



C. PCT 1180

June 26, 2008

Madam,
Sir,

In accordance with Rule 89.2(a) of the Regulations under the Patent Cooperation Treaty (PCT), modifications to the Administrative Instructions (AIs) under the PCT and certain PCT Forms for use by the receiving Office (RO), the International Searching Authority (ISA) (also in its function as Authority specified for supplementary search (SISA)), the International Bureau (IB) and the International Preliminary Examining Authority (IPEA), are hereby promulgated with effect from July 1, 2009.

This follows consultation under Rule 89.2(b) of the Regulations under the PCT with your Office in its capacity as RO, ISA, IPEA and/or designated/elected Office (DO/EO), and also with certain non-governmental organizations. The modifications are as proposed by PCT Circular C. PCT 1177, dated May 26, 2009, except where further changes have been made as a result of consultation, as indicated below (editorial and minor drafting changes are not specifically mentioned).

Modifications to the AIs under the PCT

In respect of Sections 102*bis*, 312, 417 and 707 of the AIs, the modifications are as proposed by PCT Circular C. PCT 1177. Section 205 of the AIs has been modified as proposed and as a result of consultation. In particular, it has been clarified in Section 205 that both the claims as originally filed and the claims as previously amended could be the subject of amendments. Furthermore, even though Sections 102 and 204 were not the subject of consultation in PCT Circular C. PCT 1177, Section 102 is hereby modified by deleting the references to Forms PCT/ISA/228 and PCT/IPEA/437 (these Forms are no longer in use and have been deleted previously) and a minor editorial change is hereby made to the English text only of Section 204(b).

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Modifications to PCT Forms relating to the RO, ISA, IB, IPEA and SISA

Form PCT/RO/102 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. A clarification has been added that pages of sequence listings submitted in Annex C/ST. 25 text format for international applications filed in electronic form should not be taken into account for the calculation of the international filing fee.

Form PCT/RO/107 is modified as proposed by Circular C. PCT 1177 and as a result of consultation.

Form PCT/RO/114 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. In particular, extra space has been added for the inclusion of page numbers concerning the decision.

Form PCT/RO/115 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. The mention of the possibility to invite the applicant to correct the international application under Article 11(2) has been deleted since it is not provided for in Article 14(4).

Form PCT/RO/133 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. See comment on Form PCT/RO/102.

Form PCT/RO/143 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. In particular, a further item has been added to cover cases of unsuccessful requests for the incorporation by reference of missing elements.

Form PCT/RO/159 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. In particular, it has been clarified that no response is due to this form and the wording of the last check box on the first page of the form has been further improved.

Form PCT/ISA/201 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. In particular, the clarity and readability of Box No. I dealing with sequence listings has been further improved.

Form PCT/ISA/202 is modified as proposed by Circular C. PCT 1177.

Form PCT/ISA/203 is modified as proposed by Circular C. PCT 1177.

Form PCT/ISA/205 was not part of the consultation in Circular C. PCT 1177 but the occasion of this Circular is used to modify the French version of this Form to correct an oversight in PCT Circular C. PCT 1156, dated November 26, 2008, and to bring it into conformity with the English version of that Form.

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Form PCT/ISA/210 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. In particular, the clarity and readability of Box No. I dealing with sequence listings has been further improved.

Form PCT/ISA/220 is modified as proposed by Circular C. PCT 1177 and as a result of consultation.

Form PCT/ISA/225 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. In particular, it has been clarified, in item No. 1, that this Form equally applies to international applications the sequence listings of which have been subsequently amended or rectified. Furthermore, the clarity and readability of item No. 1 has been improved and a new fifth box has been added.

Form PCT/ISA/237 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. In particular, the clarity and readability of Box No. I dealing with sequence listings has been further improved.

Form PCT/IB/307 is modified as proposed by Circular C. PCT 1177.

Form PCT/IB/337 is modified as proposed by Circular C. PCT 1177.

Form PCT/IB/373 is modified as proposed by Circular C. PCT 1177.

Form PCT/IPEA/401 is modified as proposed by Circular C. PCT 1177. Concerns were raised as a result of consultation about the change of wording from “deposit account” to “current account”. Since similar modifications were already promulgated recently in Form PCT/RO/101, it was felt that this issue would need to be revisited in a future round of consultation on Forms PCT/RO/101 and PCT/IPEA/401.

Form PCT/IPEA/408 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. In particular, the clarity and readability of the “Supplemental Box Relating to Sequence Listings” has been further improved.

Form PCT/IPEA/409 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. In particular, the clarity and readability of the “Supplemental Box Relating to Sequence Listings” has been further improved. Furthermore, the proposed new item 6 in Box No. I has not been retained.

Form PCT/IPEA/430 is deleted as proposed by Circular C. PCT 1177.

Form PCT/IPEA/441 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. See comment on Form PCT/ISA/225.

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Form PCT/SISA/501 is modified as proposed by Circular C. PCT 1177 and as a result of consultation. In particular, the clarity and readability of the Box No. I dealing with sequence listings has been further improved.

Form PCT/SISA/502 is modified as proposed by Circular C. PCT 1177.

Form PCT/SISA/504 is modified as proposed by Circular C. PCT 1177, and as a result of consultation, in particular, the clarity and readability of item No. 1 has been improved and a new fifth box has been added.

Form PCT/SISA/506 is modified as proposed by Circular C. PCT 1177.

Forms PCT/RO/159, PCT/ISA/205 (French version only), PCT/ISA/220, PCT/IB/307 and PCT/IB/337 should be used as of July 1, 2009. All other modified PCT Forms should, however, only be used in respect of international applications filed on or after July 1, 2009. Where an Office is not in a position to use the modified forms from this date, the old PCT Forms, to the extent that they are still applicable or, where required, with additions or corrections, may still be used for a transitional period.

Offices which use languages other than English and French are requested to prepare the Forms needed by them, in such other languages, with due regard to the provisions of Section 102 of the Administrative Instructions. The International Bureau encourages Offices to make such translations available to the International Bureau so that they can be accessed by all Offices via PATENTSCOPE[®].

Availability of the AIs and Forms

The consolidated text of the AIs (containing the modifications referred to herein) is available from the WIPO website under “PCT Administrative Instructions (as in force from July 1, 2009)” at: www.wipo.int/pct/en/texts/.

The modified Forms are available from PATENTSCOPE[®] under “Forms in force as from July 1, 2009” at: www.wipo.int/pct/en/forms/.

Offices which need marked-up copies and/or electronic files of any of the Forms or AIs should contact the PCT Legal Division at: pct.legal@wipo.int.

Yours sincerely,



Francis Gurry
Director General