

**NOTES TO THE MODEL INTERNATIONAL REQUEST FORMS UNDER THE PLT
REQUEST FOR RECORDATION/CANCELLATION OF THE RECORDATION OF A SECURITY INTEREST**

These Notes have been prepared by the International Bureau of the World Intellectual Property Organization (WIPO) for explanatory purposes only. They are intended to facilitate the filling in of the "Request for Recordation/Cancellation of the Recordation of a Security Interest" form. Where a conflict exists between the Notes and the provisions of the Patent Law Treaty and its Regulations, the latter prevail. No Note has been provided where no explanation appears to be required. The form and these Notes may be downloaded from WIPO's website at: <http://www.wipo.int/treaties/en/ip/plt/forms.html>.

TITLE OF THE FORM

Where a security interest in respect of an application or patent may be recorded under the applicable law, this form may be used to request such recordation of a security interest or the cancellation of such recordation with the national or regional patent Office.

The name of the national or regional patent Office with which the recordation of a security interest or the cancellation of such recordation is requested should be indicated over the dots. The box "reference indication of person making the request", which provides space for any reference indications relating to the request, is intended for the convenience of the person making the request. Such indication is not mandatory.

BOX No. I

Application(s) and Patent(s) Concerned: Where the request relates to more than one application or patent, the applicable national/regional law may require that a separate copy of the request be submitted for each application or patent. In that case, the check-box in Box No. XII must be marked, and such copies should be attached to the present request. As regards the identification of the patents, reference is made to WIPO Standard ST.1.

BOX No. II

Names and Addresses: The family name (preferably in capital letters) must be indicated before the given name(s). Titles and academic degrees must be omitted. Names of legal entities must be indicated by their full official designations.

The address must be indicated in such a way that it allows prompt postal delivery; it must consist of all the relevant administrative units (up to and including the indication of the house number, if any), the postal code (if any), and the name of the country.

Only one address may be indicated per person. For the indication of a special "address for correspondence or legal service", see the Notes to Box No. IV.

Telephone, Facsimile and/or E-mail Addresses should be indicated for the person named in Box No. II in order to allow rapid communication with that person. Any such number should include the applicable country and area codes.

Registration Number or Other Indication Registered with the Office: Where the person providing the security interest concerned is registered with the national or regional Office, the number or other indication under which that person is so registered should be indicated, where required under the applicable law.

BOX No. III

Representative: For the manner in which name(s) and address(es) must be indicated, see the Notes to Box No. II. Where several representatives are listed, the representative to whom correspondence should be addressed should be listed first.

Manner of Appointment of Representative: The appointment of a representative may have already been effected by designating the representative in the request form when the application was filed or by submitting a general power of attorney. If such appointment has not been made, a separate power of attorney should be submitted together with the present request for recordation/cancellation of the recordation of a security interest, and the relevant check-box in Box No. XII must be marked.

No power of attorney is needed in the cases where no formal appointment of the representative is required either in respect of any representative or in respect of certain categories of representatives (for example, in some countries, the category of "mandataire agréé", that is, a registered agent admitted to practice before the Office without a power of attorney having to be submitted).

Registration Number or Other Indication Registered with the Office: Where the representative is registered with the national or regional Office, the number or other indication under which the representative is so registered should be indicated, where required under the applicable law.

BOX No. IV

Address for Correspondence or Legal Service: Where a representative is appointed, any correspondence intended for the person providing the security interest concerned will be sent to the address indicated for that representative, unless that person expressly indicates another address for correspondence or legal service in Box No. IV (see PLT Rule 10(4)). Where no representative is appointed and the person providing the security interest concerned has provided his address on a territory prescribed by the Contracting Party in Box No. II, any correspondence will be sent to such person's address, unless that person expressly indicates another address for correspondence or legal service in Box No. IV (see PLT Rule 10(3)).

BOX No. V

Reference is made to the Notes to Box No. II.

Nationality: For each person acquiring the security interest concerned, the nationality must be indicated by the name of the State (that is, country) of which the person is a national. The two-letter codes appearing in WIPO Standard ST.3 may be used for the indication of names of States. A legal entity constituted according to the national law of a State is considered a national of that State.

Residence: For each person acquiring the security interest concerned, the residence must be indicated by the name or two-letter code of the State (that is, country) of which the person is a resident. If the State of residence is not indicated, it will be assumed to be the same as the State indicated in the address. Possession of a real and effective industrial or commercial establishment in a State is considered residence in that State.

BOX No. VI

Reference is made to the Notes to Box No. III.

BOX No. VII

Reference is made to the Notes to Box No. IV.

BOX No. VIII

Information on the Security Interest Agreement

Concerned: Where the form is used to request the recordation of a security interest, items (Aa) to (Ac) should be indicated in accordance with the applicable law. Where the form is used to request the cancellation of the recordation of a security interest, items (Ba) to (Bc) should be filled in, as required by the applicable law. The recordation number or any other indication that identifies the relevant recordation shall be indicated in item (Bb), if it is known to the requesting party.

BOX No. IX

Documentation of the Basis of the Security

Interest/Termination of the Security Interest: The applicable law may require that the request for recordation/cancellation of the recordation be accompanied by any one, but only one, of the documents listed in Box No. IX. Where the security interest agreement/termination of the security interest agreement is a freely concluded agreement among the parties (item (a)), the choice of such document lies in the hand of the requesting party. Where the security interest agreement/termination of the security interest agreement is not a freely concluded agreement among the parties (item (b)), for example, an operation of law or a court decision, the applicable law may require that the request be accompanied by a copy of any document evidencing the security interest agreement/termination of the security interest agreement. Although the original of such a document cannot be required, the applicable law may require that the copy of such document be certified.

Where the applicable law requires that a copy of the document be certified, it is the option of the requesting party as to who (a notary public, a competent public authority or, where permitted, a representative) certifies the relevant document.

BOX No. X

Where the applicable law requires that the request for recordation/cancellation of the recordation contain information relating to any government interest by that country, such information must be indicated in this Box.

BOX No. XI

Where the applicable law requires that the request for recordation/cancellation of the recordation contain a statement that the information contained in the request is true and correct, such statement must be indicated in this Box.

BOX No. XII

Enclosure(s): Where an additional sheet is used in order to indicate further application and/or patent numbers in Box No. I, the check-box "others" should be marked, and the additional sheet no. should be indicated.

BOX No. XIII

Signature: The request for recordation/cancellation of the recordation must be signed by the person providing the security interest concerned or the person acquiring the security interest concerned. If there are several of them, all must sign or use their seals in accordance with the applicable national/regional law. Where the signature on the request is not that of those persons, but that of the representative, a separate power of attorney appointing the representative, or a copy of the general power of attorney or of a single power of attorney which is already in the possession of the Office, must be furnished, unless submission of a power of attorney or of a copy of it is not required under the applicable law.

Date: Where the indication of the date of the signature or seal is required by the applicable law, but is not supplied, the date on which the signing is deemed to have been effected shall be the date on which the request for recordation/cancellation of the recordation was received by the Office or, if the applicable law so permits, a date earlier than the latter date (see PLT Rule 9(2)).