updating of the table of time limits for the entering national/regional phase under PCT Chapters I and II (see *PCT Newsletter* No. 05/2004)).

### **PCT Rule 51bis.1(e): Withdrawal of Notification of Incompatibility**

#### **United Kingdom**

Further to its notification of incompatibility of PCT Rule 51bis.1(e), as amended with effect from 1 March 2001, with the national law applied by it (see *PCT Newsletter* No. 02/2001, page 2), the United Kingdom Patent Office (in its capacity as designated Office) has notified the International Bureau that it has withdrawn the said notification with effect from 1 January 2005; amended PCT Rule 51bis.1(e) will therefore apply as from that date.

This means that the United Kingdom Patent Office will, in accordance with PCT Article 27, be able to require the applicant to furnish a translation of the priority document only where the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable.

### **PCT Newsletter Subscriptions for 2005**

The subscription price (in Swiss francs) for the paper version of the *PCT Newsletter* for the

year 2005 remains the same as for 2004, that is, 70 Swiss francs by regular mail and 81 Swiss francs by priority mail. Similarly, the price in Swiss francs of the *PCT Newsletter* binder will remain the same, that is, 18 Swiss francs by regular mail and 21 Swiss francs by priority mail.

A list of the prices of the *Newsletter* and all other PCT publications, which is now available only in Swiss francs due to the fluctuations in the exchange rate between the US dollar and the Swiss franc, are included as tear-out sheets in this issue.

Also included in this issue, as a tear-out sheet, is a *PCT Newsletter* subscription form for 2005. **If you are already a subscriber, it is not necessary to return the form** since, unless notification to the contrary is received from you by WIPO, **subscription renewal is automatic**; subscribers will shortly receive an invoice for 2005 subscriptions. Note that subscribers who normally receive their invoice in US dollars will receive their invoice in Swiss francs.

You may, however, wish to use the subscription form to subscribe to additional copies—for subscriptions to more than one copy, you are entitled to 25% off the basic price for each copy subscribed to (including the first). You may also use the subscription form to order binders for the *PCT Newsletter*.

You are reminded that the contents of the *PCT Newsletter* can also be viewed on the Internet by clicking on “PCT News” on the PCT home page:

[www.wipo.int/pct/en/index.html](http://www.wipo.int/pct/en/index.html)

### **PCT Publications**

#### **PCT Applicant's Guide: updating of paper version**

Note that the paper version of the *PCT Applicant's Guide* will not be updated in January 2005, but is expected to be revised in April 2005, to coincide with the entry into force of the amended PCT Regulations announced in the October 2004 issue of the *PCT Newsletter*.

#### **General information on Contracting States, national and regional Offices and International Authorities**

This general information is usually published in a special issue of the *PCT Gazette* in January and July of each year. However, it will not be

published in January 2005, but is expected to be published in April 2005, to coincide with the entry into force of the amended PCT Regulations announced in the October 2004 issue of the *PCT Newsletter* and the issuance of the next *PCT Applicant's Guide* updating sheets.

## Changes in Patent Fees at the USPTO

The United States Patent and Trademark Office (USPTO) has announced that the fees associated with national phase entry have changed effective 8 December 2004 as the result of enactment of the Consolidated Appropriations Act.

For international applications entering the national phase under 35 U.S.C. 371 for which the basic national fee was not paid before 8 December 2004, the 5-tiered basic national fee structure has been replaced by a single basic national fee of \$300. In addition, such national phase applications would require payment of a new examination fee of \$200 and a new search fee of \$500.

An application size fee also applies if the specification and drawings exceed 100 sheets of paper. That fee is \$250 for each additional 50 sheets of paper or fraction thereof. A small entity reduction of 50% applies to all of the aforementioned fees. The fee for each independent claim in excess of 3, the fee for each claim in excess of 20 and the fee for an application containing a multiple dependent claim have been increased. Other national fees, including the fees for a petition to revive an application, have also increased.

The new amounts have just been published in the online version of the *PCT Applicant's Guide*, Vol. II/D, National Chapter (US) ([www.wipo.int/pct/guide/en/gdvol2/annexes/us.pdf](http://www.wipo.int/pct/guide/en/gdvol2/annexes/us.pdf)).

## PCT Information Update

### AT Austria (e-mail address)

The Austrian Patent Office has introduced an additional e-mail address. The e-mail addresses to be used are now as follows:

e-mail: [ingrid.weidinger@patent.bmvit.gv.at](mailto:ingrid.weidinger@patent.bmvit.gv.at)  
[ingrid.weidinger@patentamt.at](mailto:ingrid.weidinger@patentamt.at)

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

### AU Australia (provisional protection after international publication; special provisions concerning the deposit of microorganisms and other biological material)

There has been a change in the provisions concerning provisional protection in Australia after international publication, as follows:

The applicant enjoys the rights defined in Section 57 of the Patents Act 1990 from the date on which the international application is published under PCT Article 21 (the rights are generally the same as he would have had if the patent had been sealed on the date of receipt of the application in the Australian Patent Office except that he cannot institute proceedings for infringement until the patent has been sealed).

The Australian Patent Office has notified changes in its requirements concerning the deposit of microorganisms and other biological material with regard to the time at which an application is made available under Section 90 of the Australian Patents Act—this now occurs “at” the international publication date and not “shortly after” the international publication date.

(Updating of *PCT Applicant's Guide*, Vol. I/A, Annex B1 (AU) and Vol. I/B, Annex L)

### GB United Kingdom (who can act as agent; competent receiving Office for nationals and residents of the United Kingdom; time when name and address of inventor must be given; institutions with which deposits of microorganisms and other biological material may be made; fees; special requirements)

*Who can act as agent*

The United Kingdom Patent Office has added the following fax number to the footnote relating to the address from which a list of registered patent agents may be obtained:

fax: (44–20) 74 30 04 71

*Competent receiving Office for nationals and residents of the United Kingdom*

The Office has notified changes to the conditions of its national law under which a United Kingdom resident may file directly at the European Patent Office or at the International Bureau of WIPO. The changes affect only the footnote relating to the competent receiving

Office for nationals and residents of the United Kingdom, which should now read as follows:

At the time of writing, a United Kingdom resident may only file direct at the European Patent Office or at the International Bureau of WIPO: (i) after having obtained written authorization from the United Kingdom Patent Office; or (ii) after an application for a patent for the same invention has been filed at the United Kingdom Patent Office and not less than six weeks have elapsed without the Comptroller of the United Kingdom Patent Office giving a direction prohibiting publication or communication of the invention. However, under forthcoming changes to UK patent law, these restrictions will only apply to an application containing information which relates to military technology or which might be prejudicial to UK national security or the safety of the public. Where an application does not contain any such information, the above restrictions will no longer apply. Details of when these changes take effect can be obtained from the UK Patent Office: Security Section, Concept House, Cardiff Road, Newport, South Wales, NP10 8QQ. Tel: (44-1633) 81 35 58. Neither the current nor the new restrictions apply to an application for a patent for an invention for which an application for a patent has first been filed in a country outside the United Kingdom by a person resident outside the United Kingdom.

*Time when name and address of inventor must be given*

The Office has also informed the International Bureau of a modification as to the time when the name and address of the inventor must be given if the United Kingdom is a designated or elected Office—this changes from 32 months to 33 months.

Both of the above-mentioned changes are applicable as from 1 January 2005.

*Institutions with which deposits of microorganisms and other biological material may be made*

The address of the National Collection of Yeast Cultures (NCYC) and the name and address of the National Collections of Industrial, Food and Marine Bacteria (NCIMB), both international depositary authorities under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, have changed, as follows:

National Collection of Yeast Cultures (NCYC)  
Institute of Food Research  
Norwich Laboratory  
Norwich Research Park  
Colney  
Norwich NR4 7UA  
United Kingdom

NCIMB Ltd.  
Ferguson Building  
Craibstone Estate  
Bucksburn  
Aberdeen AB21 9YA  
United Kingdom

*Fees*

As from 1 January 2005, there will be a change in the amounts of the following national fees, payable to the Office as designated (or elected) Office, and there will be changes in the time limits (indicated in the relevant footnotes) within which certain of those fees are due, as follows:

national (filing) fee:*	GBP	30
preliminary examination and search fee:**		
where a search has already been made by an International Searching Authority in accordance with the PCT:	GBP	80
in other cases:	GBP	100

substantive examination fee:\*\*\* [no change]

exemptions, reductions or refunds of the national fee:

search fee: reduced fee payable where an international search report has been established (see above). Refund of whole fee where the application does not proceed to substantive examination and no search has been made in the United Kingdom Patent Office.

\* [No change to footnote]

\*\* Due within 33 months from the priority date. Where the applicant expressly requests early entry into the national phase, the fee is due within 12 months from the priority date, or two months from the date on which the conditions for early entry are satisfied, whichever is the later.

\*\*\* Due within 33 months from the priority date.

*Special requirements*

The Office has notified changes in its special requirements as a designated (or elected) Office, and has modified the time limit for

compliance with two of the special requirements and the conditions under which a translation of the priority document or a declaration regarding such translation will be required (both modifications relate only to the relevant footnotes). The consolidated list of special requirements is now as follows:

- translation of international application\*
- name and address of the inventor if they have not been furnished in the "Request" part of the international application\*\*
- translation of priority document into English, or declaration that the international application is a complete translation of the priority document into English\*\*\*
- address for service in the United Kingdom (but no representation by an agent is required)\*\*\*\*

\* Must be furnished within 33 months from the priority date. Where the applicant expressly requests early entry into the national phase, the name and address of the inventor must be furnished within 16 months from the priority date, or two months from the date on which the conditions for early entry are satisfied, whichever is the later (unless already furnished in the "Request").

\*\* This requirement may be satisfied if the corresponding declaration has been made in accordance with Rule 4.17.

\*\*\* A translation or declaration will only be required where the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable. A period within which a translation or declaration must be filed will be specified by the Office.

\*\*\*\* 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.

(Updating of *PCT Applicant's Guide*, Vol. I/B, Annex B1 (GB), Vol. I/B, Annex C (GB) and Annex L, and Vol. II/B, National Chapter, Summary (GB))

#### **HU Hungary (telephone and fax numbers; e-mail address)**

The telephone and fax numbers and the e-mail address of the Hungarian Patent Office have changed, as follows:

telephone: (36–1) 474 55 61  
 fax: (36–1) 474 55 34  
 e-mail: mszh@hpo.hu

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

#### **IS Iceland (special requirements)**

There has also been a change in the special requirement under PCT Rule 51*bis* of the Icelandic Patent Office as designated (or elected) Office relating to what must be done if the applicant is not the inventor, as follows:

if the applicant is someone other than the inventor, the application must state how the applicant acquired title to the invention\*

\* This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

(Updating of *PCT Applicant's Guide*, Vol. II/B, National Chapter, Summary (IS))

#### **JP Japan (special provisions concerning earlier national applications from which priority is claimed)**

The Japan Patent Office has made modifications to the wording of the "special provisions concerning earlier national applications from which priority is claimed," and the effects of such provisions, by removing references to "the priority date," and replacing them with references to "the filing date of that earlier application."

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

#### **NZ New Zealand (fees)**

As from 1 January 2005, there will be a change in the equivalent amounts of the following fees payable in NZD to the Intellectual Property Office of New Zealand as receiving Office, as well as a change in the equivalent amount in NZD of the reduction under item 3 of the Schedule of Fees where the PCT-SAFE software (operating in "PCT-EASY" mode") is used, as follows:

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

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

#### **SG Singapore (Internet address; provisional protection after international publication; special requirements)**

The Intellectual Property Office of Singapore has notified an additional Internet address, as follows:

Internet: [www.ipos.gov.sg](http://www.ipos.gov.sg)  
[www.epatents.gov.sg](http://www.epatents.gov.sg)

The Office has also notified a change to a reference in the last sentence of the provisions concerning “provisional protection after international publication,” which should now read: “See Part XVII of the Patents Act” (instead of Part XVI).

There has also been a change in the special requirement under PCT Rule 51*bis* of the Intellectual Property Office of Singapore as designated (or elected) Office relating to the “verified translation of the priority document into English”—the word “verified” has been deleted. (The footnotes relating to this requirement have not changed.)

(Updating of *PCT Applicant’s Guide*, Vol. I/B, Annex B1 (SG), and Vol. II/D, National Chapter, Summary (SG))

### SI Slovenia (fees)

The amount of the following fee, payable to the Slovenian Intellectual Property Office as receiving Office, has changed:

fee for priority document:	SIT	255
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(Updating of *PCT Applicant’s Guide*, Vol. I/B, Annex C (SI))

### YU Serbia and Montenegro (time limit for entry into the national phase)

The Intellectual Property Office (Serbia and Montenegro) has informed the International Bureau that there has been a change in the length of time by which the time limit for entry into the national phase can be extended beyond 30 months from the priority date if an additional fee for late entry into the national phase is paid. It has changed from one month to 30 days.

(Updating of *PCT Applicant’s Guide*, Vol. II/D, National Chapter, Summary (YU))

### Search fee (Canadian Intellectual Property Office, China Intellectual Property Office, Russian Patent Office and United States Patent and Trademark Office)

As from 15 January 2005, there will be a change in the equivalent amount payable in USD for an international search carried out by the Canadian Intellectual Property Office, as indicated in Table I(b).

As from 15 January 2005, there will be a change in the equivalent amount of the higher fee payable in CHF and, as from 1 February

2005, there will be a change in the equivalent amount of the higher fee payable in NZD, for an international search carried out by the United States Patent and Trademark Office (the equivalent amounts of the lower search fee remain the same), as indicated in Table I(b).

As from 1 February 2005, there will be changes in the equivalent amounts payable in CHF and EUR for international searches carried out by the China Intellectual Property Office and the Russian Patent Office, as indicated in Table I(b).

(Updating of *PCT Applicant’s Guide*, Vol. I/B, Annex D (CN, RU, US))

### Fees relating to international search and international preliminary examination (Austrian Patent Office)

The Austrian Patent Office has notified the International Bureau of new amounts of the fees for copies of: documents cited in the international search report (PCT Rule 44.3), the international preliminary examination report (PCT Rule 71.2), and documents contained in the file of the international application (PCT Rule 94), applicable as from 1 December 2004, as follows:

fee for copies of documents cited in the international search report, per page:	EUR	0.60
fee for copies of documents cited in the international preliminary examination report, per page:	EUR	0.60
fee for copies of documents contained in the file of the international application, per page:	EUR	0.60

(Updating of *PCT Applicant’s Guide*, Vol. I/B, Annexes D (AT) and E (AT))

### Extension of European Patents

#### Croatia (*corrigendum*)

The text concerning the extension of European Patents to Croatia, which was published in *PCT Newsletter* No. 05/2004, on page 3, should be corrected, as follows: the seventh paragraph, second sentence, should refer to a translation of the “specification” instead of a translation of the “claims.”

## **Serbia and Montenegro and Bosnia and Herzegovina**

The following text gives further details on the new possibility to extend European patents to Serbia and Montenegro and/or to Bosnia and Herzegovina, which was announced in *PCT Newsletter* No. 11/2004.

It is recalled that Agreements between the European Patent Organisation and Serbia and Montenegro (YU) and between the European Patent Organisation and Bosnia and Herzegovina (BA) on the extension of the effects of European patent applications and patents entered into force on 1 November 2004 and 1 December 2004, respectively. Under that agreement, it is possible to obtain patent protection in YU and/or BA by requesting the extension of a European patent to those States. The extension procedure is also available, if the necessary requirements are met, via the PCT. The agreement with YU and BA is similar to those in force in respect of Latvia, Albania, the former Yugoslav Republic of Macedonia, and Croatia (see *PCT Newsletter* Nos. 05/1995, 12/1995, 02/1996, 11/1997 and 05/2004).

Note that YU and BA are not party to the European Patent Convention (EPC) and cannot be designated for a European patent (EP).

The extension of a European patent to YU via the PCT route is available in respect of international applications filed on or after 1 November 2004, and in the case of BA, is available in respect of international applications filed on or after 1 December 2004. A request for the extension of a European patent to YU and/or BA may be made if:

- (i) the designations of YU and/or BA are not withdrawn; and
- (ii) the international filing fee is paid.

No special entry concerning the extension should be made on the PCT Request Form. Within 31 months (Chapter I or Chapter II) from the priority date, the applicant must enter the regional phase before the European Patent Office (EPO)—a request for extension of the European patent is automatically deemed to have been made—and pay to the EPO the respective extension fee(s) (currently EUR 102) for the extension of the European patent to YU and/or to BA. If the 31-month time limit has been missed, the extension

fee(s) may also be validly paid, with a surcharge of 50%, within the grace period provided for in the EPC for payment of the designation fees.

The request for extension will be considered withdrawn if, upon entry into the regional phase before the EPO, the extension fee(s) is/are not paid within the applicable time limit. Note, however, that no notification of non-observance of the basic time limit or expiry of the period of grace will be issued, and that re-establishment of rights is not possible in respect of payment of the extension fee(s).

A European patent application for which extension to YU and BA has been requested is equivalent to a duly filed national application in those countries and, after publication, confers provisional protection as from the date on which a translation of the claims of the published European patent application—in the case of YU, into the national language of YU (Serbian) and in the case of BA, into an official language of BA (that is, into Bosnian, Croatian or Serbian)—has been communicated by the applicant to the person using the invention in that or those countries.

Upon completion of the European procedure, the EPO will inform the Intellectual Property Office (Serbia and Montenegro) and/or the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina of the grant of the European patent. That patent will have the effect of a national patent granted by the relevant latter Office, provided that, within three months from publication of the mention of the grant of a European patent in the *European Patent Bulletin*, a translation of the specification of the European patent into Serbian is filed with, and the prescribed publication fee is paid to, the Intellectual Property Office (Serbia and Montenegro), and/or a translation of the specification of the European patent into Bosnian, Croatian or Serbian is filed with, and the prescribed publication fee is paid to, the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina. Renewal fees for the patent will have to be paid to the Intellectual Property Office (Serbia and Montenegro) and/or the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina for the years following that in which the mention of the grant of the European patent was published by the EPO.

The option of entering the national phase directly before the Intellectual Property Office



(Serbia and Montenegro) within 30 months from the priority date, instead of proceeding with a request for the extension of a European patent to YU, remains available for any international application provided that the designation of Serbia and Montenegro has not been withdrawn. The above-mentioned time limit of 30 months shall be extended by 30 days if the applicant pays an additional fee for late entry into the national phase.

The option of entering the national phase directly before the Institute for Standards, Metrology and Intellectual Property of Bosnia and Herzegovina within 34 months from the priority date, instead of proceeding with a request for the extension of a European patent to BA, remains available for any international application provided that the designation of BA has not been withdrawn.

Further details have been and will be published in the November and December issues of the *Official Journal of the EPO* (OJ EPO 2004, Issues 11 and 12), which are/will be available on the EPO website at:

[www.european-patent-office.org/epo/pubs/oj\\_index\\_e.htm](http://www.european-patent-office.org/epo/pubs/oj_index_e.htm)

### **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 2005, the following:

All Saturdays and Sundays, and  
21 January 2005  
25 and 28 March 2005  
5 and 16 May 2005  
8 September 2005  
26, 27 and 30 December 2005

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

### **Transmittal of Priority Documents in Electronic Form**

The International Bureau (IB) has developed a system for the full electronic processing of priority documents (the E-Pdoc application), (see the Status Report on PCT Information Systems—document PCT/A/33/3—presented to the PCT Assembly in October 2004). Following the successful completion of user testing, the E-Pdoc application recently entered into

production. Consequently, the IB is now in a position to receive (whether furnished to it by the receiving Office or by the applicant direct), process and communicate priority documents submitted to it in a completely paperless manner.

Experience with electronic priority documents received at the IB has demonstrated that the E-Pdoc application enables the IB to handle priority documents in a much more efficient manner than was previously possible. That being the case, receiving Offices transmitting priority documents to the IB under PCT Rule 17.1(b) are now being encouraged to do so electronically rather than on paper.

Priority documents in electronic form can be submitted to the IB on CD/DVD or through PCT Electronic Data Interchange (PCT-EDI), another mechanism developed by the IB which offers an efficient and secure means to exchange data and documents between patent Offices and the IB through the Internet (for further information, see [www.wipo.int/pct/edi/en/index.html](http://www.wipo.int/pct/edi/en/index.html)).

As was also noted in document PCT/A/33/3, the IB will extend the use of the E-Pdoc application for the electronic processing of priority documents sent in paper form but which are scanned upon receipt.

### **Technical Standard for the Electronic Filing and Processing of International Applications**

It is recalled that Part 7 and Annex F of the Administrative Instructions under the PCT contain, respectively, the legal framework and the technical standard for electronic filing and processing of international applications, and serve as the basis for PCT-SAFE and other electronic filing systems for the filing of PCT applications. They both entered into force on 7 January 2002; Annex F and its Appendix I were subsequently the subject of modifications that entered into force on 12 December 2002, 19 June 2003, 1 January 2004 and 12 February 2004.

The present text of Appendix I of Annex F of the Administrative Instructions is set out in document PCT/AI/DTD/1, dated 17 June 2004, and is available on the PCT website at the address indicated below. A new consolidated text of Appendix I of Annex F, as in force from 1 January 2005, containing previously an-

nounced modifications as well as recent modifications (for details, see *PCT Gazette* No. 51/2004, Section IV) has been prepared by the IB and will be published in document PCT/AI/DTD/2, dated 16 December 2004, which will be available shortly on the PCT website at:

[www.wipo.int/pct/en/texts/index.htm](http://www.wipo.int/pct/en/texts/index.htm)

## **PCT-SAFE Update**

### **Release of new version of the PCT-SAFE Client software**

A new version of the PCT-SAFE Client software (version 3.50 (build 0002.166)), dated 6 December 2004, is available to download from the PCT-SAFE website at:

[www.wipo.int/pct-safe/en/support/download.htm](http://www.wipo.int/pct-safe/en/support/download.htm).

This version enables the filing of PCT-SAFE applications on-line with the National Board of Patents and Registration (Finland) and the United Kingdom Patent Office as receiving Offices, signed and transmitted with the WIPO Customer CA digital certificates. (Only users filing with one of these Offices will need to install this version.)

### **Change in the Color of PCT Forms Issued by RO/DE**

The German Patent and Trade Mark Office, in its capacity as receiving Office (RO/DE), has informed WIPO of the future change in the color (from green to white) of all PCT/RO forms issued by the RO/DE. The change to the single color white, which is a result of technical reorganization, will take place during the year 2005.

## **Practical Advice**

### ***Consequences of the power of attorney waiver made by the International Bureau***

*Q: Now that the International Bureau has, with effect from 1 January 2005, waived the requirement under PCT Rule 90.4(b) that a separate power of attorney be submitted to it, which applications will be affected by the waiver and what are the consequences of the waiver?*

*A: The waiver by the International Bureau (IB) of the above-mentioned requirement to submit a separate power of attorney, which was*

announced in Section IV of *PCT Gazette* No. 48/2004 and is also announced on the cover page of this issue, will hopefully simplify procedures for applicants and agents.

The waiver by the IB will apply to any document or request submitted to the IB on or after 1 January 2005, provided that the international filing date of the underlying application is on or after 1 January 2004. The reason for this limitation is that amended PCT Rule 90.4 which enacts the waiver possibility only applies to international applications filed on or after 1 January 2004. The waiver will apply only in respect of an agent or common representative who has been indicated in Box No. IV of the Request Form.

The agent is now permitted to file various papers with the International Bureau throughout the international phase without the need to submit a power of attorney signed by the applicant(s). For example, the agent can now submit the following papers to the IB without the need to submit a power of attorney:

- PCT Article 19 amendments;
- corrections of priority claims;
- informal comments on the written opinion;
- requests for recording of changes in certain indications in the request or the demand (PCT Rule 92*bis*) for all changes except for a change of agent where the request for change is signed by the new agent (see below).

Note, however, that a power of attorney will still have to be furnished in the following situations:

- any notice of withdrawal under PCT Rule 90*bis*—the notice must be signed by all applicants or by the agent or common representative and be accompanied by powers of attorney signed by all applicants (if the Request Form was not signed by all applicants), even if the Office with which the notice is filed has waived the power of attorney requirement. This is the case whichever PCT Office or Authority the notice of withdrawal has been submitted to;
- upon appointment of, or for any paper submitted by, an agent or common representative who was not indicated in the Request Form—the IB has announced under Section 433 of the Administrative Instructions that it will require a separate power of attorney upon appointment of, or for any paper submit-

ted by, an agent or a common representative who was not indicated in the Request Form at the time of filing. For example, if a request for the recording of a change of agent and/or applicant under PCT Rule 92*bis* is signed by the new agent and is submitted to the IB, a power of attorney signed by the applicant would continue to be required. Similarly, if a new agent is appointed by way of a corresponding indication in the Demand Form, the IB would continue to require a power of attorney before it could record the new agent under PCT Rule 92*bis*. Note, however, that in respect of any action requested via the International Preliminary Examining Authority (IPEA), whether a power of attorney is required would depend also on whether the IPEA has waived the requirement that a power of attorney be submitted;

- where the receiving Office has not made a waiver and the document or request is filed directly with that Office, for example, where a request for recording a change under PCT Rule 92*bis* or a request for correction of a priority claim is filed directly with the receiving Office.

Even though the requirement to submit a separate power of attorney may have been waived by the International Bureau, agents or

common representatives should carefully consider whether they should in any case obtain the signatures of all applicants, either by way of signing a power of attorney or by way of signing the request. By obtaining those signatures, any withdrawal, which requires the signatures of all of the applicants or a power of attorney signed by all of the applicants, could be dealt with immediately, and delays caused by the need to obtain missing signatures would be avoided. Even if those signatures are not actually submitted by the agent/common representative to the International Bureau, but are merely kept in the file of the agent/common representative, at least they would be available if they were needed later.

For further information on the applicability of power of attorney waivers, see the "Practical Advice" in *PCT Newsletter* No. 06/2004, on page 5. The table showing the Offices (or Authorities) which have notified WIPO of waivers of the power of attorney requirement has been updated to take into account the recent waivers made by the International Bureau, Serbia and Montenegro, Singapore, Sweden and Switzerland. It is reproduced on pages 12 and 13 of this issue, and is also available on the PCT website at:

[www.wipo.int/pct/en/texts/pdf/p\\_a\\_waivers.pdf](http://www.wipo.int/pct/en/texts/pdf/p_a_waivers.pdf)

<b>PCT Seminar Calendar</b>			
<b>Dates and location</b>	<b>Language of seminar</b>	<b>Nature of seminar; WIPO speakers (and others where known)</b>	<b>Organizer and contact numbers</b>
<b>13–14 December 2004 Stockholm (SE)</b>	English	PCT seminar for patent attorneys WIPO speakers: Mr. Reischle and Ms. Bonvallet	Swedish Patent and Registration Office, PRV InterPat (Mr. David Holm) Tel: (46–8) 782 26 32 Fax: (46–8) 783 01 63 E-mail: david.holm@prv.se
<b>18–20 January 2005 Zurich (CH)</b>	English	Presentation on the PCT within the framework of the Postgraduate Program in Intellectual Property WIPO speakers: Mr. Reischle and Mr. Kim	Swiss Federal Institute of Technology Zurich (ETH), NDS Intellectual Property (Ms. Lili Tsiamis) Tel: (41–1) 632 68 08 Fax: (41–1) 632 13 67 E-mail: tsiamis@recht.gess.ethz.ch Internet: www.ndsip.ethz.ch
<b>19–20 January 2005 London (GB)</b>	English	Advanced PCT seminar WIPO speakers: Mr. H G Bartels and Ms. Schwarz	Intellectual Property Administrators Group (IPAG) (Ms. Jacqueline Jones) Tel: (44–207) 539 42 45 E-mail: jjones@kstrode.co.uk

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<b>PCT Seminar Calendar [continued]</b>			
<b>Dates and location</b>	<b>Language of seminar</b>	<b>Nature of seminar; WIPO speakers (and others where known)</b>	<b>Organizer and contact numbers</b>
<b>24–25 January 2005 Munich (DE)</b>	German	Basic PCT seminar WIPO speakers: Mr. Reischle and Mr. H G Bartels	Forum Institut für Management GmbH Tel: (49–6221) 500 500 Fax: (49–6221) 500 505 E-mail: Management@Forum-Institut.de
<b>28 January 2005 Stuttgart (DE)</b>	German	PCT seminar WIPO speaker: Mr. Reischle	Deutsche Vereinigung für Gewerblichen Rechtsschutz und Urheberrecht (GRÜR) (Mr. G. Schuster) Tel: (49–711) 222 99 40 Fax: (49–711) 222 99 433 E-mail: marken@schusterpat.de
<b>8–9 February 2005 Milan (IT)</b>	English	PCT seminar for patent attorneys and Patent Administrators WIPO speakers: Mr. H G Bartels and Mrs. Coeckelbergs	EPI-CEIPI (see below), Ordine Consulenti Proprietà Industriale and the Association of Patent Attorneys in Industry (AICIPI) Tel: (39–02) 55 18 51 44 Fax: (39–02) 54 12 20 66 E-mail: consiglio@ordine-brevetti.it
<b>10–11 February 2005 Houston (US)</b>	English	PCT seminar for patent attorneys and patent administrators WIPO speaker: Mr. Maassel Other speakers: Ms. Bidwell (USPTO) and Mr. Reed (The Procter & Gamble Company, US)	Institute for Intellectual Property and Information Law, University of Houston Law Center, and Haynes and Boone, LLP (Ms. Suzanne Keifer) Tel: (1–214) 651 53 90 Fax: (1–214) 200 07 35 E-mail: suzanne.keifer@haynesboone.com
<b>18 February 2005 Munich (DE)</b>	German	PCT update seminar WIPO speaker: Mr. H G Bartels	Forum Institut für Management GmbH Tel: (49–6221) 500 500 Fax: (49–6221) 500 505 E-mail: Management@Forum-Institut.de
<b>9–10 March 2005 Ecully (FR)</b>	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
<b>17–18 March 2005 Munich (DE)</b>	German	Advanced PCT seminar WIPO speaker: Mr. Reischle	Forum Institut für Management GmbH Tel: (49–6221) 500 500 Fax: (49–6221) 500 505 E-mail: Management@Forum-Institut.de
<b>4 April 2005 Paris (FR)</b>	French	PCT update 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
<b>20–21 April 2005 London (GB)</b>	English	Basic formalities seminar on the PCT WIPO speaker: to be announced	Management Forum Ltd Tel: (44–1483) 57 00 99 Fax: (44–1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
<b>26 April 2005 Brussels (BE)</b> <i>[Note that only a limited number of places are available]</i>	French	PCT presentation within the framework of the "Cours de formation de base en droit européen des brevets 2004–2005" WIPO speaker: Mr. Genin	Centre d'études internationales de la propriété industrielle (CEIPI) and l'Institut des mandataires agréés près l'Office européen des brevets (EPI) (Mr. Thierry Debled) Tel: (32–65) 40 08 21 Fax: (32–65) 31 14 74 E-mail: Thierry.Debled@BE.vesuvius.com
<b>29–30 April 2005 Concord, New Hampshire (US)</b>	English	Basic PCT seminar WIPO speaker: Mr. Maassel	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

**Offices (or Authorities) which have Notified WIPO of  
Waiver(s) of the Power of Attorney Requirement  
under PCT Rule 90.4(b) and/or 90.5(a)(ii)  
(status on 3 December 2004)**

Abbreviations used in table: P/A = power of attorney; RO = receiving Office; ISA = International Searching Authority; IPEA = International Preliminary Examining Authority; for two-letter codes, see last page of *PCT Newsletter*

Two-letter code of Office	Capacity of Office in which waiver was made	Waiver of separate P/A (PCT Rule 90.4(d))?	Waiver of copy of general P/A (PCT Rule 90.5(c))?	Particular instances in which a separate P/A and/or a copy of a general P/A is required <sup>1</sup>
AT	RO, ISA, IPEA	Yes	Yes	None
AU	RO, ISA, IPEA	Yes	Yes	Where there is an unresolved dispute about who is the agent representing the applicant(s)
BY	RO	Yes	Yes	Where there is a change in representation, that is, where any action before the Office is performed by an agent or a common representative who was not indicated in the Request Form at the time of filing
CH	RO	Yes	Yes	None
DK	RO	Yes	Yes	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
EP	RO, ISA, IPEA	Yes	Yes	Where procedural acts are performed by a purported agent who is not the agent of record, unless the purported agent belongs to the same office as the agent of record, or if both the purported agent and the agent of record are employees of the applicant or, if there is more than one applicant, of the common representative; or in case of doubt as to the agent's entitlement to act
GB	RO	Yes	Yes	Where an agent or common representative, who is not indicated on the Request Form at the time of filing, performs any action after filing; or where it is unclear that an agent or common representative has power to act on behalf of the applicant
IB	IB	Yes (from 1.1.05)	n.a.	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
	RO	Yes	Yes	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
IL	RO	Yes	Yes	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
JP	RO, ISA, IPEA	Yes	Yes	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	RO	No	Yes	None
LT	RO	No	Yes	None

*[continued on next page]*

<b>Offices (or Authorities) which have Notified WIPO of Waiver(s) of the Power of Attorney Requirement under PCT Rule 90.4(b) and/or 90.5(a)(ii) (status on 3 December 2004) [continued]</b>				
Two-letter code of Office	Capacity of Office in which waiver was made	Waiver of separate P/A (PCT Rule 90.4(d))?	Waiver of copy of general P/A (PCT Rule 90.5(c))?	Particular instances in which a separate P/A and/or a copy of a general P/A is required <sup>1</sup>
MD	RO	Yes	Yes	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
NL	RO	Yes	Yes	None
NZ	RO	Yes	Yes	Where there is a change in representation, that is, where an applicant is represented by a new agent or representative
PH	RO	Yes	Yes	Where the Office receives a notice or communication from a sub-agent appointed by the agent or common representative; or the Office receives notices or communications from an agent or common representative who is appointed by the applicant in replacement of, or in addition to the agent or common representative previously appointed by the applicant; or the Office receives a notice or communication from an agent or a common representative submitting the names of additional applicants not named in the Request Form
PT	RO	Yes	Yes	If the applicant is not represented by an official industrial property agent
SE	RO, ISA, IPEA	Yes (from 1.1.05)	Yes (from 1.1.05)	Upon appointment of, or for any paper submitted by, an agent or a common representative who was not indicated in the Request Form or in the Demand Form at the time of their filing
SG	RO	Yes <sup>2</sup>	Yes <sup>2</sup>	Where an agent or a common representative who is not indicated in the Request Form at the time of filing performs any action after filing; or where it is unclear that an agent or common representative has power to act on behalf of the applicant
TR	RO	Yes	Yes	Where there is an unresolved dispute about who is the agent representing the applicant(s); or 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
US	RO, ISA, IPEA	Yes	Yes	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
YU	RO	Yes	Yes	Where an agent or a common representative who is not indicated in the Request Form at the time of filing performs any action after filing; or where it is unclear that an agent or common representative has power to act on behalf of the applicant; or for changes under PCT Rule 92bis

1. Other than where the agent or the common representative submits any notice of withdrawal referred to in PCT Rules 90bis.1 to 90bis.4.

2. For international applications filed on or after 1 December 2004.

## PCT Fee Tables

(amounts on 1 December 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 11. (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
AED	United Arab Emirates dirham	CYP	Cyprus pound	JPY	Japanese yen	NZD	New Zealand dollar	VND	Vietnamese dong
ALL	Albanian lek	CZK	Czech koruna	KES	Kenyan shilling	PHP	Philippine peso	XAF	CFA franc BEAC
AMD	Armenian dram	DKK	Danish krone	KGS	Kyrgyz som	PLZ	Polish zloty	YUD	Yugoslavian dinar
AUD	Australian dollar	DZD	Algerian dinar	KPW	KP won	ROL	Romanian leu	ZAR	South African rand
AZM	Azerbaijani manat	EEK	Estonian kroon	KRW	KR won	RUR	Russian rouble	ZWD	Zimbabwe dollar
		EUR	Euro	KZT	Kazakh tenge	SDP	Sudanese pound		

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

RO	Transmittal fee <sup>1</sup>	International filing fee <sup>1,2,3</sup> (CHF 1,400)	Fee per sheet over 30 <sup>1,2,3,4</sup> (CHF 15)	PCT-EASY reduction <sup>2,5</sup> (CHF 100)	Competent ISA(s) <sup>6</sup>
AE	AED <sup>7</sup> —	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 1,134	12	81	EP RU
AP	USD 50 (or eq in local currency)	USD 1,134	12	81	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 1,134	12	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 1,134	12	n a	EP RU
BZ	BZD 220	USD 1,134	12	81	EP

[continued on next page]

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

RO	Transmittal fee <sup>1</sup>		International filing fee <sup>1,2,3</sup> (CHF 1,400)	Fee per sheet over 30 <sup>1,2,3,4</sup> (CHF 15)	PCT-EASY reduction <sup>2,5</sup> (CHF 100)	Competent ISA(s) <sup>6</sup>
CA	CAD	300	CAD 1,489	16	106	CA <sup>8</sup>
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 <sup>7</sup>	—	COP eq USD 1,134	eq USD 12	eq USD 81	AT, EP, ES, RU
CR	USD	175	USD 1,134	12	81	EP ES
CU	USD (or eq CUP) <sup>200</sup>	200	USD(or eq CUP) 1,134	12	81	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 1,134	12	81	EP RU
EC	USD <sup>7</sup>	—	USD 1,134	12	81	EP ES
EE	EEK	1,800	EEK eq CHF 1,400	eq CHF 15	eq CHF 100	EP
EG	USD	100	USD 1,134	12	81	AT EP
EP <sup>5</sup>	EUR	100	EUR 902	10	64	EP
ES <sup>5</sup>	EUR	63.99	EUR 902	10	64	EP ES
FI <sup>5</sup>	EUR	135	EUR 902	10	64	EP SE
FR <sup>5</sup>	EUR	60	EUR 902	10	64	EP
GB <sup>5</sup>	GBP	55	GBP 628	7	45	EP
GD	Information not yet available					
GE	GEL <sup>9</sup>	10	USD 1,134	12	81	EP RU
GH	GHC <sup>10</sup>	2,500 or 5,000	USD 1,134	12	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 <sup>5</sup>	CHF <sup>11</sup> or EUR <sup>11</sup> or USD <sup>11</sup>	100 64 81	CHF 1,400 or EUR 902 or USD 1,134	15 10 12	100 64 81	See footnote 12
ID	IDR	500,000	IDR eq CHF 1,400	eq CHF 15	eq CHF 100	AU EP KR RU
IE	EUR	76.00	EUR 902	10	64	EP
IL	ILS	476	USD 1,134	12	81	EP US
IN	INR	5,000 (filing by indiv: 1,500)	USD 1,134	12	81	AT AU CN EP SE US

[continued on next page]



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

RO	Transmittal fee <sup>1</sup>	International filing fee <sup>1,2,3</sup> (CHF 1,400)	Fee per sheet over 30 <sup>1,2,3,4</sup> (CHF 15)	PCT-EASY reduction <sup>2,5</sup> (CHF 100)	Competent ISA(s) <sup>6</sup>
IS	ISK 6,500	ISK 80,000	900	5,700	EP SE
IT	EUR 30.99	EUR 902	10	n a	EP
JP <sup>5</sup>	JPY 13,000	JPY 123,200	1,300	8,800	EP JP
KE	USD (or KES equiv) <sup>250</sup> plus cost of mailing	USD 1,134	12	81	AT AU CN EP SE
KG	KGS eq USD 100	USD 1,134	12	81	EP RU
KP	KPW eq CHF 50	KPW eq CHF 1,400	eq CHF 15	eq CHF 100	AT RU
KR <sup>5</sup>	KRW 45,000	KRW 1,329,000	14,000	95,000	AT AU JP <sup>13</sup> KR
KZ	KZT <sup>7</sup> —	USD 1,134	12	81	EP RU
LR	USD 45	USD 1,134	12	n a	AT AU CN EP SE
LS	LSM <sup>7</sup> —	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	EUR 902	10	64	EP RU
MA	None	CHF 1,400	15	n a	AT EP RU SE
MC	EUR 49 <sup>14</sup>	EUR 902	10	n a	EP
MD	MDL 180	USD 1,134	12	81	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 <sup>3</sup> 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 200	USD 1,134	12	81	EP ES
NL	EUR 50	EUR 902	10	64	EP
NO	NOK 500	NOK 7,370	80	530	EP SE
NZ	NZD 180 <sup>15</sup>	NZD 1,772 (from 1.1.05: 1,653)	19 (18)	127 (118)	AU EP US
OA	XAF —	XAF eq CHF 1,400	eq CHF 15	n a	AT EP RU SE
OM	Information not yet available				
PG	Information not yet available				
PH	PHP 3,500	USD 1,134	12	81	AU EP JP KR US
PL	PLZ 300	PLZ eq CHF 1,400	eq CHF 15	n a	EP
PT	EUR 30.99	EUR 902	10	64	EP
RO	ROL 300,000	CHF 1,400	15	100	AT EP RU
RU	RUR 294	USD 1,134	12	81	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 1,926	21	138	AT AU EP
SI	SIT 22,000	SIT eq CHF 1,400	eq CHF 15	eq CHF 100	EP
SK	SKK 2,000	SKK eq CHF 1,400	eq CHF 15	eq CHF 100	EP
SY	Information not yet available				

[continued on next page]

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

RO	Transmittal fee <sup>1</sup>	International filing fee <sup>1,2,3</sup> (CHF 1,400)	Fee per sheet over 30 <sup>1,2,3,4</sup> (CHF 15)	PCT-EASY reduction <sup>2,5</sup> (CHF 100)	Competent ISA(s) <sup>6</sup>
TJ	TJS <sup>7</sup> —	USD 1,134	12	n a	EP RU
TM	USD <sup>7</sup> —	USD 1,134	12	81	EP RU
TN	TND <sup>7</sup> —	CHF 1,400	15	n a	EP
TR	CHF 100	CHF 1,400	15	100	EP
TT	TTD 750	USD 1,134	12	81	AT EP SE US
UA	UAH 255	USD (or eq UAH) 1,134	12	n a	EP RU
US	USD 300	USD 1,134	12	81	EP US
UZ	USD <sup>7</sup> —	USD 1,134	12	81	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 7,270	80	520	AT AU EP US
ZM	Information not yet available				
ZW	ZWD 6,000	ZWD eq USD 1,134	eq USD 12	eq USD 81	AT AU CN EP RU

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

ISA	Search fee <sup>1</sup>									
AT	EUR 159	CHF 247	KRW 235,000	SGD 310	USD 182	ZAR 1,320				
AU	AUD 1,200	CHF 1,050	EUR 684	KRW 1,014,000	NZD* 1,370	SGD 1,490				
	USD 865	ZAR 5,300								
	* (from 1.1.05: NZD 1,282)									
CA	CAD 1,600	CHF 1,520	EUR 985	USD* 1,195						
	*(from 15.1.05: USD 1,336)									
CN	CNY 1,500	CHF* 245	EUR* 158	USD 181						
	* (from 1.2.05: CHF 207 EUR 137)									
EP <sup>16</sup>	EUR 1,550	CAD 2,520	CHF 2,432	CYP 905	DKK 11,520	GBP 1,078	ISK 138,000	JPY 200,100	MWK 194,000	NOK 13,450
	SGD 3,130	USD 1,920	ZAR 12,000	NZD 2,884	SEK 13,870					
ES <sup>16</sup>	EUR 1,550	CHF 2,432	USD 1,920							
JP	JPY 97,000	CHF 1,097	EUR 752	KRW 1,066,000	USD 887					
KR	KRW 225,000	CHF 238	EUR 151	USD 194						
RU <sup>17</sup>	USD 300	CHF* 406	EUR* 262							
	* (from 1.2.05: CHF 344 EUR 227)									
SE	SEK 13,870	CHF 2,432	DKK 11,520	EUR 1,550	ISK 138,000	NOK 13,450				
	USD 1,920									
US	USD 1,000	300 <sup>18</sup>	CHF* 1,318	395 <sup>18</sup>	EUR 787	254 <sup>18</sup>	NZD** 1,570	470 <sup>18</sup>		
	ZAR 6,600	2,000 <sup>18</sup>								
	* (from 15.1.05: CHF 1,171 395 <sup>18</sup> )									
	** (from 1.2.05: NZD 1,460 470 <sup>18</sup> )									

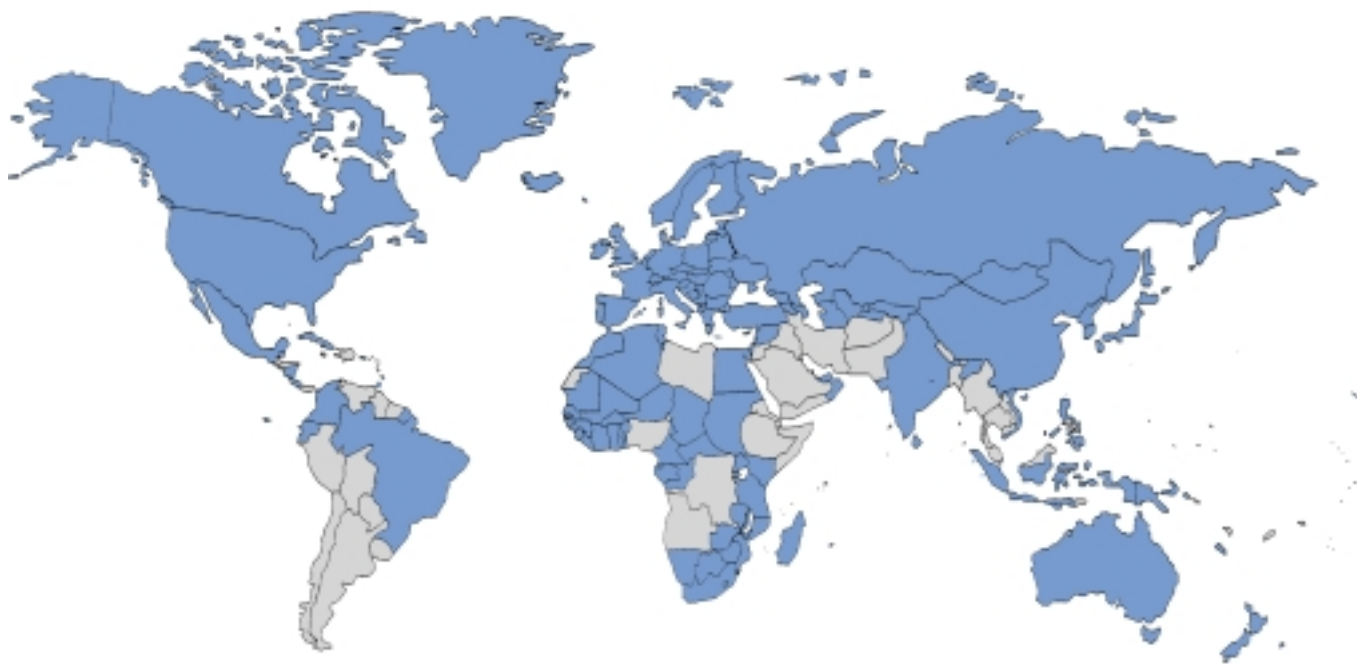
**Table II — Preliminary examination fees**  
(amounts on 1 December 2004, unless otherwise indicated)

IPEA	Preliminary examination fee <sup>19</sup>		Handling fee <sup>3,19</sup> (CHF 200)		
AT	EUR	159	EUR	129	
AU	AUD	550	1,000 <sup>20</sup>	AUD	218
CA	CAD	800		CAD	213
CN	CNY	1,500		CNY eq CHF	200
EP <sup>16</sup>	EUR	1,530		EUR	129
ES	EUR	502.97		EUR	129
JP	JPY	36,000		JPY	17,600
KR	KRW	225,000		KRW	190,000
RU <sup>17</sup>	USD	200 <sup>21</sup>	300 <sup>22</sup>	USD	162
SE	SEK	5,000		SEK	1,160
US	USD	600	750 <sup>23</sup>	USD	162

*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 the PCT website at: [www.wipo.int/pct/en/fees/fee\\_reduction.pdf](http://www.wipo.int/pct/en/fees/fee_reduction.pdf)
- 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, GB, IB, JP and KR. The equivalent amounts of those reductions in the relevant currencies are as follows: **CHF 200=EUR 129**, GBP 90, KRW 190,000, USD 162; **CHF 300=EUR 193**, GBP 134, JPY 26,400, KRW 285,000, USD 243.
- 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 For international applications filed before 26 July 2004, the competent ISA is the European Patent Office. For international applications filed on or after 26 July 2004, the competent ISA is the Canadian Intellectual Property Office.
- 9 This fee is reduced by 80% where the applicant is a natural person.
- 10 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.
- 11 This fee is not payable in respect of international applications filed by applicants fulfilling the conditions indicated on the PCT website at: [www.wipo.int/pct/en/fees/fee\\_reduction.pdf](http://www.wipo.int/pct/en/fees/fee_reduction.pdf)
- 12 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).
- 13 The Japan Patent Office is competent only for international applications in Japanese.
- 14 Plus EUR 1 for the preparation of additional copies, for each page and each copy.
- 15 Plus 12.5% GST (Goods and Services Tax) for New Zealand residents.
- 16 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 Item 4(a) of 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 in part 1 of the table on the PCT website at: [www.wipo.int/pct/en/fees/fee\\_reduction.pdf](http://www.wipo.int/pct/en/fees/fee_reduction.pdf), with the exception of Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia and Turkey.
- 17 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.
- 18 Payable when a corresponding prior US national application has been filed under 35 USC 111(a), 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.
- 19 Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
- 20 Payable when the international search report was not issued by the Australian Patent Office.
- 21 Payable when the international search report was established by the Russian Patent Office.
- 22 In all cases where footnote 21 does not apply.
- 23 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)).

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AE United Arab Emirates	CR Costa Rica	IL Israel	MR Mauritania (OA) <sup>2</sup>	SY Syrian Arab Republic
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AL Albania <sup>1</sup>	CY Cyprus (EP) <sup>2</sup>	IS Iceland (EP)	MX Mexico	TD Chad (OA) <sup>2</sup>
AM Armenia (EA)	CZ Czech Republic (EP)	IT Italy (EP) <sup>2</sup>	MZ Mozambique (AP)	TG Togo (OA) <sup>2</sup>
AT Austria (EP)	DE Germany (EP)	JP Japan	NA Namibia (AP)	TJ Tajikistan (EA)
AU Australia	DK Denmark (EP)	KE Kenya (AP)	NE Niger (OA) <sup>2</sup>	TM Turkmenistan (EA)
AZ Azerbaijan (EA)	DM Dominica	KG Kyrgyzstan (EA)	NI Nicaragua	TN Tunisia
BA Bosnia and Herzegovina <sup>1</sup>	DZ Algeria	KP Democratic People's Republic of Korea	NL Netherlands (EP) <sup>2</sup>	TR Turkey (EP)
BB Barbados	EE Estonia (EP)	KR Republic of Korea	NO Norway	TT Trinidad and Tobago
BE Belgium (EP) <sup>2</sup>	EG Egypt	KZ Kazakhstan (EA)	NZ New Zealand	TZ United Republic of Tanzania (AP)
BF Burkina Faso (OA) <sup>2</sup>	ES Spain (EP)	LC Saint Lucia	OM Oman	UA Ukraine
BG Bulgaria (EP)	FI Finland (EP)	LI Liechtenstein (EP)	PG Papua New Guinea	UG Uganda (AP)
BJ Benin (OA) <sup>2</sup>	FR France (EP) <sup>2</sup>	LK Sri Lanka	PH Philippines	US United States of America
BR Brazil	GA Gabon (OA) <sup>2</sup>	LR Liberia	PL Poland (EP)	UZ Uzbekistan
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BZ Belize	GE Georgia	LU Luxembourg (EP)	RU Russian Federation (EA)	YU Serbia and Montenegro <sup>1</sup>
CA Canada	GH Ghana (AP)	LV Latvia <sup>1</sup>	SC Seychelles	ZA South Africa
CF Central African Republic (OA) <sup>2</sup>	GM Gambia (AP)	MA Morocco	SD Sudan (AP)	ZM Zambia (AP)
CG Congo (OA) <sup>2</sup>	GN Guinea (OA) <sup>2</sup>	MC Monaco (EP) <sup>2</sup>	SE Sweden (EP)	ZW Zimbabwe (AP)
CH Switzerland (EP)	GQ Equatorial Guinea (OA) <sup>2</sup>	MD Republic of Moldova (EA)	SG Singapore	
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CN China	HR Croatia <sup>1</sup>		SL Sierra Leone (AP)	
CO Colombia	HU Hungary (EP)		<b>SM San Marino</b> (from 14 December 2004)	
	ID Indonesia	ML Mali (OA) <sup>2</sup>	SN Senegal (OA) <sup>2</sup>	
	IE Ireland (EP) <sup>2</sup>	MN Mongolia		

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).

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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](http://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](http://www.wipo.int/pct-safe/en/index.htm)



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