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ADMINISTRATIVE INSTRUCTIONS
UNDER THE PATENT COOPERATION TREATY
(THIRD REVISED DRAFT)

prepared by the International Bureau

SUMMARY

This document contains the third revised draft of the PCT Administrative Instructions. The provisions relate primarily to the procedures under Chapters I and II; however, some matters under other Chapters of the PCT are also covered.

INTRODUCTION

Relevant Provisions of the PCT Relating to the Administrative Instructions

1. Article 58(4) of the Patent Cooperation Treaty (PCT) stipulates that: "The Regulations provide for the establishment, under the control of the Assembly, of Administrative Instructions by the Director General."

2. Rule 89 of the Regulations under the PCT, which is entitled "Administrative Instructions," reads as follows:

"89.1 Scope

(a) The Administrative Instructions shall contain provisions:

(i) concerning matters in respect of which these Regulations expressly refer to such Instructions,

(ii) concerning any details in respect of the application of these Regulations.

(b) The Administrative Instructions shall not be in conflict with the provisions of the Treaty, these Regulations, or any agreement concluded by the International Bureau with an International Searching Authority, or an International Preliminary Examining Authority.

"89.2 Source

(a) The Administrative Instructions shall be drawn up and promulgated by the Director General after consultation with the receiving Offices and the International Searching and Preliminary Examining Authorities.

(b) They may be modified by the Director General after consultation with the Offices or Authorities which have a direct interest in the proposed modification.

(c) The Assembly may invite the Director General to modify the Administrative Instructions, and the Director General shall proceed accordingly.

"89.3 Publication and Entry Into Force

(a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions come into effect. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Gazette."

Background to this Document

3. A first draft of the Administrative Instructions under the PCT was submitted as document PCT/AAQ/III/2 to the PCT Interim Advisory Committee for Administrative Questions (hereinafter referred to as "the Interim Committee") at its third session, held at Geneva in October 1972.

4. The comments made by the members of the Interim Committee at that session were taken into consideration by the International Bureau in preparing a revised draft, which was submitted as document PCT/AAQ/IV/2 to the fourth session of the Interim Committee, held at Tokyo in October 1973.

5. The changes resulting from the Tokyo session were incorporated into a second revised draft which was submitted as document PCT/AAQ/V/2 to the fifth session of the Interim Committee held at Geneva in November, 1974.

6. The Interim Committee, after a detailed discussion of the second revised draft at its fifth session, agreed that the International Bureau should continue its efforts in the elaboration of the Administrative Instructions in the light of the comments made.

Contents of this Document

7. This document contains the third revised draft of the Administrative Instructions. It incorporates those changes upon which agreement was reached at the fifth session of the Interim Committee, as well as changes resulting from further study and examination by the International Bureau.

Forms to be Annexed to the Administrative Instructions

8. In order to facilitate the practical implementation of the PCT, the Administrative Instructions will be supplemented by Forms for use by the various PCT Authorities in effecting the required communications which arise in the course of procedures under the PCT. It is recalled that the drafts of such Forms were submitted for review to the September 1974 session of the Working Group on Forms established by the Interim Committee. The International Bureau has revised the Forms on the basis of the comments received. The revised Forms are contained in separate working documents (PCT/AAQ/VI/3 and 4).

9. It is recalled that, in drafting both the Administrative Instructions and the Forms, consideration has been given to the questions whether the particulars in respect of the contents of the Forms should be set forth in provisions (called Sections) of the Administrative Instructions in addition to being set forth in the Forms themselves, and whether the Forms should be annexed to the Administrative Instructions. The system which has been followed in the draft Administrative Instructions is based on two principles, namely: (i) that as much as possible of the said particulars should go into the draft Forms themselves, and (ii) that the

Forms should be annexed to the Administrative Instructions and the particulars contained in the Forms would not be repeated in the provisions of the Administrative Instructions. The reason for the first principle is that a Form is more easy to understand than the text of a provision, since a Form not only contains but, to a great extent, also illustrates, the practical application of any provision. The reason for the second principle is that duplication should be avoided as much as possible. It would be impossible to avoid considerable duplication if the texts of the provisions were to set forth the particulars of what each Form must contain.

10. The Interim Committee is invited to comment on the revised draft Administrative Instructions, including the Annexes, contained in this document.

ADMINISTRATIVE INSTRUCTIONS
(THIRD REVISED DRAFT)

TABLE OF CONTENTS

INTRODUCTION

PART 1: INSTRUCTIONS RELATING TO GENERAL MATTERS

Section 101:	Abbreviated Expressions
Section 102:	Use of the Forms
Section 103:	Languages of the Forms
Section 104:	Language of Correspondence from the Applicant
Section 105:	Several Applicants
Section 106:	Common Agent for Several Applicants
Section 107:	Identification of International Authorities
Section 108:	Addressee of Correspondence Intended for the Applicant
Section 109:	Notification of Authorization or Refusal of Rectification

PART 2: INSTRUCTIONS RELATING TO THE INTERNATIONAL APPLICATION

Section 201:	Dates
Section 202:	Names of States
Section 203:	Kind of Protection
Section 204:	Regional Patents
Section 205:	Headings of the Parts of the Description
Section 206:	Numbering of Claims upon Amendment
Section 207:	Common Representative Designated in the Request
Section 208:	Arrangement of Elements and Numbering of Sheets of the International Application

PART 3: INSTRUCTIONS RELATING TO THE RECEIVING OFFICE

Section 301:	Notification of Receipt of Purported International Application
Section 302:	Notification of Priority Claim Considered Not To Have Been Made
Section 303:	Deletion of Additional Matter in the Request
Section 304:	Corrections Submitted to the Receiving Office Concerning Expressions, Etc., Not To Be Used in the International Application
Section 305:	Identifying the Copies of the International Application
Section 306:	Change in the Person, Name or Address of the Applicant
Section 307:	System for Numbering International Applications
Section 308:	Marking of the Sheets of the International Application
Section 309:	Procedure in the Case of Later Submitted Sheets
Section 310:	Procedure in the Case of Missing Drawings
Section 311:	Renumbering of Sheets of the International Application
Section 312:	Notification of Decision Not To Issue Declaration that the International Application is Considered Withdrawn
Section 313:	Manner of Making the Necessary Annotations in the Check List
Section 314:	Manner of Indicating Correction of the Priority Date or Cancellation of the Priority Claim
Section 315:	Notification of Non-Collection of Record Copy
Section 316:	Procedure in the Case Where the International Application Lacks the Prescribed Signature

PART 4: INSTRUCTIONS RELATING TO THE INTERNATIONAL BUREAU

- Section 401: Marking of Sheets of the Record Copy
- Section 402: Notification of Correction of the Priority Date or Cancellation of the Priority Claim
- Section 403: Transmittal of Protest Against Payment of Additional Fee and Decision Thereon
- Section 404: International Publication Number
- Section 405: Special Publication Fee
- Section 406: Pamphlets
- Section 407: The Gazette
- Section 408: Priority Application Number
- Section 409: Notifications of Priority Claim Considered Not To Have Been Made
- Section 410: Renumbering of Sheets of the International Application
- Section 411: Notification That Certified Copy of the Priority Document Has Not Been Submitted

PART 5: INSTRUCTIONS RELATING TO THE INTERNATIONAL SEARCHING AUTHORITY

- Section 501: Corrections Submitted to the International Searching Authority Concerning Expressions, Etc., Not To Be Used in the International Application
- Section 502: Protest Against Payment of Additional Fee and Decision Thereon
- Section 503: Method of Identifying Documents Cited in the International Search Report
- Section 504: Classification of the Subject Matter of the International Application
- Section 505: Indication of Citations of Particular Relevance in the International Search Report
- Section 506: Comments on Draft Translation of the International Application
- Section 507: Indication of Figures To Be Published with the Abstract
- Section 508: Manner of Indicating Certain Special Categories of Documents Cited in the International Search Report
- Section 509: Manner of Indicating the Claims to which the Documents Cited in the International Search Report are Relevant

PART 6: INSTRUCTIONS RELATING TO THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

- Section 601: Determination Whether Applicant is Entitled To Make a Demand
- Section 602: Marking of Replacement Sheets
- Section 603: Protest Against Payment of Additional Fee and Decision Thereon
- Section 604: Guidelines for Explanations Contained in the International Preliminary Examination Report

ANNEX A: Names of States (Members of the Paris Union)

ANNEX B: Code for Identifying States and Organizations

ANNEX C: Standard Code for Identification of Different Kinds of Patent Documents

ANNEX D: Example of the Front Page of Pamphlet Containing International Application

ANNEX E: Information from Pamphlet Front Page To Be Included in the Gazette under Rule 86.1(i)

ANNEX F: Information To Be Published in the Gazette under Rule 86.1(v)

ANNEX G: Forms

PART 1

INSTRUCTIONS RELATING TO GENERAL MATTERS

SECTION 101

ABBREVIATED EXPRESSIONS

In these Administrative Instructions:

- (i) "Treaty" means the Patent Cooperation Treaty;
- (ii) "Regulations" means the Regulations under the Treaty;
- (iii) "Article" means an Article of the Treaty;
- (iv) "Rule" means a Rule of the Regulations;
- (v) "International Bureau" means the International Bureau as defined in Article 2(xix) of the Treaty;
- (vi) "International Authorities" means the receiving Offices, the International Searching Authorities, the International Preliminary Examining Authorities, and the International Bureau.

SECTION 102

USE OF THE FORMS *

(a) The Forms annexed to these Administrative Instructions as Annex G (hereinafter referred to as "the Forms") are part of these Administrative Instructions.

(b) Subject to paragraphs (c) and (d), the International Authorities shall use the Forms.

(c) The use of Form PCT/RO/112 (Notification Concerning Expressions, Etc., Not To Be Used in the International Application Rule 9) and of Forms PCT/ISA/214 and PCT/IPEA/410 (Request for the Production of Proof Rule 83) is merely recommended.

(d) If the receiving Office, the International Searching Authority and/or the International Preliminary Examining Authority are part of the same Office, the use of any Form concerning communications between the said International Authorities shall not be obligatory for the communications within that same Office.

* Two questions which have been set aside in the course of previous discussions of the Forms, and which should be examined once the Interim Committee feels that the stage reached in the development of the Forms is ripe for such an examination, are:
(i) whether paragraph (c) of this Section should refer also to other Forms;
(ii) whether in the case of some forms only the contents but not also their layout should be compulsory.

SECTION 103

LANGUAGES OF THE FORMS*

(a) The language of the Forms to be used by any receiving Office shall be the same as the language in which the international application is filed.

(b) The language or languages of the Forms to be used by any International Searching Authority shall be specified in the applicable agreement referred to in Article 16(3)(b).

(c) The language or languages of the Forms to be used by any International Preliminary Examining Authority shall be specified in the applicable agreement referred to in Article 32(3).

(d) The language of any Form used by the International Bureau shall be English where the language of the international application is English, and it shall be French where the language of the international application is French. Where the language of the international application is neither English nor French, the language of any Form used by the International Bureau in its communications to any other International Authority shall be English or French according to the wishes of such Authority, and in its communications to the applicant it shall be English or French according to the wishes of the applicant.

SECTION 104

LANGUAGE OF CORRESPONDENCE FROM THE APPLICANT

(a) The language of any letter from the applicant to the receiving Office shall be the same as the language of the international application to which such letter relates. However, the receiving Office may expressly authorize the use of any other language.

(b) The language of any letter from the applicant to the International Bureau shall be English where the language of the international application is English, and it shall be French where the language of the international application is French. Where the language of the international application is neither English nor French, the language of any letter from the applicant to the International Bureau shall be English or French at the choice of the applicant.

* The question whether, and to what extent, Forms established in a language other than English should contain printed text matter also in English should be considered once the Interim Committee feels that the stage reached in the development of the Forms is ripe for such consideration.

SECTION 105

SEVERAL APPLICANTS

Where any international application indicates as applicants several persons, it shall be sufficient, for the purpose of identifying that application, to indicate, in any Form or correspondence relating to such application, the name of the applicant first named in the request.

SECTION 106

COMMON AGENT FOR SEVERAL APPLICANTS

In the case of several applicants, any agent designated under Rule 4.7 in the request signed by all the applicants, or appointed under Rule 90.3 in a separate power of attorney signed by all the applicants, shall be considered a common agent.

SECTION 107

IDENTIFICATION OF INTERNATIONAL AUTHORITIES

(a) Whenever the nature of any communication from or to the applicant or from or to any International Authority so permits, any International Authority may be indicated in the communication by the two-letter code as appearing in Annex B.

(b) Where the International Authority is a receiving Office, an International Searching Authority or an International Preliminary Examining Authority, indication thereof shall be preceded by the letters "RO", "ISA", or "IPEA", respectively, followed by a slant (e.g., "RO/JA", "ISA/US", "IPEA/SU").

SECTION 108

ADDRESSEE OF CORRESPONDENCE INTENDED FOR THE APPLICANT

Any correspondence from an International Authority intended for the applicant, or, in the case of several applicants, the applicants, shall be addressed as follows:

(i) Where the applicant has designated or appointed one agent, correspondence shall be addressed to that agent. Where, in the case of several applicants, the applicants are represented by a common representative or a common agent, correspondence shall be addressed to that representative or that agent.

(ii) Where the applicant has designated several agents in the request, correspondence shall be addressed to the agent first mentioned therein. Where, in the case of several applicants, the applicants have designated several common agents in the request, correspondence shall be addressed to the common agent first mentioned therein.

(iii) Where the applicant has appointed several agents in one or more separate powers of attorney, correspondence shall be addressed to the agent first mentioned in the earliest filed and still valid separate power of attorney. Where, in the case of several applicants, the applicants have appointed several common agents in one or more separate powers of attorney, correspondence shall be addressed to the common agent first mentioned in the earliest filed and still valid separate power of attorney.

SECTION 109

NOTIFICATION OF AUTHORIZATION OR REFUSAL OF RECTIFICATION

Any International Authority which authorizes or refuses rectification of obvious errors of transcription under Rule 91 shall promptly inform the applicant of such authorization or refusal and, in the case of refusal, of the reasons therefor.

PART 2

INSTRUCTIONS RELATING TO THE
INTERNATIONAL APPLICATION

SECTION 201

DATES*

Alternative A [ICIREPAT Standard]

Any date in the international application shall be indicated by the Arabic number of the day, by the name of the month, and by the Arabic number of the year. The receiving Office, or the International Bureau where the receiving Office fails to do so, shall, after or below any date indicated by the applicant in the request, repeat the date, in parenthesis, by indicating it by two-digit Arabic numerals each for the number of the day, for the number of the month and for the last two numbers of the year, in that order and with a period after the digit pairs of the day and of the month (for example, "30 March 1972 (30.03.72)").

Alternative B [ISO Standard]

Any date in the international application shall be indicated by the Arabic number of the year, by the name of the month, and by the Arabic number of the day. The receiving Office, or the International Bureau where the receiving Office fails to do so, shall, after or below any date indicated by the applicant in the request, repeat the date, in parenthesis, by indicating it by four-digit Arabic numerals for the number of the year and two-digit Arabic numerals each for the number of the month and for the number of the day, in that order and with a hyphen or a space before the digit pairs of the month and of the day (for example, "1972 March 30 (1972-03-30)" or "1972 March 30 (1972 03 30)").

SECTION 202

NAMES OF STATES

The name of any State referred to in the request shall be indicated either by the full name of the State or by a generally accepted short title which, if the indications are in English or French, shall be as appearing in Annex A. The receiving

* Alternative A is based on ICIREPAT standards whereas Alternative B is based on ISO standards. The sequence of the latter is the reverse of the former. The solution eventually adopted should follow the practice which will prevail in the industrial property field at the time the Administrative Instructions will be finally adopted.

Office, or the International Bureau where the receiving Office fails to do so, shall insert, in the appropriate space provided for in the request form, the two-letter country code as appearing in Annex B (for example, "Argentine Republic (AR)" or "Argentina (AR)").

SECTION 203

KIND OF PROTECTION

(a) Where the applicant wishes his application to be treated in any designated State as an application not for a patent but for the grant of another kind of protection referred to in Article 43, he shall make the indication in the request referred to in Rule 4.12(a) by inserting the words "inventor's certificate," "utility certificate," "utility model," "patent of addition," "certificate of addition," "inventor's certificate of addition" or "utility certificate of addition," or their equivalent in the language of the international application, immediately after the indication of the said State.

(b) Where the applicant is seeking two kinds of protection under Article 44, he shall make the indication in the request referred to in Rule 4.12(b) by inserting, in the appropriate space provided for in the request form and in the language of the international application, either

(i) any two of the following terms connected by the word "and": "patent," "inventor's certificate," "utility certificate," "utility model," "patent of addition," "certificate of addition," "inventor's certificate of addition," "utility certificate of addition," or

(ii) any two of the terms indicated in (i), above, one of them preceded by the word "primarily" and the other by the word "subsidiarily."

SECTION 204

REGIONAL PATENTS

Where the applicant wishes to obtain a regional patent in respect of any designated State, he shall make the indication in the request referred to in Rule 4.1(b)(iv) by inserting the words "regional patent," or their equivalent in the language of the international application, immediately after the indication of the said State, provided that:

(i) where Article 4(1)(ii), third clause applies, and not all the States party to the regional treaty have been designated, the International Bureau shall treat the international application as if all those States had been designated and as if the designations of all such States contained the said words, whether the said designations contained an indication of the wish

to obtain a regional patent or, according to Article 4(1)(ii), fourth clause, are to be treated as containing such indication;

(ii) where the national law of any designated State contains a provision as referred to in Article 45(2), the International Bureau shall, according to Article 4(1)(ii), fourth clause, treat the designation as if it contained the said words even where the applicant failed to indicate them.

SECTION 205

HEADINGS OF THE PARTS OF THE DESCRIPTION

The headings referred to in Rule 5.1(c) should be as follows:

- (i) for matter referred to in Rule 5.1(a)(i), "Technical Field";
- (ii) for matter referred to in Rule 5.1(a)(ii), "Background Art";
- (iii) for matter referred to in Rule 5.1(a)(iii), "Disclosure of Invention";
- (iv) for matter referred to in Rule 5.1(a)(iv), "Brief Description of Drawings";
- (v) for matter referred to in Rule 5.1(a)(v), "Best Mode for Carrying Out the Invention";
- (vi) for matter referred to in Rule 5.1(a)(vi), "Industrial Applicability".

SECTION 206

NUMBERING OF CLAIMS UPON AMENDMENT

(a) Any claim submitted after the filing date of the international application and which is not identical with the claims previously appearing in the international application shall, at the choice of the applicant, be submitted either:

- (i) as an amended claim, in which case, it shall bear the same number as the **previous claim it amends**; that number shall be followed by the word "(amended)" or its equivalent in the language of the international application, provided that language is French, German, Japanese or Russian; or
- (ii) as a new claim, in which case, it shall bear the next number after the highest previously numbered claim; that number shall be followed by the word "(new)", or its equivalent in the language of the international application, provided that language is French, German, Japanese, or Russian.

(b) The deletion of any claim previously appearing in the international application shall be made by indicating the number of the previous claim followed by the word "(cancelled)" or its equivalent in the language of the international application, provided that language is French, German, Japanese or Russian.

SECTION 207

COMMON REPRESENTATIVE DESIGNATED IN THE REQUEST*

If the applicants designate a common representative in accordance with Rule 4.8(a), such common representative shall be indicated on the supplemental sheet of the request form, immediately after the required information concerning the applicants. The indication shall take the form of a statement designating a named applicant to act as the common representative on behalf of all the applicants.

SECTION 208

ARRANGEMENTS OF ELEMENTS AND NUMBERING OF SHEETS OF THE INTERNATIONAL APPLICATION**

In effecting the sequential numbering of the sheets of the international application in accordance with Rule 11.7, the elements of the international application shall be placed in the following order: the request, the description, the claims, the drawings, the abstract.

* The question whether the indication of the common representative should appear on the supplemental sheet or on the first page of the request form has been left open pending further study in connection with the forms.

** Both the order in which the elements of the international application should be placed and the sequence in which the sheets of the international application are to be numbered are questions which should be reconsidered once the form of the international publication is to be finally decided upon.

PART 3INSTRUCTIONS RELATING TO THE RECEIVING OFFICE

SECTION 301

NOTIFICATION OF RECEIPT OF PURPORTED INTERNATIONAL APPLICATION

Any receiving Office may notify the applicant of the receipt of the purported international application. The notification should indicate the date of actual receipt, the provisional file number of the purported international application referred to in Section 307(a) and, where useful for purposes of identification, the title of the invention and the applicant's file number, if available.

SECTION 302

NOTIFICATION OF PRIORITY CLAIM CONSIDERED NOT TO HAVE BEEN MADE

Where, owing to failure to meet the requirements of Rule 4.10(b), the priority claim is, for the purposes of procedure under the Treaty, considered not to have been made, the receiving Office shall indicate that fact in the international application by marking over the box in the request form which provides for the information concerning the priority claim, the words "NOT TO BE CONSIDERED FOR PCT PROCEDURE" or its equivalent in the language of the international application. The receiving Office shall notify the applicant accordingly. If copies of the international application have already been sent to the International Bureau and the International Searching Authority, the receiving Office shall also notify that Bureau and that Authority.

SECTION 303

DELETION OF ADDITIONAL MATTER IN THE REQUEST

Where, under Rule 4.17(b), the receiving Office deletes ex-officio any matter contained in the request, it shall do so by placing such matter between square brackets and entering the word "DELETED", or its equivalent in the language of the international application, in the right-hand margin adjacent to the matter so placed between brackets, and shall notify the applicant accordingly. If copies of the international application have already been sent to the International Bureau and the International Searching Authority, the receiving Office shall also notify that Bureau and that Authority.

SECTION 304

CORRECTIONS SUBMITTED TO THE RECEIVING OFFICE CONCERNING
EXPRESSIONS, ETC., NOT TO BE USED IN THE INTERNATIONAL APPLICATION

Where the applicant submits corrections to the receiving Office aimed at complying with the prescriptions of Rule 9.1, that Office shall, if copies of the international application have not yet been transmitted to the International Bureau and the International Searching Authority, attach copies of such corrections

to the international application. If copies of the international application have already been transmitted, the receiving Office shall transmit copies of such corrections to the said Bureau and the said Authority.

SECTION 305

IDENTIFYING THE COPIES OF THE INTERNATIONAL APPLICATION

(a) Where, under Rule 11.1(a), the international application has been filed in one copy, the receiving Office shall mark the words "RECORD COPY" in the upper left-hand corner of its first page. After preparing under Rule 21.1(a) the additional copies required under Article 12(1), the receiving Office shall mark, in the upper left-hand corner of the first page of one such copy, the words "SEARCH COPY" and, in the same space on the other such copy, the words "HOME COPY", or their equivalent in the language of the international application.

(b) Where, under Rule 11.1(b), the international application has been filed in more than one copy, the receiving Office shall choose the copy most suitable for reproduction purposes, and mark the words "RECORD COPY", in the upper left-hand corner of its first page. After verifying the identity of any additional copies and, if applicable, preparing under Rule 21.1(b) the home copy, it shall mark, in the upper left-hand corner of the first page of one such copy, the words "SEARCH COPY" and, in the same space on the other such copy, the words "HOME COPY", or their equivalent in the language of the international application.

SECTION 306

CHANGE IN THE PERSON, NAME OR ADDRESS OF THE APPLICANT

Any request for the recording of any changes in the person or name of the applicant referred to in Rule 18.5 or Rule 54.4, or of any change in the address of the applicant shall be signed by the applicant or, if the receiving Office requested such change under Rule 18.5 or Rule 54.4, by the receiving Office. The request shall indicate the name or address of the applicant for which the change is requested.

SECTION 307

SYSTEM OF NUMBERING INTERNATIONAL APPLICATIONS*

(a) The provisional file number to be marked on papers purporting to be an international application under Rule 20.1 shall consist of the two-letter code, as in Annex B, indicating the receiving Office, a two-digit indication of the last two numbers of the year in which such papers were first received, a slant, and a five-digit number allotted in sequential order corresponding to the order in which the international applications are received (e.g., "SU76/00001").

* In keeping with the decision taken by the Interim Committee at its last session (see the Report of the fifth Session, document PCT/AAQ/V/6, paragraph 37), the question whether the international application number should contain an additional digit for correctional reruns (a check digit) was referred to the Technical Committee for Standardization (TCST) of ICIREPAT. (Footnote continued on next page)

(b) The international application number shall be the provisional file number referred to in paragraph (a), preceded by the letters "PCT" followed by a slant (e.g., "PCT/SU76/00001").

SECTION 308

MARKING OF THE SHEETS OF THE INTERNATIONAL APPLICATION

(a) The receiving Office shall indelibly mark, so as to admit of direct reproduction in any of the manners set forth in Rule 11.2(a), the provisional file number referred to in Section 307(a) in the upper right-hand corner of each sheet of each copy of the purported international application.

(b) The data to be indicated on any replacement sheet under Rule 26.4(b) shall be indelibly marked by the receiving Office, so as to admit of direct reproduction in any of the manners set forth in Rule 11.2(a), in the upper right-hand corner of each replacement sheet.

SECTION 309

PROCEDURE IN THE CASE OF LATER SUBMITTED SHEETS

(a) The receiving Office shall indelibly mark, so as to admit of direct reproduction in any of the manners set forth in Rule 11.2(a), any sheet received on a date later than the date on which sheets were first received with the date on which it received that sheet, inserted immediately below the provisional file number referred to in Section 307(a).

(b) The receiving Office shall, in the case of later submitted sheets received within the time limits referred to in Rule 20.2(a) (i) and (ii),

(i) effect the required correction of the international filing date, or, where no international filing date has yet been accorded, of the date of receipt of the purported international application;

(ii) notify the applicant of the correction effected under item (i), above;

*(Footnote continued from previous page)

The recommendations of that Committee (see the Report of the ninth session, document IC/TCST/17(75), paragraph 91) are reproduced below:

"91. After a detailed discussion, the TCST agreed on the following recommendations:

- (i) No provision should be made for a check digit in the application numbering system; in other words, the PCT application number should be a five-digit number;
- (ii) If, for internal purposes, the International Bureau or the receiving Offices under the PCT would like to use check digits for correctional re-runs, it could easily be done, but this procedure should have no bearing on the numbering system of PCT international applications as such, and no provision to include the check digit in the application numbers should be made in Section 307 of the PCT Administrative Instructions;
- (iii) If a system of check digits were to be implemented, it was advised that the "module 11" check-digit system be used, since the latter system allowed for the detection of up to 98% of possible errors."

- (iii) where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority of any correction effected under item (i), above, and forward copies of the later submitted sheets to the said Bureau and the said Authority;
- (iv) where transmittals under Article 12(1) have not yet been made, attach a copy of the later submitted sheets to the record copy and the search copy.

(c) The receiving Office shall, in the case of later submitted sheets received after the expiration of the time limits referred to in Rule 20.2(a) (i) and (ii),

- (i) notify the applicant of that fact and of the date of receipt of the later submitted sheets;
- (ii) where transmittals under Article 12(1) have already been made, forward a copy of the later submitted sheets to the International Bureau with the indication that such sheets are not to be taken into consideration for the purposes of international processing;
- (iii) where transmittals under Article 12(1) have not yet been made, attach a copy of the later submitted sheets to the record copy with the indication that such sheets are not to be taken into consideration for the purposes of international processing.

SECTION 310

PROCEDURE IN THE CASE OF MISSING DRAWINGS

(a) Section 309(a) shall apply also in the case of drawings received by the receiving Office on a date later than the date on which sheets were first received by that Office.

(b) The receiving Office shall, in the case of missing drawings received within the time limit referred to in Rule 20.2(a) (iii),

- (i) effect the required correction of the international filing date, or, where no international filing date has yet been accorded, of the date of receipt of the purported international application;
- (ii) notify the applicant of the correction effected under item (i), above;

(iii) where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority of any correction effected under item (i), above, and forward copies of the later submitted drawings to the said Bureau and the said Authority;

(iv) where transmittals under Article 12(1) have not yet been made, attach a copy of the later submitted drawings to the record copy and the search copy.

(c) The receiving Office shall, in the case of missing drawings received after the expiration of the time limit referred to in Rule 20.2(a)(iii),

(i) notify the applicant of that fact and of the date of receipt;

(ii) where transmittals under Article 12(1) have already been made, forward a copy of the later submitted drawings to the International Bureau with the indication that such drawings are not to be taken into consideration for the purposes of international processing;

(iii) where transmittals under Article 12(1) have not yet been made, attach a copy of the later submitted drawings to the record copy with the indication that such drawings are not to be taken into consideration for the purposes of international processing.

SECTION 311

RENUMBERING OF SHEETS OF THE INTERNATIONAL APPLICATION*

The receiving Office shall sequentially renumber the sheets of the international application when necessitated by the addition of any new sheet, the deletion of entire sheets, the change in the order of the sheets or for any other reason.

SECTION 312

NOTIFICATION OF DECISION NOT TO ISSUE DECLARATION THAT THE INTERNATIONAL APPLICATION IS CONSIDERED WITHDRAWN

Where the receiving Office, after having notified the applicant under Rule 29.4 of its intent to issue a declaration under Article 14(4), decides not to issue such a declaration, it shall notify the applicant accordingly.

* In connection with the study concerning international publication, one question to be considered is whether the renumbering of sheets by the receiving Office could be made in a provisional manner in order to facilitate its work (for example, an added sheet to the description might be given the number 10-bis rather than require the receiving Office to renumber all sheets), since the International Bureau will, in any case, have to check the numbering of all sheets (see Section 410) in preparing the international publication.

SECTION 313

MANNER OF MAKING THE NECESSARY ANNOTATIONS IN THE CHECK LIST

Where, under Rule 3.3(b), the receiving Office itself fills in the check list, that Office shall mark, next to such check list, the words "FILLED IN BY RO", or their equivalent in the language of the international application. Where only some of the indications are filled in by the receiving Office, the said words and each indication filled in by that Office shall be preceded by an asterisk.

SECTION 314

MANNER OF INDICATING CORRECTION OF THE PRIORITY DATE
OR CANCELLATION OF THE PRIORITY CLAIM

(a) Where, under Rule 4.10(d), the applicant corrects the erroneously indicated filing date of any earlier application, the receiving Office shall enter the corrected date in the request and draw a line through the previously entered date while still leaving it legible.

(b) Where, under Rule 4.10(d), the receiving Office cancels the declaration made under Article 8(1), that Office shall mark over the said declaration the words "CANCELLED ON REQUEST OF APPLICANT" or "CANCELLED EX OFFICIO BY RO," or their equivalent in the language of the international application, as the case may be.

SECTION 315

NOTIFICATION OF NON-COLLECTION OF RECORD COPY

Where, under Rule 22.2(d), the receiving Office has, in accordance with the applicant's wish, held the record copy at the disposal of the applicant, and the applicant has not collected that copy by the expiration of the time limit for receipt of that copy by the International Bureau, the receiving Office shall notify the applicant accordingly.

SECTION 316

PROCEDURE IN THE CASE WHERE THE INTERNATIONAL
APPLICATION LACKS THE PRESCRIBED SIGNATURE

Where, under Article 14(1)(a)(i), the receiving Office finds that any international application is defective in that it lacks the prescribed signature, that Office shall send to the applicant, together with the invitation to correct under Article 14(1)(b), a copy of the request part of the international application. The applicant shall, within the prescribed time limit, return said copy after affixing thereto the prescribed signature.

PART 4

INSTRUCTIONS RELATING TO THE
INTERNATIONAL BUREAU

SECTION 401

MARKING OF SHEETS OF THE RECORD COPY

The International Bureau shall, under Rule 24.1, mark the date of receipt of the record copy in the appropriate space on the request form and place the stamp of the International Bureau in the lower right-hand corner of each sheet of the record copy.

SECTION 402

NOTIFICATION OF CORRECTION OF THE PRIORITY
DATE OR CANCELLATION OF THE PRIORITY CLAIM

Where, under Rule 4.10(d), the correction of the priority date or the cancellation of the priority claim is effected by the International Bureau, the manner of indicating the correction or cancellation set forth in Section 314 shall apply mutatis mutandis. The receiving Office, in addition to the applicant and the International Searching Authority, shall be notified accordingly by the International Bureau.

SECTION 403

TRANSMITTAL OF PROTEST AGAINST PAYMENT OF
ADDITIONAL FEE AND DECISION THEREON

Where the International Bureau receives a request from the applicant to forward the texts of both the protest against payment of an additional fee and the decision thereon by the International Searching Authority or the International Preliminary Examining Authority, as the case may be, to any designated or elected Office, it shall proceed according to such request.

SECTION 404

INTERNATIONAL PUBLICATION NUMBER*

The International Bureau shall assign to each published international application an international publication number which shall be different from the international application number. The international publication number shall be used on the pamphlet and in the Gazette entry. It shall consist of the two-letter code "WO" followed by a two-digit designation of the last two numbers of the year of publication, a slant, and a serial number consisting of five digits (e.g., WO75/12375").

* The question whether the international publication number should contain a six-digit rather than a five-digit serial number depends upon the number of international applications which are published per year. It is thought that, in the early period following entry into force of the PCT, a five-digit serial number which provides for the international publication of up to 100,000 international applications per year should be sufficient. However, should circumstances later require a sixth digit, this section could readily be revised accordingly.

SECTION 405

SPECIAL PUBLICATION FEE

The special publication fee provided for in Rule 48.4 shall be ...
Swiss francs.

SECTION 406

PAMPHLETS*

(a) Pamphlets referred to in Rule 48.1 shall be published on a given day
of each week.

(b) All pamphlets shall be of A4 size and shall be printed by offset,
recto-verso.

(c) The form and particulars of the front page of each pamphlet shall
be according to the example set forth in Annex D.

SECTION 407

THE GAZETTE

(a) The Gazette referred to in Rule 86 shall be of A4 size and shall be
printed by offset, recto-verso.

(b) In addition to the contents specified in Rule 86, the Gazette shall
contain, in respect of each published international application, the data
indicated in Annex E.

(c) The information referred to in Rule 86.1(v) shall be that which is
indicated in Annex F.

(d) The subscription price of the Gazette shall be ... Swiss francs per
year. The price of any single issue of the Gazette shall be ... Swiss francs.

* The various alternatives found in Rule 48.2(g) and 48.2(h) regarding later
publication of the international search report and amendments and statements
under Article 19 will be expanded in the Administrative Instructions in accord-
ance with Rule 48.2(i) once more definitive information is available as to
the international publication format and cost factors to be considered in
this context.

SECTION 408

PRIORITY APPLICATION NUMBER

(a) If the application number of the earlier application referred to in Rule 4.10(c) (priority application number) is furnished to the International Bureau within the prescribed time limit, that Bureau shall enter the said number in the space provided therefor in the request form.

(b) If the priority application number is furnished after the expiration of the prescribed time limit, the International Bureau shall indicate, in the international publication, the date on which the said number was furnished, by including on the front page of the pamphlet next to the priority application number the words "UNTIMELY FURNISHED ON (date)," or their equivalent in the language of the international application, provided that language is French, German, Japanese or Russian.

(c) If the priority application number has not been furnished at the time of the international publication, the International Bureau shall indicate that fact by including on the front page of the pamphlet in the space provided for the priority application number the words "NOT FURNISHED AT TIME OF THIS PUBLICATION," or their equivalent in the language of the international application, provided that language is French, German, Japanese or Russian.

SECTION 409

NOTIFICATION OF PRIORITY CLAIM CONSIDERED
NOT TO HAVE BEEN MADE

Where the International Bureau notes that the receiving Office has failed to notify the applicant as provided in Section 302, it shall send a notification to the same effect to the applicant, the receiving Office and the International Searching Authority.

SECTION 410

RENUMBERING OF SHEETS OF THE INTERNATIONAL APPLICATION

In the course of preparing the international application for international publication, the International Bureau shall sequentially renumber the sheets of the international application when necessitated by the addition of any new sheet, the deletion of entire sheets or a change in the order of the sheets.

SECTION 411

NOTIFICATION THAT THE CERTIFIED COPY OF THE
PRIORITY DOCUMENT HAS NOT BEEN SUBMITTED

Where the time limit under Rule 17.1(a) has expired and the International Bureau has not received a certified copy of the priority document, it shall notify the applicant and the designated Offices accordingly.

INSTRUCTIONS RELATING TO THE
INTERNATIONAL SEARCHING AUTHORITY

SECTION 501

CORRECTIONS SUBMITTED TO THE INTERNATIONAL SEARCHING AUTHORITY CONCERNING
EXPRESSIONS, ETC., NOT TO BE USED IN THE INTERNATIONAL APPLICATION

Where the applicant submits corrections to the International Searching Authority aimed at complying with the prescription of Rule 9.1, that Authority shall transmit copies of such corrections to the receiving Office and the International Bureau.

SECTION 502

PROTEST AGAINST PAYMENT OF ADDITIONAL FEE
AND DECISION THEREON

The International Searching Authority shall transmit to the applicant, at the latest, together with the international search report, any decision which it has taken under Rule 40.2(c) on the protest of the applicant against the payment of the additional fee. At the same time, it shall transmit to the International Bureau a copy of both the protest and the decision thereon, as well as any request by the applicant to forward the texts of both the protest and the decision thereon to any of the designated Offices.

SECTION 503

METHOD OF IDENTIFYING DOCUMENTS CITED IN THE
INTERNATIONAL SEARCH REPORT*

Identification of any document cited in the international search report referred to in Rule 43.5(b) shall be made by indicating the following elements in the order in which they are listed:

- (a) In the case of any patent document (patent documents being patents within the meaning of Article 2(ii) as well as published applications relating thereto)
- (i) the Office that issued the document, by the two-letter code as in Annex B;
 - (ii) the kind of document, by the appropriate symbols as in Annex C;
 - (iii) the number of the document as given to it by the Office that issued it;

* With respect to item (iv) of paragraph (a), the International Bureau has undertaken a preliminary study of the questions whether the patent documents of the "minimum documentation" countries contained, on the documents themselves, an indication of the date of publication and whether that date corresponded to the actual date of publication. Since the preliminary study has revealed that the International Bureau does not have sufficient information on hand to answer the latter of these questions, it is proposed to send a questionnaire to the "minimum documentation" countries for the purpose of acquiring that information.

(iv) the date of publication as indicated on the patent document;
and

(v) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.

(The following example illustrates the citation of a patent document according to paragraph (a) above:

JA, B, 14535, published 1974, April 8, see column 2 lines 10 to 15.)

(b) In the case of any book or other separately issued publication

(i) the name of the author;

(ii) the title (including, where applicable, the number of the edition and/or volume);

(iii) the year, month and day of publication (where only less precise data appear on the book or other separately issued publication, such as the year and month, or only the year, then only such data as appear thereon need be indicated unless the complete data are readily available from an authoritative source);

(iv) the name of the publisher;

(v) the place of publication (where only the location of the publisher appears on the book or other separately issued publication, then that location shall be indicated as the place of publication); and

(vi) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.

(The following example illustrates the citation of a book or other separately issued publication according to paragraph (b) above:

H. Walton, 'Microwave Quantum Theory', Volume 2, published 1973, April 4, by Sweet and Maxwell (London), see pages 138 to 192.)

(c) In the case of any article published in a periodical or other serial publication

(i) the title of the periodical or other serial publication;

(ii) the number of the volume and the date of the issue in which the article appears;

(iii) the place of publication (where only the location of the publisher appears in the periodical or other serial publication, then that location shall be indicated as the place of publication);

- (iv) the author and the title of the article and the number of the page both on which the article starts and ends; and
- (v) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.

(The following example illustrates the citation of an article published in a periodical or other serial publication according to paragraph (c) above:

IBM Technical Disclosure Bulletin; Volume 17, no. 5, issued 1974 October (Armonk, New York), J. G. Drop, 'Integrated Circuit Personalization at the Module level', see pages 1344 to 1345.)

(d) In the case of abstracts

- (i) the identification of the document containing the abstract in the manner set forth in paragraph (a), (b) or (c), respectively, depending upon whether the abstract is contained in a patent document, in a book or other separately issued publication, or in an article published in a periodical or other serial publication;
- (ii) in the case where the abstract is not published together with the full text document which served as its basis, the identification of both abstract and full text document on the basis of whatever bibliographic data may be available in respect thereto.

(The following example illustrates the citation of an abstract according to paragraph (d) (ii) above:

Chemical Abstracts, Volume 75, no. 20, issued 1971, November 15 (Columbus, Ohio, U.S.A.), D.I. Shetulov, 'Surface Effects During Metal Fatigue', see page 163, column 1, the abstract no. 120718k, Fiz.-Khim. Mekh. Mater. 1971, 7(2), 7-11 (Russ)).

SECTION 504

CLASSIFICATION OF THE SUBJECT MATTER OF THE
INTERNATIONAL APPLICATION

(a) Where the subject matter of the international application must be provided with different classification symbols according to the principles to be followed in the application of the International Patent Classification to any given patent document, the international search report shall indicate all such symbols.

(b) Where any national classification system is used, the international search report may indicate all the applicable classification symbols also according to that system.

(c) Where the subject matter of the international application is classified both according to the International Patent Classification and to any national classification system, the international search report shall indicate the corresponding symbols of both classifications opposite each other.

SECTION 505

INDICATION OF CITATIONS OF PARTICULAR RELEVANCE IN
THE INTERNATIONAL SEARCH REPORT

Where any document cited in the international search report is of particular relevance, the special indication required by Rule 43.5(c) shall consist of the "X" placed next to the citation of the said document.

SECTION 506

COMMENTS ON DRAFT TRANSLATION OF THE INTERNATIONAL APPLICATION

(a) Where the applicant has made comments, within the time limits fixed by the International Searching Authority, on the latter's draft translation referred to in Rule 48.3(b), that Authority shall notify the applicant whether it has changed the draft translation and, if so, of the changes it has made therein.

(b) Where the applicant submits comments on the draft translation after the expiration of the time limit fixed by the International Searching Authority, and that Authority changes the draft translation, it shall notify the applicant accordingly.

SECTION 507

INDICATION OF FIGURES TO BE PUBLISHED WITH THE ABSTRACT

Where it is the International Searching Authority which, under Rule 8.2, indicates the figure or figures of the drawings to be published with the abstract, that Authority shall notify the applicant and the International Bureau accordingly.

SECTION 508

MANNER OF INDICATING CERTAIN SPECIAL CATEGORIES OF
DOCUMENTS CITED IN THE INTERNATIONAL SEARCH REPORT

(a) Where any document cited in the international search report refers to an oral disclosure, use, exhibition, or other means referred to in Rule 33.1(b), the separate indication required by that Rule shall consist of the letter "O" placed next to the citation of the said document.

(b) Where any document cited in the international search report is a published application or patent as defined in Rule 33.1(c), the special mention required by that Rule shall consist of the letter "E" placed next to the citation of the said document.

(c) Where any document cited in the international search report is a document which defines the general state of the art, it shall be indicated by the letter "G" placed next to the citation of the said document.

(d) Where any document cited in the international search report is a document whose publication date occurred earlier than the international filing date of the international application, but later than the priority date claimed in that application, it shall be indicated by the letter "P" next to the citation of the said document.

SECTION 509

MANNER OF INDICATING THE CLAIMS TO WHICH THE DOCUMENTS CITED
IN THE INTERNATIONAL SEARCH REPORT ARE RELEVANT

The manner of indicating the claims to which cited documents are relevant shall be indicated by placing in the appropriate column of the international search report:

(i) where the cited document is relevant to one claim, the number of that claim; for example (2) or (17),

(ii) where the cited document is relevant to two or more claims numbered in consecutive order, the numbers of the first and last claims of the series connected by a hyphen; for example, (1-15) or (2-3),

(iii) where the cited document is relevant to one or more claims that are not numbered in consecutive order, the number of each claim placed in ascending order and separated by a comma or commas; for example, (1,6) or (1,7,10),

(iv) where the cited document is relevant to more than one series of claims under (ii) above, or to claims of both categories (ii) and (iii) above, the series or individual claim numbers and series placed in ascending order using commas to separate the several series, or to separate the numbers of individual claims and each series of claims; for example, (1-6, 9-10, 12-15) or (1, 3-4, 6, 9-11).

PART 6

INSTRUCTIONS RELATING TO THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

SECTION 601

DETERMINATION WHETHER APPLICANT IS ENTITLED TO MAKE A DEMAND

(a) Where the International Preliminary Examining Authority finds that the applicant is not entitled under Article 31(2) or, where there are several applicants, that none of the applicants is entitled under Rule 54.2 to make a demand, the International Preliminary Examining Authority shall notify both the applicant or applicants and the International Bureau accordingly.

(b) Where the International Preliminary Examining Authority finds that, in the case of different applicants for different elected States, none of the applicants indicated for the purposes of a given elected State is entitled under Rule 54.3 to make a demand and that therefore the election of that State shall be considered not to have been made, the International Preliminary Examining Authority shall notify accordingly both the applicant or applicants so indicated and the International Bureau.

SECTION 602

MARKING OF REPLACEMENT SHEETS

The data to be indicated on any replacement sheet according to Rule 66.8(b) shall be indelibly marked by the International Preliminary Examining Authority, so as to admit of direct reproduction in any of the manners set forth in Rule 11.2(a), in the upper right-hand corner of each replacement sheet.

SECTION 603

PROTEST AGAINST PAYMENT OF ADDITIONAL FEE
AND DECISION THEREON

The International Preliminary Examining Authority shall transmit to the applicant, at the latest together with the international preliminary examination report, any decision which it has taken under Rule 68.3(c) on the protest of the applicant against payment of the additional fee. At the same time, it shall transmit to the International Bureau a copy of both the protest and the decision thereon, as well as any request by the applicant to forward the texts of both the protest and the decision thereon to any of the elected Offices.

SECTION 604

GUIDELINES FOR EXPLANATIONS CONTAINED IN THE
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Explanations under Rule 70.8 shall clearly point out to which of the three criteria referred to in Article 35(2), taken separately, any cited document is applicable and shall clearly describe, with reference to the cited documents, the reasons supporting the conclusion that any of the said criteria is or is not satisfied.

/Annexes A to G follow/

NAMES OF STATES

(Members of the Paris Union)

<u>Short Title</u>	<u>Full Name</u>
Algeria	Democratic and Popular Republic of Algeria
Argentina	Argentine Republic
Australia	Commonwealth of Australia
Austria	Republic of Austria
Belgium	Kingdom of Belgium
Brazil	Federative Republic of Brazil
Bulgaria	People's Republic of Bulgaria
Cameroon	United Republic of Cameroon
Canada	Canada
Central African Republic	Central African Republic
Chad	Republic of Chad
Congo	People's Republic of the Congo
Cuba	Republic of Cuba
Cyprus	Republic of Cyprus
Czechoslovakia	Czechoslovak Socialist Republic
Dahomey	Republic of Dahomey
Denmark	Kingdom of Denmark
Dominican Republic	Dominican Republic
Egypt	Arab Republic of Egypt
Finland	Republic of Finland
France	French Republic
Gabon	Gabonese Republic
German Democratic Republic	German Democratic Republic
Germany (Federal Republic of)	Federal Republic of Germany
Greece	Hellenic Republic
Haiti	Republic of Haiti
Holy See	Holy See
Hungary	Hungarian People's Republic
Iceland	Republic of Iceland
Indonesia	Republic of Indonesia
Iran	Empire of Iran
Ireland	Ireland
Israel	State of Israel
Italy	Italian Republic
Ivory Coast	Republic of the Ivory Coast
Japan	Japan
Jordan	Hashemite Kingdom of Jordan
Kenya	Republic of Kenya
Lebanon	Lebanese Republic
Liechtenstein	Principality of Liechtenstein

Luxembourg	Grand Duchy of Luxembourg
Madagascar	Malagasy Republic
Malawi	Republic of Malawi
Malta	Malta
Mauritania	Islamic Republic of Mauritania
Mexico	United Mexican States
Monaco	Principality of Monaco
Morocco	Kingdom of Morocco
Netherlands	Kingdom of the Netherlands
New Zealand	New Zealand
Niger	Republic of the Niger
Nigeria	Federal Republic of Nigeria
Norway	Kingdom of Norway
Philippines	Republic of the Philippines
Poland	Polish People's Republic
Portugal	Portuguese Republic
Republic of South Viet-Nam	Republic of South Viet-Nam
Romania	Socialist Republic of Romania
San Marino	Republic of San Marino
Senegal	Republic of Senegal
South Africa	Republic of South Africa
Southern Rhodesia	Southern Rhodesia
Soviet Union	Union of Soviet Socialist Republics
Spain	Spanish State
Sri Lanka	Republic of Sri Lanka
Sweden	Kingdom of Sweden
Switzerland	Swiss Confederation
Syrian Arab Republic	Syrian Arab Republic
Togo	Togolese Republic
Trinidad and Tobago	Trinidad and Tobago
Tunisia	Republic of Tunisia
Turkey	Republic of Turkey
Uganda	Republic of Uganda
United Kingdom	United Kingdom of Great Britian and Northern Ireland
United Republic of Tanzania	United Republic of Tanzania
United States of America	United States of America
Upper Volta	Republic of the Upper Volta
Uruguay	Eastern Republic of Uruguay
Yugoslavia	Socialist Federal Republic of Yugoslavia
Zaire	Republic of Zaire
Zambia	Republic of Zambia

ANNEX B/ANNEXE B

CODE FOR IDENTIFYING STATES
AND ORGANIZATIONS */CODE D'IDENTIFICATION DES ETATS
ET DES ORGANISATIONS*

AG	ALGERIA/ALGERIE
AR	ARGENTINA/ARGENTINE
AU	AUSTRALIA/AUSTRALIE
BE	BELGIUM/BELGIQUE
BG	BULGARIA/BULGARIE
BR	BRAZIL/BRESIL
CA	CANADA/CANADA
CB	ZAIRE/ZAIRE
CF	CONGO/CONGO
CH	SWITZERLAND/SUISSE
CI	IVORY COAST/COTE D'IVOIRE
CL	SRI LANKA/SRI LANKA
CS	CZECHOSLOVAKIA/TCHECOSLOVAQUIE
CU	CUBA/CUBA
CV	HOLY SEE/SAINT-SIEGE
CY	CYPRUS/CHYPRE
DA	DAHOMEY/DAHOMEY
DK	DENMARK/DANEMARK
DL	GERMAN DEMOCRATIC REPUBLIC/REPUBLIQUE DEMOCRATIQUE ALLEMANDE
DR	DOMINICAN REPUBLIC/REPUBLIQUE DOMINICAINE
DT	GERMANY, FEDERAL REPUBLIC OF/ALLEMAGNE, REPUBLIQUE FEDERALE D'
EI	IRELAND/IRLANDE
ES	SPAIN/ESPAGNE
ET	EGYPT/EGYPTE
FL	LIECHTENSTEIN/LIECHTENSTEIN
FR	FRANCE/FRANCE
GA	GABON/GABON
GB	UNITED KINGDOM/ROYAUME-UNI
GR	GREECE/GRECE
HI	HAITI/HAITI
HU	HUNGARY/HONGRIE
ID	INDONESIA/INDONESIE
IL	ISRAEL/ISRAEL
IR	IRAN/IRAN
IS	ICELAND/ISLANDE
IT	ITALY/ITALIE
JA	JAPAN/JAPON
JO	JORDAN/JORDANIE
KA	CAMEROON/CAMEROUN
KE	KENYA/KENYA
LB	LEBANON/LIBAN
LU	LUXEMBOURG/LUXEMBOURG
MA	MOROCCO/MAROC
MC	MONACO/MONACO
MD	MADAGASCAR/MADAGASCAR
ML	MALTA/MALTE
MT	MAURITANIA/MAURITANIE
MW	MALAWI/MALAWI
MX	MEXICO/MEXIQUE
NI	NIGER/NIGER
NL	NETHERLANDS/PAYS-BAS
NO	NORWAY/NORVEGE
NZ	NEW ZEALAND/NOUVELLE-ZELANDE
OE	AUSTRIA/AUTRICHE
PH	PHILIPPINES/PHILIPPINES
PO	POLAND/POLOGNE
PT	PORTUGAL/PORTUGAL
RH	SOUTHERN RHODESIA/RHODESIE DU SUD
RU	ROMANIA/ROUMANIE
SF	FINLAND/FINLANDE
SM	SAN MARINO/SAINT-MARIN
SN	SENEGAL/SENEGAL
SR	SYRIAN ARAB REPUBLIC/REPUBLIQUE ARABE SYRIENNE

* The States listed are those which are members of the Paris Union. This code is, for the most part, based upon ICIREPAT recommendations./Les Etats cités sont les Etats membres de l'Union de Paris. Ce code est établi en majeure partie sur la base des recommandations de l'ICIREPAT.

SU SOVIET UNION/UNION SOVIETIQUE
SW SWEDEN/SUEDE
TA UNITED REPUBLIC OF TANZANIA/REPUBLIQUE UNIE DE TANZANIE
TD TRINIDAD AND TOBAGO/TRINITE ET TOBAGO
TN TUNISIA/TUNISIE
TO TOGO/TOGO
TR TURKEY/TURQUIE
TS CHAD/TCHAD
UG UGANDA/OUGANDA
US UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE
UV UPPER VOLTA/HAUTE-VOLTA
UY URUGUAY/URUGUAY
VS REPUBLIC OF SOUTH VIET-NAM/REPUBLIQUE DU SUD VIET-NAM
WN NIGERIA/NIGÉRIA
YU YUGOSLAVIA/YOUGOSLAVIE
ZA SOUTH AFRICA/AFRIQUE DU SUD
ZB ZAMBIA/ZAMBIE
ZR CENTRAL AFRICAN REPUBLIC/REPUBLIQUE CENTRAFRICAINE

AM AFRICAN AND MALAGASY /OFFICE AFRICAIN ET MALGACHE DE LA
INDUSTRIAL PROPERTY OFFICE PROPRIETE INDUSTRIELLE
EP EUROPEAN PATENT OFFICE/OFFICE EUROPEEN DE BREVETS
IB INTERNATIONAL PATENT INSTITUTE/INSTITUT INTERNATIONAL DES BREVETS
WO INTERNATIONAL BUREAU OF WIPO/BUREAU INTERNATIONAL DE L'OMPI

[Annex C follows /
L'annexe C suit]

STANDARD CODE FOR IDENTIFICATION OF DIFFERENT KINDS OF PATENT DOCUMENTS*

Introduction

1. The recommendation provides for groups of letter codes in order to distinguish patent documents. The letter codes also facilitate the storage and retrieval of such documents.
2. If any Office wants to amplify the information contained in the letter code, this letter code may be optionally associated with a numerical code. The meaning of such numerical code should then be defined by each Patent Office availing itself of this option.
3. The code also provides for a letter for non-patent literature documents (N) and for documents to be restricted to the internal use of Patent Offices (X) (e.g. confidential documents, not to be disclosed outside the Office). See in this respect also SI.1 (ICIREPAT Manual pages 4.3.1.1 to 4.3.1.4).

Definitions

4. For the purposes of this recommendation, the expression "patent documents" includes patents for inventions, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, utility certificates of addition and published applications therefor.
 5. For the purposes of this recommendation, the term "entry in an official gazette" means at least one comprehensive announcement in an official gazette regarding the making available to the public of the complete text, claims (if any) and drawings (if any) of a patent document.
 6. For the purposes of this recommendation, the terms "publication" and "published" are used in the sense of making available
 - (i) a patent document to the public for inspection or supplying a copy on request
 - (ii) multiple copies of a patent document produced by printing or like process
- Explanation: If, at a particular procedural stage, a copy of the document is first made available to the public for inspection or copying and is then, at the same procedural stage, made available in multiple copies produced by printing or like process, only a single publication is considered to have occurred. If, on the other hand, multiple reproduction results from a new procedural stage, this reproduction is considered to be a further publication of the document, even if the texts at the two stages are identical.
7. According to certain national patent laws or regulations, the same patent application may be published at various procedural stages. For the purposes of this recommendation, a publication level is defined as the level corresponding to a procedural stage at which normally a document is published under a given national patent law.

Recommendation

8. It is recommended that the code:
 - (a) be used for the recording of the "kind of document" in machine-readable data carriers, such as 80-column punched cards, magnetic tapes, aperture cards, etc.;
 - (b) be used on the first page of patent documents, preferably near the document number, if these have been published in the sense of paragraph 6;

* Recommendation adopted by Plenary Committee of ICIREPAT (document IC/PLC/V/11) and as revised by the Technical Coordination Committee (document IC/TCC/XIV/18).

(c) be used in entries in official gazettes or, if all entries in a section of the Gazette relate to the same kind of a document at the beginning of such a section.

(d) be used for the identification of patent documents cited in "Search Reports" and "Lists of References" in patent documents (INID Number 56).

9. Code

The code is subdivided into mutually exclusive groups of letters. The groups characterize patent documents and documents specified in paragraph 3. Groups 1 - 5 comprise one or several letters enabling identification of documents pertaining to different publication levels.

Group 1 Use for primary or major series of patent documents

- A First publication level
- B Second publication level
- C Third publication level

Group 2 Use for secondary series of patent documents

- E First publication level
- F Second publication level
- G Third publication level

Group 3 Use for further series of patent documents, as the special requirements of each Office may be

- H
- I

Group 4 Use for medicament patent documents

- M

Group 5 Use for utility model documents having a numbering series other than the documents of Group 1

- U First publication level
- Y Second publication level
- Z Third publication level

Group 6 Other (see paragraph 3)

- N Non-patent literature documents
- X Documents restricted to the internal use of Offices

10. It is understood that documents resulting from a patent application and being identified as the major series will fall under Group 1 (e.g. DT Offenlegungsschrift, Auslegungsschrift and Patentschrift). However, documents identified as a secondary series will fall under Group 2 (e.g. FR patent of addition under old law, US reissue). In exceptional cases of need for a further series, Group 3 is reserved for such purposes (e.g. US defensive publication). Group 4 applies only, at present, to special documents concerning the medicament patents published in France. If any country would publish similar documents, Group 4 should then be used.

11. As indicated in paragraph 2, the above letter code may optionally be associated with a numerical code to amplify the information represented by the letter code. For this numerical code only digits 1 to 9 should be used. The significance of this code will be defined by any national Office applying such code and communicated to the International Bureau, which will publicize this information. The numerical code must always be interpreted in conjunction with the country code and the above letter code.

12. As an appendix to this recommendation a list of patent documents, past and currently published, and intended to be published in the future, divided in accordance with the code, is given.

[Appendices I & II follow]

Appendix I

List of Patent Documents, Past and Currently Published, and Intended to be Published in the Future, Divided in Accordance with this Code

Code: A Patent Documents Numbered in Primary or Major Series - First Publication Level

Examples:	Austria	Patent Application published in the sense of paragraph 6(i)
	Belgium	Brevet d'invention/Uitvindingsoctrooi
	Belgium	Brevet de perfectionnement/Verbeteringsoctrooi
	Bulgaria	Opisanie na izobretenie po patent
	Canada	Patent
	Cuba	Patent Application published in the sense of paragraph 6(i)
	Czechoslovakia	Patent Application published in the sense of paragraph 6(i)
	Czechoslovakia	Inventors' Certificate Application published in the sense of paragraph 6(i)
	Denmark	Patent Application published in the sense of paragraph 6(i)
	Egypt	Patent specification
	Europat	Document published after 18 months
	Finland	Patent Application published in the sense of paragraph 6(i)
	France	Brevet d'invention (old law)
	France	Brevet d'invention, première et unique publication
	France	Certificat d'addition à un brevet d'invention, première et unique publication
	France	Certificat d'utilité, première et unique publication
	France	Certificat d'addition à un certificat d'utilité, première et unique publication
	France	Demande de brevet d'invention, première publication
	France	Demande de certificat d'addition à un brevet d'invention, première publication
	France	Demande de certificat d'utilité, première publication
	France	Demande de certificat d'addition à un certificat d'utilité, première publication
	German Democratic Republic	Patentschrift (Ausschliessungspatent)
	German Democratic Republic	Patentschrift (Wirtschaftspatent)
	Germany, Federal Republic of	Offenlegungsschrift
	Hungary	Patent Application published in the sense of paragraph 6(i)
	India	Patent specification
	Ireland	Patent specification
	Italy	Brevetto per invenzione industriale
	Japan	Kokai tokkyo koho
	Luxembourg	Brevet d'invention
	Luxembourg	Certificat d'addition à un brevet d'invention
	Netherlands	Ter inzage gelegde octrooiaanvraag
	Norway	Patent Application published in the sense of paragraph 6(i)
	Pakistan	Patent specification

Code: A (continued)

Examples: PCT	Pamphlet published after 18 months
Poland	Opis patentovy
Romania	Descrierea invenției
Soviet Union	Opisanie izobreteniya k patentu
Soviet Union	Opisanie izobreteniya k avtorskomy svidetelstvu
Spain	Patente de invención
Sweden	Patent Application published in the sense of paragraph 6(i)
Switzerland	Auslegeschrift/Mémoire Exposé/Esposito Memoriale (Patent Application published in the sense of paragraphs 6(i) and 6(ii) pertaining to the technical fields for which search and examination as to novelty are made)
Switzerland	Patentschrift/Exposé d'invention/Esposito d'invenzione (Patent published in the sense of paragraph 6(ii) and pertaining to the technical fields for which neither search nor examination as to novelty are made)
United Kingdom	Patent specification
United States	Patent
Yugoslavia	Patentni spis

Code: B Patent Documents Numbered in Primary or Major Series - Second Publication Level

Examples: Australia	Patent specification
Austria	Patentschrift
Cuba	Patente de invención
Czechoslovakia	Popis vynálezu k patentu
Czechoslovakia	Popis vynálezu k autorskému osvědčení
Denmark	Fremlaeggelsesskrift
Finland	Kuulutusjulkaisu - Utläggningsskrift
France	Brevet d'invention, deuxième publication de l'invention
France	Certificat d'addition à un brevet d'invention, deuxième publication de l'invention
France	Certificat d'utilité, deuxième publication de l'invention
France	Certificat d'addition à un certificat d'utilité, deuxième publication de l'invention
Germany, Federal Republic of	Auslegeschrift
Hungary	Szabadalmi leírás
Japan	Tokkyo kohō
Netherlands	Openbaar gemaakte octrooiaanvraag
Norway	Utlægningskrift
Sweden	Utläggningsskrift
Switzerland	Patentschrift/Exposé d'invention/Esposito d'invenzione (Patent published in the sense of paragraph 6(ii) and pertaining to the technical fields for which search and examination as to novelty are made)

Code: C Patent Documents Numbered in Primary or Major Series - Third Publication Level

Examples: Denmark	Patent
Finland	Patentti - Patent
Germany, Federal Republic of	Patentschrift
Netherlands	Octrooi

Code: C (continued)

Examples: Norway Patent
Sweden Patentskrift

Code: E Patent Documents Numbered in Secondary Series - First Publication Level

Examples: France Certificat d'addition à brevet d'invention (old law)
United States Reissue

Code: H Patent Documents numbered in further series

Example: United States Defensive publication

Code: M Medicament Patent Documents

Examples: France Brevet spécial de médicament
France Addition à un brevet spécial de médicament

Code: U Utility Model Documents Numbered in Series other than the Documents of Group I - First Publication Level

Examples: Germany, Federal Gebrauchsmuster
Republic of
Japan Kokai jitsuyo shinan kohō
Spain Utility Model Application published in the sense of
paragraph 6(i)

Code: Y Utility Model Documents Numbered in Series other than the Documents of Group I - Second Publication Level

Examples: Japan Jitsuyo shinan kohō
Spain Modelo de utilidad

/Appendix II follows/

Appendix II

Definition of the Optional Numerical Code Adopted by Each Country Applying it, in conjunction with the One-letter Code

Country	Patent Documents	One-Letter Code	Numerical Code
France	Demande de brevet d'invention, première publication	A	1
	Demande de certificat d'addition à un brevet d'invention, première publication	A	2
	Demande de certificat d'utilité, première publication	A	3
	Demande de certificat d'addition à un certificat d'utilité, première publication	A	4
	Brevet d'invention, première et unique publication	A	5
	Certificat d'addition à un brevet d'invention, première et unique publication	A	6
	Certificat d'utilité, première et unique publication	A	7
	Certificat d'addition à un certificat d'utilité, première et unique publication	A	8
	Brevet d'invention, deuxième publication de l'invention	B	1
	Certificat d'addition à un brevet d'invention, deuxième publication de l'invention	B	2
	Certificat d'utilité, deuxième publication de l'invention	B	3
	Certificat d'addition à un certificat d'utilité, deuxième publication de l'invention	B	4
	Germany, (Federal Republic of)	<u>Offenlegungsschrift</u> 1st publication of an Offenlegungsschrift	A
Offenlegungsschrift, 2nd publication, modified reprint following an A1 Offenlegungsschrift or following a B1 Auslegeschrift		A	2
Offenlegungsschrift, 3rd publication, modified reprint following an A2 Offenlegungsschrift or a B2 Auslegeschrift		A	3
<u>Auslegeschrift</u> 1st publication of an Auslegeschrift (2nd publication level, but Offenlegungsschrift not published)		B	1

Country	Patent Documents	One-letter Code	Numerical Code	
Germany (Federal Republic of)	Auslegeschrift, 2nd publication normally following an A1 Offenlegungsschrift or a B1 Auslegeschrift	B	2	
	Auslegeschrift, 3rd publication following an A2 Offenlegungsschrift or a B2 Auslegeschrift	B	3	
	Auslegeschrift, 4th publication following an A3 Offenlegungsschrift or a B3 Auslegeschrift	B	4	
	<u>Patentschrift</u> 1st publication of a Patentschrift (3rd publication level, but Offenlegungsschrift and Auslegeschrift not published)	C	1	
	Patentschrift, 2nd publication normally following a B1 Auslegeschrift or a C1 Patentschrift, modified reprint	C	2	
	Patentschrift, 3rd publication normally following a B2 Auslegeschrift and an A1 Offenlegungsschrift or following a B2 Auslegeschrift with a preceding B1 Auslegeschrift as well	C	3	
	Patentschrift, 4th publication following a B3 Auslegeschrift or a C3 Patentschrift	C	4	
	Patentschrift, 5th publication following a B4 Auslegeschrift or a C4 Patentschrift	C	5	
	Switzerland	Auslegeschrift/Mémoire Exposé/Esposito Memoriale (Patent Application published in the sense of paragraphs 6(i) and 6(ii) and pertaining to the technical fields for which search and examination as to novelty are made)	A	4
		Patentschrift/Exposé d'invention/Esposito d'invenzione (Patent published in the sense of paragraph 6(ii) and pertaining to the technical fields for which neither search nor examination as to novelty are made)	A	5
Patentschrift/Exposé d'invention/Esposito d'invenzione (Patent published in the sense of paragraph 6(ii) and pertaining to technical fields for which search and examination as to novelty are made)		B	5	

INFORMATION FROM PAMPHLET FRONT PAGE TO BE INCLUDED IN THE GAZETTE
UNDER RULE 86.1(i)

The following information shall be extracted from the front page of the pamphlet of each published international application and shall, in accordance with Rule 86.1(i), appear in the corresponding entry of the Gazette:

1. As to the international publication:
 - 1.1 the international publication number
 - 1.2 the date of the international publication
 - 1.3 an indication whether the following items were published in the pamphlet:
 - 1.31 international search report
 - 1.32 declaration under Article 17(2)
 - 1.33 amended claims
 - 1.34 statement under Article 19(1)
 - 1.35 the essence of the comments by the applicant on the translation of the international application as referred to in Rule 48.3(b).
2. as to the international application:
 - 2.1 the title of the invention
 - 2.2 the symbol(s) of the International Patent Classification (IPC)
 - 2.3 the international application number
 - 2.4 the international filing date
3. as to any priority claim:
 - 3.1 the application number of the earlier application
 - 3.2 the date of the earlier application
 - 3.3 the country in or for which the earlier application was filed
4. as to the applicant, inventor and agent:
 - 4.1 their name(s)
 - 4.2 their mailing address(es)
5. as to the designated and elected States:
 - 5.1 their names
 - 5.2 the indication of any wish for a regional patent
 - 5.3 the indication of kind of protection sought, unless patent is sought.

Annex F follows

INFORMATION TO BE PUBLISHED IN THE GAZETTE
UNDER RULE 86.1(v)

1. The time limits applicable under Articles 22 and 39 in respect of each Contracting State.
2. The list of the non-patent literature agreed upon by the International Searching Authorities for inclusion in the minimum documentation.
3. The names of the national Offices which do not wish to receive copies under Article 13(2)(c).
4. The provisions of the national laws of Contracting States concerning international-type search.
5. The text of the agreements entered into between the International Bureau and the International Searching Authorities or the International Preliminary Examining Authorities.
6. The names of the national Offices which entirely or in part waived their rights to any communication under Article 20.
7. The names of the Contracting States which are bound by Chapter II of the PCT.
8. Listing of international publication numbers grouped according to receiving Offices.
9. Listing of international publication numbers grouped according to IPC classification symbols.
10. Listing of international publication numbers grouped according to countries designated.
11. Indication of any subject matter that will not be searched or examined by the various International Searching and Preliminary Examining Authorities under Rules 39 and 67.

Annex G follows

FORMS

To be proposed later. See paragraphs 8 and 9 of the Introduction
of the present document

End of document