

# WIPO



PCT/A/32/5  
ORIGINAL: English  
DATE: August 15, 2003

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

**INTERNATIONAL PATENT COOPERATION UNION  
(PCT UNION)**

**ASSEMBLY**

**Thirty-Second (14<sup>th</sup> Ordinary) Session  
Geneva, September 22 to October 1, 2003**

**APPOINTMENT OF THE NATIONAL BOARD OF PATENTS AND REGISTRATION OF  
FINLAND AS AN INTERNATIONAL SEARCHING AND  
PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT;  
APPROVAL OF THE CORRESPONDING DRAFT AGREEMENT**

*Document prepared by the International Bureau*

1. In a letter dated June 26, 2003, the National Board of Patents and Registration of Finland ("the Board") renewed a request to the Assembly that it be appointed as an International Searching Authority (ISA) and as an International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT). The letter from the Board is reproduced as Appendix I to this document. <sup>1</sup> That request followed the Board's previous request to be appointed as an ISA and IPEA made in its letter of June 27, 2002, and considered by the Assembly at its thirty-first (18th extraordinary) session held in September-October 2002.

2. Article 16(3)(e) of the PCT provides: "Before the Assembly makes a decision on the appointment of any national Office or intergovernmental organization [as an ISA], ... the Assembly shall hear the interested Office or organization and seek the advice of the Committee for Technical Cooperation..." ("the PCT/CTC"). According to Article 32(3) of the PCT, the provision of Article 16(3) shall apply, *mutatis mutandis*, in respect of the appointment of an IPEA.

---

<sup>1</sup> Working documents for sessions of the Assembly are accessible via WIPO's Website at <http://www.wipo.int/pct/en/meetings>.

3. Following the request made by the Board in 2002, the advice of the PCT/CTC was sought. During the twentieth session of the PCT/CTC, held in September -October 2002, the Chair noted "that delegations had not questioned the right of [the Board] to seek appointment as an ISA and IPEA and that compliance by [the Board] with technical requirements was not an issue; indeed many delegations had expressed their confidence in the competence and technical capacity of [the Board]" (see document PCT/CTC/20/5, paragraph 51). The PCT/CTC recommended to the Assembly that further consideration of the request by the Board for appointment as an ISA and IPEA be deferred until 2003 (see document PCT/CTC/20/5, paragraph 52).

4. During the thirty-first session of the Assembly, the Chair noted the recommendation of the PCT/CTC and stated "that no delegation had questioned the right of [the Board] to seek appointment as an ISA and IPEA and that compliance by [the Board] with technical requirements was not an issue; indeed many delegations had expressed their confidence in the competence and technical capacity of [the Board]" (see document PCT/A/31/10, paragraph 12). The Assembly deferred further consideration of the request by the Board for appointment as an ISA and IPEA until 2003 (see document PCT/A/31/10, paragraph 14).

5. The appointment of an ISA or IPEA is, under Articles 16(3)(b) and 32(3) of the PCT, conditional on the conclusion of an agreement, subject to approval by the Assembly, between the Office or organization concerned and the International Bureau. A draft Agreement between the Board and the International Bureau is set out in Appendix II to this document.

6. It is proposed that the appointment of the Board as an ISA and IPEA, if agreed by the Assembly, would take effect upon the entry into force of the Agreement. Under Article 9 of the draft Agreement, such entry into force would be one month after the date on which the Board notified the Director General of WIPO that it satisfied the requirements under Rules 36.1(i) and 63.1(i) of the Regulations under the PCT.

7. *The Assembly of the PCT Union is invited:*

(i) *to hear the representative of the National Board of Patents and Registration of Finland as required by PCT Article 16(3)(e);*

(ii) *to approve the text of the draft Agreement between the National Board of Patents and Registration of Finland and the International Bureau as set out in Appendix II; and*

(iii) *to appoint the National Board of Patents and Registration of Finland as an International Searching Authority and an International Preliminary Examining Authority with effect from the entry into force of the said Agreement until December 31, 2007.*

[Appendix I follows]

Helsinki, June 26, 2003

Dr. Kamil Idris  
Director General  
World Intellectual Property Organization  
34, chemin des Colombettes  
1211 Geneva 20  
SWITZERLAND

**Appointment of the National Board of Patents and Registration of Finland as an  
International Searching Authority and International Preliminary Examining Authority  
under the PCT**

Dear Dr. Idris,

With reference to document PCT/A/31/2 submitted to the PCT Union Assembly during the Thirty -First (18<sup>th</sup> Extra ordinary) Session last year we would like to renew the Finnish request to have the National Board of Patents and Registration of Finland appointed as an International Searching Authority (ISA) and as an International Preliminary Examining Authority (IPEA) in accordance with Articles 16(3) and 32(3) of the PCT.

The PCT Committee for Technical Cooperation (PCT/CTC) deliberated on our request during its Twentieth Session (PCT/CTC/20/5) and submitted its advice to the PCT Union Assembly. Based on this advice, the PCT Union Assembly deferred further consideration of the request by the Finnish Office for appointment as an ISA and IPEA until 2003.

Consequently, we now would like to request that this matter be considered again and a decision be taken on it by the PCT Union Assembly in September 2003. We would like to emphasize that all interested circles in Finland unanimously support this initiative and consider its continuation very important. During the past few years, the resources of the Office have been strengthened by 12 examiners having good background and education for these purposes and our objective is to launch a new recruitment campaign in the early autumn to further increase the examiner resources.

We would like to express our sincere gratitude to you for the kind support and assistance that WIPO has extended to our office and look forward to seeing you again in September. Our project has also been supported by several other delegations.

Yours sincerely,

NATIONAL BOARD OF PATENTS AND REGISTRATIONS OF FINLAND

(signed)

Martti Enäjärvi  
Director General

16.06.2003

## Examination resources in the National Board of Patents and Registration of Finland

### 1. Overview

The function of the National Board of Patents and Registration is to examine and grant patents. It aims to carry out this function in a high -quality and all -encompassing manner. The comprehensive novelty search on an application is performed rapidly to enable the applicant to have confidence on the outcome of the search and make use of it when considering whether to pursue the application abroad. The quality level target in the novelty search is at least that of a search carried out in the European Patent Office. In assessing patentability, the office aims at uniformity with the practice applied in the European Patent Office. The central factors in respect of the quality in search and examination work are a competent and motivated staff, high -level education, best possible search and examination tools and methods, as well as comprehensive search material, of which there is a separate description in Annex 2.

### 2. Examiner resources

In the spring of 2003, the Patents and Innovations Line of the National Board of Patents and Registration employed a total of over 90 persons with a university degree in technology or natural sciences, of whom 80 were full -time examiners with the task of examining the novelty and patentability of patent applications. The examiners were divided between divisions so that both the Machinery and Equipment and the Fixed Constructions Division had 15 examiners, the Electricity and Physics Division had 30 examiners and the Chemistry Division 20 examiners. During the past few years, the resources of the Office have been strengthened by 12 examiners and our objective is to launch a new recruitment campaign in the early autumn to further increase the examiner resources by five examiners.

### 3. The competence of the examiners

The examiners are all experts in their own branch of technology, and have as the basic education a higher academic degree in their respective branches of science or technology. Majority of the examiners also have a long -time experience in the patent field. All examiners have, besides the knowledge of Finnish and Swedish, also a good knowledge of English and German, some also of French or Russian. Currently, an application may be filed for examination in Finnish, Swedish or English.

In recruiting new examiners, profound mastering of technological fields is emphasized, because patent applications especially in high -tech fields today are increasingly theoretical and difficult in terms of their technical contents. Recently, when employing examiners we have given preference to those who have a scientific postgraduate education (DSc, PhD or equivalent) . The new

examiners consequently have gained a profound experience in research and teaching in universities, industry in the field concerned or patent agencies.

#### **4. The situation in respect of processing the patent applications**

Most of the some 2500 patent applications filed with the Office annually are non-priority applications, where the application is first filed with the Finnish Patent Office. As patents may in Finland be acquired also directly through the European Patent Office, the trust of the applicants in the quality of novelty search in the Finnish Patent Office must be seen as a significant reason for the high number of applications. The trust in the quality also gives the possibility to exploit the results in an international search.

For the most part the situation regarding the processing of the applications is very good, the novelty search on non-priority applications is carried out within 6 to 7 months from the filing of the application.

The target is that in the future the resources, especially in the field of electricity and communication technology, will be sufficient for these search and examination of even substantially higher numbers of applications. In other branches of technology, too, enough staff will be recruited to get sufficient resources for the new challenges. Focal areas in knowledge include, besides communication technology and information technology, inventions realised by means of computers in general, biotechnology, medical technology, and wood processing technology with paper machines and modern measurement and control technologies. All in all, the target is to increase the examiner resources from the present by at least twenty persons, whereby the examiner staff of the Office will grow to be over one hundred. The training system has been developed so that it permits the rapid recruitment and training of so many new examiners as the possible new demand requires.

#### **5. Training and job descriptions of examiners**

The personal tutor plays a central role in the training of a new examiner. A senior examiner trains the new examiner and is responsible for all his or her decisions until the new examiner is granted an independent power of decision, which takes about two years. The in-house training comprises a basic training period of about 150 hours for new examiners and the subsequent courses on particular themes and branches of technology. After the basic training period and initiation into the work, the examiners participate in a so-called *Extended patent course* organised by the Office jointly with the Helsinki University of Technology. The course consists of regularly organised two-day seminars. There is an examination after each period and at the end a special work is done on a chosen topic. The total scope of the course is ten credits. There is also continual in-house training in languages. Examiners are spurred to participate also in courses on technological branches organised outside the Office. The overall idea in the training is continuing education.

An examiner who has been granted an independent power of decision carries out the novelty search and patentability examination of patent applications independently. However, dismissals and opposition proceedings as well as some other specified measures have to be presented to a specified senior examiner.

The status of a senior examiner may be achieved by an examiner who has proven his or her competence and has a minimum of ten years experience. Then his or her duties include, besides the tasks of the examiner, also the receiving of presentations and, where needed, the guiding of new examiners and other teaching and development tasks. Senior examiners also give statements to the Board of Appeal in appeal cases.

## 6. Quality control

In ensuring the quality of examination work, a central role is played by the continually updated *Patent Manual*, which contains extensive instructions in respect of the work. Daily monitoring of the work and the decision taken is also the task of every Head of Division. The Head of Division is also responsible for the control of resources, other guiding of work and the uniformity of practices among divisions in his or her Division. Client feedback, if any, is always checked thoroughly and the action that may be needed is taken.

A specially appointed *Quality control working group* has the task of taking care, in different ways, of the quality of the examination work and its improvement and of the uniformity of work among different divisions. A *Training working group* is responsible for the training and its development. Its task is to realise the continually updated training plan which takes into account also the future amendments of the patent system and the legislation. A special *Online working group* has been appointed to develop and support the search and examination methods based on the databases at the disposal of the National Board of Patents and Registration (EPOQUE, commercial databanks, in-house information systems, Internet, see separate annex) and to train and support the examiners in these matters. The members of the Online group consist of four most competent examiners that are well acquainted with the use of databases.

## 7. Examination methods and tools

Novelty searches are mainly conducted electronically by using the same databases and search systems as the European Patent Office. The most important of these are the EPODOC, WPI, PAJ and INSPEC databases used through EPOQUE and for example the document databases (e.g. CA database) accessible through Dialog and STN. Delphion and other corresponding databases accessible through the Internet are naturally available. The tools each examiner personally uses are as modern as possible.

The collections of publications in paper form are also comprehensive, consisting of 30 million publications. The collections are well organised and they are used whenever needed, as is the case for the time being with the examination of Nordic publications.

The search and examination material at examiners' disposal is specified in Annex 2.

## **8. Electronic filing and processing**

We have already made electronic filing of applications possible in 2001. Our aim is to introduce a completely electronic operating environment in 2004. For this purpose, all documents relating to an application have been brought into electronic forms since the beginning of 2001.



23.06.2003

## PCT minimum documentation used by the National Board of Patents and Registration of Finland (FIPO)

### 1. PCT minimum documentation

The PCT minimum documentation as defined in the Patent Cooperation Treaty Rule 34.1 (PCT Rule 34.1) comprises patent publications since 1920 on paper, microfilm or electronic carriers as CD/DVD-ROM discs and computerized databases. An international search of a patent application shall be made by consulting at least the documentation under the PCT Rule 34.1, after which an international research report is established. These search reports can only be prepared by an industrial property office having the PCT minimum documentation at its disposal. Eligible searching authorities today are industrial property offices of Australia, Austria, China, Japan, the Russian Federation, South Korea, Spain, Sweden, the United States of America and the European Patent Office.

### 2. The PCT minimum documentation includes

#### Patent publications

PCT Rule 34.1 covers the following patent publications, published patent applications and granted patents:

- (i) the patents issued in and after 1920 by France, the former *Reichspatentamt* of Germany, Japan, the former Soviet Union, Switzerland (in the French and German languages only), the United Kingdom, and the United States of America,
- (ii) the patents issued by the Federal Republic of Germany and the Russian Federation,
- (iii) the patent applications, if any, published in and after 1920 in the countries referred to in items (i) and (ii),
- (iv) the inventors' certificates issued by the former Soviet Union,
- (v) the utility certificates issued by, and the published applications for utility certificates of, France,
- (vi) such patents issued by, and such patent applications published in, any other country after 1920 as are in the English, French, German or Spanish language and in which no priority is claimed, provided that the national Office of the interested country sorts out these documents and places them at the disposal of each International Searching Authority.
- the published international (PCT) applications, the published regional applications for patents and inventors' certificates and the published regional patents and inventors' certificates.

#### Non-patent literature

The PCT Rule 34.1 also covers such other published items of non-patent literature which are agreed on by the international research organs and which are published in a register kept by the International Bureau of the World Intellectual Property Organization. A list of non-patent literature (230 journals) in the fields of natural science and technology is available in the JOPAL Register <http://ipdl.wipo.int/en/help/jop/help-journals.html>.

### 3. EPOQUE Databases used by FIPO

COUNTRY	Access to			
	BNS	EPOQUE – Full-text	EPODOC	esp@cenet
CH –Switzerland	CH1 –all since 1888	French and German full-text since 1900	Since 1970 CH492757 –	Biblio 1888 – Image 1888 –
DE –Germany	DE1 –PS 1877 – DE1000001 –AS 1957 DE1400001 –OS 1968 – DE1289000U –GM 1934 –	German full-text since 1925 DE406021 –	Since 1969 (PS)DE1802683 –	DE -Biblio 1967 – DE -Image 1877 – DEU -Biblio 1968 – DEU -Image 1968 –
FR –France	FR5000 00 –1919 – FR2000001U –1969 –	French full-text since 1920	Since 1970 FR2002904 –	Biblio 1968 – Image 1920 –
GB –United Kingdom	GB136000 –B1920 – GB2000001 –A1979 –	English full-text since 1919 GB318286 –	Since 1918 GB142875 –	Biblio 1969 – Image 1920 –
JP –Japan	JP patent since 1970	PAJ –English abstracts since 1975		Biblio 1973 – Image 1980 –
SU –Sovjet Union RU –Russia	RU2002798 –C1993 –		English abstracts since 1998	Biblio 1972 – No images
US –U.S.A .	US1 –all patent since 1836	Full-text since 1836	Since 1968	Biblio 1968 – Image 1836 –

### 4. Commercial on-line databases used by FIPO

In addition to the EPOQUE databank, the examiners at the FIPO have access to commercial hosts which provide patent, scientific and technical databases. The most important databases are in the field of bioscience and chemical engineering. The most important commercial and so-called enhanced patent databases are:

- **Chemical Abstracts Society** databases that cover chemistry literature since 1907 with over 3 million abstracts, 37 million chemical substances, 17 million biosequences, 300 000 searchable Markush structures and 2 million patent citations.
- **Derwent World Patent Index**, which is the most comprehensive commercial patent database covering over 40 patent authorities' patent data, 10 million patent records since 1963, and 4 million drawings.
- **Inspec**, a special database in the fields of physics, electronics and data processing.

Other database services used by FIPO

- **Delphion** – covers e.g. US patents in full-text since 1971
- **Dialog** – covers 450 databases, 20 of which are patent databases
- **MicroPatent** – covers e.g. many searchable full-text patent databases
- **Questel-Orbit** – covers e.g. the PLUSPAT – patent information database which contains 35 million patent records in English
- **STN International** – covers over 200 scientific, technical and patent databases, e.g. with facility to conduct searches of chemical structures

5. PCT minimum documentation in FIPO in -house collections

COUNTRY	Access to in-house collections			
	Years*	Publication	Publ. number	Collection
CH –Switzerland	1944	patent	CH230450 –	paper
	1992	patent	CH679197 –	CD-ROM
DE -Germany	1877	PS	DE1 –	paper
	1957-1981	AS	DE1000001 –	paper
	1968	OS	DE1400001 –	paper
	1964	GM	DE18 95601U –	abstract
FR-France	1991	PS	DE4010517 –	CD-ROM
	1991	GM	Nr/year	CD-ROM
	1951	patent	FR996581 –	paper,ac*
	1951 -1971	add.patent	FR55351 -96682	paper
GB –United Kingdom	1960 -1971	pharm.patent(M)	FR1 -8469	paper
	1969	patentappl.	FR2000001 –	paper,ac*
	1992	patentappl.	FR2663812 –	CD-ROM
	1999	patent		CD-ROM
JP –Japan	1994	utilitymodel		CD-ROM
	1902	abstract	Since 1916 nr.1	patentgazette
	1953	patentspecif.	GB70001 –	paper
	1979	patentappl.	GB2000001 –	paper
SU –Sovjet Union RU -Russia	1991	patentappl.	GB2232862 –	CD-ROM
	1952	publ.patentappl.	nr/year	(Repository Library)
	1971	appl.	nr/year	
	1976	PAJabstract	nr/year	CD-ROM
US –U.S.A.	1952 -1993	inventor's certificate	SU100001 –	paper
	1993 -1995	inventor's certificate	RU2000001 –	microfilm
	1996	patent	RU2051478 –	CD-ROM
	1872	patentabstract	US122304 –	patentgazette
EP -EPO	1872	reissue patentabstr.	RE4687 –	patentgazette
	1836	patent	US1 –	CD/DVD -ROM
	1978	patentappl.	EPA1 –	CD/DVD -ROM
	1978	patent	EPB1 –	CD/DVD -ROM
WQ PCT	1978	patentappl.	EPA1 –	CD/DVD -ROM
	1978	patent	EPB1 –	CD/DVD -ROM
	1978	patentappl.	nr/year	paper
	1978	patentappl.	nr/year	CD/DVD -ROM
AT -Austria	1978	patentappl.	nr/year	CD/DVD -ROM
	1963 -1991	patent	AT229251 –	paper
	1992	patent	AT393900 –	CD-ROM
	1995	utilitymodel	AT1U –	CD-ROM
AU -Australia	1965	patentabstract	AU256137 –	patentgazette
	1981	patent	AU514001 –	microfilm
	1998	patent		CD-ROM
	1957	patentabstract	CA54616 7 –	patentgazette
CA -Canada	1966	patent	CA724836 –	paper,mf*
	1999	patentappl.		CD/DVD -ROM
	1999	patent		CD/DVD -ROM
	1999	patent		CD/DVD -ROM
DK -Denmark	1900	patent	DK2746 –	paper
	1980	patentappl.abstr.	nr/year	paper
	1992	utilitymodel	nr/year	paper
	1994	patent	DK157383 –	CD-ROM
NO -Norway	1892	patent	NO2841 –	paper
	1980	patentappl.abstr.	nr/year	paper
	1885	patent	SE1 –	paper
	1981	patentappl.abstr.	nr/year	paper
SE -Sweden	1981	patentappl.abstr.	nr/year	paper
	1981	patentappl.abstr.	nr/year	paper
	1981	patentappl.abstr.	nr/year	paper
	1981	patentappl.abstr.	nr/year	paper

Years\* -from year, second year means the range  
ac\* -French patent on aperture cards 1971 -1992  
mf\* -Canadian patent on microfilm 1976 -1999

[Appendix II follows]

APPENDIX II

**DRAFT**

**Agreement**

between the National Board of Patents and Registration of Finland  
and the International Bureau of the World Intellectual Property Organization

in relation to the functioning of the National Board of Patents and Registration of Finland  
as an International Searching Authority  
and International Preliminary Examining Authority  
under the Patent Cooperation Treaty

## **Preamble**

The National Board of Patents and Registration of Finland and the International Bureau of the World Intellectual Property Organization,

**Hereby agree as follows:**

## **Article 1** **Terms and Expressions**

(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) “the Authority” means the National Board of Patents and Registration of Finland;
- (h) “the International Bureau” means the International Bureau of the World Intellectual Property Organization.

(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 and international preliminary examination in accordance with, and perform such other functions of an International Searching Authority and International Preliminary Examining Authority as are provided under, the Treaty, the Regulations, the Administrative Instructions and this Agreement. In carrying out international search and international preliminary examination, the Authority shall apply and observe all the common rules of international search and of international preliminary examination and, in particular, shall be guided by the PCT Search Guidelines and the PCT Preliminary Examination Guidelines.

(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 considered to be appropriate by both the Authority and the International Bureau, mutual assistance in the performance of their functions thereunder.

## **Article 3**

### **Competence of Authority**

(1) The Authority shall act as International Searching Authority for any international application filed with the receiving Office of, or acting for, any Contracting State specified in Annex A to this Agreement provided that the receiving Office specifies the Authority for that purpose, that such application, or a translation thereof furnished for the purposes of international search, is in the language or one of the languages specified in Annex A to this Agreement and, where applicable, that the Authority has been chosen by the applicant.

(2) The Authority shall act as International Preliminary Examining Authority for any international application filed with the receiving Office of, or acting for, any Contracting State specified in Annex A to this Agreement provided that the receiving Office specifies the Authority for that purpose, that such application, or a translation thereof furnished for the purposes of international preliminary examination, is in the language or one of the languages specified in Annex A to this Agreement, that, where applicable, the Authority has been chosen by the applicant, and that any other requirements regarding such application as specified in Annex A to this Agreement have been met.

(3) Where an international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), paragraphs (1) and (2) apply as if that application had been filed with a receiving Office which would have been competent under Rule 19.1(a)(i) or (ii), (b) or (c) or Rule 19.2(i).

**Article 4**  
**Subject Matter Not Required to Be Searched or Examined**

The Authority shall not be obliged to search, by virtue of Article 17(2)(a)(i), or examine, by virtue of Article 34(4)(a)(i), any international application to the extent that it considers that such application relates to subject matters set forth in Rule 39.1 or 67.1, as the case may be, with the exception of the subject matters specified in Annex B to this Agreement.

**Article 5**  
**Fees and Charges**

(1) As 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 and International Preliminary Examining Authority, is set out in Annex C to this Agreement.

(2) The Authority shall, under the conditions and to the extent set out in Annex C to this Agreement:

- (i) refund the whole or part of the search fee paid, or waive or reduce the search fee, where the international search report can be wholly or partly based on the results of a earlier search made by the Authority (Rules 16.3 and 41.1);
- (ii) refund the search fee where the international application is withdrawn or considered withdrawn before the start of the international search.

(3) The Authority shall, under the conditions and to the extent set out in Annex C to this Agreement, refund the whole or part of the preliminary examination fee paid where the demand is considered as if it had not been submitted (Rule 58.3) or where the demand or the international application is withdrawn by the applicant before the start of the international preliminary examination.

**Article 6**  
**Classification**

For the purposes of Rules 43.3(a) and 70.5(b), 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 language or one of the languages indicated, having regard to the language or languages indicated in Annex A and to the language or languages whose use is authorized by the Authority under Rule 92.2(b), in Annex D.

## **Article 8** **International-Type Search**

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

## **Article 9** **Entry into Force**

This Agreement shall enter into force one month after the date on which the Authority notifies the Director General of the World Intellectual Property Organization that the Authority satisfies the requirements under Rules 36.1(i) and 63.1(i).

## **Article 10** **Duration and Renewability**

This Agreement shall remain in force until December 31, 2007. The parties to this Agreement shall, no later than January 2007, 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 to 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 notification to the Director General of the World Intellectual Property Organization:

- (i) add to the indications of States and languages contained in Annex A to this Agreement;
- (ii) amend the schedule of fees and charges contained in Annex C to this Agreement;
- (iii) amend the indications of languages of correspondence contained in Annex D to this Agreement.

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



**Article 12**  
**Termination**

(1) This Agreement shall terminate before December 31, 2007:

- (i) if the National Board of Patents and Registration of Finland 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 National Board of Patents and Registration of Finland 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 \_\_\_\_\_, in two originals in the English language.

For the National Board of Patents and  
Registration of Finland  
by:

For the International Bureau  
by:

(signature)  
Matti Enäjärvi  
Director General  
National Board of Patents and Registration  
of Finland

(signature)  
Kamil Idris  
Director General  
World Intellectual Property Organization

### **Annex A States and Languages**

Under Article 3 of the Agreement, the Authority specifies:

- (i) the following States:
  - (a) Finland;
  - (b) any other Contracting State in accordance with the obligations of the Authority within the framework of the European Patent Organisation;
- (ii) the following languages:

Finnish, Swedish, English.

### **Annex B Subject Matter Not Excluded from Search or Examination**

The subject matter set forth in Rule 39.1 or 67.1 which, under Article 4 of the Agreement, is not excluded from search or examination, is the following:

all subject matter searched or examined under the national patent grant procedure under the provisions of the Finnish Patent Law.

### **Annex C Fees and Charges**

#### **Part I. Schedule of Fees and Charges**

<b>Kind of fee or charge</b>	<b>Amount (Euro)</b>
Search fee (Rule 16.1(a))	[...]
Additional fee (Rule 40.2(a))	[...]
Preliminary examination fee (Rule 58.1(b))	[...]
Additional fee (Rule 68.3(a))	[...]
Cost of copies (Rules 44.3(b), 71.2(b) and 94.2), per page	[...]

## **Part II. Conditions for and Extent of Refunds or Reductions of Fees**

- (1) Any amount paid by mistake, without cause, or in excess of the amount due, for fees indicated in Part I shall be refunded.
- (2) Where the international application is withdrawn or 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:
  - (i) an earlier international search already made by the Authority on an application whose priority is claimed for the international application, [...] % of the search fee paid shall be refunded.
  - (ii) an earlier international or international -type search already made by the Authority on an application whose priority is claimed for the international application, [...] % or [...] % of the search fee paid shall be refunded, depending upon the extent to which the Authority benefits from that earlier search.
- (4) In the cases provided for under Rule 58.3, the amount of the preliminary examination fee paid shall be fully refunded.
- (5) When the international application or the demand is withdrawn before the start of the international preliminary examination, the amount of the preliminary examination fee paid shall be fully refunded.

## **Annex D Languages of Correspondence**

Under Article 7 of the Agreement, the Authority specifies the following languages:

Finnish, Swedish and English, depending on the language in which the international application is filed or translated.

[End of Appendix II and of document]