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RECEIVING OFFICE GUIDELINES FOR THE PROCESSING OF  
INTERNATIONAL APPLICATIONS UNDER THE  
PATENT COOPERATION TREATY (PCT)

Revised draft

prepared by the International Bureau

SUMMARY

This document is designed to assist the receiving Offices in carrying out their duties under the PCT.

The Guidelines annexed to this document first outline the functions of the receiving Office, list the general procedural tasks it has to perform and analyze the types of functions involved.

The Guidelines then describe in more detail the individual processing steps involved in the procedural tasks, including the communications' involved and the Forms to be used in effecting the communications, and illustrate them by flow diagrams.

When completed, the Appendices to the Guidelines will contain the Forms to be used in effecting communications as well as a description of model organizational units and a processing procedure for the processing of international applications by such units.

INTRODUCTION

Background of this document

1. The first draft of the annexed document entitled "Receiving Office Guidelines for the Processing of International Applications under the PCT" was submitted to the PCT Interim Advisory Committee for Administrative Questions ("the Interim Committee") at its sixth session held in Geneva from October 27 to November 3, 1975, in response to the Interim Committee's request, at its fifth session, that the International Bureau prepare draft guidelines designed to assist the receiving Offices in carrying out their duties under the PCT.

The present Guidelines

2. The advice received in the form of oral and written comments made by the members of the Interim Committee at its sixth session has been the basis on which the present revised document has been prepared. The opportunity has been taken to incorporate a number of corrections and to include additional material based on the Administrative Instructions.

3. The Guidelines and Appendices thereto contain detailed explanations of their contents.

4. The Interim Committee is invited to examine the annexed Guidelines and to present its comments thereon.

[Annex follows]

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RECEIVING OFFICE GUIDELINES FOR THE PROCESSING  
OF INTERNATIONAL APPLICATIONS UNDER THE  
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PART I - INTRODUCTION

1. The purpose of these Guidelines is to provide receiving Offices with reference material that will assist them in processing international applications under the PCT and in establishing the necessary procedures and organizational units to carry out such processing. The Guidelines seek to achieve this end by analyzing and describing the tasks and functions of a receiving Office in relation to relevant PCT procedures and illustrating them by means of flow diagrams.
2. The Appendices contain the PCT forms to be used by the receiving Office and a model organization and system for a receiving Office with related flow diagrams which illustrate the processing of international applications by a receiving Office. It goes without saying that the model organization and system for processing international applications are in no way binding on receiving Offices, each of which is free to establish its own organization and system for the handling of international applications according to its own needs.
3. The Guidelines are not intended to be a text book on procedures within a receiving Office, since many details have been omitted and complications have been avoided as far as possible. Moreover, to the extent that they suggest possible systems by which a receiving Office may carry out its duties under the PCT, the Guidelines are optional and not mandatory.

PART II - RESPONSIBILITIES AND FUNCTIONS OF A RECEIVING OFFICE

Purpose and Contents of this Part

4. The purpose of this Part of the Guidelines is to provide an introduction to the procedural tasks of the receiving Office, which are described in greater detail in Part III, as well as material of an analytical nature that will assist the receiving Office to make the necessary organizational arrangements for the performance of its procedural tasks.
5. First, reference is made to the provisions of the PCT specifying the applicants for whom the receiving Office acts and a broad indication is given as to the responsibilities of the receiving Office. Then, an analysis is made of the nature of the basic functions involved in carrying out the tasks of the receiving Office. Next, an indication is given of the procedural tasks (the procedural tasks are the general headings under which individual processing steps may be grouped) which the receiving Office performs. And finally, the nature of the procedural tasks is illustrated by reference to the basic functions involved in the execution of those tasks.

Authorization to Act as a Receiving Office

6. Article 10 and Rule 19 of the PCT provide that the national Office<sup>1</sup> of a Contracting State shall serve as the receiving Office for its nationals and residents, except to the extent that an agreement has been concluded under which the national Office of another Contracting State or an intergovernmental organization will, for some or all purposes, act in its place.

General Responsibilities of a Receiving Office

7. Under the PCT, a receiving Office checks the international application to see whether it is in order as to form, particularly whether it complies with those minimum requirements which enable it to acquire an international filing date. A receiving Office furthermore receives fees on its own behalf and on behalf of other international authorities and checks whether such fees have been paid as required. The receiving Office sends one copy of the international application, the "record copy", as a rule direct to the International Bureau (for purposes of the record), where the exceptional procedure of transmission of the record copy by the applicant is not applied, and one copy, the "search copy", direct to the competent International Searching Authority.

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<sup>1</sup> The term "national Office" also includes any regional Office entrusted by several States with the task of granting regional patents (see Article 2(xii)).

Nature of Functions of a Receiving Office

8. In carrying out the procedural tasks which a receiving Office may be required to undertake, the receiving Office is involved in the performance of the following six basic kinds of functions:

- (i) accounting;
- (ii) checking;
- (iii) communication;
- (iv) record keeping;
- (v) time monitoring;
- (vi) reproduction.

9. In paragraphs 10 to 15, indications are given by way of examples as to what those functions involve under the PCT.

10. The accounting function involves matters relating to fees. It would include, for example, activities such as the calculation of the amounts of fees due, the recording of payments received and the transferring of certain fees to other international authorities.

11. The checking function involves matters relating to the form and content of the (purported) international application. It includes, for example, activities such as inspecting the purported international application for security matters, determining whether the purported international application meets the necessary requirements in order to be accorded an international filing date, and various checks of the international application under different provisions of the PCT for formalities and other matters.

12. The communication function involves matters relating to mailing. It includes, for example, activities such as the transmittal of copies of the international application, mailing of notifications and invitations to the applicant or to international authorities concerning matters related to the processing of the international application, and the receipt of replies from the applicant and international authorities in response to such notifications and invitations.

13. The record keeping function involves matters relating to maintaining the file history of the international application. It includes, for example, activities such as the recording of the receipt and the date of receipt of the international application, the recording in the file of the international application of the relevant information on all communications occurring, checks performed, time limits running, etc. in connection with the processing of the international application.

14. The time monitoring function involves matters relating to the monitoring of fixed and variable time limits, including time limits starting from the priority date of the international application (e.g. the date that is to be used as the priority date for the purposes of calculating time limits under the PCT, and processing time available before the record copy must be transmitted to the International Bureau).

15. The reproduction function involves matters relating to the preparation of copies. It may, for example, include such activities as the preparation of the "home copy" and the "search copy" of the international application, and the preparation of certified copies of the international application or corrections thereto.

Procedural Tasks to be Performed by a Receiving Office

16. The receiving Office checks and processes the international application as provided in the Patent Cooperation Treaty, as well as in the Regulations and the Administrative Instructions thereunder.

17. The various tasks which a receiving Office might be required to perform in processing an international application which has been filed with that Office can be grouped into general procedural tasks.

18. These procedural tasks are identified below along with the relevant provisions of the PCT under which these tasks arise.

19. The procedural tasks are, to the extent possible, identified in a certain chronological sequence. However, in actual operations, a receiving Office will be likely to find that some tasks (e.g. the production of proof of the right to practice) may occur only infrequently. Some tasks (e.g., the appointment or revocation of appointment of an agent) may arise at any point of time in the processing sequence, and, as regards other tasks (e.g. the checks under Article 14(1), (2), (3) and (4)), a receiving Office may find that it best suits its Office system to carry out many of them concurrently.

20. Thus, while an attempt has been made to identify all procedural tasks, it is not to be expected that a receiving Office will have to perform all such tasks in respect of each international application; nor will a receiving Office necessarily have to perform the tasks in the sequence given.

21. The procedural tasks are:

- the receipt and marking of the purported international application under Rules 20.1 and 20.2;
- the inspection of the international application in regard to security matters under Article 27(8) and Rule 22.1(a);
- the check whether the international application fulfills the requirements specified under Article 11(1) in order to be accorded an international filing date;
- the preparation of copies, namely the "home copy" and the "search copy", of the international application under Rule 21 (or the verification of copies under Rule 11.1(b));
- the transmittal of the "record copy" and the "search copy" under Rule 22 and Rule 23.1(a), respectively;
- the check under Article 14(1) as to whether the international application fulfills certain formal requirements;
- the check under Article 14(2) as to whether drawings referred to in the international application are not missing therefrom;
- the check under Article 14(3) as to whether the prescribed fees have been paid;
- the check under Article 14(4) as to whether a later finding shows that the international application did not fulfill the necessary requirements for the according of an international filing date;
- the check under Rule 9 for expressions, statements, drawings, or other matters which are not to be used in the international application;
- the check under Rule 4.10(b) as to whether the request contains the required indications concerning the country in which the earlier application, the priority of which has been claimed, has been filed and the date on which it was filed;
- the check under Rule 4.10(d) as to whether the indicated filing date of the earlier application, the priority of which has been claimed, precedes the international filing date by more than one year;
- the determination under Rule 91 whether there is an obvious error of transcription in the international application or other papers;
- the request under Rules 18.5 and 54.4 and Section 306 of the Administrative Instructions for a change in the person, the name, or the address of the applicant;
- the notification of the appointment of an agent or common representative or the revocation of such an appointment under Rules 90.3 and 90.4, respectively;

- the notification of the right to practice before the receiving Office under Rule 83;
- the furnishing of certified copies of the international application or corrections thereto under Rule 20.9; and
- the keeping of records relating to each international application and purported international application under Rule 93.1.

22. Further details on some of these procedural tasks, particularly on the organizational units to carry them out, are contained in Part II of Appendix B.

#### Types of Functions Involved in the Procedural Tasks

23. In general, each of the procedural tasks can be expected to involve record-keeping functions, since any processing performed in respect of an international application, be it a communication, a check, etc., should be recorded in the file of the international application, in order to reflect the stage of development which has occurred in respect of that application.
24. The following paragraphs indicate the types of functions which are primarily involved in the different procedural tasks.
25. The RECEIPT AND MARKING OF THE PURPORTED INTERNATIONAL APPLICATION under Rules 20.1 and 20.2 is a task involving functions of a record-keeping nature, since the receipt of the application has to be recorded by the stamping of the date of receipt, etc. However, communication functions would also arise, for instance, where the receiving Office notifies the applicant of the date of receipt of the application.
26. The determination in respect of SECURITY MATTERS, and the different checks and determinations under ARTICLES 11, 14(1), (2), (3) and (4) and RULES 9, 4.10(b), (d) and 91, are tasks which involve functions of a checking nature. Except for security matters which are solely matters of national law, if defects are found when the application is being checked pursuant to these provisions, communication functions would also be involved, since the receiving Office will send the applicant an invitation to correct such defects. As the check under Article 14(3) involves the payment of fees, accounting functions would also arise in this case.
27. The PREPARATION OF COPIES under Rule 21 and the FURNISHING OF CERTIFIED COPIES under Rule 20.9 are tasks which involve reproduction functions. However, as in both cases, a fee covering the cost of preparation may be required, functions of an accounting nature may also arise.
28. The TRANSMITTAL OF RECORD COPY under Rule 22 and the TRANSMITTAL OF SEARCH COPY under Rule 23.1(a) are tasks which involve communication functions.
29. The REQUEST FOR CHANGE IN PERSON, NAME OR ADDRESS under Rules 18.5 and 54.4 and Section 306 of the Administrative Instructions, the NOTIFICATION OF APPOINTMENT OR REVOCATION OF APPOINTMENT OF AGENT OR COMMON REPRESENTATIVE under Rules 90.3 and 90.4, the NOTIFICATION OF THE RIGHT TO PRACTICE under Rule 83, and the KEEPING OF RECORDS AND FILES under Rule 93.1 are tasks which primarily involve record-keeping functions. Communication functions are also involved when the receiving Office notifies the other international authorities of a change in person, name or address, or notifies them of an appointment or revocation of a power of attorney, or notifies them of proof of the right of an agent to practice.

### PART III - ANNOTATED DESCRIPTION OF THE PROCEDURAL TASKS OF THE RECEIVING OFFICE WITH FLOW DIAGRAMS

#### Introduction

30. The purpose of this Part is to provide the receiving Office with information as to the individual processing steps pertaining to each procedural task set out in Part II (see paragraph 21). Thus, the steps in the processing of an international application by the receiving Office, including any communications involved, are listed, described and annotated. The procedural tasks are further illustrated by flow diagrams showing the steps involved in processing an international application.

A. ANNOTATED DESCRIPTION OF PROCEDURAL TASKS

The Processing Steps

31. In this Part, the procedural tasks which were identified in Part II under general headings are broken down into component processing steps which have to be undertaken by the receiving Office.

32. The procedural tasks are indicated by the symbol "RO", followed by an oblique stroke and a number. Each component processing step is described and annotated with references to the relevant provision of the Articles, Rules and Administrative Instructions of the PCT and, where applicable, with reference to the Form to be used to effectuate the communication involved with any given step.

Index to the Procedural Tasks

33. The procedural tasks by reference to their task symbols are as follows:

TASK SYMBOL	TASK
RO/1	RECEIPT AND MARKING OF THE PURPORTED INTERNATIONAL APPLICATION
RO/2	SECURITY DETERMINATION
RO/3	ARTICLE 11(1) CHECK (REQUIREMENTS FOR INTERNATIONAL FILING DATE)
RO/4	PREPARATION OF COPIES
RO/5	TRANSMITTAL OF RECORD COPY AND SEARCH COPY
RO/6	ARTICLE 14(1) CHECK (CERTAIN DEFECTS IN THE INTERNATIONAL APPLICATION)
RO/7	ARTICLE 14(2) CHECK (DEFECT OF MISSING DRAWINGS)
RO/8	ARTICLE 14(3) CHECK (DEFECT OF LACK OF PAYMENT OF FEES)
RO/9	ARTICLE 14(4) FINDING (LATER FINDING OF NON-COMPLIANCE WITH ARTICLE 11(1) REQUIREMENTS)
RO/10	RULE 9 CHECK (EXPRESSIONS NOT TO BE USED)
RO/11	RULE 4.10(b) CHECK (LACK OF NECESSARY PRIORITY INDICATIONS CONCERNING COUNTRY AND DATE OF FILING)
RO/12	RULE 4.10(d) CHECK (ERRONEOUS INDICATION OF PRIORITY DATE)
RO/13	RULE 91 DETERMINATION (RECTIFICATION OF OBVIOUS ERRORS OF TRANSCRIPTION)
RO/14	REQUEST FOR CHANGE IN PERSON, NAME OR ADDRESS
RO/15	NOTIFICATION OF APPOINTMENT OR REVOCATION OF APPOINTMENT OF AGENT OR COMMON REPRESENTATIVE
RO/16	NOTIFICATION OF RIGHT TO PRACTICE
RO/17	FURNISHING OF CERTIFIED COPIES
RO/18	KEEPING OF RECORDS AND FILES



- RO/1 RECEIPT AND MARKING OF THE PURPORTED INTERNATIONAL APPLICATION
- RO/1.0 The receiving Office receives the purported international application filed by the applicant.
- RO/1.1 The receiving Office processes the purported international application by marking the date of receipt in the space provided in the request (Form PCT/RO/101) and then marks a number assigned by the International Bureau on each sheet (PCT Rule 20.1(a)) and may notify the applicant (Form PCT/RO/125) of the receipt of the purported international application (Section 301 of the Administrative Instructions).
- RO/1.2 The receiving Office receives later filed sheets (missing papers) from the applicant completing the purported international application (PCT Rule 20.2).
- RO/1.3 The receiving Office marks any later filed sheets in a manner provided in Section 309(a) of the Administrative Instructions (Rule 20.2(b)).
- RO/1.4 The receiving Office checks whether the later filed sheets were received within time limits referred to in Rule 20.2(a)(i).
- RO/1.5 If the receiving Office finds that the later filed sheets were not timely received, it notifies the applicant (Form PCT/RO/126) of the untimely submission of the later filed sheets and indicates on such sheets that they are not to be taken into consideration for the purpose of international processing. Where the Article 12(1) transmittals have already been made, the receiving Office forwards copies of the later filed sheets (Form PCT/RO/118) containing the said indication to the International Bureau. If the transmittals have not been made, the receiving Office attaches a copy of the later submitted sheets to the record copy with the same indication (Section 309(c) of the Administrative Instructions).
- RO/1.6 If the receiving Office finds that the later filed sheets were timely received, it corrects the date of receipt marked on the request so that it indicates the day on which the papers completing the international application were received (Rule 20.2(a) and Section 309(b) of the Administrative Instructions), it makes any resulting correction to the international filing date and it notifies the applicant (Form PCT/RO/126). Where the Article 12(1) transmittals have already been made, the receiving Office also notifies the International Bureau and the International Searching Authority accordingly, and forwards copies of the later submitted sheets to the said Bureau and the said Authority. If transmittals under Article 12(1) have not yet been made, it attaches a copy of the later submitted sheets to the record copy and the search copy (Section 309(b) of the Administrative Instructions).
- RO/2 SECURITY DETERMINATION
- RO/2.0 The receiving Office reviews the purported international application for security matters (PCT Rule 22.1(a)). If clearance is granted, normal processing continues.
- RO/2.1 The receiving Office, having decided to withhold clearance, removes the purported international application from further processing.
- RO/3 ARTICLE 11(1) CHECK (REQUIREMENTS FOR INTERNATIONAL FILING DATE)
- RO/3.0 The receiving Office checks the international application for the existence of:

- (i) an indication that it is intended to be an international application (pre-printed indication on Form PCT/RO/101);
  - (ii) the designation of at least one Contracting State;
  - (iii) the name of the applicant, taking into account the provisions of Rule 20.4(b);
  - (iv) the use of the prescribed language;
  - (v) residence and nationality of the applicant to see that he is entitled to file the application;
  - (vi) a part that appears to be a description;
  - (vii) a part that appears to be a claim or claims.
- RO/3.1 The receiving Office, having found that the application lacks compliance with Article 11(1) requirements, records defect(s) and fills out the invitation to correct (Form PCT/RO/103) to the applicant to fulfill Article 11(1) requirements (Rule 20.6(a) and (b)).
- RO/3.2 The receiving Office checks whether corrections submitted by the applicant are sufficient and fulfill Article 11(1) requirements.
- RO/3.3 The receiving Office, having found that the corrections of defects by the applicant are sufficient, corrects the date of actual receipt marked on the request (Form PCT/RO/101) (Rule 20.2(ii) and 20.3).
- RO/3.4 The receiving Office, having found that the corrections by the applicant are not sufficient and that compliance with Article 11(1) is still lacking, notifies the applicant that Article 11(1) corrections fail and the application will not be treated as an international application (Rule 20.7(i)), and notifies the International Bureau that the number marked on papers will not be used as an international application number (Rule 20.7(ii)) (Form PCT/RO/104).
- RO/3.5 The receiving Office refunds (Form PCT/RO/119) any international and/or search fee received, since attempted Article 11(1) corrections were unsuccessful (Rules 15.6 and 16.2).
- RO/3.6 The receiving Office transmits to the International Bureau (Form PCT/RO/118) a copy of the purported international application provided a request (Form PCT/IB/303) therefor has been received (Rule 20.7(iv)) (for Article 25(1) Review).
- RO/3.7 The receiving Office makes a positive determination under Article 11(1) and accords an international filing date and marks the name of the receiving Office and the words "PCT International Application" or "Demande internationale PCT" on the request (Form PCT/RO/101) (Rule 20.5(a)).
- RO/3.8 The receiving Office notifies (Form PCT/RO/105) the applicant of the international application number and international filing date (Rule 20.5(c)).
- RO/4 PREPARATION OF COPIES
- RO/4.0 The receiving Office checks whether the applicant has filed the international application in less than the number of copies required (Rule 11.1(a) and (b)).
- RO/4.1 The receiving Office, having received less than the required number of copies, verifies the copies received (if more than one) (Rule 11.1(b) and Section 305 of the Administrative Instructions) and prepares any necessary additional copies, for which it may fix a fee (Form PCT/RO/120) (Rule 21.1(b)(c)).
- RO/4.2 The receiving Office, having received the required number of copies--
- if the required number of copies is three, verifies the "search" and "home" copies with the "record" copy;
  - if the required number of copies is less than three, verifies any copy received (if more than one) with the "record" copy and prepares any necessary additional copies--"search" and/or "home" copy.

- RO/5 TRANSMITTAL OF RECORD COPY AND SEARCH COPY
- RO/5.0 The receiving Office calculates the processing time available (Rule 22.3) before the record copy must be transmitted to the International Bureau. However, a decision must be made as to whether the procedure of Rule 22.1 or the alternative procedure of Rule 22.2 applies.
- RO/5.1 The receiving Office forwards the record copy to the applicant or holds it available for collection, if the applicant has indicated that he wishes to transmit the record copy to the International Bureau. Where the record copy is forwarded to the applicant, see Form PCT/RO/122. Where it has been held available but has not been timely collected by the applicant, the International Bureau and the applicant must be notified accordingly (Form PCT/RO/114) (Section 315 of the Administrative Instructions).
- RO/5.2 The receiving Office transmits the record copy to the International Bureau (Rule 22.1(a)) (unless the alternative procedure is applicable, see RO/5.1) and transmits the search copy to the competent International Searching Authority (Form PCT/RO/118) (Rule 23.1(a) and (b)).
- RO/6 ARTICLE 14(1) CHECK (CERTAIN DEFECTS IN THE INTERNATIONAL APPLICATION)
- RO/6.0 The receiving Office checks the international application for the existence of one or more of the following Article 14(1) defects:
- (i) it is not signed as provided in the Regulations (Rule 4.15);
  - (ii) it does not contain the prescribed indications concerning the applicant (Rule 4.4 and 4.5);
  - (iii) it does not contain a title (Rules 4.1 and 37);
  - (iv) it does not contain an abstract (Article 3(2) and Rule 38);
  - (v) it does not comply to the extent provided in the Regulations with the prescribed physical requirements (Rule 11), taking into account Rule 26.3.
- Simultaneously, the receiving Office could carry out a Rule 10 check (Terminology and Signs), as well as a check for proper headings in the description of the international application (Rule 5.1(c) and Section 205 of the Administrative Instructions).
- RO/6.1 The receiving Office, having found one or more Article 14(1) defects, invites the applicant to correct Article 14(1) defects (Article 14(1)(b) and Rule 26.1) and, if the defects include those specified in Article 14(1)(a)(iii) and/or (iv) (missing title and/or abstract), notifies the International Searching Authority accordingly (Form PCT/RO/106) (Rule 26.1(b)).
- RO/6.2 The receiving Office marks date of receipt of any corrections submitted by the applicant on the papers received (Rule 26.5(b)), checks the corrections and any replacement sheet (Rule 26.4(b)), marks the international application number and the stamp identifying the receiving Office on each replacement sheet (Rule 26.4(b)) and renumbers the sheets of the international application (if necessary) in accordance with Section 311 of the Administrative Instructions.
- RO/6.3 The receiving Office checks whether the Article 14(1) defects have or have not been timely corrected.
- RO/6.4 The receiving Office, having found that defects have not been timely corrected, notifies (Form PCT/RO/117) the applicant, the International Bureau, and the International Searching Authority (if search copy has been sent already) that the international application is considered withdrawn (Rule 29.1(a)(ii) and (iii)).
- RO/6.5 The receiving Office, having found that defects have been timely corrected, transmits (Form PCT/RO/118) any corrections and replacement sheets to the International Bureau and a copy thereof to the International Searching Authority (Rule 26.4(c) and (d)).

- RO/7 ARTICLE 14(2) CHECK (DEFECT OF MISSING DRAWINGS)
- RO/7.0 The receiving Office examines the text of the international application for reference to drawings and checks whether drawings are included.
- RO/7.1 The receiving Office, having found a reference to drawings and that drawings are not included, indicates in the international application that drawings are missing (Rule 26.6(a)).
- RO/7.2 The receiving Office fills out the notice of missing drawings and notifies the applicant of missing drawings (Form PCT/RO/107).
- RO/7.3 The receiving Office checks whether the applicant has timely filed missing drawings.
- RO/7.4 The receiving Office, having found that missing drawings are not timely filed, indicates that any reference to drawings shall be considered non-existent (Article 14(2)).
- RO/7.5 The receiving Office, having found that missing drawings were timely filed, makes any resulting corrections in the international filing date (Article 14(2), Rule 20.2(a)(iii) and Section 310(b)(i) of the Administrative Instructions).
- RO/7.6 The receiving Office notifies (Form PCT/RO/126), where the missing drawings are timely filed, the applicant (and the International Bureau and the International Searching Authority where Article 12(1) transmittals have already been made) of any resulting corrections and forwards copies of the later submitted drawings to the said Bureau and the said Authority (Section 310(b)(iii) of the Administrative Instructions).
- The receiving Office notifies (Form PCT/RO/126), where the missing drawings are not timely filed, the applicant and the International Bureau of this fact and the date of receipt of the later submitted drawings and, where Article 12(1) transmittals have already been made, forwards a copy of the later submitted drawings to the International Bureau with an indication that such drawings are not to be taken into consideration for the purposes of international processing (Section 310(c)(i) and (ii) of the Administrative Instructions).
- The receiving Office attaches a copy of the untimely filed drawings to the record copy, where Article 12(1) transmittals have not taken place, with a note indicating that the drawings are not to be considered for international processing (Section 310(c)(iii) of the Administrative Instructions).
- RO/7.7 The receiving Office transmits (Form PCT/RO/118), where the missing drawings were timely filed and the Article 12(1) transmittals have already been made, copies of the drawings to the International Bureau and to the International Searching Authority (Section 310(b)(iii) of the Administrative Instructions).
- RO/8 ARTICLE 14(3) CHECK (DEFECT OF LACK OF PAYMENT OF FEES)
- RO/8.0 The receiving Office calculates the fees due upon receipt of the international application, i.e. the transmittal fee, the search fee, and international fee. The receiving Office determines if the payment of fees is lacking (Article 14(3)(a), Rules 14, 15 and 16).
- RO/8.1 The receiving Office, having found that payment of fees is lacking, requests (Form PCT/RO/102) payment of the transmittal fee, the search fee or the international fee.
- RO/8.2 The receiving Office checks for timely payment of the transmittal fee, the search fee and/or the international fee.
- RO/8.3 The receiving Office checks whether timely payment of the designation fee part of the international fee for all designated States is lacking (Article 14(3)(b) and Rule 15.4(b)).


- RO/8.4 The receiving Office, having found that the transmittal fee, the search fee or the international fee have not been timely paid or that timely payment of the designation fee part of the international fee is lacking for all designated States, notifies the applicant, the International Bureau, and the International Searching Authority (Form PCT/RO/117) that the fees were not timely paid and that it declares the international application to be considered withdrawn (Rule 29.1(a)(ii), (iii)).
- RO/8.5 The receiving Office transmits (Form PCT RO/118) the record copy and corrections (if any) to the International Bureau (Rule 29.1(a)(i)) for the purposes of review under Article 25 (if not already transmitted).
- RO/8.6 The receiving Office checks whether timely payment of the designation fees for some of the designated States is lacking.
- RO/8.7 The receiving Office, having found that the designation fees for some of the designated States have not been timely paid, notifies the applicant (Form PCT/RO/116) and the International Bureau of its declaration that the designation of States for which no designation fee was paid is considered to be withdrawn (Article 14(3)(b) and Rule 29.1(b)).
- RO/9 ARTICLE 14(4) FINDING (LATER FINDING OF NON-COMPLIANCE WITH ARTICLE 11(1) REQUIREMENTS)
- RO/9.0 The receiving Office finds non-compliance with the requirements of Article 11(1) after having accorded an international filing date, but before the expiration of the time limit of six months prescribed in Rule 30.1 (Article 14(4)) (see Forms PCT/ISA/209 and PCT/IB/321) (Rule 29.3).
- RO/9.1 The receiving Office notifies the applicant (Form PCT/RO/115) of the intent to issue a declaration that the application shall be considered withdrawn and invites applicant to submit arguments (Rule 29.4).
- RO/9.2 The receiving Office checks whether the applicant's arguments are timely (submitted within one month of notification (Rule 29.4)) and persuasive.
- RO/9.3 The receiving Office, finding that the applicant's arguments do not overcome defects, notifies the applicant (Form PCT/RO/117) and the International Bureau, and, if the search copy has already been transmitted, also the International Searching Authority, of the declaration that the application shall be considered withdrawn (Rule 29.1(a)(ii), (iii)).
- RO/9.4 The receiving Office transmits (Form PCT/RO/118) the record copy (unless already transmitted) and any corrections thereto to the International Bureau (Rule 29.1(a)(i)), but does not transmit the search copy (Rule 29.1(a)(iii)).
- RO/9.5 The receiving Office, having found the applicant's arguments timely and persuasive, reverses its tentative finding and notifies the applicant (Form PCT/RO/127) of the decision not to issue a declaration under Article 14(4) (Section 312 of the Administrative Instructions).
- RO/10 RULE 9 CHECK (EXPRESSIONS NOT TO BE USED)
- RO/10.0 The receiving Office checks the international application for expressions contrary to Rule 9.1.
- RO/10.1 The receiving Office, having found that the international application lacks compliance with Rule 9.1, invites the applicant to voluntarily correct lack of compliance with Rule 9.1 (Form PCT/RO/112), and notifies the International Searching Authority and the International Bureau of such lack of compliance (Rule 9.2).
- RO/10.2 The receiving Office checks whether the Article 12(1) transmittals of the record copy and the search copy have been made.
- RO/10.3 The receiving Office, having found that the Article 12(1) transmittals (Form PCT/RO/118) of the record copy and the search copy have not already been made, attaches copies of the corrections received from the applicant to the international application (Section 304 of the Administrative Instructions).

- RO/10.4 The receiving Office, having found that the Article 12(1) transmittals of the record copy and the search copy have already been made, transmits copies of the corrections received from applicant (Form PCT/RO/118) to the International Searching Authority and the International Bureau (Section 304 of the Administrative Instructions).
- RO/11 RULE 4.10(b) CHECK (LACK OF NECESSARY PRIORITY INDICATIONS CONCERNING COUNTRY AND DATE OF FILING)
- RO/11.0 Where a priority has been claimed, the receiving Office checks for the indication of the country in or for which, and the date on which, the priority application was filed.
- RO/11.1 The receiving Office, having found that the indication of the country in or for which, or the date on which the priority application was filed, is lacking, records in the international application the fact that the priority claim has been considered not to have been made (Rule 4.10(b)).
- RO/11.2 The receiving Office notifies (Form PCT/RO/121) the applicant and, if the record copy and the search copy have already been sent, also the International Bureau and the International Searching Authority that the priority claim is considered not to have been made (Section 302 of the Administrative Instructions).
- RO/12 RULE 4.10(d) CHECK (ERRONEOUS INDICATION OF PRIORITY DATE)
- RO/12.0 Where a priority has been claimed, the receiving Office checks whether the filing date of the priority application is erroneous or precedes the international filing date by more than one year.
- RO/12.1 The receiving Office, having found that the priority date must be either corrected or cancelled because of an error in the date or because the filing date of the priority application precedes the international filing date by more than one year, invites (Form PCT/RO/110) applicant to submit corrections or to cancel (within one month from the date of mailing) the priority claim (Rule 4.10(d)).
- RO/12.2 The receiving Office checks whether applicant's response was timely received.
- RO/12.3 The receiving Office, finding that applicant's response was not timely received, ex officio cancels the priority claim (Rule 4.10(d) and Section 314(b) of the Administrative Instructions).
- RO/12.4 The receiving Office, finding that the applicant's response was timely received, effects the corrections or cancels the priority claim in accordance with applicant's response (Rule 4.10(d) and Section 314(a) of the Administrative Instructions).
- RO/12.5 The receiving Office notifies in all cases the applicant (Form PCT/RO/111), and, if the record copy and the search copy have already been sent, also the International Bureau and the International Searching Authority, of the correction or cancellation (Rule 4.10(d)).
- RO/13 RULE 91 DETERMINATION (RECTIFICATION OF OBVIOUS ERRORS OF TRANSCRIPTION)
- RO/13.0 The receiving Office notes obvious errors of transcription (Rule 91.1(d)).
- RO/13.1 The receiving Office invites the applicant (Form PCT/RO/108) to submit a request for rectification of obvious errors of transcription (Rule 91.1(d)).
- RO/13.2 The receiving Office checks whether the request for authorization for rectification is proper and timely filed (Rule 91.1(g)).
- RO/13.3 The receiving Office, having found that the request is proper and timely filed, authorizes rectification (Rule 91.1(e)(i)) and records the date of authorization for rectification (Rule 91.1(f)).



- RO/13.4 The receiving Office notifies the applicant (Form PCT/RO/109), and the International Bureau of any rectification authorized, or, where authorization is refused, notifies the applicant of the reasons for refusal of authorization (Rule 91.1(h), Section 109 of the Administrative Instructions).
- RO/14 REQUEST FOR CHANGE IN PERSON, NAME OR ADDRESS
- RO/14.0 The receiving Office receives a request for a change in the person, the name or the address of the applicant (Rules 18.5 and 54.4 and Section 306 of the Administrative Instructions).
- RO/14.1 The receiving Office notifies the International Bureau (Form PCT/RO/113) of the requested change (Rules 18.5 and 54.4, Section 306 of the Administrative Instructions).
- RO/15 NOTIFICATION OF APPOINTMENT OR REVOCATION OF APPOINTMENT OF AGENT OR COMMON REPRESENTATIVE
- RO/15.0 The receiving Office receives a separate document appointing, or revoking the appointment of, an agent or common representative (Rules 90.3 and 90.4).
- RO/15.1 The receiving Office checks whether the appointment or revocation is in order or is defective (Rules 90.3(c) and 90.4(b)).
- RO/15.2 The receiving Office, having found that the appointment or revocation is defective, notifies the applicant (Form PCT/RO/124) of the defects and of the fact that the appointment or revocation is considered non-existent until such time as the defects are corrected (Rules 90.3(c) and 90.4(b)).
- RO/15.3 The receiving Office, having received purported corrections, checks whether the applicant either has, or has not, corrected the defects.
- RO/15.4 The receiving Office, having found that the applicant's purported corrections do not correct the defects, continues to consider the appointment or revocation as non-existent (Rules 90.3(c) and 90.4(b)).
- RO/15.5 The receiving Office notifies the International Bureau, the International Searching Authority, and the International Preliminary Examining Authority (Form PCT/RO/123) of the appointment or revocation when it is in order (Rules 90.3(b) and 90.4(b)).
- RO/16 NOTIFICATION OF RIGHT TO PRACTICE
- RO/16.0 The receiving Office receives a request from either the International Searching Authority (Form PCT/ISA/214), or the International Bureau (Form PCT/IB/323), or the International Preliminary Examining Authority (Form PCT/IPEA/410) for the production of proof of the right to practice of any attorney, patent agent, or other person (Article 49, Rule 83).
- RO/16.1 The receiving Office transmits information whether such person has the right to practice to the international Authority which so requested (Rule 83.2).
- RO/17 FURNISHING OF CERTIFIED COPIES
- RO/17.0 The receiving Office receives a request from the applicant for certified copies of the international application as filed and any corrections thereto (Rule 20.9).
- RO/17.1 The receiving Office, if a fee is required, invites the applicant (Form PCT/RO/128) to pay the required amount, upon receipt of which the requested documents are furnished (Form PCT/RO/122) (Rule 20.9).
- RO/18 KEEPING OF RECORDS AND FILES
- RO/18.0 The receiving Office keeps the record relating to the international application or purported international application for at least ten years (Rule 93.1).

B. FLOW CHARTS

Introduction

34. The flow charts contain diagrams indicating the steps involved in processing an international application within the receiving Office. Each chart has a double line running along the right-hand side of the page. This double line traces the normal flow of the processing of an international application. The processing steps indicated along this "normal flow line" are, whenever possible, set forth in chronological sequence. Questions presented in the flow of processing (including alternative situations) are represented by the figure  in which key words are included.

35. The arrangement of the normal processing flow is such that, for the vast majority of international applications, vis-à-vis the question presented along the normal flow line under any particular processing step, the answer will be negative (indicated by the letter "N" (for "no")) and the processing proceeds down the normal flow line rather than encounter the abnormal processing occurring when an affirmative answer (indicated by the letter "Y" (for "yes")) diverts the processing temporarily, or, in some situations, permanently, from continuing down the normal flow line.

36. The steps to be taken are represented by the figure  in which key words are included and, any communication arising from any given step and requiring the use of a Form is indicated by the figure  and above that figure, the symbol of the Form to be used, for example: PCT/RO/105.

37. Reference can readily be made to Appendix A to this document which contains the forms to be employed by the receiving Office in order to determine the contents of the particular Form to be used.\*

[The flow charts follow]

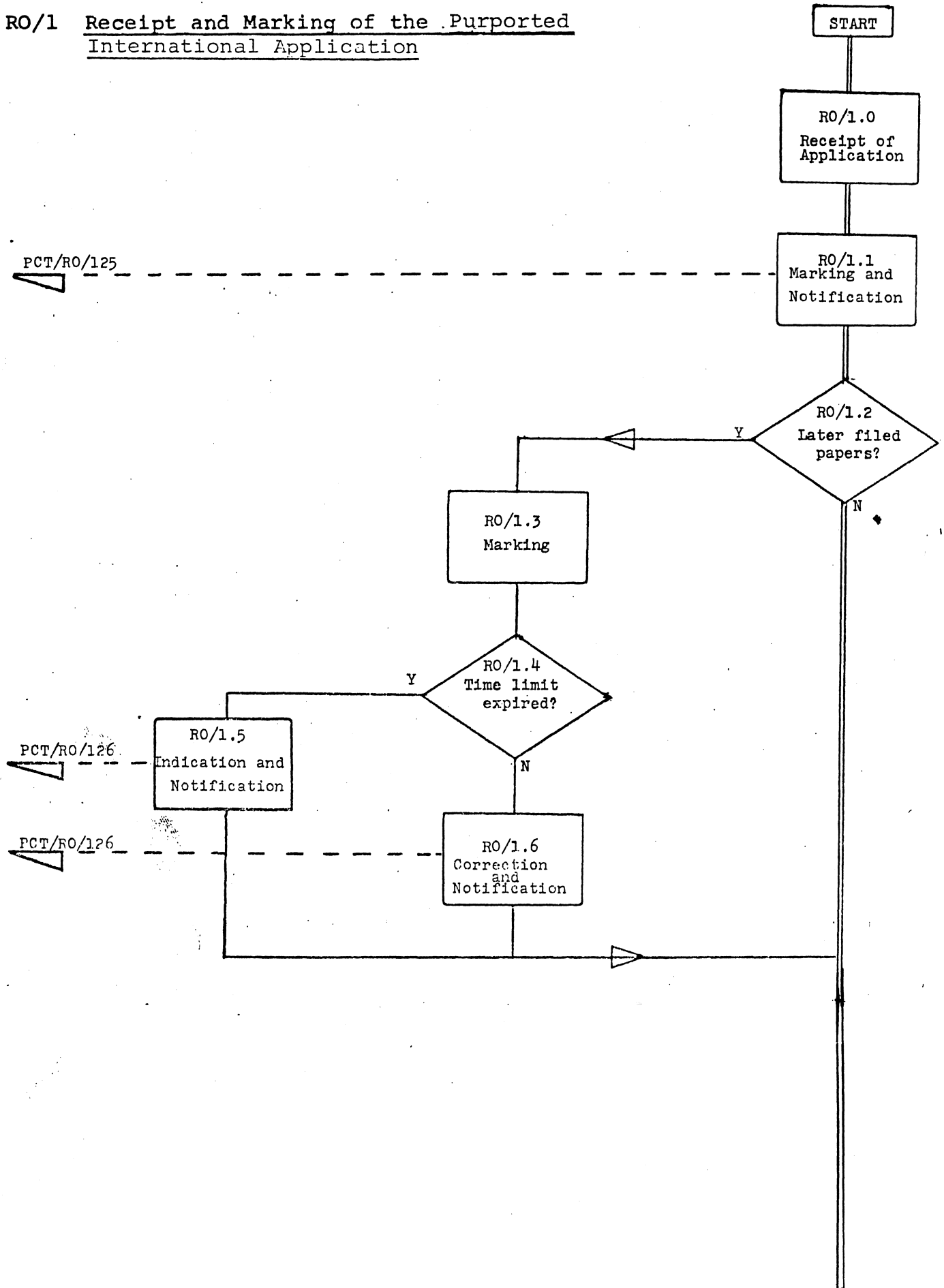
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\* In the present draft, Appendix A contains only a list of the forms with pertinent particulars, since the forms have yet to be finalized. Drafts of the said forms are contained in document PCT/AAQ/VII/7.



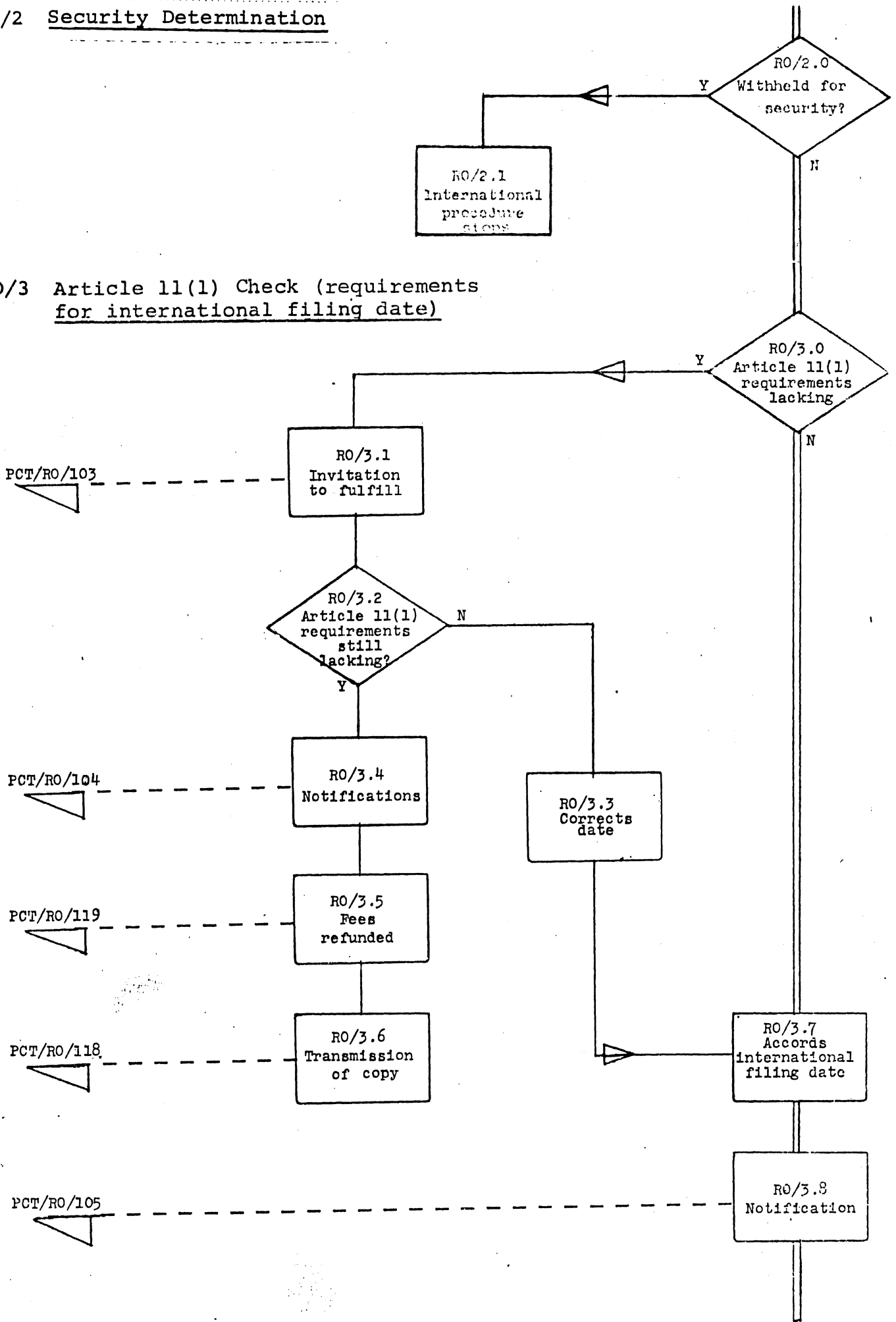
RECEIVING OFFICE: FLOW CHARTS

RO/1 Receipt and Marking of the Purported International Application

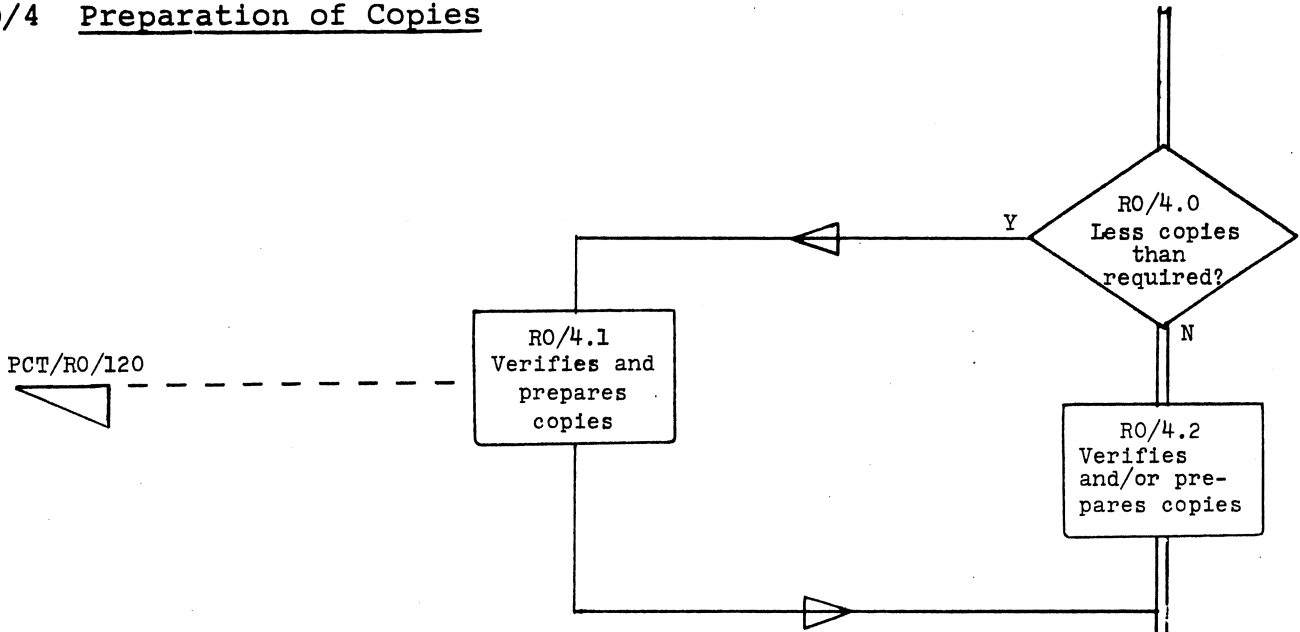


RO/2 Security Determination

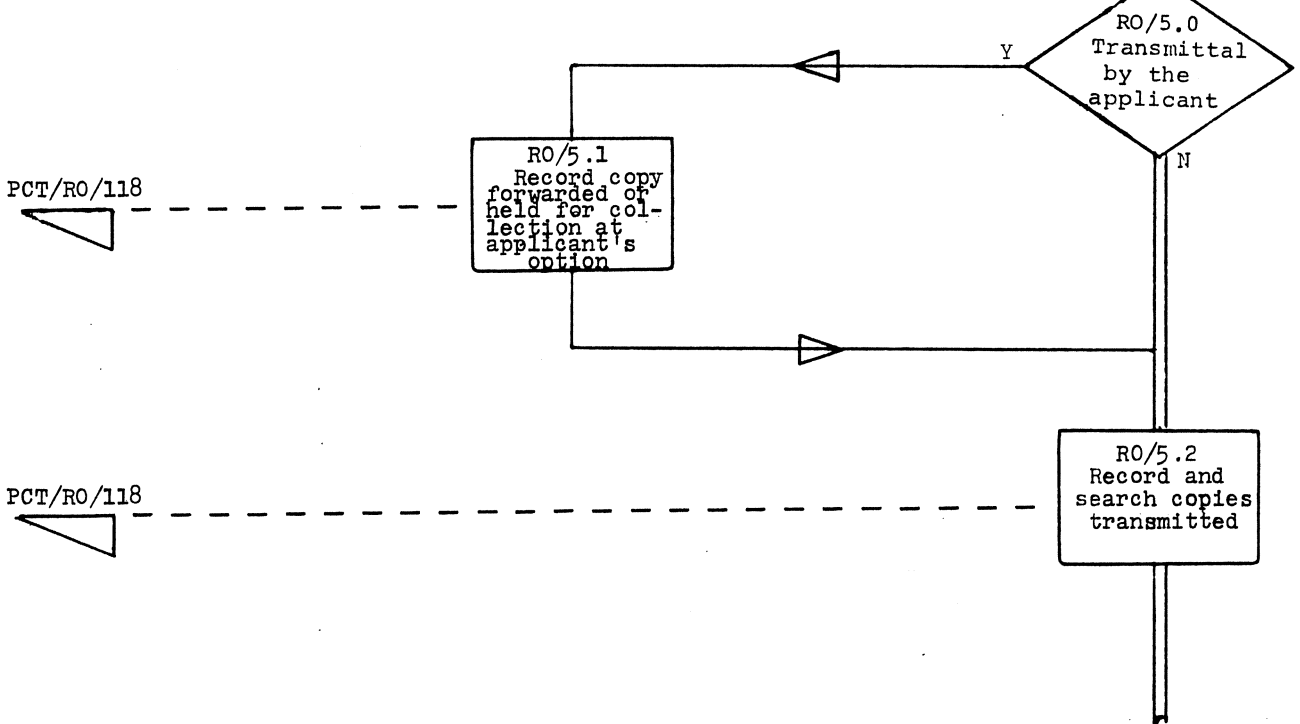
RO/3 Article 11(1) Check (requirements for international filing date)



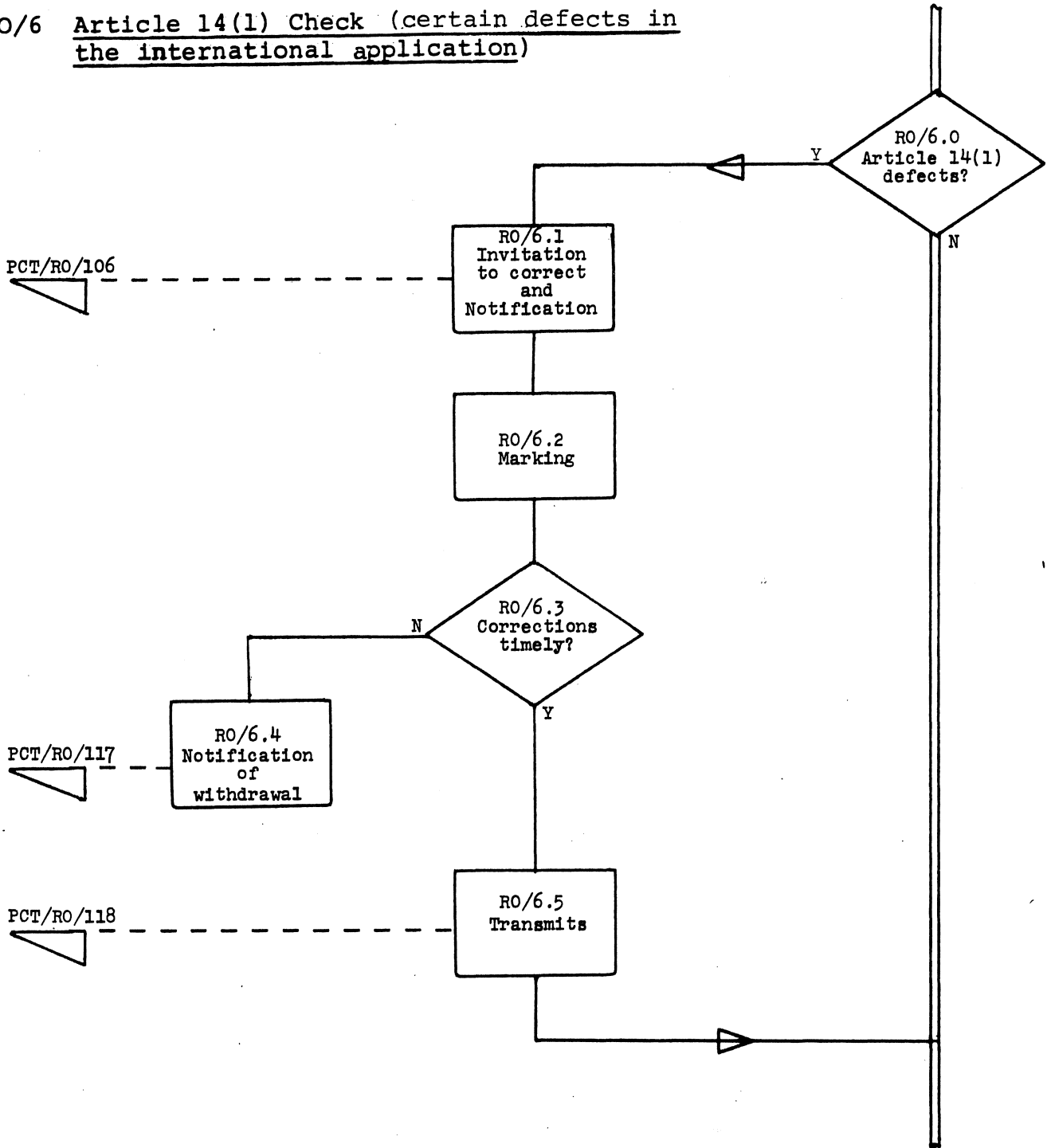
RO/4 Preparation of Copies



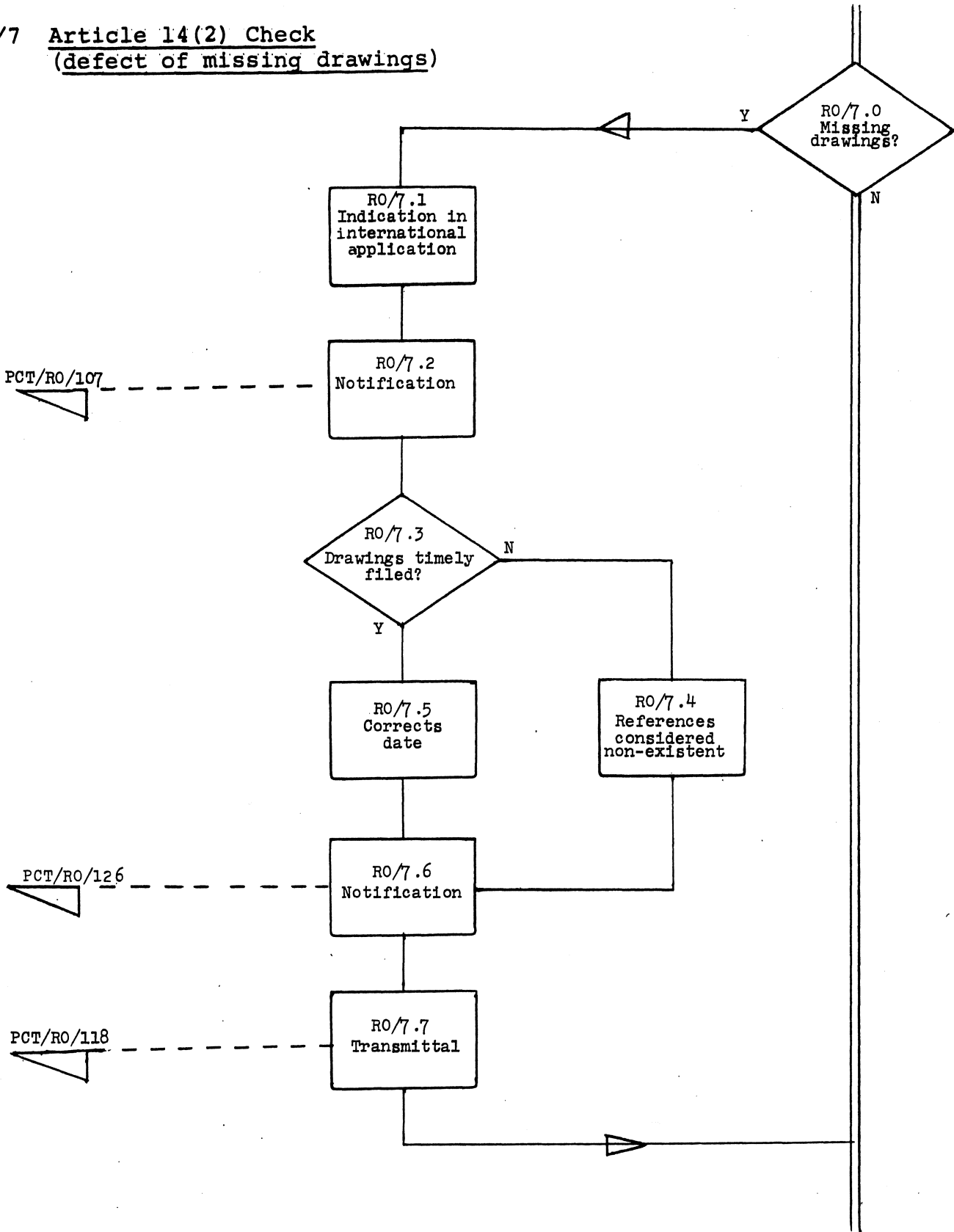
RO/5 Transmittal of Record Copy and Search Copy



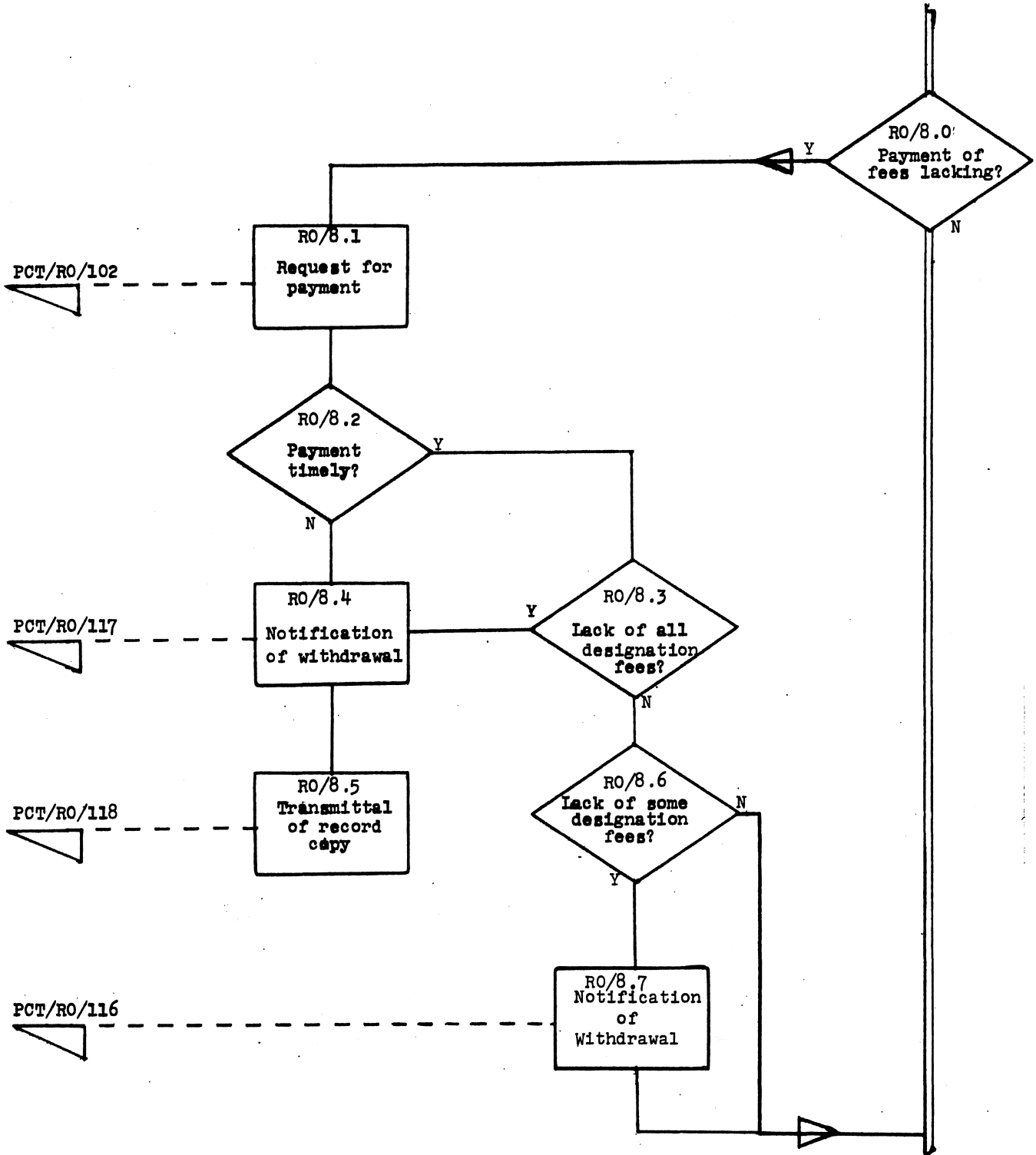
RO/6 Article 14(1) Check (certain defects in the international application)



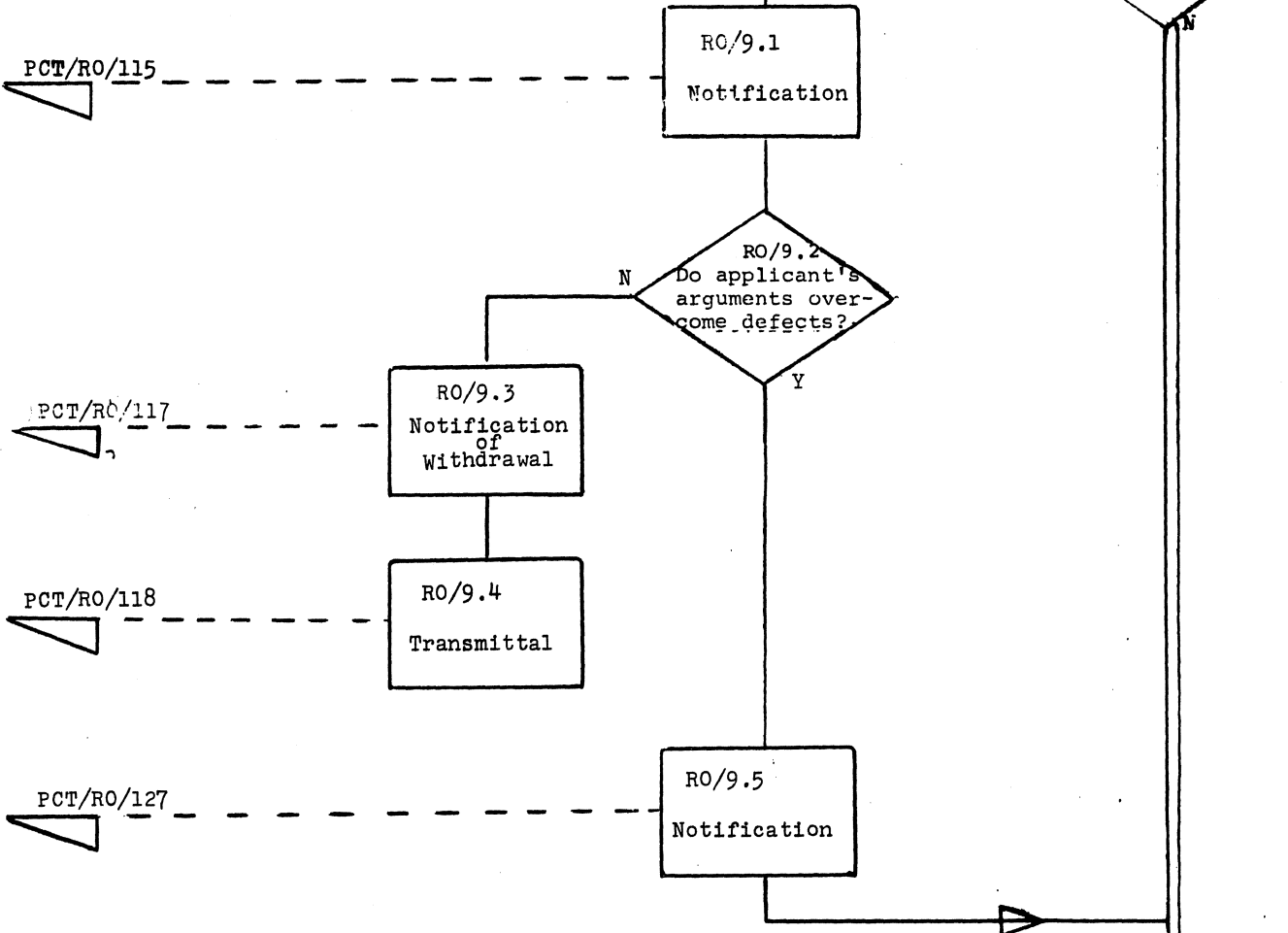
RO/7 Article 14(2) Check  
(defect of missing drawings)



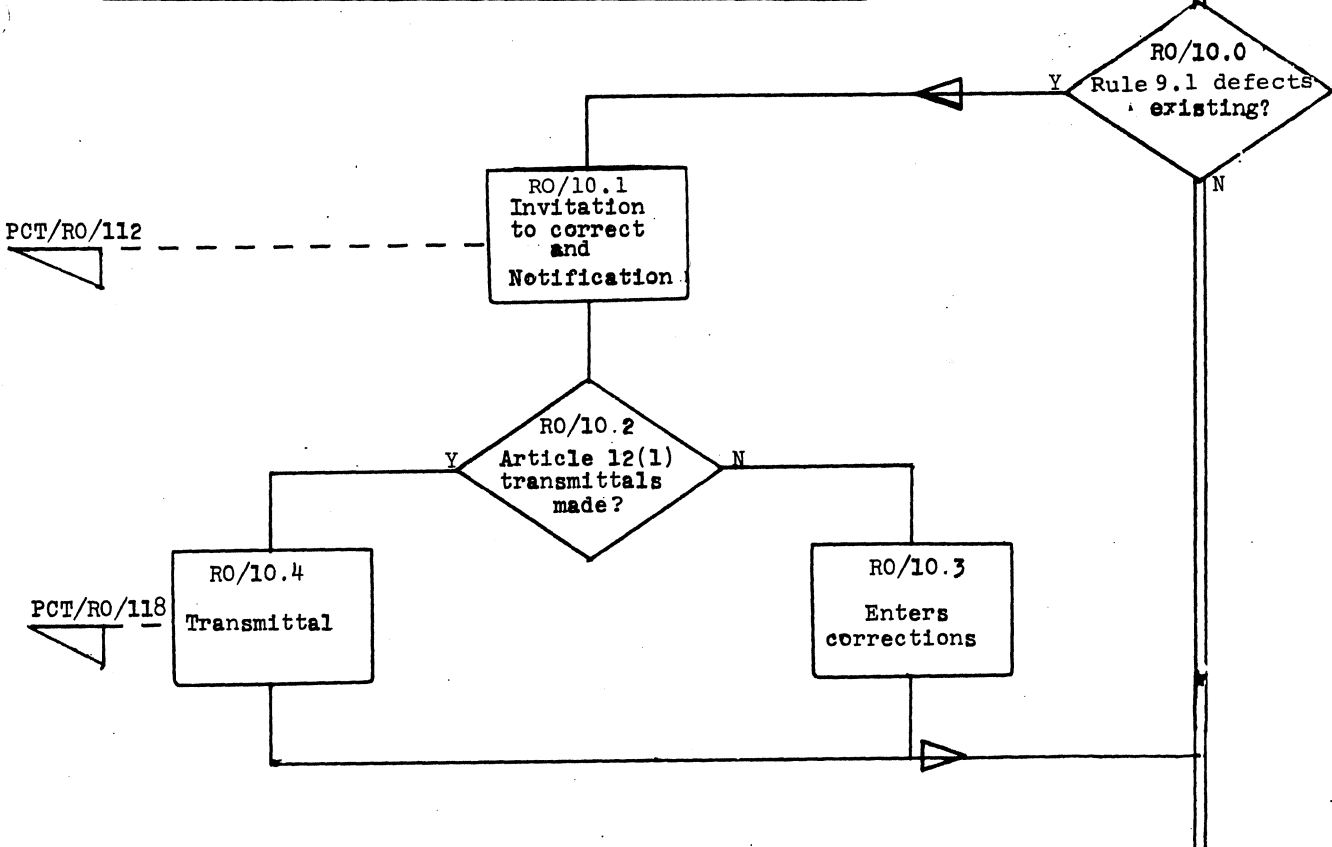
**RO/8 Article 14(3) Check (defect of lack of payment of fees)**



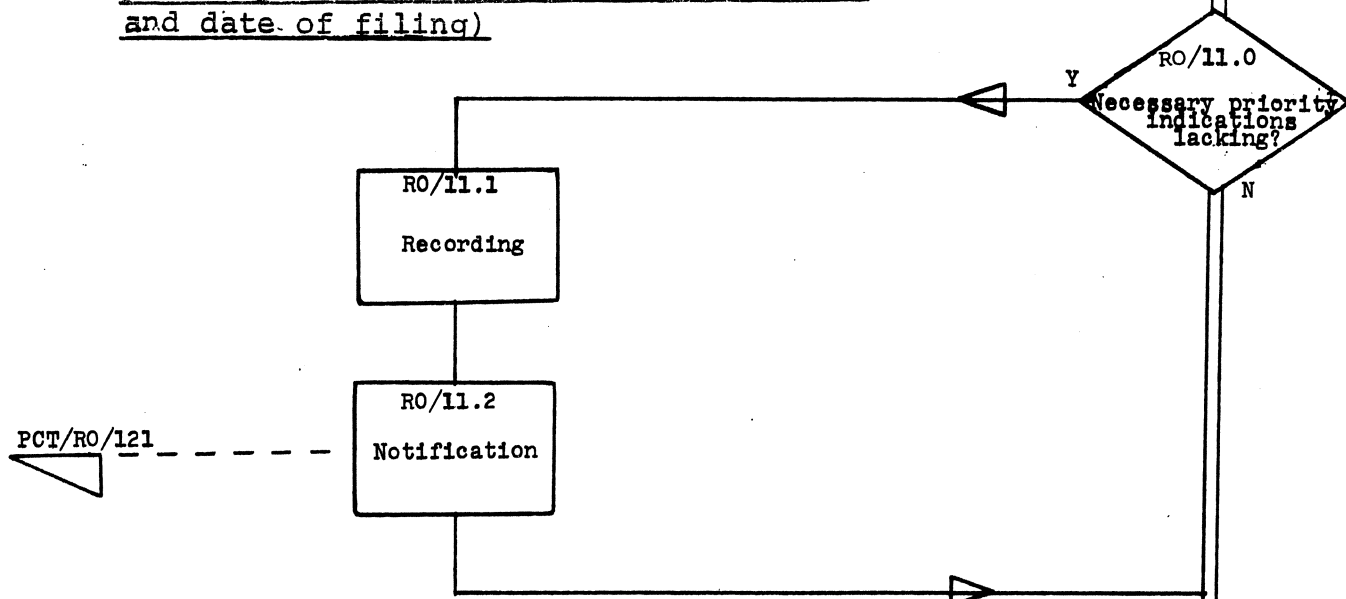
RO/9 Article 14(4) Finding (later finding of non-compliance with Article 11(1) requirements)



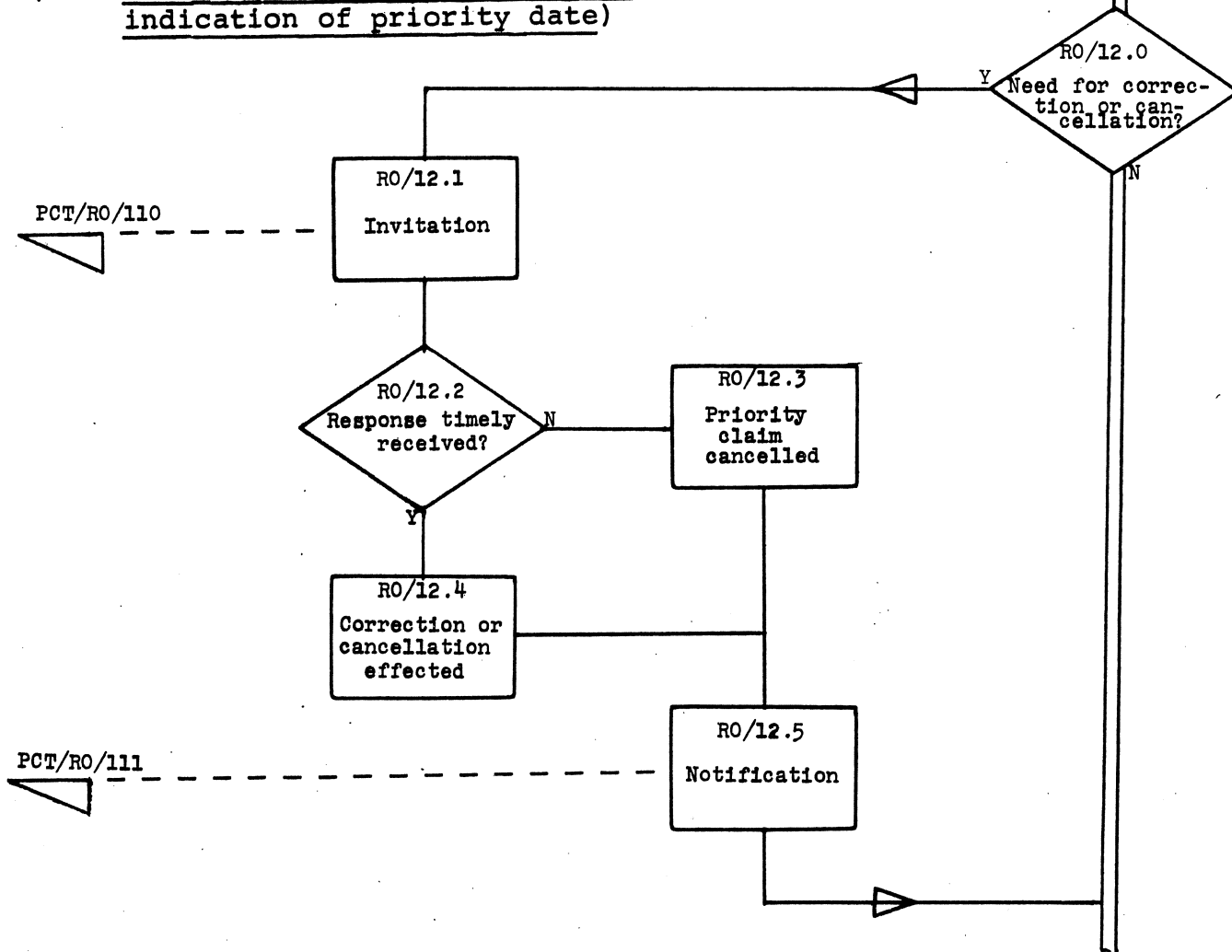
RO/10 Rule 9 Check (expressions not to be used)



RO/11 Rule 4.10(b) Check (lack of necessary priority indications concerning country and date of filing)

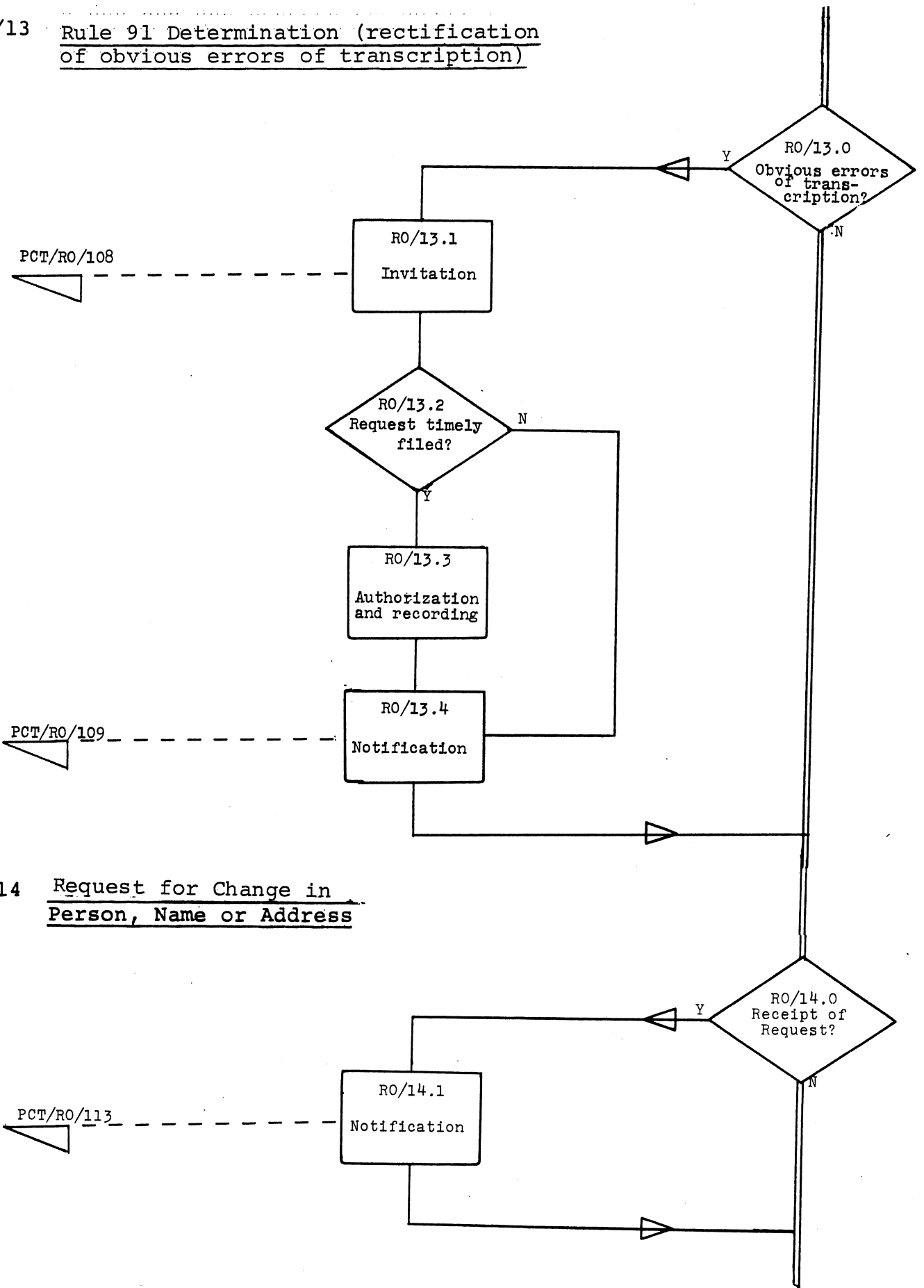


RO/12 Rule 4.10(d) Check (erroneous indication of priority date)



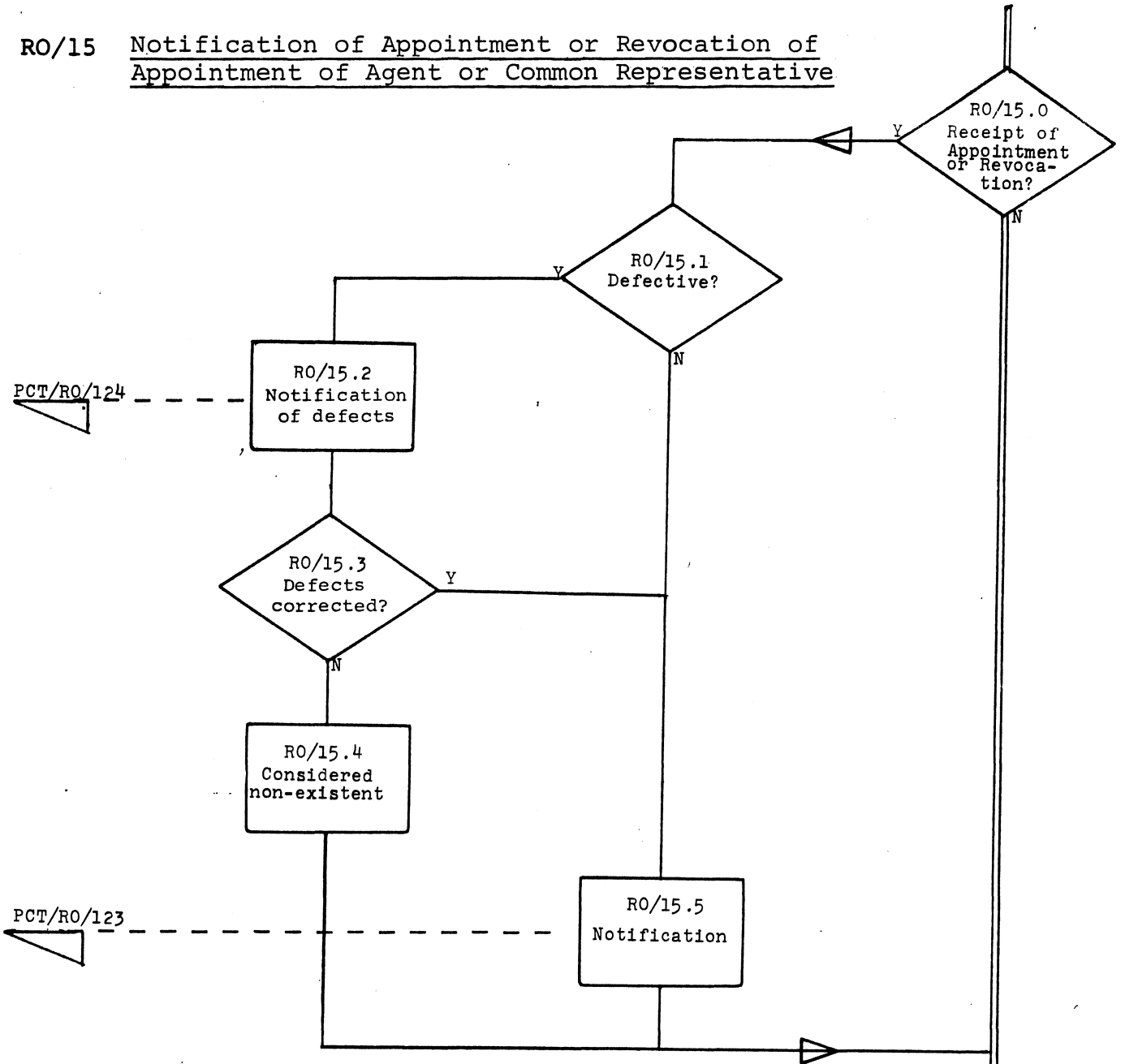


RO/13 Rule 91 Determination (rectification of obvious errors of transcription)

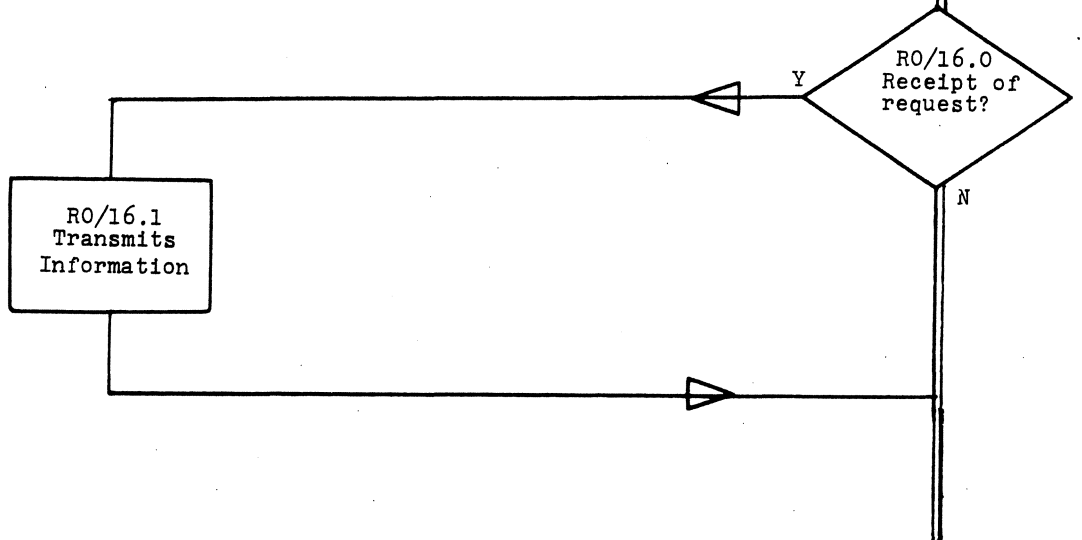


RO/14 Request for Change in Person, Name or Address

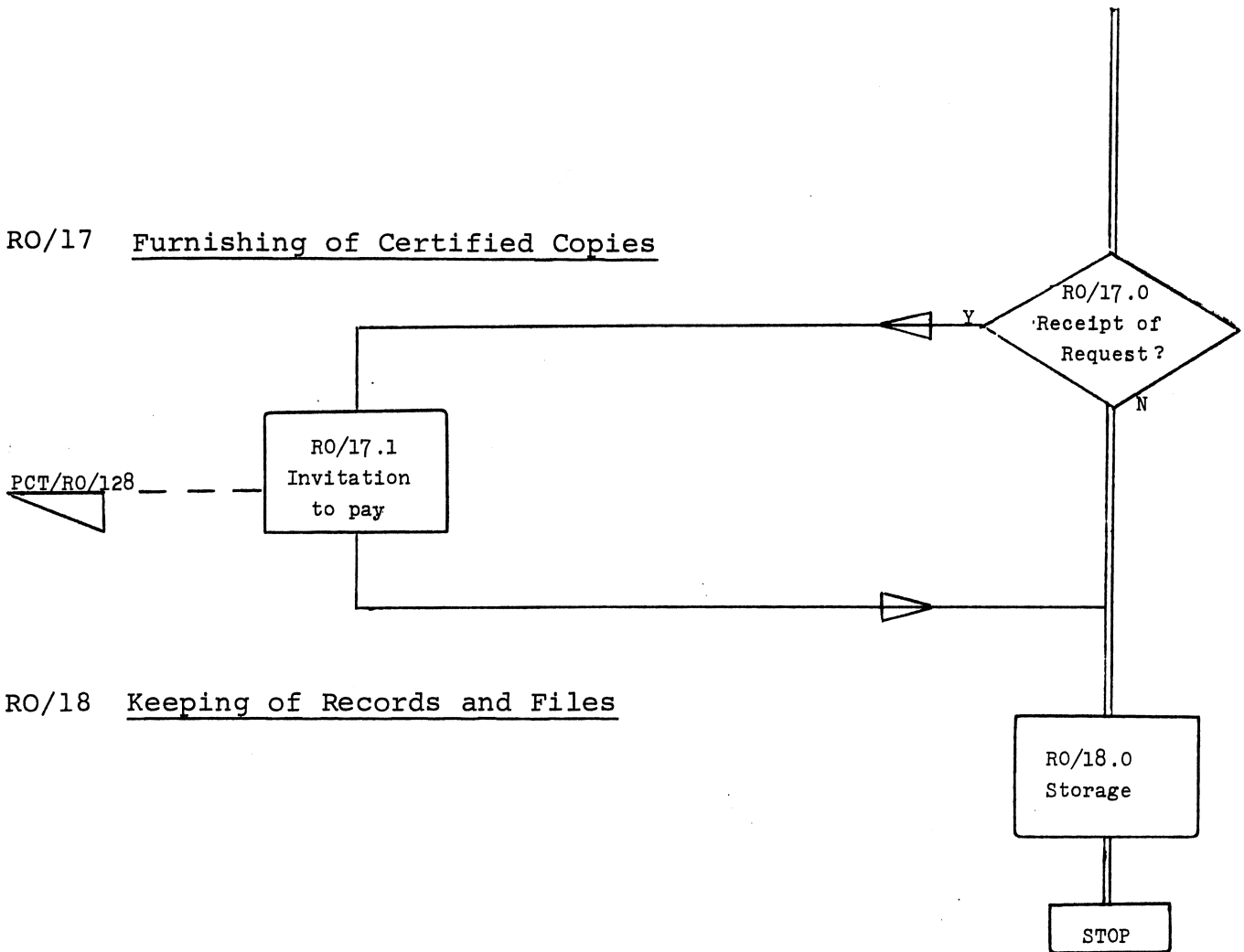
RO/15 Notification of Appointment or Revocation of  
Appointment of Agent or Common Representative



RO/16 Notification of Right to Practice



RO/17 Furnishing of Certified Copies



RO/18 Keeping of Records and Files

[End of Annex, Appendix A follows]

APPENDIX A

FORMS TO BE EMPLOYED BY THE RECEIVING OFFICE

Introduction

1. This Appendix will contain, in its final version, the PCT forms specified in Part III of the Receiving Office Guidelines as being applicable in the processing of purported international applications and international applications by the receiving Office. Since the forms are still to be finalized, this Appendix contains, at present, only a numerical list of the Forms with pertinent information relating to the titles of the forms, the symbols of the processing steps in which the use of the forms is appropriate and the provisions of the PCT, the Regulations and the Administrative Instructions to which the forms relate. The present drafts of the forms may be found in document PCT/AAQ/VII/7.

2. It is to be noted that Section 103 of the Administrative Instructions provides that the language of the forms to be used by the receiving Office shall be the same as the language in which the international application was filed.

[List of Forms follows]

List of Forms to be Employed by the Receiving Office

<u>Form Identification Number:</u>	<u>Title of Form: Processing Step Symbols</u>	<u>Provisions pursuant to which Form is issued:</u>
PCT/RO/101*.....	REQUEST	Rule 4
PCT/RO/102.....	NOTIFICATION CONCERNING PAYMENT OF TRANSMITTAL, SEARCH, AND INTERNATIONAL FEES (RO/8.1)	Rules 14, 15, 16
PCT/RO/103.....	INVITATION TO CORRECT THE PURPORTED INTERNATIONAL APPLICATION (RO/3.1)	Article 11(2)(a)
PCT/RO/104.....	NOTIFICATION THAT THE PURPORTED INTER- NATIONAL APPLICATION IS NOT TREATED AS AN INTERNATIONAL APPLICATION (RO/3.4)	Rule 20.7(i)
PCT/RO/105.....	NOTIFICATION OF THE INTERNATIONAL APPLICATION NUMBER AND OF THE INTER- NATIONAL FILING DATE (RO/3.8)	Rule 20.5(c)
PCT/RO/106.....	INVITATION TO CORRECT DEFECTS IN THE INTERNATIONAL APPLICATION (RO/6.1)	Article 14(1)
PCT/RO/107.....	NOTIFICATION OF NON-INCLUSION OF DRAWINGS WITH THE INTERNATIONAL APPLICATION (RO/7.2)	Article 14(2)
PCT/RO/108.....	INVITATION TO REQUEST RECTIFICATION (RO/13.1)	Rule 91.1(d)
PCT/RO/109.....	NOTIFICATION OF DECISION CONCERNING REQUEST FOR RECTIFICATION (RO/13.4)	Administrative Instruc- tions, Section 109
PCT/RO/110.....	INVITATION TO CORRECT PRIORITY DATE (RO/12.1)	Rule 4.10(d)
PCT/RO/111.....	NOTIFICATION OF CORRECTION OR CAN- CELLATION OF PRIORITY CLAIM (RO/12.5)	Rule 4.10(d)
PCT/RO/112.....	NOTIFICATION CONCERNING EXPRESSIONS, ETC., NOT TO BE USED IN THE INTER- NATIONAL APPLICATION (RO/10.1)	Rule 9
PCT/RO/113.....	REQUEST FOR THE RECORDING OF CHANGE IN THE PERSON, NAME OR ADDRESS OF APPLICANT (RO/14.1)	Rules 18.5 or 54.4 Administrative Instruc- tions, Section 306
PCT/RO/114.....	NOTIFICATION OF NON-COLLECTION OF RECORD COPY	Rule 22.2(d), third sentence, Administrative Instructions, Section 315
PCT/RO/115.....	NOTIFICATION OF INTENTION TO MAKE DECLARATION THAT INTERNATIONAL APPLICATION CONSIDERED WITHDRAWN (RO/9.1)	Rule 29.4
PCT/RO/116.....	NOTIFICATION OF DESIGNATIONS CON- SIDERED TO BE WITHDRAWN (RO/8.7)	Rule 29.1(b)
PCT/RO/117.....	NOTIFICATION THAT INTERNATIONAL APPLI- CATION CONSIDERED TO BE WITHDRAWN (RO/6.4; RO/8.4; RO/9.3)	Articles 14(1), 14(3), 14(4) and Rule 29.1
PCT/RO/118.....	NOTIFICATION CONCERNING DOCUMENTS TRANSMITTED (RO/3.6; RO/5.1; RO/5.2; RO/6.5; RO/7.7; RO/8.5; RO/9.4; RO/10.4)	Article 12(1), Rules 20.7(iv), 22.2(e), 26.4(c), 29.1(a)(i), Administrative Instruc- tions, Section 209(a)(iii), (b)(ii) and 210(a)(iii), (b)(ii)

\* Printed Form (see Document PCT/AAQ/VII/7).

<u>Form Identification Number:</u>	<u>Title of Form: Processing Step Symbols</u>	<u>Provisions pursuant to which Form is used:</u>
PCT/RO/119.....	NOTIFICATION OF REFUND OF FEES (RO/3.5)	Rules 15.6 and 16.2
PCT/RO/120.....	INVITATION TO PAY FEE FOR PREPARATION OF COPIES (RO/4.1)	Rule 21.1(c)
PCT/RO/121.....	NOTIFICATION THAT PRIORITY CLAIM CON- SIDERED NOT TO HAVE BEEN MADE (RO/11.2)	Rule 4.10(b), Admini- strative Instructions, Section 302
PCT/RO/122.....	NOTIFICATION OF TRANSMITTAL OF REQUESTED DOCUMENTS	Rules 20.9, 22.1(b) and 22.2(d)
PCT/RO/123.....	NOTIFICATION OF POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY (RO/15.5)	Rules 90.3(b) and 90.4(b)
PCT/RO/124.....	NOTIFICATION OF DEFECTIVE POWER OF ATTORNEY OR DEFECTIVE REVOCATION OF POWER OF ATTORNEY (RO/15.2)	Rules 90.3(c) and 90.4(b)
PCT/RO/125.....	NOTIFICATION OF RECEIPT OF PAPERS PUR- PORTING TO BE AN INTERNATIONAL APPLI- CATION (RO/1.1)	Administrative Instructions, Section 301
PCT/RO/126.....	NOTIFICATION CONCERNING LATER SUB- MITTED SHEETS OR DRAWINGS (RO/7.6; RO/1.5; RO/1.6)	Administrative Instructions, Sections 309 and 310
PCT/RO/127.....	NOTIFICATION OF DECISION NOT TO ISSUE DECLARATION THAT INTERNATIONAL APPLI- CATION CONSIDERED WITHDRAWN (RO/9.5)	Administrative Instructions, Section 312
PCT/RO/128.....	INVITATION TO PAY FOR REQUESTED DOCUMENTS (RO/17.1)	Rule 20.9

[End of Appendix A, Appendix B follows]

## MODEL ORGANIZATIONAL UNITS AND PROCESSING PROCEDURE

## PART I - INTRODUCTION

1. The purpose of this Appendix is to set out model organizational units in a receiving Office and a processing procedure utilizing those units in the handling of international applications.
2. The model serves the purposes of indicating a possible means of implementing the PCT in a receiving Office and of providing a point of reference for Offices when establishing their own organizational and processing arrangements. It follows that the organizational units and envisaged work methods are by way of example and are not in any way mandatory. Moreover, the specification of particular units does not presuppose that the staff forming those units need be engaged solely in the handling of international applications; this would depend on the workload of the particular receiving Office and the nature of the functions of the unit concerned.
3. In Part II, various organizational units are named and the tasks to be performed by those units are indicated. Square brackets have been placed around paragraphs which contain explanatory statements concerning provisions of the PCT, general comments and descriptions of some parts of the processing procedure of the organizational units that are regarded as useful suggestions but not essential. Part III consists of flow diagrams illustrating the processing of an international application by the organizational units.

## PART II - DESCRIPTION OF ORGANIZATIONAL UNITS AND PROCESSING PROCEDURE

Correspondence and Post DivisionIncoming Post Unit

4. The Incoming Post Unit has the function of receiving incoming mail relating to the PCT, separated from other types of national Office mail, dating it, and stamping and forwarding a notification of its receipt to the applicant.
5. It is assumed that there will also be a Public Window Counter where the general public may file purported international applications and documents relating thereto by hand.
6. A notification of receipt (Form PCT/RO/125) is date-stamped in the manner set forth in the Administrative Instructions, Section 301, to expedite dispatch of the receipt in the outgoing mail.
7. All PCT mail is dated in the manner set forth in the Administrative Instructions, Section 201, and then forwarded to the Receiving Unit.
8. The provisions of the PCT, the Regulations and the Administrative Instructions to be applied by the receiving Office personnel as well as the Forms to be used in the Incoming Post Unit involved with the above processing are set forth in Part III of the Guidelines, items RO/1-1.1, page 7.

Receiving Unit

9. The Receiving Unit has the function of (1) applying a provisional file number to the purported international application and checking addresses, (2) inserting the purported international application in an appropriate file jacket or dossier and (3) filling out fee computation forms and forwarding same to the Payment Control Unit of the Finance Division. The Unit also reviews the purported international application concerning national security before it is forwarded to the Formalities Handling Unit.
10. The Receiving Unit gives every paper of the purported international application a provisional file number (Sections 307 and 308 of the Administrative Instructions, Rule 20.1) and checks addresses (Section 108 of the Administrative Instructions).

11. [The purported international application is placed into a prenumbered file jacket or dossier which may contain a fee computation form (Form PCT/RO/101 (Annex)) for the use by the Finance Division and Payment Control Unit of the receiving Office. Different dossiers or file jackets may be utilized to easily distinguish purported international applications from national applications.]
12. A number is allotted to the purported international application by using a new series of file numbers as set forth in Section 307 of the Administrative Instructions.
13. The fee computation forms (Forms PCT/RO/101 (Annex) and PCT/RO/102) are filled out and forwarded to the Payment Control Unit of the Finance Division for further processing.
14. The fees to be collected from the applicant are the transmittal, search and international fees. The collection of these fees will be facilitated through the use of the standard international application request form (Form PCT/RO/101 (Annex)).
15. A security staff member cooperating with the Receiving Unit reviews the purported international application to determine if the contents disclosed therein should be restricted for reasons of national security.
16. The provisions of the PCT, the Regulations and the Administrative Instructions and the Forms to be applied by receiving Office personnel in this Unit are set forth in Part III, Items RO/1.1-2.1, page 7 of the Guidelines.

#### Finance Division

##### Payment Control Unit

17. The Payment Control Unit has the functions of checking fees and determining under, over and correct payments.
18. The Payment Control Unit adds up any deficits and notes the due date for payment on the fee computation form. Such form is placed in the outgoing mail to the applicant after suitable processing of his account for payment. It is assumed that the purported international application will be processed in the Formalities Handling Unit at the same time as the fee check takes place and that all fees will be paid.
19. Fees paid by cash, cheque or postal order are processed in the Payment Control Unit. For this purpose a fee accounting system is required to be established.
20. [The establishment of credit accounts authorizing the payment of the necessary fees under the PCT could be considered. The credit accounts could be readily kept updated and monthly statements sent to the applicants.]
21. The Payment Control Unit calculates the designation fees due one year from the priority date claimed in the international application (Rule 15.4(b)). It also notes any double designations (e.g. regional plus (individual) State designations), or incorrect designations (e.g. a State not a party to the PCT).
22. The Payment Control Unit adds the two-letter country code beside each designation on the request (Section 202 of the Administrative Instructions).
23. [In the absence of an indication to the contrary by the applicant, the Payment Control Unit applies any overpayment of the transmittal, basic and search fees to designation fees.]
24. The Payment Control Unit adds up any deficits and notes the due date for payment on the fee calculation form (Form PCT/RO/102). After receipt of the notification as to the proper priority date from the Formalities Handling Unit (see paragraph 35 below), the Payment Control Unit notes whether the priority indications are affected; if so, it uses the first correct priority date or the international filing date as the basis of timing for payment of designation fees (Rule 15.4(b)). [Finally, it provides information for flagging file jackets or dossier for any fee problems before mailing form (Form PCT/RO/102) to the applicant.]



25. [If a priority application is filed within the year preceding the filing date of the international application, the Formalities Handling Unit checks the validity of the claim for priority. If the priority application was filed more than one year before the filing date of the international application or if, for any other reason, the priority claim is defective and considered not to have been made, the Formalities Handling Unit may provide information for labelling the file jacket or dossier accordingly.]

26. [After the Formalities Handling Unit has settled any questions involving any priority indications and notified the Payment Control Unit, the Payment Control Unit must use, as the priority date, the earliest acceptable priority date, or if there is none, the filing date of the international application as the basis of timing for payment or partial payment of the designation fee(s)].

27. The provisions of the PCT, the Regulations and the Administrative Instructions to be applied by the receiving Office personnel as well as the Forms to be used in this Unit involved with the above processing are set forth in Part III, items RO/1-1.1, page 7 of the Guidelines.

### Formalities Section

#### Formalities Handling Unit (for Article 11 check)

28. The Formalities Section and the Formalities Handling Unit thereunder have the functions of determining the completeness of the purported international applications, monitoring such applications to ensure their proper processing within the time limits of the Treaty, and identifying and monitoring any corrections of any defects submitted by the applicant, as well as checking any unsettled priority claims.

29. [The international application may be checked for both Article 11 and Article 14 defects simultaneously, or separate checks may be carried out. Whichever manner of review ensures timely transmittal of the record copy to the International Bureau should probably be utilized.]

30. The Formalities Handling Unit examines the purported international application for compliance with Article 11 of the PCT. Where the application is in compliance, that is--

(i) the applicant does not obviously lack, for reasons of residence or nationality, the right to file an international application with the receiving Office;

(ii) the international application is in the prescribed language;

(iii) the international application contains at least the following elements:

(a) an indication that it is intended as an international application;

(b) the designation of at least one Contracting State;

(c) the name of the applicant, as prescribed;

(d) a part which on the face of it appears to be a description;

(e) a part which on the face of it appears to be a claim or claims

--the Formalities Handling Unit stamps on the request form "PCT International Application" or "Demande internationale PCT" and fills out the relevant form (Form PCT/RO/105) for mailing to the applicant. The applicant is notified of the international application number and the accorded international filing date as soon as possible after the Article 11 check.

31. When Article 11 defects exist, the applicable PCT forms (Forms PCT/RO/103 and 104) are used. An application so affected is delayed in its processing, thus requiring its storage in some manner for a period of time. Furthermore, the priority date timing and the due date for designation fees will be in question if the time limit for Article 11(1) corrections should expire later than 12 months from the priority date.

32. The form containing the invitation to correct the Article 11 defects and informing the applicant of the nature of the defects (Form PCT/RO/103) is prepared for mailing by the Formalities Handling Unit. Where corrections and replacement sheets are timely received from the applicant and the corrections made thereby meet the requirements of the PCT, the international filing date of the application is the date of receipt of the last required correction. If the corrections arrive more than 12 months after the priority date, the priority date is no longer effective. In this case as well, the date of receipt of the last required corrections becomes the filing date of the international application which, in turn, replaces the claimed priority date as the priority date of the said international application.

33. Applications which have had all Article 11 defects corrected, have "PCT International Application" or "Demande internationale PCT", RO/JA, RO/US, etc. and the international application number stamped on the request form. These international applications and international applications without Article 11 defects are forwarded to the Reproduction Unit.

34. A form is prepared for all applications which fail to meet Article 11 requirements within the PCT time limits (Form PCT/RO/104). The form identifies the application and the nature of its defects. The form further states that the application is not treated as an international application and that the provisional file number will not be used as an international application number. One copy is inserted in the application file, a copy is transmitted to the applicant and the International Bureau respectively, and a final copy is sent to the Finance Refund Unit of the receiving Office. The application is forwarded to the Registry Unit.

35. The Formalities Handling Unit notes, where a priority has been claimed, if the priority indications have been made. If a priority application has been filed within the year preceding the filing date of the international application, the Formalities Handling Unit checks its formal acceptability. On the other hand, if the priority application has been filed more than one year before the filing date of the international application or the Formalities Handling Unit finds an erroneous indication of the priority date, the Formalities Handling Unit fills out the invitation to correct the priority date form (Form PCT/RO/110). The notification of the correction of priority date or the cancellation (PCT/RO/111) thereof is sent to the applicant and the International Bureau and thereafter to the Payment Control Unit.

#### Finance Refund Unit

36. The Finance Refund Unit has the task of accounting and checking in relation to applications for which a refund of fees is necessary, so that such refund is made to the applicant.

37. The copy of the notification for failure to comply with Article 11 requirements (Form PCT/RO/104), received from the Formalities Handling Unit, will indicate that the international fee and search fee must be refunded to the applicant. The decision to refund is made and the amount of refund is calculated in the Finance Refund Unit. A review could be made of the transaction [and the applicant's credit account, if any] to determine the amount of such refund. A cheque is then prepared for the proper amount. The cheque and the forms are forwarded to the Outgoing Post Unit for mailing.

38. The volume of such notices is expected to be very small.

#### Outgoing Post Unit

39. The Outgoing Post Unit has the function of mailing the following: notifications to the applicant that the application will not be treated as an international application, notification of withdrawals for formalities defects and refunds of fees to the applicants, etc.

#### Registry Unit

40. The Registry Unit has the function of storing application files, until the Formalities Handling Unit is no longer responsible for them (six months after the international filing date under Rule 30). [It might be envisaged that, as well as storing application files, all necessary formalities procedure would be conducted within the Registry Unit.]

41. All applications which do not have Article 11 defects corrected within a specified period of time do not obtain an international filing date. These are placed in dead storage in the Registry Unit and a file number record is maintained. After a certain period of storage such applications are forwarded to a depository for "inactive" storage for at least 10 years from the date of receipt of the international application.

42. The number of files placed in storage for failure to meet Article 11 requirements should be small, due to the ease of meeting PCT requirements, and proper knowledge of procedures which can be assumed of the applicant.

43. The provisions of the PCT, the Regulations and the Administrative Instructions to be applied by the receiving Office personnel as well as the Forms to be used in the Outgoing Mail Unit and the Registry Unit involved with the above processing are set out in Part III, items RO/3-3.8 and RO/18, pages 7 - 8 and page 13, of the Guidelines, respectively

#### Reproduction Unit

44. The Reproduction Unit has the function of providing certified copies of the international application, a possible photocopy for file integrity purposes and two additional copies, one to be retained in the receiving Office as a "home copy" and the other to be a "search copy" transmitted to the International Searching Authority. This Unit also provides copies of subsequent corrections, replacement pages, etc.

45. The International Bureau may request copies of purported international applications which failed to meet formalities requirements for review by the designated Offices under Article 25(1). Likewise, the applicants may request copies of the applications which will not be treated as international applications and/or withdrawn applications. These certified copies are made by the Reproduction Unit. The number of copies requested under this procedure is expected to be very small. It is assumed that an applicant who is filing in several countries will be unlikely to fail to correct the defects as to formalities in his application.

46. [The international applications received by the Reproduction Unit are removed from their file dossiers and photocopied for file integrity purposes.]

47. [At the same time as the photocopy for file integrity purposes is being made, the Reproduction Unit prepares two copies of the international application. The original international application is inserted in a new dossier and becomes the "record copy". A photocopy is inserted in a new dossier and becomes the "home copy", the second photocopy could become the "search copy". It has been assumed that most receiving Offices will make the required number of copies and charge a fee therefor.]

48. This Unit assembles all "record copies" and "search copies" for mailing to the International Bureau and International Searching Authority, respectively.

49. The provisions of the PCT, the Regulations and the Administrative Instructions to be applied by the receiving Office personnel as well as the Forms to be used in this Unit are set out in Part III, items RO/4-5.2 and 17-17.1, page 8 - 9 and page 13 of the Guidelines, respectively.

50. After the "record copy" and the "search copy" have been mailed, the "home copy" is returned to the Formalities Handling Unit for checking as to compliance with Article 14.

#### Formalities Handling Unit (for Article 14(1), (2) and (3) checks)

51. The processing of Article 14 defects by the Formalities Handling Unit has been considered separately from the processing of Article 11 defects, in view of the need to expedite transmission of the "record copy" to the International Bureau. Separate processing for Article 11 and Article 14 defects is dictated by the priority date time factors in respect of the international application. For example, when the international application is a "first filing" in that it does not claim priority of an earlier application, processing for Article 11 and Article 14 defects can take place simultaneously. Conversely, when the international application claims the priority of an earlier application, processing for Article 11 and Article 14 defects will most probably take place separately for the reasons stated above.

52. It is assumed that some sort of model example sheets to determine acceptability of international applications will have been developed for use by this Unit. These sheets could include plastic overlays for margins and spacing and examples of darkness of ink. Furthermore, the Unit might consult an expert draftsman for extremely difficult drawing problems.

53. All incoming correspondence related to a pending international application is stamped with the date of receipt and placed in the file relating to the application. [Such correspondence is noted on the dossier of the application.] Two or more copies, as well as the original, of all incoming correspondence are needed. The original is mailed to the International Bureau to insert in the file of the "record copy". One copy is inserted in the file of the "home copy", while the other copy is placed in the file of the "search copy". The objective is that the "home copy", "record copy" and "search copy" always correspond exactly to each other.

54. As the Formalities Handling Unit receives various corrections from applicants, so determination of that timeliness of the applicant's response is made. It is assumed that a formalities officer (trained in the relevant PCT procedure and stationed in the Formalities Handling Unit) will be consulted and that he will determine the adequacy of the response.

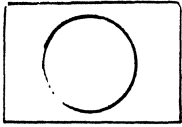
55. Those international applications needing correction of defects, for which no corrections have been received by the due date for applicant's response, are screened by the formalities officer. This screening takes place preferably one day after the due date for applicant's response or as soon as possible thereafter.

56. The provisions of the PCT, the Regulations, the Administrative Instructions and the Forms to be applied by the Formalities Handling Unit are set out in Part III, items RO/6-13.4, pages 9 - 13 of the Guidelines.

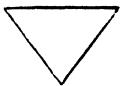
57. The steps described above complete the processing tasks necessary for a receiving Office, as distinct from the processing for performing an international search, or for carrying out the function of a designated or elected Office.

PART III - FLOW DIAGRAMS

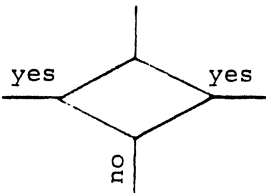
Explanation of Flow Diagram Symbols



Point of Origin. Indicates the origination of a document flow



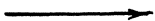
Dossier. Formal or informal delay in processing functions, requiring that the document be stored in some manner for a period of time.



Decision. Points within the processing sequence where a decision will be made resulting in alternate processing paths.



Off page Connector.



Flow Lines.

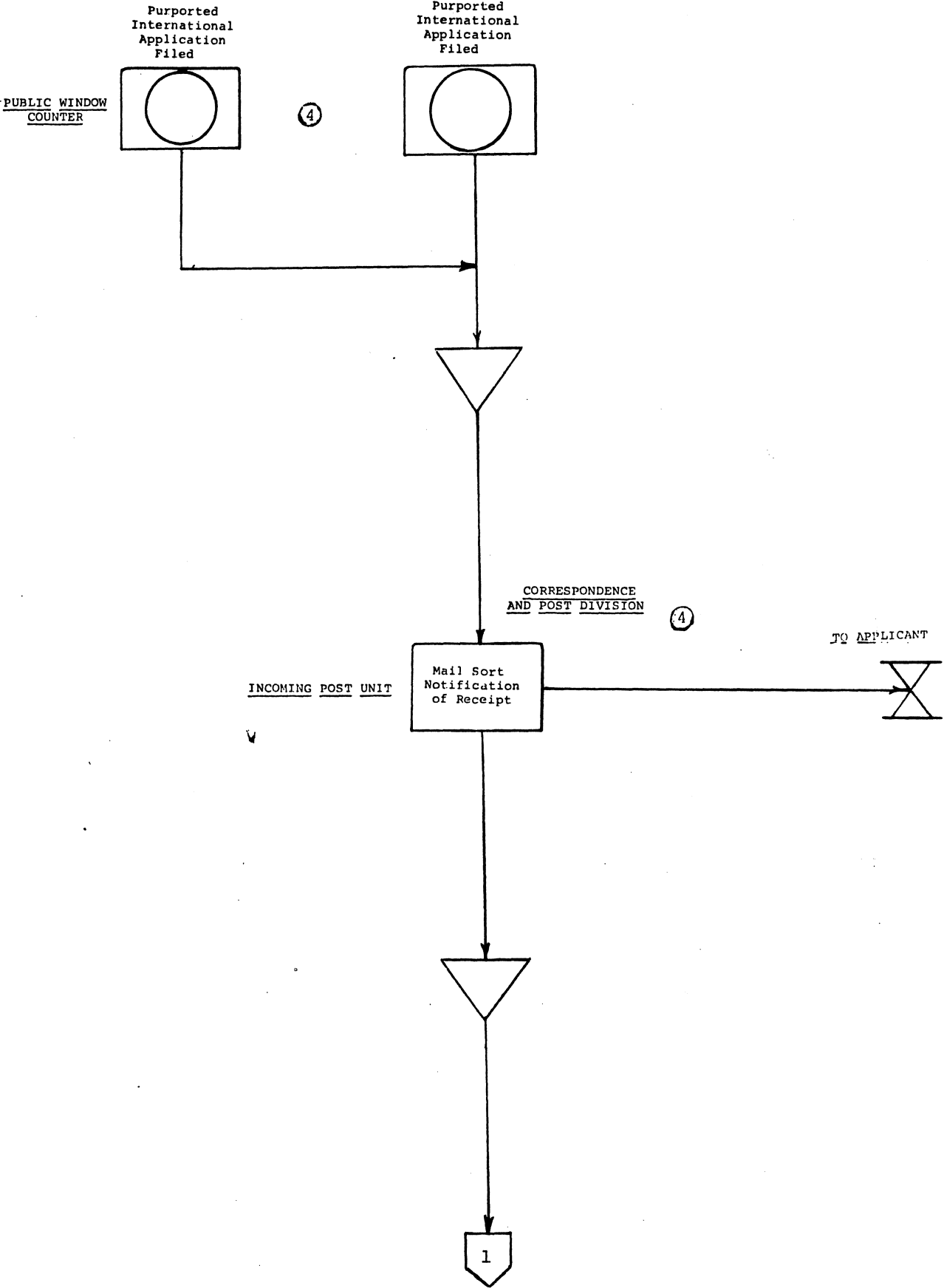


Gap Out. Activity beyond this point is outside the scope of the flow diagram.

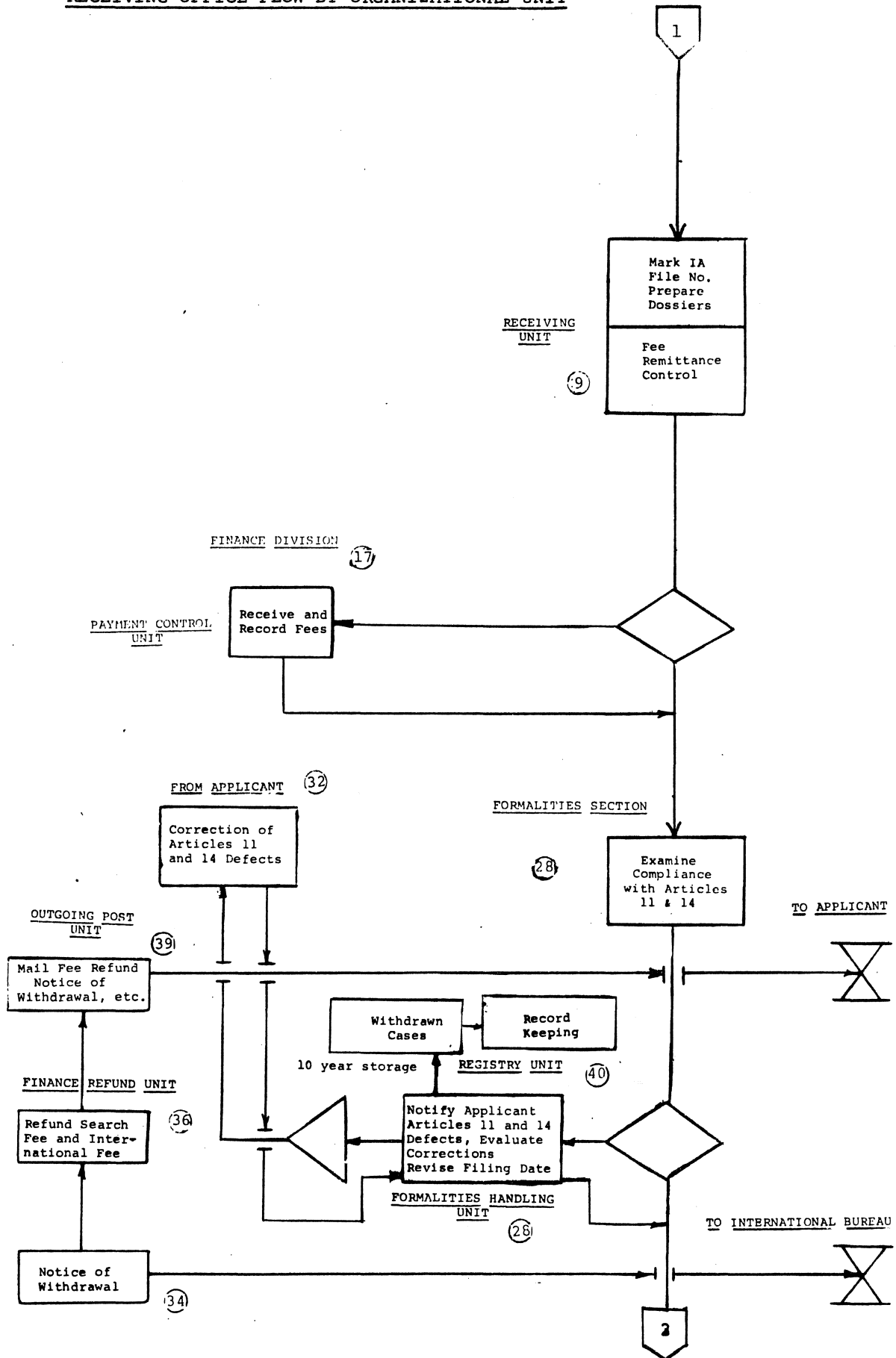


Reference Number. Paragraph of the text which explains the organizational entities developed for the receiving Office.

RECEIVING OFFICE FLOW BY ORGANIZATIONAL UNIT



RECEIVING OFFICE FLOW BY ORGANIZATIONAL UNIT



RECEIVING OFFICE FLOW BY ORGANIZATIONAL UNIT

