

## PCT LEGAL TEXT INDEX

(including references to the Articles, Rules, Administrative Instructions,  
Forms and various PCT Guidelines)

(applicable to legal texts in force as of July 1, 2010)

Acronym/Term	Meaning
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AI Annex ....	Annex to the Administrative Instructions under the PCT
AIs ....	Administrative Instructions under the PCT
Annex ....	Annex to the International Phase of the <i>PCT Applicant's Guide</i>
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Chapter ....	Chapter of the Patent Cooperation Treaty
CRep.....	Common representative
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DG ....	Director General
DO ....	Designated Office
E-filing .....	Electronic filing
EO.....	Elected Office
Fees.....	Schedule of Fees
Gaz. ....	Official Notices ( <i>PCT Gazette</i> )
Guide .....	<i>PCT Applicant's Guide</i>
IA.....	International application
IB.....	International Bureau
IFD.....	International filing date
IGO.....	Intergovernmental organization
International Phase .....	International Phase of the <i>PCT Applicant's Guide</i>
IPE.....	International preliminary examination
IPEA .....	International Preliminary Examining Authority
IPRP (Ch.I).....	International Preliminary Report on Patentability prepared by the ISA
IPRP (Ch.II) .....	International Preliminary Report on Patentability prepared by the IPEA
IS .....	International search
ISA.....	International Searching Authority
ISPEG.....	PCT International Search and Preliminary Examination Guidelines
ISR.....	International search report
NGO .....	Non-governmental organization
Paris .....	Paris Convention for the Protection of Industrial Property
PCT.....	Patent Cooperation Treaty
PCT-SAFE .....	PCT electronic filing software
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RC.....	Record copy
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ROG.....	PCT Receiving Office Guidelines
SC .....	Search copy
SISA .....	International Searching Authority specified for supplementary search
SISR.....	Supplementary international search report
SL .....	Sequence listing
Stand.....	WIPO Standard
Treaty.....	Patent Cooperation Treaty
WO-ISA.....	Written Opinion of the ISA

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	MICROORGANISMS
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CHECK LIST

**PRACTICE BEFORE INTERNATIONAL AUTHORITIES**

See RIGHT TO PRACTICE

**PRELIMINARY EXAMINATION (INTERNATIONAL)**

See INTERNATIONAL PRELIMINARY EXAMINATION

**PRELIMINARY EXAMINING AUTHORITY**

See INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**PRESCRIBED**

language of IA .....Art. 3(4)(ii), R. 12, ROG 55-71

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FEES

**PRIOR ART**

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INTERNATIONAL SEARCH

INTERNATIONAL SEARCH REPORT (ISR)

MINIMUM DOCUMENTATION

NOVELTY

**PRIORITY APPLICATION**

DO/EO may require proof of applicants entitlement  
to claim priority where applicant is not applicant  
of priority application or where applicant's name  
has changed since filing of priority application .....R. 51bis.1(a)(iii)

filing date of priority application as relevant date  
for prior art for IPE .....Art. 33(2), (3), R. 64.1(b)(ii), 64.1(b)(iii), 64.3

**Subject****Paragraph**

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notification of receipt of RC .....	R. 24.2(a)(iii), Form IB/301
on ISR .....	R. 43.2
late submission to IB of priority application number .....	AI Sec. 408(b), (c), Form IB/305
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**PRIORITY CLAIM**

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RO .....	Art. 8, R. 4.10, ROG 166-177
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IB .....	R. 4.10, 26bis.1, 26bis.2(a), Form IB/316
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time limit for priority claim .....	R. 26bis.1, ROG 169
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on applicant's initiative .....	ROG 173-177
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under Rule 26bis.1.....	ROG 176-177, RO/111
declaration(s) in Req.	
as to applicant's entitlement, as at IFD, to claim	
priority of earlier application.....	Art. 27, R. 4.1(c)(iii), 4.17(iii), 51bis.1(a)(iii), AI Sec. 213
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as replacement or additional sheet .....	AI Sec. 216
evidence concerning entitlement to claim priority	
of earlier application may be required in	
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priority claim considered not to have been made by	
IB.....	R. 26bis.1, 26bis.2, AI Sec. 409, Form IB/318
not if priority application number is missing	
or indication in priority claim is not same as in	
priority document .....	R. 26bis.2(c)
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priority claim .....	R. 26bis.2(d), (e)
RO.....	R. 26bis.1, 26bis.2, AI Sec. 302, Form RO/111, ROG 171, 172
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Gaz. ....	R. 86.1(i), AI Annex D (item 3)
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by DO.....	R. 49ter.2
criterion ("due care" or "unintentionality")	
applied.....	R. 49ter.2(a)
by RO.....	R. 4.1(c)(v), 26bis.3, Forms RO/110, RO/118, RO/158, RO/159, ROG 166A-166I
criterion ("due care" or "unintentionality")	
applied.....	R. 26bis.3(a)
refusal to restore.....	R. 26bis.3(g), Form RO/158, ROG 166B
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**PRIORITY DATE**

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<b>Subject</b>	<b>Paragraph</b>
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DO	
opportunity to furnish priority document .....	R. 17.1(c), 17.2, AI Sec. 805(b)(iv)
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EO	
translation and time limit to furnish .....	Art. 39, R. 76.4
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furnishing of copies of priority document (by IB)....	R. 17.2(c), 66.7(a), Form IB/353
invitation by IB to applicant to furnish copy of	
priority document where requested by IPEA.....	AI Sec. 421
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transmittal of priority document .....	AI Sec. 411, Form IB/304
transmittal to	
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generally .....	R. 66.7, ISPEG 6.17
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priority document .....	R. 66.7(b), Form IPEA/414
RO	
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of priority application number .....	AI Sec. 323(a), (b), (c), Form RO/135
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“telescoped” procedure(s) (overlapping IS and IPE) .....	R. 69.1(b), ISPEG 19.10

#### **PROCESSING**

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DEMAND	
INTERNATIONAL APPLICATION	
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draft agenda of Assembly prepared by Executive	
Committee.....	Art. 54(6)(a)(i)

**Subject** **Paragraph**

Executive Committee ensures due execution of program of the union .....Art. 54(6)(a)(v)  
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**PROTECTION AVAILABLE UNDER PCT**

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REGIONAL  
UTILITY MODEL

**PROTEST (AGAINST PAYMENT OF ADDITIONAL FEES AFTER FINDING LACK OF UNITY OF INVENTION)**

definition .....R. 40.2 (c), 68.3(c)  
protest (against payment of additional fees after finding lack of unity of invention) before IB  
transmittal by IB to DO/EO, upon request of applicant, texts of protest (against payment of additional fees after finding lack of unity of invention) and decision thereon .....R. 40.2 (c), AI Sec. 403, Forms ISA/212, IPEA/420  
protest (against payment of additional fees after finding lack of unity of invention) before IPEA .....R. 68.3(c), (e), AI Sec. 603, Form IPEA/420  
invitation to pay protest (against payment of additional fees after finding lack of unity of invention) fee.....R. 68.3(e), Form IPEA/437  
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transmittal by IPEA to applicant of decision on protest (against payment of additional fees after finding lack of unity of invention) .....R. 68.3(c), AI Sec. 603  
IB, copy of protest (against payment of additional fees after finding lack of unity of invention) and decision thereon.....R. 68.3(c), AI Sec. 603  
EOs, upon request of applicant, of texts of protest (against payment of additional fees after finding lack of unity of invention) and decision thereon .....R. 68.3(c), AI Sec. 603  
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INTERNATIONAL PUBLICATION

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missing drawings relating to .....AI Sec. 308*bis*, 309, 310, ROG 193-203  
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<b>Subject</b>	<b>Paragraph</b>
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**-Q-**

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**-R-**

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DG to notify Governments of all Paris States of deposit of .....	Art. 69(ii)
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RC .....	R. 24.2(a), Form IB/301
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**Subject****Paragraph**

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IPEA to IB .....	AI Sec. 608
ISA to IB .....	AI Sec. 512
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ISA .....	R. 43.6 <i>bis</i> , 91.1(b)(ii), (b)(iv), AI Sec. 511, Forms ISA/216, ISA/217, ISPEG 8.07-8.08
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Dem. considered under R. 54.4 not to have	
been submitted.....	R. 57.4(ii)
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concerning national security .....	R. 15.4(iii), Form RO/119, ROG 268
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by non-competent RO (R. 19.4) .....	ROG 276
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ISA where	
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<b>Subject</b>	<b>Paragraph</b>
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search is (partly) based on earlier search .....	Form ISA/213
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IA (considered) withdrawn before transmittal of SC to ISA .....	R. 16.2(ii), AI Sec. 326(c), Form RO/119, ROG 269
IA not treated as such due to prescriptions concerning national security .....	R. 16.2(iii), AI Sec. 322, Form RO/119, ROG 269
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## **REINSTATEMENT**

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## **RENUMBERING, SHEETS OF IA**

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<b>Subject</b>	<b>Paragraph</b>
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ISA to IB .....	AI Sec. 512
IPEA to IB .....	AI Sec. 608
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of expressions, etc. not to be used .....	R. 9.2, AI Sec. 325(c), ROG 211, 214-216
or addition of declaration(s) relating to national	
requirements as replacement sheets	
(erroneously to RO) .....	Art. 27, R. 4.17, 26ter.1, AI Sec. 216, 317
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replacement sheets .....	R. 91.1, AI Sec. 325, ROG 213-221
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CORRECTION(S)	
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ATTORNEY
COMMON REPRESENTATIVE
RENUNCIATION (OF APPOINTMENT)

**Subject** **Paragraph**

REVOCATION (OF APPOINTMENT)

**REPRODUCTION(S)**

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(from IB).....Art. 49, R. 83.1, Form IB/323  
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applicant.....R. 92*bis*.1(a), AI Sec. 422*bis*, ROG 309-313  
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DEFECTS

DESIGNATION(S) (OF STATES)

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IA .....	R. 90bis.1(a)
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correspondence (letter and signature) .....	R. 92.1(a), 92.1(b), 92.4(g)(ii), Form IPEA/423
Dem. ....	R. 60.1(a), Form IPEA/404
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amendments .....	R. 55.3(b), 66.9(c), Form IPEA/443
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prescribed fees	
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abstract and/or text matter of drawings .....	R. 26.2, 26.3ter(a), Form RO/106, ROG 57, 63
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communication of	
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publication of title (of invention in IA) in	
Gaz .....	R. 86.1(i), AI Annex D, 2.1
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**TRANSLATION**

communication to DO of translation (ISR or declaration) .....	Article 20(1)(b), Rule 47.1
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<b>Subject</b>	<b>Paragraph</b>
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translation of IPRP (Ch.II) by IB.....	Art. 36(2), R. 72, ISPEG 3.28
transmittal by IB (together with IPRP (Ch.II) and annexes to applicant and EOs) .....	Art. 36(1)-(3), R. 72.2, Form IB/338
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before DO .....	R. 51bis.1(e)
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## **TRANSLITERATION**

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transmittal of copy of IPRP (Ch.I) .....	R. 44bis.1(c), Form IB/326
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transmittal of copy of translation of IA to SISA .....	AI Sec. 436
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IB .....	R. 59.3(c)(ii), AI Sec. 432, Form IB/367
IPEA .....	R. 59.3(f), AI Sec. 601(b), Form IPEA/442
ISA.....	R. 59.3(f), AI Sec. 516, Form ISA/235
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by RO or IB.....	Form RO/118, Form IB/310

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by applicant to DO .....	Art. 13(2)(a)
by IB to DO upon request of applicant .....	Art. 13(2)(b), R. 31.1(b), 31.2
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transmittal of ISR, IPRP (Ch.I) or Art. 17(2) declaration by ISA to applicant and IB .....	R. 44.1, Form ISA/220
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transmittal of priority documents by IB to DOs .....	R. 17.2, Form IB/351
transmittal of purported IA by RO to IB as RO (R. 19.4)	
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by IB to DO or EO, upon request of applicant, texts of transmittal and decision thereon .....	R. 40.2 (c), AI Sec. 403, Forms ISA/212, IPEA/420
by IPEA to applicant of decision on transmittal .....	R. 68.3(c), AI Sec. 603
by IPEA to IB of copy of protest and decision thereon .....	R. 68.3(c), AI Sec. 603
by IPEA to EOs, upon request of applicant, of texts of protest and decision thereon .....	R. 68.3(c), AI Sec. 603
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examined .....	Art. 34(4)(a)(i), R. 67.1(iv), ISPEG 9.08-9.10
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**TREATY**

See PATENT COOPERATION TREATY (PCT)	
REGIONAL	

**TRUE COPY**

See RECORD COPY	
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**TWO-LETTER CODES**

for indication of States, territories and IGOs .....	AI Sec. 115, AI Annex D(3.3), Annex K
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**TYPING**

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**-U-****UNANIMITY**

- unanimity of Contracting States required for decisions modifying certain time limits.....Art. 47(2)(b)
- inclusion of R. in one or other category referred to Art. 58(3)(a).....Art. 58(3)(c)
  - R. which may be amended only by unanimity decision are specified in Reg. ....Art. 58(3)(a)(i), R. 88.1

**UNION**

- defined.....Art. 2(xvi)
- establishment of union .....Art. 1(1)

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- generally .....R. 13, AI Sec. 206, AI Annex B, ISPEG 10.01-10.78
- Markush practice.....R. 13.2, AI Sec. 206, AI Annex B (Parts 1(f), 2 III), ISPEG 10.17
- posterior finding of unity of invention .....R. 13.2, AI Sec. 206, AI Annex B (Part 2), ISPEG 10.03
- unity of invention before IPEA.....Art. 3(4)(iii), R. 13, AI Sec. 206, AI Annex B, ISPEG 10.01-10.78
  - lack of unity of invention found by IPEA .....Art. 34(3), R. 68
    - insufficient restriction of claims.....Art. 34(3)(c), R. 68.4
    - invitation to restrict or pay additional fees.....Art. 34(3)(a), R. 68.2, Form IPEA/405
    - no invitation to restrict or pay additional fees.....R. 68.1
    - notification of decision on protest .....R. 68.3(c), (e), AI Sec. 603, Form IPEA/420
    - refund of additional fee .....R. 68.3(c), (e), AI Sec. 603, Form IPEA/420
- unity of invention before ISA .....Art. 3(4)(iii), R. 13, AI Sec. 206, AI Annex B, ISPEG 10.01-10.78
  - lack of unity of invention found by ISA .....Art. 17(3)(a), R. 40
    - invitation to pay additional fees .....Art. 17(3)(a), R. 40.1, Form ISA/206
    - notification of decision on protest .....R. 40.2(c), (e), AI Sec. 502, Form ISA/212
    - notification regarding review of justification for invitation to pay additional fees.....R. 40.2(e)
    - refund of additional fee .....Art. 17(3), R. 40.2(c), Form ISA/212
- unity of invention before SISA
  - lack of unity of invention found by SISA .....R. 45bis.6(a)
  - notification regarding review of opinion.....R. 45bis.6(d), Form SISA/503
  - request for review of the opinion.....R. 45bis.6(c)
  - transmittal of request to review and decision to DOs ...R. 45bis.6(e), Form SISA/503
- where utility model is sought national law may be applied in respect of unity of invention .....Art. 43, 44, R. 13.5

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FEE(S)

INTERNATIONAL PRELIMINARY EXAMINATION

PROTEST

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**UTILITY CERTIFICATE**

- IA for purposes of utility certificate .....Art. 43
- prescribed indications in Req. ....R. 4.11(a)(i)
- utility certificate(s) part of minimum documentation.....R. 34.1(d)

**UTILITY MODEL**

- if utility model is sought national law may be applied in respect of
  - claims .....R. 6.5, 78.3
  - unity of invention.....R. 13.5, 78.3
- indications to be made in Req. ....Art. 43, R. 4.9(a)(ii)
  - if utility model is sought in addition to other kind of protection.....Art. 44, R. 49bis.1

**-V-****VOTE**

- vote by correspondence.....R. 81.3(a), (b)

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Contracting State which may not exercise right to vote due to delay in paying contribution.....	Art. 57(5)(e)
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**-W-**

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**“WO”**

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IB .....	R. 90bis.1, 90bis.2, AI Sec. 415(a), Form IB/307
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RO	
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correct certain defects .....	Art. 14(1), R. 29.1, 92.4(g)(i), Form RO/117, ROG159
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international publication .....	Art. 14(1), R. 12.4(d), 29.1, Form RO/117
IS .....	Art. 14(1), R. 12.3(d), 29.1, Form RO/117, ROG 71
pay prescribed fees.....	Art. 14(3), R. 29.1, Form RO/117, ROG159

<b>Subject</b>	<b>Paragraph</b>
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later finding of non-compliance with requirements for according IFD.....	Art. 11(1), 14(4), R. 29.1(a), Form RO/143, ROG 52-54
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title .....	R. 37.1
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#### **WRITTEN DISCLOSURE(S)**

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by IPEA

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statement of reasons for written opinion .....	R. 66.2(b)
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