

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

### ASSEMBLY

### Thirty-Third (19<sup>th</sup> Extraordinary) Session Geneva, September 27 to October 5, 2004

#### PROPOSED READJUSTMENT OF THE INTERNATIONAL FILING FEE

*Document prepared by the International Bureau*

1. At the thirty-second (14<sup>th</sup> ordinary) session of the Assembly, held in September-October 2003, the International Bureau proposed amendments to the Schedule of Fees annexed to the Regulations under the PCT by fixing the (new) international filing fee (replacing the former basic fee and designation fee) at 1,450 Swiss francs and by decreasing the handling fee from 233 to 200 Swiss francs, while leaving the other fees unchanged. In addition, it proposed to introduce a three-tier reduction of the international filing fee in cases where the international application or parts thereof were filed in electronic form or by electronic means. Lastly, it proposed to extend the 75% reduction of the international filing fee then applying to certain applicants from developing countries to all applicants from least developed countries (LDCs) (document PCT/A/32/1, paragraphs 6, 9 and 10). Following the discussions, the Assembly adopted all those amendments as proposed except for the amount of the international fee which was fixed at 1,400 Swiss francs, instead of 1,450 Swiss francs (document PCT/A/32/8, paragraph 9).

2. During the discussions at the above-mentioned session, the Director General “assured the Assembly that WIPO was committed to providing cost-effective and user-friendly services of the PCT. The system was currently in the process of transition. The PCT reform would bring about a number of important changes and services as of early next year. In addition, it was necessary to fix the financial framework of this new phase of operation. He suggested, as a matter of principle, to start this process without a change in the fees charged for the typical PCT application. It seemed that to implement this approach at this stage was difficult, as it

was not yet known how the PCT users would adapt their filing strategy to the new arrangement. He therefore recommended a two-step approach to respond to this issue in a flexible manner. First, he suggested the approval of a new PCT fee structure closely linked to the proposals set out in document PCT/A/32/1 with one modification, namely, an international filing fee of 1,400 Swiss francs. Second, he intended to consult with Member States and review the actual usage of the new PCT arrangement. On the basis of this work, he would propose a readjustment of the PCT fee, if necessary, next year.” (Document PCT/A/32/8, paragraph 7).

3. At the time of preparing this document, available information on actual use of the PCT under the new arrangements, including the number of international applications received and projected to be received, show that the international filing fee of 1,400 Swiss francs approved by the Assembly in September-October 2003, if not readjusted now, would result in a significant shortfall of the PCT income.

4. Consequently, the Director General proposes, as one of the measures to address the income shortfall, a 12% readjustment in the international filing fee. Therefore, it is proposed to amend the Schedule of Fees accordingly, as shown in the Annex to this document. Text proposed to be deleted is struck through and text proposed to be added is underlined.

5. It is further proposed that the amendment of the Schedule of Fees set out in the Annex shall enter into force on January 1, 2005, and shall apply to any international application whose international filing date is on or after January 1, 2005, provided that the Schedule of Fees as worded before its amendment shall continue to apply to any international application which is received by the receiving Office before January 1, 2005, and is accorded an international filing date that is on or after January 1, 2005.

6. *The Assembly is invited:*

*(i) to adopt the proposed amendment of the Schedule of Fees annexed to the Regulations under the PCT appearing in the Annex; and*

*(ii) to decide that that amendment shall enter into force on January 1, 2005, in accordance with the application and transitional arrangements set out in paragraph 5, above.*

[Annex follows]

## ANNEX

## PROPOSED AMENDMENT OF THE REGULATIONS UNDER THE PCT

## SCHEDULE OF FEES

*(as proposed to be amended with effect from January 1, 2005)*

<b>Fees</b>	<b>Amounts</b>
1. International filing fee: (Rule 15.2)	<del>1,400</del> <u>1,570</u> Swiss francs plus 15 Swiss francs for each sheet of the international application in excess of 30 sheets
2. Handling fee: (Rule 57.2)	200 Swiss francs

**Reductions**

3. The international filing fee is reduced by the following amount if the international application is, in accordance with and to the extent provided for in the Administrative Instructions, filed:

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|---|------------------|
| (a) on paper together with a copy thereof in<br>electronic form:  | 100 Swiss francs |
| (b) in electronic form where the text of the<br>description, claims and abstract is not in<br>character coded format: | 200 Swiss francs |
| (c) in electronic form where the text of the<br>description, claims and abstract is in character<br>coded format:     | 300 Swiss francs |

4. The international filing fee (where applicable, as reduced under item 3) and the handling fee are reduced by 75% if the international application is filed by:

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|--|--|
| (a) an applicant who is a natural person and who is a national of and resides in a<br>State whose per capita national income is below US\$3,000 (according to the<br>average per capita national income figures used by the United Nations for<br>determining its scale of assessments for the contributions payable for the years<br>1995, 1996 and 1997); or |  |
| (b) an applicant, whether a natural person or not, who is a national of and resides in a<br>State that is classed as a least developed country by the United Nations;  |  |

provided that, if there are several applicants, each must satisfy the criteria set out in either sub-item (a) or (b).

[End of Annex and of document]