

C. PCT 1543

June 25, 2018

Promulgation of modifications of certain PCT Forms annexed to the Administrative Instructions under the PCT, the PCT Receiving Office Guidelines and the PCT International Search and Preliminary Examination Guidelines

Madam,
Sir,

In accordance with Rule 89.2(a) of the Regulations under the Patent Cooperation Treaty (PCT), modifications to certain PCT forms relating to the receiving Office (RO), the International Bureau (IB) and the International Preliminary Examining Authority (IPEA), as well as modifications to the PCT Receiving Office Guidelines (RO Guidelines) and the PCT International Search and Preliminary Examination Guidelines (ISPE Guidelines) are hereby promulgated with effect from July 1, 2018.

The promulgation follows consultation under Rule 89.2(b) of the Regulations under the PCT with your Office in its capacity as RO, International Searching Authority (ISA), IPEA and/or designated or elected Office under the PCT, and also with certain non-governmental organizations representing users of the PCT System. The modifications are as proposed in Circular C. PCT 1535, dated March 9, 2018, and Circular C. PCT 1541, dated May 1, 2018, except where further changes have been made as a result of the consultation, as indicated below (editorial and minor drafting changes are not specifically mentioned).

Modifications of certain forms relating to the RO, the IB and the IPEA

The Notes to the Fee Calculation sheet (Annex to Form PCT/RO/101) in respect of the amendment of the Schedule of Fees as adopted by the Assembly in 2014 (removal of the fee reduction available for PCT-EASY filings) are modified as proposed in Circular C. PCT 1541.

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As a result of the consultation, the Notes to the Fee Calculation Sheets annexed to Forms PCT/RO/101, PCT/IB/375 and PCT/IPEA/401 have been modified to further clarify the entitlement of the applicant to the fee reduction.

The occasion of this Circular is also used to include certain other minor editorial and rule reference updates in the Notes to Forms PCT/RO/101 and PCT/IPEA/401.

Offices which use languages other than English, French and Spanish 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 under the PCT (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 from the WIPO website.

Modifications of certain paragraphs of the RO Guidelines

Paragraph 116D is modified as proposed in Circular C. PCT 1541.

As a result of the consultation, paragraph 247 of the RO Guidelines has been modified to further clarify the entitlement of the applicant to the fee reduction.

In addition, the occasion of this Circular is used to reintroduce paragraph 116E which was contained in the RO Guidelines as in force from October 1, 2016 until June 30, 2017, and which was accidentally deleted with effect from July 1, 2017. Consequential to the reintroduction of paragraph 116E, that paragraph is numbered 116F, current paragraph 116F is numbered 116G, and current paragraph 116G is numbered 116H.

Modifications of certain paragraphs of the ISPE Guidelines

Paragraphs 9.02 to 9.03, 16.64, 16.82 and 16.82A of the ISPE Guidelines are modified as proposed in Circular C. PCT 1535. The proposed modification of paragraph 2.03 was objected to by an International Authority and is hereby abandoned.

Paragraphs 16.33 to 16.51 are modified as proposed in Circular C. PCT 1535, except for the following further modifications as a result of the consultation:

- (1) In paragraphs 16.36 and 16.39, the phrase “allowing at least one month from the mailing date of the invitation for a reply” (an existing text in the current paragraphs 16.45 and 16.35) has been deleted since it is not consistent with Rule 26.2 and is not necessary in these paragraphs;
- (2) In paragraph 16.41, the first sentence is further modified to align its wording more closely with the provisions of Article 3(3);
- (3) In paragraph 16.43, the word “clearly” is added in both subparagraphs (b) and (c) to limit the circumstances where the examiner should amend the abstract and give more discretion to the examiner to decide whether he/she will do so;
- (4) In paragraph 16.49, the phrase “unless this would lead to inadequate disclosure” is deleted to avoid the seemingly improper wording “inadequate disclosure” in respect of the abstract, and the phrase “more than two figures”, an obvious mistake in the current text, is corrected to “more than one figure”.

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Other matters

The proposed modification of the Administrative Instructions consulted on in Circular C. PCT 1535 (new Section 406*bis*) has been agreed. It will be promulgated at a later stage, together with any other modifications to the Administrative Instructions that may result from the consultations in Circular C. PCT 1526, when certain pending issues related to the latter will have been finalized.

Availability of modified forms, RO Guidelines and ISPE Guidelines

The consolidated versions of the modified RO Guidelines and ISPE Guidelines (*as in force from July 1, 2018*) are available on the WIPO website at: www.wipo.int/pct/en/texts/.

The modified forms are available from the WIPO website under “Forms in force from July 1, 2018” at: www.wipo.int/pct/en/forms/.

Offices which need marked-up copies and/or electronic files of the forms, the RO Guidelines or the ISPE Guidelines, should contact the PCT Legal and User Relations Division at pct.legal@wipo.int.

Yours sincerely,



John Sandage
Deputy Director General