

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

ASSEMBLY

**Twenty-First Session (9th Ordinary)
Geneva, September 20 to 29, 1993**

REPORT

Adopted by the Assembly

INTRODUCTION

1. The Assembly was concerned with the following items of the Consolidated Agenda (document AB/XXIV/1 Rev.): 1, 2, 3, 4, 11, 14, 16, 17, 19, 24 and 25.
2. The report on the said items, with the exception of item 11, is contained in the General Report (document AB/XXIV/18).
3. The report on item 11 is contained in the present document.
4. Mr. Alec Sugden (United Kingdom) was elected Chairman of the Assembly.

**ITEM 11 OF THE CONSOLIDATED AGENDA:
MATTERS CONCERNING THE PCT UNION**

Finances of the PCT Union

5. Discussions were based on document PCT/A/XXI/1.
6. The Delegations of the United States of America, Japan, the United Kingdom, Italy, Denmark, Portugal, Belgium and Canada stated that they welcomed the continuing success of the PCT and the growth in its use. The Delegations of the United States of America, the United Kingdom, Italy, Portugal and Canada said that they accepted that more funds of the PCT Union would be devoted to development cooperation.
7. The Assembly approved the increased level of participation of the PCT Union in the financing of program activities of the Organization, as proposed in paragraphs 4 to 12 of document PCT/A/XXI/1.
8. The discussions then focussed on the proposed increase of the PCT fees by 10% effective January 1, 1994.
9. In introducing that proposal, the Director General emphasized the need to build up the special reserve for additional premises and computerization investments. The target at the present time would be between 100 and 150 million francs.
10. The Delegations of the United States of America, Japan, the United Kingdom, Italy, Australia, Germany, Denmark, the Russian Federation, the Netherlands, Belgium and Canada stated that they could not support the proposed fee increase, on one or more of the following grounds: the need for additional premises and computerization investments required further demonstration; there was no need for a fee increase since the expected surplus of the PCT Union, even without a fee increase, would be 11 million francs; in the circumstances it would be difficult to justify increased fees to applicants; in the light of the difficult economic climate, various national Offices had frozen their fees for the next year and the same should be done for the PCT; increased fees could make the PCT system less attractive and used less than without a fee increase; the last PCT fee increase was only two years ago. The Delegations of the United States of America and the United Kingdom suggested that consideration be given to a reduction of the fees.
11. The Delegations of Portugal, Sweden and Brazil said that they supported the proposed fee increase, on one or several of the following grounds: there was a need for significant reserve funds for investments for additional premises and computerization; it was prudent to aliment the reserve while this was possible; the actual amounts of the fees, even if increased, were very small, so that it was unlikely that this would reduce the use of the PCT system; it was better to increase fees more frequently and modestly than infrequently but substantially. The Delegations of Sweden and Brazil added that they could also accept a fee increase of less than 10%.
12. The Delegation of Finland, recognizing the need of the Organization for funds in the future, proposed as a compromise that the fee increase be 5% effective January 1, 1994. That proposal was supported by the Delegations of Spain, Norway, Cote d'Ivoire, Austria,

Romania, Switzerland, the Czech Republic, Ireland, France, Hungary and the Democratic People's Republic of Korea.

13. The Delegations of the United States of America, Germany, Australia and the United Kingdom said that they could not go along with such a 5% fee increase.

14. The Delegation of the United Kingdom suggested, as a further compromise, that a 5% fee increase might be implemented a year later, that is, effective January 1, 1995. That suggestion was supported by the Delegations of Italy and Belgium.

15. On the proposal of the Delegation of Sweden, supported by the Delegation of Australia, it was agreed to put to the vote the questions of (i) whether there should be a fee increase or not and, if an increase was supported, (ii) whether the fee increase should be 5%. Voting was undertaken by show of hands.

16. The result of the vote on the first question was 29 votes in favor of a fee increase, and 13 votes against a fee increase.

17. The result of the vote as to the amount of the fee increase was 26 votes in favor of a 5% fee increase effective January 1, 1994, and 13 votes against. Since the required three-quarters majority was not obtained, the proposal failed.

18. The Director General proposed that it should be understood that the PCT Assembly could examine the possibility of a fee increase in an extraordinary session in 1994.

19. The Assembly agreed with this understanding, and also decided to approve the proposal contained in paragraph 30 of document PCT/A/XXI/1.

The International Bureau as alternative receiving Office: proposed amendments to the Regulations under the PCT*

20. Discussions of the proposal to amend the Regulations were based on documents PCT/A/XXI/2 (paragraphs 1 to 36 and Annex, containing proposals approved by the PCT Committee for Administrative and Legal Matters at its fifth session) and PCT/A/XXI/4 (containing a proposal by the Delegation of the United Kingdom relating to Rule 35.3).

21. The Delegation of the United Kingdom explained that its proposal would ensure that each PCT Contracting State would be able to specify the competent International Searching Authority(ies) and International Preliminary Examining Authority(ies) for international applications filed by its nationals and residents, whether those international applications were filed with the national Office of or acting for that State or with the International Bureau as receiving Office under Rule 19.1(a)(iii). The Delegation believed that its proposal aimed at maintaining the *status quo*, which was desirable, at least for the time being. However, the United Kingdom would be ready to study the wider political issue of whether or not the International Bureau, when acting as receiving Office, should be empowered to pass the

* References in this report to "Articles" and "Rules" are, respectively, to those of the Patent Cooperation Treaty (PCT) and of the Regulations under the PCT ("the Regulations"), or to such provisions as proposed to be amended or added, as the case requires.

international application to any International Searching Authority chosen by the applicant with which the International Bureau had an agreement. The Delegation's proposal was supported by the Delegations of Denmark, Romania, Portugal, Sweden, Ireland, the Russian Federation, Japan, Italy, Belgium, Finland, Canada, Bulgaria, Hungary and Austria. The International Bureau also expressed its support for the proposal of the Delegation of the United Kingdom.

22. The Delegation of France repeated the view which it had expressed during the fifth session of the PCT Committee for Administrative and Legal Matters that the role of receiving Office should be reserved to national Offices, but said that, in a spirit of compromise, it would join the consensus. The Delegation stated that it preferred the proposal of the Delegation of the United Kingdom in relation to Rule 35.3 to that contained in document PCT/A/XXI/2.

23. The Delegation of Australia expressed its preference for proposed Rule 35.3 as contained in document PCT/A/XXI/2. The Delegation believed that that proposal would give applicants filing with the International Bureau as receiving Office under Rule 19.1(a)(iii) a wider choice of competent International Searching and Preliminary Examining Authorities, the choice depending only on the readiness of the various Authorities to act for nationals and residents of particular PCT Contracting States. However, the Delegation said that it could accept the proposal of the Delegation of the United Kingdom.

24. While supporting the proposal of the Delegation of the United Kingdom, a number of delegations felt that the broader proposal relating to Rule 35.3 contained in document PCT/A/XXI/2 would be worth further study. The Chairman noted that further consideration might be given to the matter by the PCT Committee for Administrative and Legal Matters.

25. In response to a question by the Delegation of the Netherlands in connection with the operation of proposed Rule 19.4 in relation to Article 11(2), the International Bureau stated that proposed Rule 19.4 was intended to be so interpreted that a national Office would not transmit an international application to the International Bureau as receiving Office under Rule 19.1(a)(iii) if the national Office had made a finding that no applicant was a resident or national of any PCT Contracting State. In such a case, Article 11(2) would apply. However, if it appeared that any applicant was a resident or national of a PCT Contracting State, but the national Office was not competent to act as receiving Office, then the international application would be transmitted under Rule 19.4 to the International Bureau as receiving Office.

26. The Assembly agreed that an applicant should not be obliged to make a special request that the Office transmit the international application under Rule 19.4 to the International Bureau as receiving Office, and the text contained in square brackets in proposed Rules 4.1(c)(iii) and 19.4(b) should therefore be omitted. However, the PCT Receiving Office Guidelines should be revised to include details of a procedure whereby the Office concerned would contact the applicant to inform him that it intended to transmit the international application to the International Bureau as receiving Office.

27. The Assembly adopted the amendments to the Regulations under the PCT as set out in Annex I to this report, and decided that those amendments would enter into force on January 1, 1994.

Rule 91.1 of the Regulations under the PCT (obvious errors in documents)

28. Discussions were based on document PCT/A/XXI/2, paragraphs 37 to 42.

29. The Assembly noted the conclusions of the PCT Committee for Administrative and Legal Matters at its fifth session concerning obvious errors in documents and, in particular, the intention of the Committee to consider further improvements in specific remedies, particularly in relation to Rule 4.10(b).

30. It was noted that the amendments to the Regulations set out in Annex I to this report included a minor amendment to the English text of Rule 91.1.

Rule 34.1 of the Regulations under the PCT (cut-off date of PCT minimum documentation)

31. Discussions were based on document PCT/A/XXI/2, paragraphs 43 and 44.

32. The Assembly noted the conclusion of the PCT Committee for Technical Cooperation at its twentieth session, namely, that the cut-off date of the PCT minimum documentation as set out in Rule 34.1 should not be changed.

Rule 84.1 of the Regulations under the PCT (expenses of delegations)

33. Discussions were based on document PCT/A/XXI/2, paragraphs 45 to 51.

34. In response to a question by a delegation, the International Bureau confirmed that the proposal was compatible with the financial situation of the PCT Union, whether or not the PCT fees were increased.

35. The Assembly agreed to suspend the application of Rule 84.1 in relation to its own sessions and the sessions of the PCT Committee for Administrative and Legal Matters, to the extent that the travel and subsistence expenses of one delegate of each PCT Contracting State for the sessions of those bodies be paid from the budget of the PCT Union. The Assembly also agreed that, if such suspension could not be continued at any time beyond 1995 because of lack of sufficient funds, the Director General would make proposals to end the suspension.

Appointment of the Spanish Patent and Trademark Office as International Searching Authority

36. Discussions were based on the proposals by the International Bureau contained in document PCT/A/XXI/3, and the advice to the Assembly contained in document PCT/CTC/XVI/3, paragraph 13, which the PCT Committee for Technical Cooperation had made pursuant to Article 16(3)(e). The Chairman noted that the Committee had unanimously recommended that the Assembly approve the draft agreement between the Spanish Patent and Trademark Office and WIPO as set out in the Annex to document PCT/A/XXI/3 and appoint the Spanish Patent and Trademark Office as International Searching Authority with effect from the entry into force of the said agreement.

37. In response to an invitation by the Chairman and in accordance with Article 16(3)(e), the Delegation of Spain made a statement to the Assembly. It first expressed its gratitude for the

interest, support and assistance it had received from other countries and organizations. It emphasized the importance of the appointment of the Spanish Patent and Trademark Office as International Searching Authority not only to Spanish applicants but potentially to all those countries which had Spanish as an official language. The Delegation observed that this appointment would be an important step towards greater acceptance of the PCT in Spanish speaking countries and towards the ultimate accomplishment of the PCT's stated goals. The Delegation additionally expressed its hope that the number of PCT applications filed by Spanish applicants would increase significantly.

38. The Delegation explained the capability of the Spanish Patent and Trademark Office to undertake the work of an International Searching Authority. Since 1986, the Office had undertaken a great effort in acquiring necessary documentation and in recruiting and training technically qualified personnel for the search and examination of patent applications. As a result of this effort, the Office now possessed the minimum documentation referred to in Rule 36.1(ii), and additionally an extensive collection of patent documents from countries of Latin America. The Office employed 80 technically and linguistically qualified full-time examiners, many of whom had received additional training at the European Patent Office and the Austrian Patent Office. The Delegation expected that between 1994 and 1995 the Spanish Patent and Trademark Office would reach the level of 100 examiners qualified to undertake international searches.

39. The Director General expressed his hope that, with the Spanish Patent and Trademark Office carrying out international searches of international applications filed in Spanish, Latin American countries would adhere to the PCT in the near future.

40. The Assembly:

(i) approved the text of the agreement between the Spanish Patent and Trademark Office and WIPO as set out in Annex II to this report, and

(ii) appointed the Spanish Patent and Trademark Office as International Searching Authority with effect from the entry into force of the said agreement.

Designation of Chinese as a language in which an official text of the PCT shall be established

41. Discussions were based on an oral proposal made by the International Bureau in view of China's becoming bound by the PCT on January 1, 1994.

42. The Assembly designated Chinese as a language in which an official text of the PCT shall be established pursuant to Article 67(1)(b).

[Annexes follow]

ANNEX I

**AMENDED RULES OF THE REGULATIONS UNDER THE PATENT
COOPERATION TREATY APPLICABLE FROM JANUARY 1, 1994**

Rule 4
The Request (Contents)

4.1 Mandatory and Optional Contents; Signature

(a) [No change]

(b) The request shall, where applicable, contain:

(i) to (iv) [No change]

(v) a reference to a parent application or parent patent,

(vi) an indication of the applicant's choice of competent International Searching Authority.

(c) and (d) [No change]

4.2 to 4.14 [No change]

4.14*bis* Choice of International Searching Authority

If two or more International Searching Authorities are competent for the searching of the international application, the applicant shall indicate his choice of International Searching Authority in the request.

4.15 to 4.17 [No change]

ANNEX I

Rule 18
The Applicant

18.1 Residence and Nationality

(a) Subject to the provisions of paragraphs (b) and (c), the question whether an applicant is a resident or national of the Contracting State of which he claims to be a resident or national shall depend on the national law of that State and shall be decided by the receiving Office.

(b) In any case,

(i) possession of a real and effective industrial or commercial establishment in a Contracting State shall be considered residence in that State. and

(ii) a legal entity constituted according to the national law of a Contracting State shall be considered a national of that State.

(c) Where the international application is filed with the International Bureau as receiving Office, the International Bureau shall, in the circumstances specified in the Administrative Instructions, request the national Office of, or acting for, the Contracting State concerned to decide the question referred to in paragraph (a). The International Bureau shall inform the applicant of any such request. The applicant shall have an opportunity to submit arguments directly to the national Office. The national Office shall decide the said question promptly.

18.2 [Deleted]

18.3 and 18.4 [No change]

ANNEX I

Rule 19

The Competent Receiving Office

19.1 Where to File

(a) Subject to the provisions of paragraph (b), the international application shall be filed, at the option of the applicant,

(i) with the national Office of or acting for the Contracting State of which the applicant is a resident,

(ii) with the national Office of or acting for the Contracting State of which the applicant is a national, or

(iii) irrespective of the Contracting State of which the applicant is a resident or national, with the International Bureau.

(b) and (c) [No change]

19.2 Two or more Applicants

If there are two or more applicants:

(i) the requirements of Rule 19.1 shall be considered to be met if the national Office with which the international application is filed is the national Office of or acting for a Contracting State of which at least one of the applicants is a resident or national;

(ii) the international application may be filed with the International Bureau under Rule 19.1(a)(iii) if at least one of the applicants is a resident or national of a Contracting State.

19.3 [No change]

19.4 Transmittal to the International Bureau as Receiving Office

(a) Where an international application is filed with a national Office which acts as a receiving Office under the Treaty by an applicant who is a resident or national of a Contracting State, but that national Office is not competent under Rule 19.1 or 19.2 to receive that international application, that international application shall, subject to paragraph (b), be considered to have been received by that Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii).

(b) Where, pursuant to paragraph (a), an international application is received by a national Office on behalf of the International Bureau as receiving Office under Rule 19.1(a)(iii),

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that national Office shall, unless prescriptions concerning national security prevent the international application from being so transmitted, promptly transmit it to the International Bureau. Such transmittal may be subjected by the national Office to the payment of a fee, for its own benefit, equal to the transmittal fee charged by that Office under Rule 14. The international application so transmitted shall be considered to have been received by the International Bureau as receiving Office under Rule 19.1(a)(iii) on the date of receipt of the international application by that national Office.

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Rule 35

The Competent International Searching Authority

35.1 and 35.2 [No change]

35.3 When the International Bureau Is Receiving Office Under Rule 19.1(a)(iii)

(a) Where the international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), an International Searching Authority shall be competent for the searching of that international application if it would have been competent had that international application been filed with a receiving Office competent under Rule 19.1(a)(i) or (ii), (b) or (c) or Rule 19.2(i).

(b) Where two or more International Searching Authorities are competent under paragraph (a), the choice shall be left to the applicant.

(c) Rules 35.1 and 35.2 shall not apply to the International Bureau as receiving Office under Rule 19.1(a)(iii).

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Rule 54

The Applicant Entitled to Make a Demand

54.1 Residence and Nationality

(a) Subject to the provisions of paragraph (b), the residence or nationality of the applicant shall, for the purposes of Article 31(2), be determined according to Rule 18.1(a) and (b).

(b) The International Preliminary Examining Authority shall, in the circumstances specified in the Administrative Instructions, request the receiving Office or, where the international application was filed with the International Bureau as receiving Office, the national Office of, or acting for, the Contracting State concerned to decide the question whether the applicant is a resident or national of the Contracting State of which he claims to be a resident or national. The International Preliminary Examining Authority shall inform the applicant of any such request. The applicant shall have an opportunity to submit arguments directly to the Office concerned. The Office concerned shall decide the said question promptly.

54.2 [No change]

54.3 International Applications Filed with the International Bureau as Receiving Office

Where the international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), the International Bureau shall, for the purposes of Article 31(2)(a), be considered to be acting for the Contracting State of which the applicant is a resident or national.

54.4 [No change]

ANNEX I

Rule 59

The Competent International Preliminary Examining Authority

59.1 Demands Under Article 31(2)(a)

(a) For demands made under Article 31(2)(a), each receiving Office of or acting for a Contracting State bound by the provisions of Chapter II shall, in accordance with the terms of the applicable agreement referred to in Article 32(2) and (3), inform the International Bureau which International Preliminary Examining Authority is or which International Preliminary Examining Authorities are competent for the international preliminary examination of international applications filed with it. The International Bureau shall promptly publish such information. Where several International Preliminary Examining Authorities are competent, the provisions of Rule 35.2 shall apply *mutatis mutandis*.

(b) Where the international application was filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), Rule 35.3(a) and (b) shall apply *mutatis mutandis*. Paragraph (a) of this Rule shall not apply to the International Bureau as receiving Office under Rule 19.1(a)(iii).

59.2 [No change]

ANNEX I

Rule 83

Right to Practice Before International Authorities

83.1 [No change]

83.1*bis* Where the International Bureau Is the Receiving Office

(a) Any person who has the right to practice before the national Office of, or acting for, a Contracting State of which the applicant or, if there are two or more applicants, any of the applicants is a resident or national shall be entitled to practice in respect of the international application before the International Bureau in its capacity as receiving Office under Rule 19.1(a)(iii).

(b) Any person having the right to practice before the International Bureau in its capacity as receiving Office in respect of an international application shall be entitled to practice in respect of that application before the International Bureau in any other capacity and before the competent International Searching Authority and competent International Preliminary Examining Authority.

83.2 [No change]

ANNEX I

Rule 90

Agents and Common Representatives

90.1 Appointment as Agent

(a) A person having the right to practice before the national Office with which the international application is filed or, where the international application is filed with the International Bureau, having the right to practice in respect of the international application before the International Bureau as receiving Office may be appointed by the applicant as his agent to represent him before the receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority.

(b) and (c) [No change]

(d) An agent appointed under paragraph (a) may, unless otherwise indicated in the document appointing him, appoint one or more sub-agents to represent the applicant as the applicant's agent:

(i) before the receiving Office, the International Bureau, the International Searching Authority and the International Preliminary Examining Authority, provided that any person so appointed as sub-agent has the right to practice before the national Office with which the international application was filed or to practice in respect of the international application before the International Bureau as receiving Office. as the case may be;

(ii) [No change]

90.2 to 90.6 [No change]

ANNEX I

Rule 91
Obvious Errors in Documents

91.1 Rectification

(a) to (d) [No change]

(e) No rectification shall be made except with the express authorization:

(i) and (ii) [No change]

(iii) of the International Preliminary Examining Authority if the error is in any part of the international application other than the request or in any paper submitted to that Authority,

(iv) [No change]

(f) to (g-*quater*) [No change]

[Annex II follows]

AGREEMENT
between
the SPANISH PATENT AND TRADEMARK OFFICE
and the WORLD INTELLECTUAL PROPERTY ORGANIZATION
in relation to the functioning of
the SPANISH PATENT AND TRADEMARK OFFICE as
an International Searching Authority
under the Patent Cooperation Treaty

The Spanish Patent and Trademark Office and the World Intellectual Property Organization
hereby agree as follows:

Article 1
Terms and Expressions Used in the Agreement

- (1) For the purposes of this Agreement:
- (a) “Treaty” means the Patent Cooperation Treaty;
 - (b) “Regulations” means the Regulations under the Treaty;
 - (c) “Administrative Instructions” means the Administrative Instructions under the Treaty;
 - (d) “Article” (except where a specific reference is made to an Article of this Agreement) means an Article of the Treaty;
 - (e) “Rule” means a Rule of the Regulations;
 - (f) “Contracting State” means a State party to the Treaty;
 - (g) “Authority” means the Spanish Patent and Trademark Office.

(2) All other terms and expressions used in this Agreement which are also used in the Treaty, the Regulations or the Administrative Instructions have, for the purposes of this Agreement, the same meaning as in the Treaty, the Regulations and the Administrative Instructions.

Article 2
Basic Obligations

(1) The Authority shall carry out international search in accordance with, and perform such other functions of an International Searching Authority as are provided under the Treaty, the Regulations, the Administrative Instructions and this Agreement. In carrying out international search, the Authority shall be guided by the Guidelines for International Search to Be Carried

Out under the Patent Cooperation Treaty. The Authority shall apply and observe all the common rules of international search.

(2) The Authority and the International Bureau shall, having regard to their respective functions under the Treaty, the Regulations, the Administrative Instructions and this Agreement, render, to the extent possible, mutual assistance in the performance of their functions thereunder.

(3) The Authority undertakes to comply with the conditions laid down in Rule 36.1(i) within three years from the entry into force of this Agreement.

Article 3 Competence of Authority

The Authority shall act as an International Searching Authority for all international applications filed in the Spanish language with the receiving Office of, or acting for, any Contracting State where that Office has specified the Authority for that purpose.

Article 4 Subject Matter Not Required to Be Searched

The Authority shall not be obliged to search, by virtue of Article 17(2)(a)(i), any international application to the extent that it considers that the international application relates to subject matter set forth in Rule 39.1, with the exception of the subject matter specified in Annex A of this Agreement.

Article 5 Fees and Charges

(1) A schedule of all fees of the Authority, and all other charges which the Authority is entitled to make, in relation to its function as an International Searching Authority, is set out in Annex B of this Agreement.

(2) The Authority shall, under the conditions and to the extent set out in Annex B of this Agreement, refund the whole or part of the search fee paid where an international search report can be wholly or partly based on the results of an earlier search made by the Authority (Rules 16.3 and 41.1) or where the international application is withdrawn or considered withdrawn before the start of the international search.

Article 6 Classification

For the purposes of Rule 43.3(a), the Authority shall indicate solely the International Patent Classification.

Article 7
Languages of Correspondence Used by the Authority

For the purposes of correspondence, including forms, other than with the International Bureau, the Authority shall use the Spanish language.

Article 8
International-Type Search

The Authority shall carry out international-type searches to the extent decided by it.

Article 9
Entry Into Force of the Agreement

This Agreement shall enter into force upon approval by the Assembly of the International Patent Cooperation Union and subsequent signature.

Article 10
Duration and Renewability of the Agreement

This Agreement shall remain in force until December 31, 1997. Latest in January 1997, the parties to this Agreement shall start negotiations for its renewal.

Article 11
Amendment

(1) Without prejudice to paragraphs (2) and (3), amendments may, subject to approval by the Assembly of the International Patent Cooperation Union, be made to this Agreement by agreement between the parties hereto; they shall take effect on the date agreed upon by them.

(2) Without prejudice to paragraph (3), amendments may be made to the Annexes of this Agreement by agreement between the Director General of the World Intellectual Property Organization and the Authority; they shall take effect on the date agreed upon by them.

(3) The Authority may, by notice in writing given to the Director General of the World Intellectual Property Organization, amend the schedule of fees and other charges contained in Annex B of this Agreement.

(4) Any amendment notified under paragraph (3) shall take effect on the date specified by the Authority, provided that for any increase of fees or other charges contained in Annex B that date is at least one month later than the date on which the notification is received by the International Bureau.

Article 12
Termination of the Agreement

(1) This Agreement shall terminate before December 31, 1997:

(i) if the Authority gives the Director General of the World Intellectual Property Organization written notice to terminate this Agreement; or

(ii) if the Director General of the World Intellectual Property Organization gives the Authority written notice to terminate this Agreement.

(2) The termination of this Agreement under paragraph (1) shall take effect one year after receipt of the notice by the other party, unless a longer period is specified in such notice or unless both parties agree on a shorter period.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

DONE at Geneva, this th day of, 1993, in two originals in the English and Spanish languages, each text being equally authentic.

For the Authority by:

For the World Intellectual Property Organization by:

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ANNEX A
SUBJECT MATTER NOT EXCLUDED
FROM SEARCH

The subject matter set forth in Rule 39.1 which, under Article 4 of the Agreement, is not excluded from search, is the following:

None.

ANNEX B
FEES AND CHARGES FOR INTERNATIONAL SEARCH

Part I: Schedule of Fees and Charges

<u>Kind of fee or charge</u>	<u>Amount</u> (Peseta)
Search fee (Rule 16.1(a))	50,100*
Additional fee (Rule 40.2(a))	50,100*
Cost of copies (Rule 44.3(b))	
(national documents)	500**
(foreign documents)	700** per document

Part II: Conditions and Extent of Refund of the Search Fee

(1) Any amount paid by mistake, without cause, or in excess of the amount due, for fees or charges indicated in Part I shall be refunded.

(2) Where the international application is withdrawn or is considered withdrawn, under Article 14(1), (3) or (4), before the start of the international search, the amount of the search fee paid shall be fully refunded.

(3) Where the Authority benefits from an earlier search, 25%, 50%, 75% or 100% of the search fee paid shall be refunded, depending upon the extent to which the Authority benefits from that earlier search.

[End of Annexes and of document]

* Amount fixed in accordance with the first schedule of fees "Acquisition and defense of rights," 1.1 Applications, application for state-of-the-art search reports, Law No. 11/86 of March 20 on Patents, as updated by the General Tax Law of 1992.

** Amount fixed in accordance with Item 2 "Documentary holdings" of the Annex to the Order of November 12, 1992, approving the fees for certain activities of the Spanish Patent and Trademark Office.