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PATENT COOPERATION TREATY

INTERIM ADVISORY COMMITTEE FOR ADMINISTRATIVE QUESTIONS

Sixth Session: Geneva, October 27 to November 3, 1975

DRAFT FORMS

UNDER THE PCT ADMINISTRATIVE INSTRUCTIONS

(PART III)

prepared by the International Bureau

SUMMARY

This document contains printed drafts of the four forms of particular importance. These are the Request, the International Search Report, the Demand and the International Preliminary Examination Report. These forms have been revised in the light of the comments made by the special Working Group on Forms.

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INTRODUCTION

Background

1. The PCT Interim Advisory Committee for Administrative Questions (hereinafter referred to as "the Interim Committee"), at its fourth session held in Tokyo in October 1973, decided to establish a Working Group on Forms (hereinafter referred to as "the Working Group") which would be composed of specialists in the field of standardization of Patent Office procedures. According to the decision of the Interim Committee, the task of the Working Group was to examine in detail the existing drafts of the forms with respect to contents and layout before any further consideration of the forms by the Interim Committee itself. The Working Group was also asked to consider the question of the mandatory or the optional character of the forms.
2. The Working Group met in Geneva in September 1974, and the revised drafts of the forms contained in this document incorporate the changes agreed upon by that Working Group.

Mandatory or Optional Use

3. The Working Group agreed that no discussion of the question of mandatory or optional use was called for with respect to the four forms of particular importance which are contained in this document : namely, the Request (PCT/RO/101), the International Search Report (PCT/ISA/210), the Demand (PCT/IPEA/401) and the International Preliminary Examination Report (PCT/IPEA/409), since the PCT prescribed in those cases the use of a printed form and the particulars of such form. Thus, the Working Group reached the understanding that the four forms mentioned, as eventually adopted, were mandatory as to both contents and layout. (See paragraph 89 of the Report of the Working Group; document PCT/AAQ/WGF/I/10).

Notes to the Forms

4. As to the views of the Working Group in respect of the notes to the forms, the Interim Committee is referred to paragraphs 9 to 10 of working document PCT/AAQ/VI/3 prepared for this session of the Interim Committee.

The Request Form

5. The Request form follows, in general, the format presented in previous drafts of that form, i.e. a two-page form with a third page, an optional "continuation sheet" being utilized if the spaces on the two pages are not sufficiently large for all the information to be entered. The form has been printed on white paper instead of green as previously, in order to more clearly follow the prescription of the PCT for international applications of which the Request is a part.
6. The following are the major changes to the Request form resulting from the meeting of the Working Group.
7. The previous Request form provided for a small box bearing a footnote number which, when checked, would indicate that additional information is to be found on the "continuation sheet". However, the present form provides instead for a statement indicating that additional information for any given area is to be found on the "continuation sheet", and for a dotted line upon which is to be indicated the number of items of additional information to be found on that "continuation sheet".
8. The box in the upper right-hand corner of the first page of the Request form has been redesigned to provide more space for the additional stamping of the name of the receiving Office and "PCT International Application". Additionally, a longer space below "International Application No." in that box has been made to permit the use of an application serial number stamp with fairly big size numerals.
9. In boxes II and IV, the heading "Teletype (telex) number" has been replaced by "Teletype address" to bring the form in conformity with the wording used in PCT Rule 4.4(c).
10. The numbers indicated for "Designations of States" in box V have been reduced from 14 to 7, in order to provide sufficient space for each designation.

11. The small boxes, particularly those in the Check List, have been enlarged in order to facilitate typing, and an attempt has been made to more evenly space the different portions of the Request so that the form can be typed with a fixed space setting.

12. The Annex to the Request form, i.e. the "Fee Calculation Sheet", which is designed to enable the applicant to quickly and easily calculate the prescribed fees which may be due at, or near, the time of filing of the international application, now includes a column permitting notations relating to corrections and checking of proper amounts of fees by the receiving Office.

The International Search Report

13. The following are the major changes to the International Search Report form resulting from the meeting of the Working Group.

14. In box I, entitled "Classification of Subject Matter", the vertical line has been eliminated and the single box resulting therefrom includes the following text matter: "According to International Patent Classification (IPC) or to both National Classification and IPC". This has been supported by a section which has been drafted in the Administrative Instructions (see Section 504(c)), and which requires that, in case of both national classification and IPC, the corresponding symbols of both classifications be placed opposite each other.

15. In that part of box II entitled "Minimum Documentation Searched", the space for "Classification System" has been reduced to allow more space for "Classification Symbols". Also, in box II, the lower part subtitle has been changed to read "Patent Documentation Searched other than Minimum Documentation", and both the vertical lines and the indications "Kinds of Documents", "States", "Periods", and "Languages", have been eliminated in order to increase the space for either pre-printing or typing in of the relevant indications on such patent documentation searched.

16. In box III, the check boxes have been enlarged and aligned and more space has been provided in order to facilitate typing.

17. An additional supplemental sheet has been drawn up as part of the International Search Report form in order to contain the text of any title and/or abstract established by the International Searching Authority.

18. Explanatory Notes essential for the understanding of the signs used in connection with the documents cited in the international search report now appear as footnotes to box VI, entitled "Documents Considered To Be Relevant".

The Demand

19. The previous format of the Demand, consisting of two pages, as well as accompanying notes, has been retained. The first page consists of six elements, a petition and spaces for the identification of the international application, the applicant, and the agent, for indicating the States elected and introducing the signatures of the applicants. As in the Request, additional information pertaining to applicants or agents may be indicated on a supplemental sheet. A space reserved for the use of the International Preliminary Examining Authority is provided at the bottom of the form for introducing the actual and any adjusted date of receipt of the Demand.

20. The Demand form as well as the International Preliminary Examination Report form have been printed on light blue paper, in order to use the same color as for the other forms of the International Preliminary Examining Authority, this mainly to facilitate distinction of these forms from forms of other Authorities or from parts of the international application.

21. There were no major changes to the Demand form resulting from the meeting of the Working Group.

The International Preliminary Examination Report

22. The basic format of the International Preliminary Examination Report has remained unchanged. It is a four-page form with accompanying notes. The first page contains an area for the indication of the basis of the report and an area for the classification of the subject matter. Two of the four elements found in the basis of the report area merely call attention to the fact that these two elements are further explained on a "supplemental sheet".

23. A "continuation sheet" of the form contains the area for introducing a statement as to claims meeting the criteria of novelty, inventive step, and industrial applicability and citations and explanations supporting such statement. One, two or more "continuation sheets" may be used in any given international preliminary examination report.

24. The fourth page of the form, i.e. the "last sheet", contains areas for indicating non-written disclosures, certain published documents, defects in, or observations on, the international application and the certification of the report.

25. In addition to the enlargement and alignment of the check boxes in order to facilitate typing, the major changes to the International Preliminary Examination Report form include a redrafting, for purposes of clarity, of the material under item 2, entitled "Priority", contained on the first sheet.

26. The Interim Committee is invited to examine and comment on the printed drafts of the forms contained in this document.

[Printed drafts of Forms follow]

**INTERNATIONAL APPLICATION
UNDER THE
PATENT COOPERATION TREATY
REQUEST**

**THE UNDERSIGNED REQUESTS THAT THE PRESENT
INTERNATIONAL APPLICATION BE PROCESSED
ACCORDING TO THE PATENT COOPERATION TREATY**

(The following is to be filled in by the Receiving Office)
INTERNATIONAL APPLICATION NO:

**INTERNATIONAL
FILING DATE:** _____

(Stamp)
Name of Receiving Office and "PCT International Application"

I. TITLE OF INVENTION ¹

II. APPLICANT ² ... Additional applicants are indicated on supplemental sheet.		
Name ^{3, 5}		
Address ^{4, 5} (including postal code and country)		
Telephone number	Telegraphic address	Teletype address
Nationality ⁶ (country)	Residence ⁷ (country)	

III. INVENTOR ⁸ (Applicant is also the inventor <input type="checkbox"/>) ... Additional inventors are indicated on supplemental sheet.	
Name ^{3, 5}	
Address ^{4, 5} (including postal code and country).	

IV. AGENT (IF ANY) ⁹ ... Additional agents are indicated on supplemental sheet.		
A. <input type="checkbox"/> Applicant hereby appoints the following named agent to act on his behalf before the competent authorities. ⁹		
B. <input type="checkbox"/> Applicant has appointed the following named agent in accompanying separate power of attorney. ⁹		
Name ^{3, 5}		
Address ^{4, 5} (including postal code and country).		
Telephone number	Telegraphic address	Teletype address

V. DESIGNATION OF STATES ¹⁰ (and possible indication of wish to obtain regional patents) ¹¹ (and possible choice of certain kinds of protection) ¹² ... Additional designations are indicated on supplemental sheet.	
1.	
2.	
3.	
4.	
5.	
6.	
7.	

VI. PRIORITY CLAIM (IF ANY) ¹³ ... Additional priority claims are indicated on supplemental sheet.	
The priority of the following earlier application is claimed:	
Country (If the earlier application is regional or international application, indicate all countries for which it was filed).	Filing Date ¹⁴
	Application Number ¹⁵
	If earlier application was a regional or international application, indicate the National Office or intergovernmental organization with which the earlier application was filed.

VII. PARENT APPLICATION OR GRANT (IF ANY) ¹⁶ ... Additional parent applications or grants are indicated on supplemental sheet.

Designated State	Title or Treatment Desired	Title and Number of the Parent Application or Grant	Date of the Parent Application or Grant ¹⁴

VIII. EARLIER INTERNATIONAL OR INTERNATIONAL-TYPE SEARCH (IF ANY) ¹⁷ ... Additional such searches are indicated on supplemental sheet.

An earlier (international) or (international-type) search has been requested on the following application:

Receiving Office/Country	(International) Application No.	(International) Filing Date ¹⁴

Date of Request for the Search where the Earlier Search was an International-Type Search ¹⁴	Number given by the Searching Authority to the Request for Search where the Earlier Search was an International-Type Search
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IX. DIFFERENT APPLICANTS FOR DIFFERENT (GROUPS OF) DESIGNATED STATES (WHERE APPLICABLE) ¹⁸ ... Additional such applicants are indicated on supplemental sheet.

Designated States	Name of Applicant

X. DIFFERENT INVENTORS FOR DIFFERENT (GROUPS OF) DESIGNATED STATES (WHERE APPLICABLE) ¹⁹ ... Additional such inventors are indicated on supplemental sheet.

Designated States	Name of Inventor

XI. SIGNATURES OF APPLICANTS ²⁰

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<p>CHECK LIST (To be filled in by the Applicant) ²¹</p> <p>A. This international application contains the following number of sheets:</p> <p>1. request sheets</p> <p>2. description sheets</p> <p>3. claims sheets</p> <p>4. drawings sheets</p> <p>5. abstract sheets</p> <p>Total sheets</p> <p>C. Figure number of the drawings (if any) is suggested to accompany the abstract for publication.</p>	<p>B. This international application as filed is accompanied by the items checked below:</p> <p>1. <input type="checkbox"/> separate signed power of attorney</p> <p>2. <input type="checkbox"/> priority document</p> <p>3. <input type="checkbox"/> receipt (e.g. revenue stamps) for the fees paid</p> <p>4. <input type="checkbox"/> check for the payment of fees</p> <p>5. <input type="checkbox"/> international search report</p> <p>6. <input type="checkbox"/> international-type search report</p> <p>7. <input type="checkbox"/> document in evidence of fact that applicant is successor in title of inventor</p> <p>8. <input type="checkbox"/> other (specify)</p>
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(The following is to be filled in by the Receiving Office)

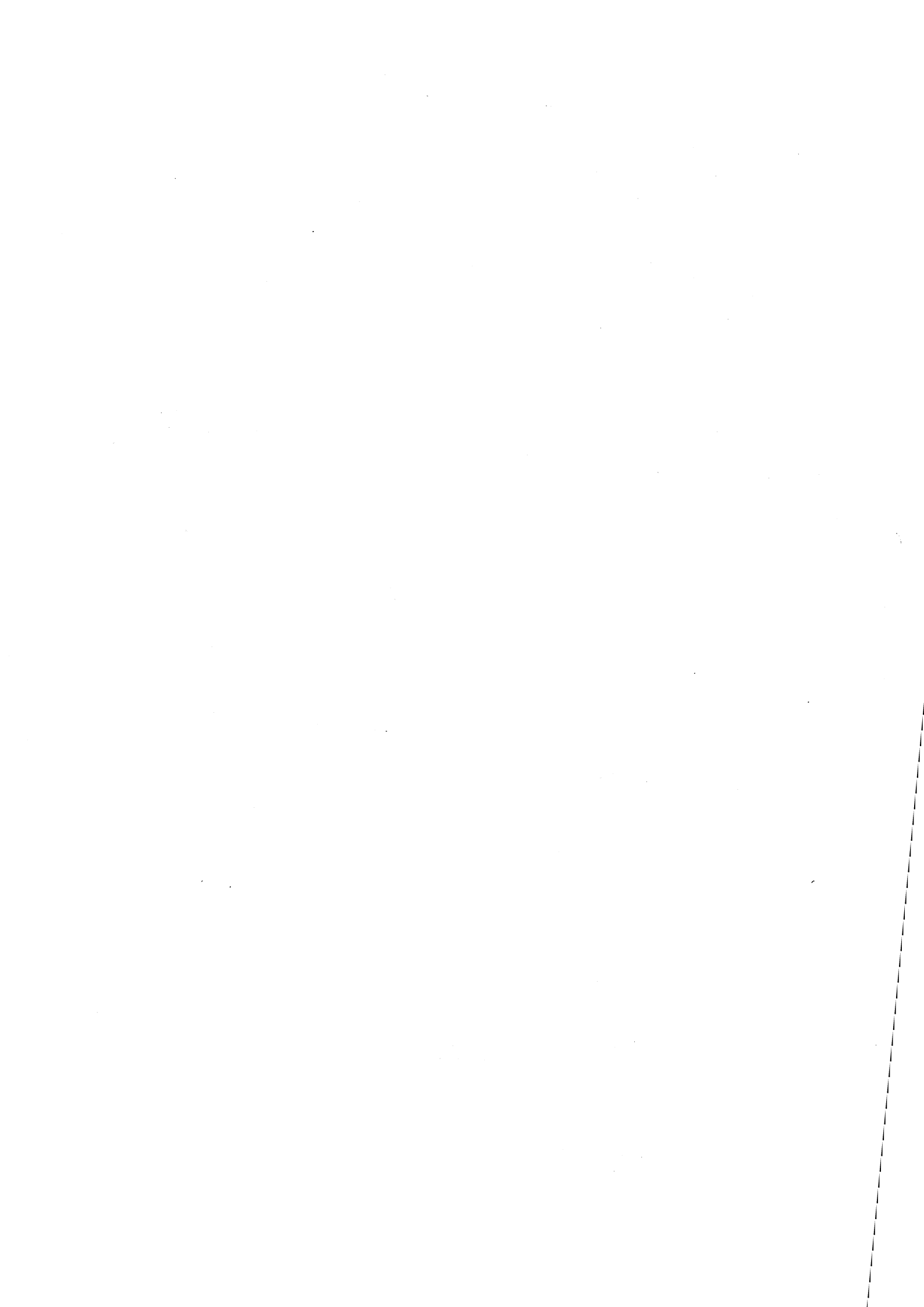
1. Date of actual receipt of the purported international application:

2. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:

3. Date of timely receipt of the required corrections under Article 11 of the PCT:

(The following is to be filled in by the International Bureau)

Date of receipt of the record copy:



USE THIS SHEET IF ANY OF THE BOXES IS NOT LARGE ENOUGH TO CONTAIN INFORMATION TO BE FURNISHED. INDICATE THE BOXES CONTINUED ON THIS SHEET BY THEIR (ROMAN) NUMERALS AND TITLE (e.g.: "II. APPLICANT (CONTINUED) ")

NOTES TO FORM PCT/RO/101

These Notes are intended to facilitate the filling in of the present form. For full information, see the text of the Patent Cooperation Treaty and the texts of the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and the said texts, the latter are applicable. "Article" refers to Articles of the Treaty, "Rule" refers to Rules of the Regulations and "Section" refers to Sections of the Administrative Instructions.

1 Title of Invention (Rule 4.1 (a) (ii))

"The title of the invention shall be short (preferably from two to seven words when in English or translated into English) and precise." (Rule 4.3)

2 Applicant (Rule 4.1 (a) (iii))

"The request shall indicate the name, address, nationality and residence of the applicant or, if there are several applicants, of each of them." (Rule 4.5 (a))

"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 105)

See also box IX of the present form.

3 "Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s)." (Rule 4.4 (a))

"Names of legal entities shall be indicated by their full, official designations." (Rule 4.4 (b))

4 "Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. It is recommended to indicate any telegraphic and teletype address and telephone number." (Rule 4.4 (c))

"For each applicant, inventor, or agent only one address may be indicated." (Rule 4.4 (d))

5 "Where any name or address is written in characters other than those of the Latin alphabet, the same shall also be indicated in characters of the Latin alphabet either as a mere transliteration or through translation into English. The applicant shall decide which words will be merely transliterated and which words will be so translated." (Rule 4.16 (a))

6 "The applicant's nationality shall be indicated by the name of the State of which he is a national." (Rule 4.5 (b))

See Section 202 in Note 10 below.

7 "The applicant's residence shall be indicated by the name of the State of which he is a resident." (Rule 4.5 (c))

See Section 202 in Note 10 below.

8 Inventor (Rules 4.1 (v) and 4.6 (a))

"If the applicant is the inventor, the request, shall contain a statement to that effect or shall repeat the applicant's name in the space reserved for indicating the inventor." (Rule 4.6 (b))

See also box X of the present form.

9 Agent (Rules 4.1 (a) (iii) and 4.7)

Only if the international application is signed by the applicant(s) (and not by the agent) may the formula "A" be used. If this international application is signed by the agent, the formula "B" must be used.

"If there is more than one applicant and the request does not refer to an agent representing all the applicants ("a common agent"), the request shall designate one of the applicants who is entitled to file an international application according to Article 9 as their common representative." (Rule 4.8 (a))

In the case under Rule 4.8 (a), the designation of the applicant who will act as the common representative shall be indicated on Request Form PCT/RO/101 (continuation sheet) immediately after the required information concerning the additional applicants. The designation, for example, may be indicated in the following manner: Applicant (Name) is appointed to act as the common representative on behalf of all applicants.

"Appointment of any agent or of any common representative within the meaning of Rule 4.8 (a), if the said agent or common representative is not designated in the request signed by all applicants, shall be effected in a separate signed power of attorney (i.e., a document appointing an agent or a common representative)." (Rule 90.3 (a))

"The power of attorney may be submitted to the receiving Office or the International Bureau. Whichever of the two is the recipient of the power of attorney submitted shall immediately notify the other and the interested International Searching Authority and the interested International Preliminary Examining Authority." (Rule 90.3 (b))

"If the separate power of attorney is not signed as provided in paragraph (a), or if the required separate power of attorney is missing, or if the indication of the name or address of the appointed person does not comply with Rule 4.4, the power of attorney shall be considered non-existent unless the defect is corrected." (Rule 90.3 (c))

For Rule 4.4 see Notes 3 and 4.

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

"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." (Section 108 (i))

"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." (Section 108 (ii))

"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 108 (iii))

"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 106)

"If there are several agents appointed by the same applicant or applicants, any act by or in relation to any of the several agents shall have the effect of an act by or in relation to the said applicant or applicants." (Rule 90.2 (c))

10 Designation of States (Rule 4.1 (a) (iv))

"Contracting States shall be designated in the request by their names." (Rule 4.9)

"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 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 202)

"If the applicant specifies the States to which he wishes any amount paid to be applied as designation fee, the amount shall be applied accordingly to the number of States which are covered by the amount in the order specified by the applicant." (Rule 15.5 (a))

"If the applicant does not specify any such wish and if the amount or amounts received by the receiving Office are higher than the basic fee and one designation fee but lower than what is due according to the number of the designated States, any amount in excess of the basic fee and one designation fee shall be treated as designation fees for the States following the State first named in the request and in the order in which the States are designated in the request up to and including that designated State for which the total amount of the designation fee is covered by the amount or amounts received." (Rule 15.5 (b))

"The designation fee for the first mentioned State belonging to a group of States for which the same regional patent is sought and which is specified under paragraph (a) or which is reached under paragraph (b) shall, for the purposes of the said paragraphs, be considered as covering also the other States of the said group."

11 "The request shall, where applicable, contain: ... (iv) an indication that the applicant wishes to obtain a regional patent and the names of the designated States for which he wishes to obtain such a patent." (Rule 4.1 (b) (iv))

"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 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 204)

12 “In respect of any designated or elected State whose law provides for the grant of inventor’s certificates, utility certificates, utility models, patents or certificates of addition, inventors’ certificates of addition, or utility certificates of addition, the applicant may indicate, as prescribed in the Regulations, that his international application is for the grant, as far as that State is concerned, of an inventor’s certificate, a utility certificate, or a utility model, rather than a patent, or that it is for the grant of a patent or a certificate of addition, an inventor’s certificate of addition, or a utility certificate of addition, and the ensuing effect shall be governed by the applicant’s choice. For the purposes of this Article and any Rule thereunder, Article 2 (ii) shall not apply.” (Article 43)

“If the applicant wishes his international application to be treated, in any designated State, as an application not for a patent but for the grant of any of the other kinds of protection specified in Article 43, he shall so indicate in the request. For the purpose of this paragraph, Article 2 (ii) shall not apply.” (Rule 4.12 (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.” (Section 203 (a))

“In respect of any designated or elected State whose law permits an application, while being for the grant of a patent or one of the other kinds of protection referred to in Article 43, to be also for the grant of another of the said kinds of protection, the application may indicate, as prescribed in the Regulations, the two kinds of protection he is seeking, and the ensuing effect shall be governed by the applicant’s indications. For the purposes of this Article, Article 2 (ii) shall not apply.” (Article 44)

“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 203 (b))

13 Priority Claim (Rules 4.1 (b) (i) and 4.10)

14 “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)”).” (Section 201)

15 “If the application number of the earlier application is not indicated in the request but is furnished by the applicant to the International Bureau prior to the expiration of the 16th month from the priority date, it shall be considered by all designated States to have been furnished in time. If it is furnished after the expiration of that time limit, the International Bureau shall inform the applicant and the designated Offices of the date on which the said number was furnished to it.” (Rule 4.10 (c))

16 Parent Application or Grant (Rule 4.1 (b) (v))

“If the applicant wishes his international application to be treated, in any designated State, as an application for a patent or certificate of addition, inventor’s certificates of addition, or utility certificate of addition, he shall identify the parent application or the

parent patent, parent inventor’s certificate, or parent utility certificate to which the patent or certificate of addition, inventor’s certificate of addition, or utility certificate of addition, if granted, relates. For the purposes of this paragraph, Article 2 (ii) shall not apply.” (Rule 4.13)

“If the applicant wishes his international application to be treated, in any designated State, as an application for a continuation or a continuation-in-part of an earlier application, he shall so indicate in the request and shall identify the parent application involved.” (Rule 4.14)

17 Earlier International or International-Type Search (Rule 4.1 (b) (ii))

“If an international or international-type search has been requested on an application under Article 15 (5), the request may state that fact and identify the application (or its translation, as the case may be) by country, date and number, and the request for the said search by date and, if available, number.” (Rule 4.11)

18 Different Applicants for Different (Groups of) Designated States (Rule 18.4)

“The international application may indicate different applicants for the purposes of different designated States, provided that, in respect of each designated State, at least one of the applicants indicated for the purposes of that State is entitled to file an international application according to Article 9.” (Rule 18.4 (a))

19 Different Inventors for Different (Groups of) Designated States (Rule 4.6 (c))

“The request may, for different designated States, indicate different persons as inventors where, in this respect, the requirements of the national laws of the designated States are not the same. In such a case, the request shall contain a separate statement for each designated State or group of States in which a particular person, or the same person, is to be considered the inventor, or in which particular persons, or the same persons, are to be considered the inventors.” (Rule 4.6 (c))

20 Signature (Rule 4.1 (d))

The signature must be that of the applicant and if there are several applicants all must sign (Rule 4.15); however, the signature may be that of the agent (Rule 2.1) where there is attached to this request a separate power of attorney appointing the agent. “Appointment of any agent or of any common representative within the meaning of Rule 4.8 (a), if the said agent or common representative is not designated in the request signed by all applicants, shall be effected in a separate signed power of attorney (i.e. a document appointing an agent or a common representative).” (Rule 90.3 (a))

21 Check List (Rule 3.3)

“(a) The printed form shall contain a list which, when filled in, will show:

- (i) the total number of sheets constituting the international application and the number of the sheets of each element of the international application (request, description, claims, drawings, abstract),
- (ii) whether or not the international application as filed is accompanied by a power of attorney (i.e., a document appointing an agent or a common representative), a priority document, a receipt for the fees paid or a check for the payment of the fees, an international or an international-type search report, a document in evidence of the fact that the applicant is the successor in title of the inventor, and any other document (to be specified in the check list),
- (iii) the number of that figure of the drawings which the applicant suggests should accompany the abstract when the abstract is published on the front page of the pamphlet and in the Gazette; in exceptional cases, the applicant may suggest more than one figure.

(b) The list shall be filled in by the applicant, failing which the receiving Office shall fill it in and make the necessary annotations, except that the number referred to in paragraph (a) (iii) shall not be filled in by the receiving Office.” (Rule 3.3)

FEE CALCULATION SHEET ¹

I. TRANSMITTAL FEE ²

	T
--	---

II. SEARCH FEE ³

	S
--	---

III. INTERNATIONAL FEE ⁴

BASIC FEE ⁵

Indicate the number of **SHEETS** contained in the international application _____

If the international application contains not more than 30 sheets

\$45.00	b ₁
---------	----------------

If the international application contains more than 30 sheets, add \$1.00 for each sheet in excess of 30

	b ₂
--	----------------

Add amounts entered in boxes b₁ and b₂, and enter total in box B. This figure is the amount of the **BASIC FEE**

	B
--	---

DESIGNATION FEES ⁶

Indicate the number of **DESIGNATED STATES** for which regional patents have not been sought _____

Multiply the number of these which require transmittal of a copy of the international application ⁷ _____ by \$14.00.

	d ₁
--	----------------

Multiply the number of these which do NOT require transmittal of a copy of the international application ⁸ _____ by \$12.00.

	d ₂
--	----------------

Indicate the number of **GROUPS** of Designated States for which regional patents have been sought _____

Multiply the number of these which require transmittal of a copy of the international application ⁷ _____ by \$14.00

	d ₃
--	----------------

Multiply the number of these which do NOT require transmittal of a copy of the international application ⁸ _____ by \$12.00.

	d ₄
--	----------------

Add amounts entered in boxes d₁, d₂, d₃ and d₄, and enter total in box D. This figure is the amount of the **DESIGNATION FEES**

	D
--	---

Add amounts entered in boxes B and D, and enter total in box I. This figure is the amount of the **INTERNATIONAL FEE**

	I
--	---

IV. TOTAL OF PRESCRIBED FEES:

Add amounts entered in boxes T, S and I, and enter total in the total box. This figure is the total amount of the **PRESCRIBED FEES**

↓	
TOTAL	

THE APPLICANT MAY PAY THE PRESCRIBED FEES BY [CHEQUE, POSTAL MONEY ORDER, BANK DRAFT, CASH, REVENUE STAMPS, DEBITING DEPOSIT ACCOUNT NO., COUPONS, ETC.]. PAYMENT SHOULD BE MADE IN THE PRESCRIBED CURRENCY TO THE [ACCOUNT OF, ACCOUNT INDICATED BELOW OF, ORDER OF] THE RECEIVING OFFICE.

NOTES TO FORM PCT/RO/101 (ANNEX)

- 1 The purpose of the fee calculation sheet is to aid the applicant to identify the prescribed fees and to calculate the amounts to be paid. It is strongly recommended that the applicant complete by entering the appropriate amounts in the boxes provided and submit the fee calculation sheet at the time of filing of the international application. This will help the Receiving Office to verify the calculations and to identify any error in them.
- 2 "Any receiving Office may require that the applicant pay a fee to it, for its own benefit, for receiving the international application, transmitting copies to the International Bureau and the competent International Searching Authority, and performing all the other tasks which it must perform in connection with the international application in its capacity of receiving Office ("transmittal fee")." (Rule 14. (a))
- "The amount and the due date of the transmittal fee, if any, shall be fixed by the receiving Office." (Rule 14.1 (b))
- 3 "Each International Searching Authority may require that the applicant pay a fee ("search fee") for its own benefit for carrying out the international search and for performing all other tasks entrusted to International Searching Authorities by the Treaty and these Regulations." (Rule 16.1 (a))
- "The search fee shall be collected by the receiving Office. It shall be payable in the currency prescribed by that office, it being understood that, if that currency is not the same as the currency of the State in which the International Searching Authority is located, the search fee, when transferred by the receiving Office to that Authority, shall be freely convertible into the currency of the said State. As to the time of payment of the search fee, Rule 15.4 (a) shall apply." (Rule 16.1 (b))
- 4 "Each international application shall be subject to the payment of a fee for the benefit of the International Bureau ("international fee") consisting of:
- (i) a "basic fee", and
 - (ii) as many "designation fees" as there are States designated in the international application, provided that, where a regional patent is sought for certain designated States, only one designation fee shall be due for those States." (Rule 15.1)
- 5 "The amount of the basic fee shall be:
- (i) if the international application contains not more than 30 sheets: US\$45.00 or 194 Swiss francs;
 - (ii) if the international application contains more than 30 sheets: US\$45.00 or 194 Swiss francs plus US\$1.00 or 4.30 Swiss francs per sheet in excess of 30 sheets." (Rule 15.2 (a))
- 6 "The amount of the designation fee shall be:
- (i) for each designated State or each group of designated States for which the same regional patent is sought which does not require the furnishing of a copy under Article 13: US\$12.00 or 52 Swiss francs;
 - (ii) for each designated State or each group of designated States for which the same regional patent is sought which requires the furnishing of a copy under Article 13: US\$14.00 or 60 Swiss francs." (Rule 15.2 (b))
- 7 "Any designated Office may ask the International Bureau to transmit to it a copy of the international application prior to the communication provided for in Article 20, and the International Bureau shall transmit such copy to the designated Office as soon as possible after the expiration of one year from the priority date." (Article 13.1)
- See Rule 15.2 (b) (ii) quoted in note (6) above.
- The following designated Offices have asked the International Bureau to transmit to it a copy of the international application as soon as possible after the expiration of one year from the priority date: ...
- The following designated Offices acting for groups of designated States have asked the International Bureau to transmit to them a copy of the international application as soon as possible after the expiration of one year from the priority date: ...
- 8 See Article 13 (1) quoted in note (7) above and Rule 15.2 (b) (i) quoted in note (6) above.
- The following designated Offices do not require the International Bureau to transmit to them a copy of the international application as soon as possible after the expiration of one year from the priority date: ...
- The following designated Offices acting for groups of designated States do not require the International Bureau to transmit to them a copy of the international application as soon as possible after the expiration of one year from the priority date: ...

PATENT COOPERATION TREATY INTERNATIONAL SEARCH REPORT

IDENTIFICATION OF INTERNATIONAL APPLICATION	
International Application No. ¹	International Filing Date ¹
Receiving Office ¹	Priority Date Claimed ²
Applicant ¹	

I. CLASSIFICATION OF SUBJECT MATTER (if several classification symbols apply, indicate all) ³
According to International Patent Classification (IPC) or to both National Classification and IPC

II. FIELDS SEARCHED	
Minimum Documentation Searched ⁴	
Classification System	Classification Symbols
Patent Documentation Searched other than Minimum Documentation ⁵	

III. TITLE, ABSTRACT AND FIGURE OF DRAWING
<p>1. The following indicated items are approved as submitted by the applicant: ⁶</p> <p><input type="checkbox"/> Title.</p> <p><input type="checkbox"/> Abstract.</p> <p>2. The texts established by this International Searching Authority of the following indicated items are set forth on a supplemental sheet: ⁶</p> <p><input type="checkbox"/> Title.</p> <p><input type="checkbox"/> Abstract.</p> <p>3. <input type="checkbox"/> This report is incomplete as far as the abstract is concerned as the time limit for comments by the applicant on the draft prepared by this International Searching Authority has not expired. ⁷</p> <p>4. The figure of the drawings indicated below is to be published with the abstract: ⁸</p> <p><input type="checkbox"/> Figure No. as suggested by the applicant. ⁹</p> <p>Figure No. because:</p> <p><input type="checkbox"/> applicant failed to suggest a figure. ¹⁰</p> <p><input type="checkbox"/> this figure better characterizes the invention. ¹⁰</p>

IV. <input type="checkbox"/> UNITY OF INVENTION IS LACKING ¹¹ (Observations on supplemental sheet)

V. <input type="checkbox"/> CERTAIN CLAIMS WERE FOUND UNSEARCHABLE ¹² (Observations on supplemental sheet)



VI. DOCUMENTS CONSIDERED TO BE RELEVANT ¹⁶

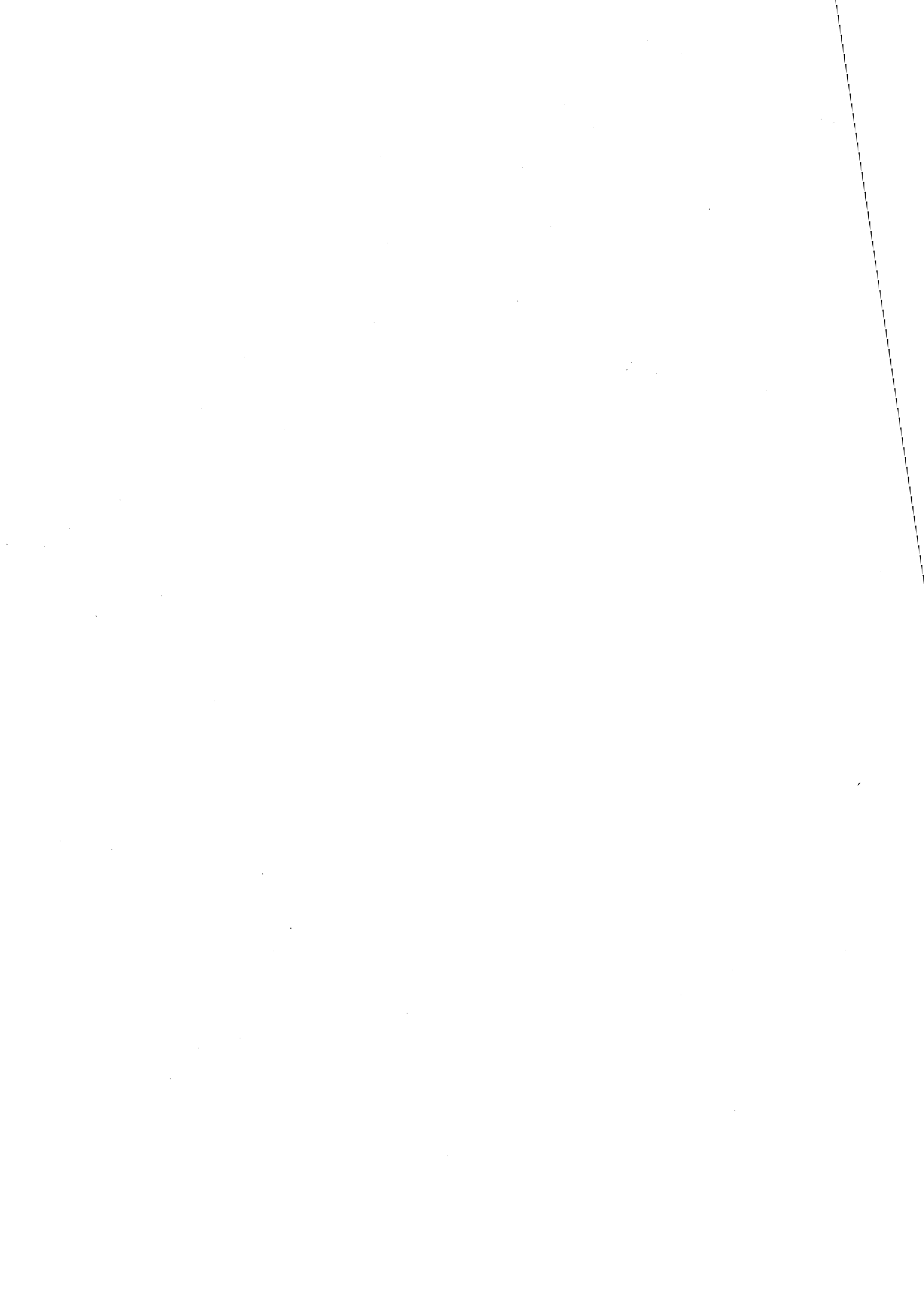
Page ...

Category *	Citation of Document, ¹⁷ with indication, where appropriate, of the relevant passages ¹⁸	Relevant to Claim No. ¹⁹

* Categories of cited documents: ¹⁶ "X" (document of particular relevance); "O" (document referring to an oral disclosure, use, exhibition, or other means); "E" (earlier document but published later than the international filing date); "G" (document defining the general state of the art); "P" (document published prior to the international filing date but later than the priority date claimed).

VII. CERTIFICATION

Date of the Actual Completion of the International Search ²	Date of Mailing of this Search Report ²
International Searching Authority ¹	Signature of Authorized Officer ²⁰



This International Searching Authority has established the following text of the:

- Title.
- Abstract.



1. Additional fees were paid by the applicant. Consequently, the international search covers:

a. all parts of the international application.

b. those parts of the International application covered by claims Nos.

2. The additional fees were paid under protest. Where requested by the applicant, the text of the protest together with the decision taken thereon are annexed to this report.

3. No additional fees were timely paid by the applicant. Consequently, the international search is restricted to the invention first mentioned ("main invention") only; it is covered by claims Nos.

V. **OBSERVATIONS WHERE CERTAIN CLAIMS WERE FOUND UNSEARCHABLE** ¹²

This international search report has not been established in respect of claims Nos. for the following reasons:

1. Claims Nos. because their subject matter ¹³ relates to

2. Claims Nos. because they do not comply with the prescribed requirements to such an extent that a meaningful search could be carried out ¹⁴ (specify)

NOTES TO FORM PCT/ISA/210

These Notes are intended to facilitate the use of the present form. For full information, see the text of the Patent Cooperation Treaty and the texts of the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and the said texts, the latter are applicable. "Article" refers to Articles of the Treaty, "Rule" refers to Rules of the Regulations and "Section" refers to Sections of the Administrative Instructions.

- 1 "The international search report shall identify the International Searching Authority which established it by indicating the name of such Authority, and the international application by indicating the international application number, the name of the applicant, the name of the receiving Office, and the international filing date." (Rule 43.1)
- 2 "The international search report shall be dated and shall indicate the date on which the international search was actually completed. It shall also indicate the filing date of any earlier application whose priority is claimed." (Rule 43.2)
- 3 "The international search report shall contain the classification of the subject matter at least according to the International Patent Classification." (Rule 43.3 (a))
"Such classification shall be effected by the International Searching Authority." (Rule 43.3 (b))
"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." (Section 504 (a))
"Where any national classification system is used, the international search report may indicate all the applicable classification symbols also according to that system." (Section 504 (b))
"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 504 (c))
- 4 "The international search report shall list the classification identification of the fields searched. If that identification is effected on the basis of a classification other than the International Patent Classification, the International Searching Authority shall publish the classification used." (Rule 43.6 (a))
- 5 "If the international search extended to patents, inventor's certificates, utility certificates, utility models, patents or certificates of addition, inventor's certificates of addition or published applications for any of those kinds of protection, of States, periods, or languages, not included in the minimum documentation as defined in Rule 34, the international search report shall, when practicable, identify the kinds of documents, the States, the periods, and the languages to which it extended. For the purpose of this paragraph, Article 2 (ii) shall not apply." (Rule 43.6 (b))
- 6 "Subject to paragraphs (b) and (c), the international search report shall either state that the International Searching Authority approves the title and the abstract as submitted by the applicant or be accompanied by the text of the title and/or abstract as established by the International Searching Authority under Rules 37 and 38." (Rule 44.2 (a))
- 7 "If, at the time the international search is completed, the time limit allowed for the applicant to comment on any suggestion of the International Searching Authority in respect of the abstract has not expired, the international search report shall indicate that it is incomplete as far as the abstract is concerned." (Rule 44.2 (b))
- 8 "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 507)
- 9 The figure suggested by the applicant is indicated in the check list of the request; see Rule 3.3 (a) (iii).
- 10 "If the applicant fails to make the indication referred to in Rule 3.3 (a) (iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would among all the figures of all the drawings, better characterize the invention, it shall indicate the figure or figures which it so considers. Publication by the International Bureau shall then use the figure or figures so indicated by the International Searching Authority. Otherwise, the figure or figures suggested by the applicant shall be used in the said publications." (Rule 8.2)
- 11 This part of the report is filled in only where, in the course of the procedure preceding the issuance of this report the International Searching Authority, having found that the international application does not comply with the requirement of unity of invention, invites the applicant to pay additional fees (see Article 17 (3) (a))
"If the applicant paid additional fees for the international search, the international search report shall so indicate. Furthermore, where the international search was made on the main invention only

(Article 17 (3) (a)), the international search report shall indicate what parts of the international application were and what parts were not searched." (Rule 43.7)

- 12 This part of the report is filled in only where Article 17 (2) (b) applies. (Where certain claims were not searched because of lack of unity of invention and non-payment of additional fees, part IV—rather than this part—is filled in.) Article 17 (2) reads as follows:

"(a) If the International Searching Authority considers

- (i) that the international application relates to a subject matter which the International Searching Authority is not required, under the Regulations, to search, and in the particular case decides not to search, or
- (ii) that the description, the claims, or the drawings, fail to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out,

the said Authority shall so declare and shall notify the applicant and the International Bureau that no international search report will be established.

"(b) If any of the situations referred to in subparagraph (a) is found to exist in connection with certain claims only, the international search report shall so indicate in respect of such claims, whereas, for the other claims, the said report shall be established as provided in Article 18."

- 13 See Article 17 (2) (a) (i), quoted in note 12, above, and Rule 39 reading as follows:

"No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes,
- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods of treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,
- (v) mere presentations of information,
- (vi) computer programs to the extent that the International Searching Authority is not equipped to search prior art concerning such programs."

- 14 See Article 17 (2) (a) (ii), quoted in note 12, above.

- 15 "The objective of the international search is to discover relevant prior art." (Article 15 (2))
Rule 33.1, entitled "Relevant Prior Art for International Search," reads as follows:

"(a) For the purposes of Article 15 (2), relevant prior art shall consist of everything which has been made available to the public anywhere in the world by means of written disclosure (including drawings and other illustrations) and which is capable of being of assistance in determining that the claimed invention is or is not new and that it does or does not involve an inventive step (i.e., that it is or is not obvious), provided that the making available to the public occurred prior to the international filing date.

"(b) When any written disclosure refers to an oral disclosure, use, exhibition, or other means whereby the contents of the written disclosure were made available to the public, and such making available to the public occurred on a date prior to the international filing date, the international search report shall separately mention that fact and the date on which it occurred if the making available to the public of the written disclosure occurred on a date posterior to the international filing date.

"(c) Any published application or any patent whose publication date is later but whose filing date or, where applicable, claimed priority date, is earlier than the international filing date of the international application searched, and which would constitute relevant prior art for the purposes of Article 15 (2) had it been published prior to the international filing date, shall be specially mentioned in the international search report."

- 16 "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 505)

"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." (Section 508 (a))

"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." (Section 508 (b))
"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." (Section 508 (c))

"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 508 (d))

17 "The international search report shall contain the citations of the documents considered to be relevant." (Rule 43.5 (a))

"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;
- (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.

(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 appears 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.

(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.

(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 the full text document on the basis of whatever bibliographic data may be available in respect thereto." (Section 503)

18 "If only certain passages of a cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, column, or the lines, where the passage appears." (Rule 43.5 (e))

19 "Citations which are not relevant to all the claims shall be cited in relation to the claim or claims to which they are related." (Rule 43.5 (d))

"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)." (Section 509)

20 "The international search report shall be signed by an authorized officer of the International Searching Authority." Rule 43.8)

PATENT COOPERATION TREATY

DEMAND ¹

UNDER ARTICLE 31 OF THE PATENT COOPERATION TREATY

THE UNDERSIGNED REQUESTS THAT THE INTERNATIONAL APPLICATION SPECIFIED BELOW BE THE SUBJECT OF INTERNATIONAL PRELIMINARY EXAMINATION ACCORDING TO THE PATENT COOPERATION TREATY

I. IDENTIFICATION OF THE INTERNATIONAL APPLICATION ²		
International Application No.	International Filing Date	Receiving Office
Title of Invention		

II. APPLICANT ^{3, 4} . . . Additional applicants are indicated on supplemental sheet		
Name		
Address (including postal code and country)		
Telephone Number	Telegraphic Address	Teletype Address
Nationality (country)	Residence (country)	

III. AGENT (IF ANY) ⁵ . . . Additional agents are indicated on supplemental sheet		
Name		
Address (including postal code and country)		
Telephone Number	Telegraphic Address	Teletype Address

IV. ELECTION OF STATES ⁶

V. SIGNATURES OF APPLICANTS ⁷

(The following is to be filled in by the International Preliminary Examining Authority.)
1. Actual date of receipt of DEMAND
2. Adjusted date of receipt of DEMAND due to the following: (the later of the two dates being applicable where both are indicated.)
a. <input type="checkbox"/> date of timely receipt of HANDLING FEE
b. <input type="checkbox"/> date of timely receipt of proper CORRECTIONS to the DEMAND

USE THIS SHEET IF ANY OF THE BOXES IS NOT LARGE ENOUGH TO CONTAIN INFORMATION TO BE FURNISHED. INDICATE THE BOXES CONTINUED ON THIS SHEET BY THEIR (ROMAN) NUMERALS AND TITLE (e.g.: "II. APPLICANT (CONTINUED)")

NOTES TO FORM PCT/IPEA/401

These notes are intended to facilitate the filling in of the present form. For full information, see the text of the Patent Cooperation Treaty and the texts of the Regulations and the Administrative Instructions under that Treaty. In the case of discrepancy between these Notes and the said texts, the latter are applicable. "Article" refers to Articles of the Treaty, "Rule" refers to Rules of the Regulations.

1 Rule 53 entitled "The Demand" reads as follows:
"53.1 Form

- (a) The demand shall be made on a printed form.
- (b) Copies of printed forms shall be furnished free of charge by the receiving Offices to the applicants.
- (c) The particulars of the forms shall be prescribed by the Administrative Instructions.
- (d) The demand shall be submitted in two identical copies."

"53.2 Contents

- (a) The demand shall contain:
 - (i) a petition,
 - (ii) indications concerning the applicant and the agent if there is an agent,
 - (iii) indications concerning the international application to which it relates,
 - (iv) election of States.
- (b) The demand shall be signed.

"53.3 The Petition

The petition shall be to the following effect and shall preferably be worded as follows: "Demand under Article 31 of the Patent Cooperation Treaty: The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

"53.4 The Applicant

As to the indications concerning the applicant, Rules 4.4 and 4.16 shall apply, and Rule 4.5 shall apply *mutatis mutandis*.

"53.5 The Agent

If an agent is designated, Rules 4.4, 4.7, and 4.16 shall apply, and Rule 4.8 shall apply *mutatis mutandis*.

"53.6 Identification of the International Application

The international application shall be identified by the name of the receiving Office with which the international application was filed, the name and address of the applicant, the title of the invention, and, where the international filing date and the international application number are known to the applicant, that date and that number.

"53.7 Election of States

The demand shall name, among the designated States, at least one Contracting State bound by Chapter II of the Treaty as elected State.

"53.8 Signature

The demand shall be signed by the applicant."

All information introduced into the DEMAND form should, to whatever extent possible, follow the presentation both as to form and substance, of the same information as it appears in the REQUEST form.

2 See Rules 53.2 (a) (iii) and 53.6 quoted in the preceding note.

3 See Rule 53.2 (a) (ii) and 53.4 quoted in note 1 above.
"Names of natural persons shall be indicated by the person's family name and given name(s), the family name being indicated before the given name(s)." (Rule 4.4 (a))

"Names of legal entities shall be indicated by their full, official designations." (Rule 4.4 (b))

"Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all relevant administrative units up to, and including, the house number, if any. Where the national law of the designated States does not require the indication of the house number, failure to indicate such number shall have no effect in that State. It is recommended to indicate any telegraphic address and telephone number." (Rule 4.4 (c))

"For each applicant, inventor, or agent, only one address may be indicated." (Rule 4.4 (d))

"Where any name or address is written in characters other than those of the Latin alphabet, the same shall also be indicated in characters of the Latin Alphabet either as a mere transliteration or through translation into English. The applicant shall decide which words will be merely transliterated and which words will be so translated." (Rule 4.16 (a))

"The name of any country written in characters other than those of the Latin Alphabet shall also be indicated in English." (Rule 4.16 (b))

"The request shall indicate the name, address, nationality and residence of the applicant or, if there are several applicants, of each of them." (Rule 4.5 (a))

"The applicant's nationality shall be indicated by the name of the State of which he is national." (Rule 4.5 (b))

"The applicant's residence shall be indicated by the name of the State of which he is a resident." (Rule 4.5 (c))

"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 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 202)

4 "If there is more than one applicant and the request does not refer to an agent representing all the applicants ("a common agent"), the request shall designate one of the applicants who is entitled to file an international application according to Article 9 as their common representative." (Rule 4.8 (a))

The designation of the common representative should be made by indicating on the supplemental sheet immediately after the listing of the additional applicants the following:

"(Name of applicant) is designated to be the common representative."

"If there is more than one applicant and the request does not refer to an agent representing all the applicants and it does not comply with the requirements of designating one of the applicants as provided in paragraph (a), the applicant first named in the request who is entitled to file an international application according to Article 9 shall be considered the common representative." (Rule 4.8 (b))

5 See Rules 53.2 (a) (ii) and 53.5 quoted in note 1 above. Also see Rules 4.4, 4.8 and 4.16 quoted in note 3 above.

"If agents are designated, the request shall state their names and addresses." (Rule 4.7)

6 See Rules 53.2 (a) (iv) and 53.7 quoted in note 1 above.

7 See Rules 53.2 (b) and 53.8 quoted in note 1 above.

**PATENT COOPERATION TREATY
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

IDENTIFICATION OF THE INTERNATIONAL APPLICATION ¹	
International Application No.	International Filing Date
Receiving Office	Priority Date Claimed
Applicant (Name)	

BASIS OF REPORT
<p>1. AMENDMENTS AND/OR CORRECTIONS¹ — The amendments and/or corrections made before this International Preliminary Examining Authority in respect of the claims, the description, and/or drawings in the above-identified international application are annexed to this report.</p> <p>a. <input type="checkbox"/> This report has been established on the basis of the claims as amended on the following date (s). (specify)</p> <p>b. <input type="checkbox"/> This report has been established as if the following noted amendments and/or corrections have not been made, since, for the indicated, they have been considered to go beyond the disclosure as filed. (specify)</p> <p>2. PRIORITY¹</p> <p>a. This report has been established as if no priority has been claimed due to the failure to furnish within the prescribed time limit the requested:</p> <p style="margin-left: 20px;"><input type="checkbox"/> copy of the earlier application whose priority has been claimed.</p> <p style="margin-left: 20px;"><input type="checkbox"/> translation of the earlier application whose priority has been claimed.</p> <p>b. <input type="checkbox"/> This report has been established as if no priority has been claimed due to the fact that the priority claim has been found invalid.</p> <p style="margin-left: 20px;">Thus, for the purposes of this report, the international filing date indicated above is considered the relevant date.</p> <p>3. <input type="checkbox"/> UNITY OF INVENTION ⁴ — See the Supplemental Sheet for further details.</p> <p>4. <input type="checkbox"/> NON-ESTABLISHMENT OF REPORT ON QUESTIONS OF NOVELTY, INVENTIVE STEP OR INDUSTRIAL APPLICABILITY ^{5,6,7} — See the Supplemental Sheet for further details.</p>

CLASSIFICATION OF SUBJECT MATTER (If several classification symbols apply, indicate all.) ⁸
According to International Patent Classification (IPC) or to both National Classification and IPC

**STATEMENT AS TO CLAIMS MEETING CRITERIA OF NOVELTY (N), INVENTIVE STEP (IS)
AND INDUSTRIAL APPLICABILITY (IA)⁹ AND CITATIONS¹⁰ AND EXPLANATIONS¹¹
SUPPORTING SUCH STATEMENT**

Page ...

CLAIM NUMBER	CRITERIA SATISFIED			STATEMENT	CITATIONS AND EXPLANATIONS
	(N)	(IS)	(IA)		

NON-WRITTEN DISCLOSURES ¹²		Page ...
Kind of Non-Written Disclosure	Date of Written Disclosure referring to the Non-Written Disclosure	Date of Non-Written Disclosure

CERTAIN PUBLISHED DOCUMENTS ¹³			
Application/Patent	Date of Publication	Filing Date	Priority Date (Valid Claim)

CERTAIN DEFECTS IN THE INTERNATIONAL APPLICATION ¹⁴
The following defects in the form or contents of the international application have been noted.

CERTAIN OBSERVATIONS ON THE INTERNATIONAL APPLICATION ¹⁵
The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description have been noted.

CERTIFICATION	
Date Demand Submitted ¹⁶	Date of Completion of the International Preliminary Examination Report ¹⁷
Name and Address of the International Preliminary Examining Authority ¹	Signature of Authorized Officer of the International Preliminary Examining Authority ¹⁸

3. UNITY OF INVENTION ⁴ — The international application does not comply with the requirement of unity of invention.

a. In response to an invitation to restrict or pay additional fees the applicant has:

- restricted the claims.
- paid additional fees.
- paid additional fees under protest. Where requested by the applicant, the text of the protest together with the decision taken thereon are annexed to this report.
- neither restricted nor paid additional fees.

b. No invitation has been issued. The opinion of this International Preliminary Examining Authority is that the international application does not comply with the requirement of unity of invention for the following reasons. (specify)

c. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- all parts.
- the parts relating to the restricted claims, that is claims Nos. _____.
- the parts relating to the main invention, that is claims Nos. _____.

4. NON-ESTABLISHMENT OF REPORT ON QUESTIONS OF NOVELTY, INVENTIVE STEP OR INDUSTRIAL APPLICABILITY ⁶

The questions of whether the claimed invention appears to be novel, to involve an inventive step or to be industrially applicable have not for the reasons indicated been gone into in respect of:

a. the entire international application

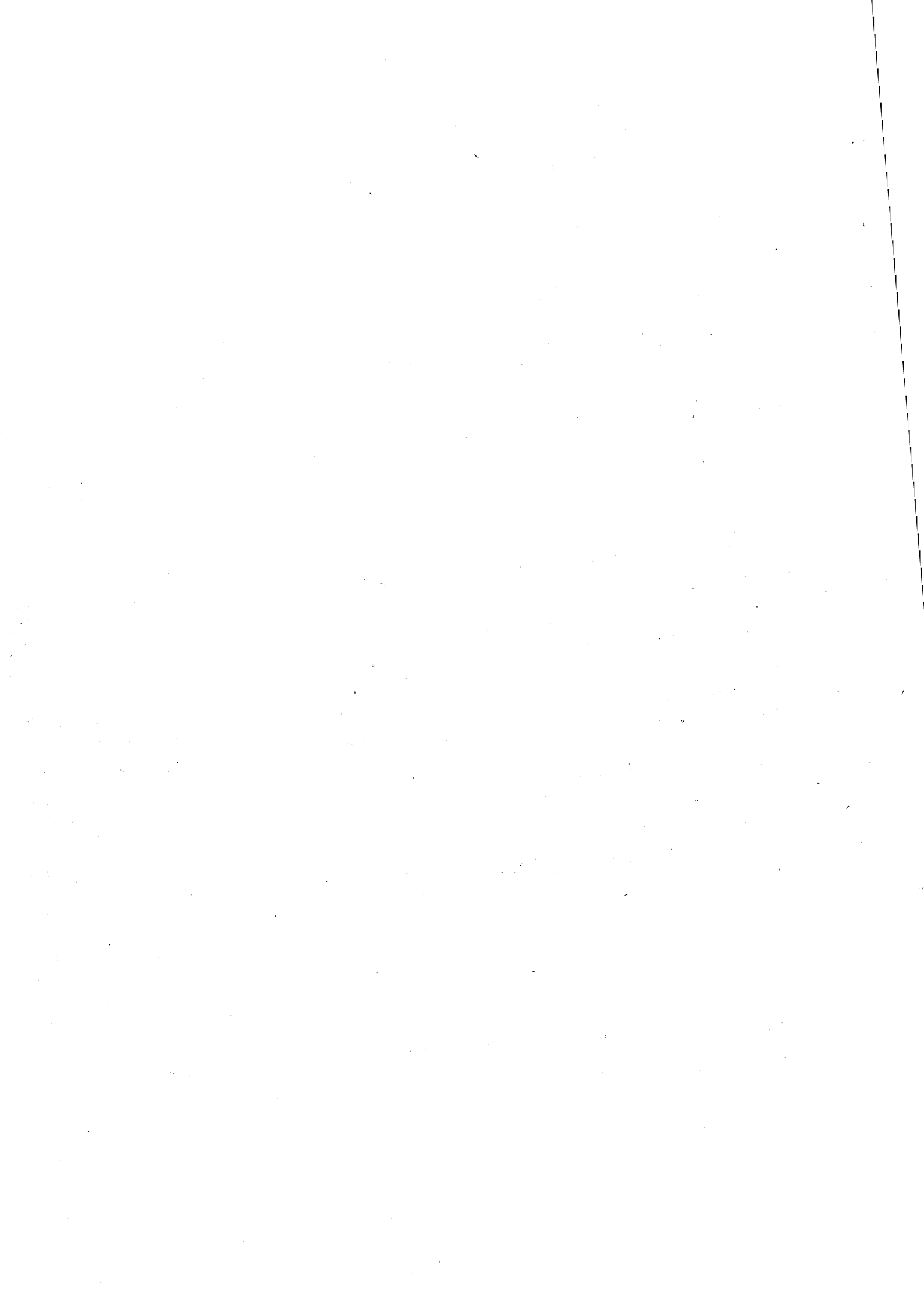
b. claims Nos. _____

for the following reasons:

Said international application, or said claims Nos. _____ relate to the following subject matter which does not require an international preliminary examination. ⁶ (specify)

The description, claims, or drawings (indicate particular elements) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed. ⁷

The claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed. ⁷



NOTES TO FORM PCT/IPEA/409

These Notes are intended to facilitate the use of the present form. For full information, see the text of the Patent Cooperation Treaty and the texts of the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and the said texts, the latter are applicable. "Article" refers to Articles of the Treaty, "Rule" refers to Rules of the Regulations and "Section" refers to Sections of the Administrative Instructions.

1 "The report shall identify the International Preliminary Examining Authority which established it by indicating the name of such Authority, and the international application, by indicating the international application number, the name of the applicant, the name of the receiving Office, and the international filing date. (Rule 70.3)

2 "If the claims have been amended, the report shall issue on the claims as amended." (Rule 70.2 (a))

"If the International Preliminary Examining Authority considers that any amendment goes beyond the disclosure in the international application as filed, the report shall be established as if such amendment had not been made, and the report shall so indicate. It shall also indicate the reasons why it considers that the amendment goes beyond the said disclosure." (Rule 70.2 (c))

"If, before the International Preliminary Examining Authority, amendments or corrections have been made, this fact shall be indicated in the report." (Rule 70.11)

"If the claims, the description, or the drawings, were amended or any part of the international application was corrected before the International Preliminary Examining Authority, each replacement sheet marked as provided in Rule 66.8 (b) shall be attached to the report as an annex thereto. Replacement sheets superseded by later replacement sheets shall not be attached. If the amendment is communicated in a letter, a copy of such letter shall also be annexed to the report." (Rule 70.16)

3 "If, pursuant to Rule 66.7 (c), the report is established as if the priority had not been claimed, the report shall so indicate." (Rule 70.2 (b))

"If the International Preliminary Examining Authority needs a copy of the application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy, provided that, where the request is made before the International Bureau has received the priority document under Rule 17.1 (a), the applicant shall furnish such copy to the International Bureau and directly to the International Preliminary Examining Authority." (Rule 66.7 (a))

"If the application whose priority is claimed is in a language other than the language or one of the languages of the International Preliminary Examining Authority, the applicant shall furnish, on invitation, a translation in the said language or one of the said languages." (Rule 66.7 (b))

"The copy to be furnished by the applicant under paragraph (a) and the translation referred to in paragraph (b) shall be furnished not later than by the expiration of 2 months from the date of the request or invitation. If they are not furnished within that time limit, the international preliminary examination report shall be established as if the priority had not been claimed." (Rule 66.7 (c))

4 "If the applicant paid additional fees for the international preliminary examination, or if the international application or the international preliminary examination was restricted under Article 34 (3), the report shall so indicate. Furthermore, where the international preliminary examination was carried out on restricted claims (Article 34 (3) (a)), or on the main invention only (Article 34 (3) (c)), the report shall indicate what parts of the international application were and what parts were not the subject of international preliminary examination." (Rule 70.13)

Rule 68 entitled "Lack of Unity of Invention (International Preliminary Examination)" reads as follows:

"68.1 No Invitation to Restrict or Pay

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses not to invite the applicant to restrict the claims or to pay additional fees, it shall establish the international preliminary examination report, subject to Article 34 (4) (b), in respect of the entire international application, but shall indicate, in the said report, that, in its opinion, the requirement of unity of invention is not fulfilled and shall specify the reasons for which the international application is not considered as complying with the requirement of unity of invention.

"68.2 Invitation to Restrict or Pay

Where the International Preliminary Examining Authority finds that the requirement of unity of invention is not complied with and chooses to invite the applicant, at his option, to restrict the claims or to pay additional fees, it shall specify at least one possibility of restriction which, in the opinion of the International Preliminary Examining Authority, would be in compliance with the applicable requirement, and shall specify the amount of the additional fees and the reasons for which the international application is not considered as complying with the requirement of unity of invention. It shall, at the same time, fix a time limit, with regard to the circumstances of the case, for complying with the invitation; such time

limit shall not be shorter than 1 month, and it shall not be longer than 2 months, from the date of the invitation.

"68.3 Additional Fees

(a) The amount of the additional fee due for international preliminary examination under Article 34 (3) (a) shall be determined by the competent International Preliminary Examining Authority.

(b) The additional fee due for international preliminary examination under Article 34 (3) (a) shall be payable direct to the International Preliminary Examining Authority.

(c) Any applicant may pay the additional fee under protest, that is, accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive. Such protest shall be examined by a three-member board or other special instance of the International Preliminary Examining Authority, or any competent higher authority, which, to the extent that it finds the protest justified, shall order the total or partial reimbursement to the applicant of the additional fee. On the request of the applicant, the text of both the protest and the decision thereon shall be notified to the elected Offices as an annex to the international preliminary examination report.

(d) The three-member board, special instance or competent higher authority, referred to in paragraph (c), shall not comprise any person who made the decision which is the subject of the protest.

"68.4 Procedure in the Case of Insufficient Restriction of the Claims

If the applicant restricts the claims but not sufficiently to comply with the requirement of unity of invention, the International Preliminary Examining Authority shall proceed as provided in Article 34 (3) (c).

"68.5 Main Invention

In case of doubt which invention is the main invention for the purposes of Article 34 (3) (c), the invention first mentioned in the claims shall be considered the main invention."

5 "If the International Preliminary Examining Authority considers

(i) that the international application relates to a subject matter on which the International Preliminary Examining Authority is not required, under the Regulations, to carry out an international preliminary examination, and in the particular case decides not to carry out such examination, or

(ii) that the description, the claims, or the drawings, are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on the novelty, inventive step (non-obviousness), or industrial applicability, of the claimed invention,

the said Authority shall not go into the questions referred to in Article 33 (1) and shall inform the applicant of this opinion and the reasons therefor." (Article 34 (4) (a))

"If any of the situations referred to in subparagraph (a) is found to exist in, or in connection with, certain claims only, the provisions of that subparagraph shall apply only to the said claims." (Article 34 (4) (b))

"If, at the time of establishing the international preliminary examination report, the International Preliminary Examining Authority considers that any of the situations referred to in Article 34 (4) (a) exists, that report shall state this opinion and the reasons therefor..." (Article 35 (3) (a))

"If a situation under Article 34 (4) (b) is found to exist, the international preliminary examination report shall, in relation to the claims in question, contain the statement as provided in subparagraph (a), ..." (Article 35 (3) (b))

6 See Article 34 (4) (a) (i) and 34 (4) (b) in the preceding note and Rule 67 entitled "Subject Matter Under Article 34 (4) (a) (i)" which reads as follows:

"67.1 Definition

No International Preliminary Examining Authority shall be required to carry out an international preliminary examination on an international application if, and to the extent to which, its subject matter is any of the following:

- (i) scientific and mathematical theories,
- (ii) plant or animal varieties or essentially biological processes for the production of plants and animals, other than micro-biological processes and the products of such processes,
- (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games,
- (iv) methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods,
- (v) mere presentations of information,
- (vi) computer programs to the extent that the International Preliminary Examining Authority is not equipped to carry out an international preliminary examination concerning such programs."

7 See Article 34 (4) (a) (ii) in note 5 above.

8 "The report shall repeat the classification given under Rule 43.3 [classification of the subject matter in the International Search Report] if the International Preliminary Examining Authority agrees with such classification." (Rule 70.5 (a))

"Otherwise, the International Preliminary Examining Authority shall indicate in the report the classification, at least according to the International Patent Classification, which it considers correct." (Rule 70.5 (b))

9 "The international preliminary examination report shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law. It shall state, subject to the provisions of paragraph (3), in relation to each claim, whether the claim appears to satisfy the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined for the purposes of the international preliminary examination in Article 33 (1) to (4). The statement shall be accompanied by the citation of the documents believed to support the stated conclusion with such explanations as the circumstances of the case may require. The statement shall also be accompanied by such other observations as the Regulations provide for." (Article 35 (2))

"The statement referred to in Article 35 (2) shall consist of the words "YES" or "NO", or their equivalent in the language of the report, or some appropriate sign provided for in the Administrative Instructions, and shall be accompanied by the citations, explanations and observations, if any, referred to in the last sentence of Article 35 (2)." (Rule 70.6 (a))

"If any of the three criteria referred to in Article 35 (2) (that is, novelty, inventive step (non-obviousness), industrial applicability) is not satisfied, the statement shall be negative. If, in such a case, any of the criteria, taken separately, is satisfied, the report shall specify the criterion or criteria so satisfied." (Rule 70.6 (b))

10 See Article 35 (2) in the preceding note.

"The report shall cite the documents considered to be relevant for supporting the statements made under Article 35 (2)." (Rule 70.7 (a))

"The provisions of Rule 43.5 (b) and (e) shall apply also to the report." (Rule 70.7 (b))

"The method of identifying any cited document shall be regulated by the Administrative Instructions." (Rule 43.5 (b))

"If only certain passages of the cited document are relevant or particularly relevant, they shall be identified, for example, by indicating the page, the column, or the lines, where the passage appears." (Rule 43.5 (e))

"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;
- (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.

(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 appears 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.

(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.

(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 the full text document on the basis of whatever bibliographic data may be available in respect thereto." (Section 503)

11 See Article 35 (2) in note 9 above.

"The Administrative Instructions shall contain guidelines for cases in which the explanations referred to in Article 35 (2) should or should not be given and the form of such explanations. Such guidelines shall be based on the following principles:

- (i) explanations shall be given whenever the statement in relation to any claim is negative;
- (ii) explanations shall be given whenever the statement is positive unless the reason for citing any document is easy to imagine on the basis of consultation of the cited document;
- (iii) generally, explanations shall be given if the case provided for in the last sentence of Rule 70.6 (b) obtains." (Rule 70.8)

"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." (Section 604)

12 "Any non-written disclosure referred to in the report by virtue of Rule 64.2 shall be mentioned by indicating its kind, the date on which the written disclosure referring to the non-written disclosure was made available to the public, and the date on which the non-written disclosure occurred in public." (Rule 70.9)

"In cases where the making available to the public occurred by means of an oral disclosure, use, exhibition or other non-written means ("non-written disclosure") before the relevant date as defined in Rule 64.1 (b) and the date of such non-written disclosure is indicated in a written disclosure which has been made available to the public after the relevant date, the non-written disclosure shall not be considered part of the prior art for the purposes of Article 33 (2) and (3). Nevertheless, the international preliminary examination report shall call attention to such non-written disclosure in the manner provided for in Rule 70.9." (Rule 64.2)

13 "Any published application or any patent referred to in the report by virtue of Rule 64.3 shall be mentioned as such and shall be accompanied by an indication of its date of publication, of its filing date, and its claimed priority date (if any). In respect of the priority date of any such document, the report may indicate that, in the opinion of the International Preliminary Examining Authority, such date has not been validly claimed." (Rule 70.10)

"In cases where any application or any patent which would constitute prior art for the purposes of Article 33 (2) and (3) had it been published prior to the relevant date referred to in Rule 64.1 was published, as such, after the relevant date but was filed earlier than the relevant date or claimed the priority of an earlier application which had been filed prior to the relevant date, such published application or patent shall not be considered part of the prior art for the purposes of Article 33 (2) and (3). Nevertheless, the international preliminary examination report shall call attention to such application or patent in the manner provided for in Rule 70.10." (Rule 64.3)

14 "If the International Preliminary Examining Authority considers that, at the time it prepares the report:

- (i) the international application contains any of the defects referred to in Rule 66.2 (a) (iii) [defect in the form or contents of the international application under the Treaty or the Regulations thereunder], it shall include this opinion and the reasons therefor in the report;
- (ii) the international application calls for any of the observations referred to in Rule 66.2 (a) (v) [observations on the clarity of the claims, the description, and the drawings or the question whether the claims are fully supported by the description], it may include this opinion in the report and, if it does, it shall also indicate in the report the reasons for such opinion." (Rule 70.12)

15 See Rule 70.12 (ii) in the preceding note.

16 "The report shall indicate:

- (i) the date on which the demand was submitted, and
- (ii) the date of the report; that date shall be the date on which the report is completed." (Rule 70.4)

17 See Rule 70.4 (ii) in the preceding note.

18 "The report shall be signed by an authorized officer of the International Preliminary Examining Authority." (Rule 70.14)