

# WIPO



PCT/A/35/4

ORIGINAL: English

DATE: July 31, 2006

WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## INTERNATIONAL PATENT COOPERATION UNION (PCT UNION)

### ASSEMBLY

#### Thirty-Fifth (20<sup>th</sup> Extraordinary) Session Geneva, September 25 to October 3, 2006

APPOINTMENT OF THE NORDIC PATENT INSTITUTE AS AN INTERNATIONAL  
SEARCHING AND PRELIMINARY EXAMINING AUTHORITY UNDER THE PCT;  
APPROVAL OF THE CORRESPONDING DRAFT AGREEMENT

*Document prepared by the International Bureau*

1. The appointment of International Searching Authorities (ISAs) and International Preliminary Examining Authorities (IPEAs) under the Patent Cooperation Treaty (PCT) is a matter for the Assembly and is governed by Articles 16(3) and 32(3) of the PCT. It follows from Rules 36.1(iv) and 63.1(iv) of the Regulations under the PCT that any appointment will be as both an ISA and an IPEA.
2. In a letter dated July 7, 2006, the text of which appears in Appendix I, the Director General of the Danish Patent and Trademark Office, the Director General of the Icelandic Patent Office and the Director General of the Norwegian Patent Office have expressed the wish that the Nordic Patent Institute (NPI) be appointed as an ISA and IPEA.
3. Articles 16(3)(e) and 32(3) of the PCT require that, before the Assembly makes a decision on the appointment of an ISA and IPEA, it shall hear the Office or organization concerned and seek the advice of the PCT Committee for Technical Cooperation. The Committee, at its 22nd session held in Geneva from September 25 to October 3, 2006, will consider the appointment of the NPI as an ISA and IPEA, and the Committee's advice will be submitted to the Assembly during its session (which is being held during the same period).
4. Under Articles 16(3)(b) and 32(3) of the PCT, the appointment of an ISA and IPEA is conditional on the conclusion of an Agreement, subject to approval by the Assembly, between the Office or organization concerned and the International Bureau. The text of a draft

Agreement between the NPI and the International Bureau is set out in Appendix II. Its Articles are substantially identical to the corresponding provisions in Agreements relating to existing Authorities.

5. If the Assembly agrees to the appointment, it would take effect upon the entry into force of the Agreement between the NPI and the International Bureau. Such entry into force would, under Article 9 of the draft Agreement, be one month after the date on which the Authority notifies the Director General that it is prepared to start functioning as an ISA and IPEA.

6. Under Article 10 of the draft Agreement, it would remain in force until December 31, 2007, subject to negotiations for renewal which are due to begin in January 2007, that is, at the same time and subject to the same condition as the Agreements relating to all existing Authorities.

*7. The Assembly of the PCT Union is invited, in accordance with Articles 16(3) and 32(3) of the PCT:*

*(i) to hear the representative of the Nordic Patent Institute and take into account the advice of the PCT Committee for Technical Cooperation;*

*(ii) to approve the text of the draft Agreement between the Nordic Patent Institute and the International Bureau as set out in Appendix II; and*

*(iii) to appoint the Nordic Patent Institute as an International Searching Authority and an International Preliminary Examining Authority with effect from the entry into force of the Agreement until December 31, 2007.*

[Appendices follow]

APPENDIX I

World Intellectual Property Organization  
Attn.: Kamil Idris, Director General  
34 Chemin des Colombettes  
P.O. Box 18  
CH-1211 Geneva 20  
Switzerland

Taastrup, July 7, 2006

Re.: Appointment of Nordic Patent Institute as International Authority under the PCT

Dear Dr. Idris,

We hereby refer back to our letter of 5 July 2006, in which we informed you that the governments of Denmark, Iceland and Norway have established an intergovernmental organisation, Nordic Patent Institute (“NPI”), which shall act as a formal instrument for cooperation in the patent field between these countries.

In our above letter, we also informed you that the governments of Denmark, Iceland and Norway have decided to seek approval for status of NPI as an International Searching Authority (“ISA”) and International Preliminary Examining Authority (“IPEA”) under the Patent Cooperation Treaty (“PCT”) from the appropriate bodies of the World Intellectual Property Organization. Consequently, we would request that this matter be put on the agenda of the PCT Assembly during the annual WIPO Assemblies in September 2006 in order to enable NPI to start operation as an ISA and IPEA as soon as possible.

Patent protection on a global scale has become increasingly important in the knowledge-based society. Consequently, the need for an efficient patent system offering high quality products and services has also increased. The PCT system offers an excellent platform for such a global system, and we have noted with satisfaction the great success of the PCT system, although we are also concerned about the ensuing consequences on workload and backlogs at the PCT authorities.

It is our firm belief that an efficient and successful global patent system must start at the national level, i.e. by offering the best possible national framework conditions for protection of innovations. Access to high quality local IP competencies at the national patent offices will stimulate national innovation and generate high quality applications which will proceed to the international routes.

NPI will exploit the synergy of drawing upon the consolidated resources of the participating offices. This will enable NPI to meet the criteria for becoming an ISA and IPEA and to better offer products and services of a quality which meets international standards. The increased competencies and efficiency which is foreseen as a result of the cooperation will also improve quality and efficiency of work carried out by the individual offices.

Users in all the participating states therefore fully support the establishment of NPI and the intention of seeking status as ISA and IPEA for NPI. Furthermore, the addition of another PCT authority is seen as a contribution to adding further competent resources to those presently available for coping with the increasing workload within the PCT system.

We would also like to draw the attention to the fact, that the total number of PCT applications originating from Denmark, Iceland and Norway is quite high, in particular considering the number of inhabitants of these countries.

We kindly request that this matter be put before the Committee of Technical Cooperation (PCT/CTC) in order to obtain the advice of the Committee as referred to in Article 16(3)(e) of the PCT and we look forward to your favourable consideration and cooperation.

Yours sincerely,

Jesper Kongstad	Ásta Valdimarsdóttir	Jørgen Smith
Director General Danish Patent and Trademark Office	Director General Icelandic Patent Office	Director General Norwegian Patent Office

Annexes: 1. Presentation of NPI  
2. Examination resources of NPI  
3. Search Documentation used by NPI

## ANNEX 1

### PRESENTATION OF THE NORDIC PATENT INSTITUTE

#### *1. Aim of the Nordic Patent Institute (NPI)*

Statistical evidence shows a clear correlation between the innovative performance of a country and the quality of the local framework conditions for protection of innovation in that country. The NPI cooperation offers a concept for cooperation which aims at maintaining and improving such framework conditions in the participating countries at the same time as it offers a contribution to improving the efficiency and coherence of the patent system on a European and global level.

The NPI cooperation shall contribute to stimulating Nordic companies, in particular small and medium-sized enterprises, to innovation and economic growth. This shall be achieved by maintaining and further developing the national patent offices as competence centres for Industrial Property Rights in the individual countries, capable of offering customised services of a quality and efficiency which is competitive by international standards.

Another objective of NPI is to contribute positively to the development of a coherent and efficient European patent system based on the European Patent Convention and on cooperation between the European Patent Office and the national patent offices, and to offer Nordic users the best possible platform for taking advantage of such European cooperation.

Still another objective of NPI is to support the global development and usefulness of the PCT system by adding further competent resources to those presently available. This may in a long-term perspective pave the way for a global system based on re-utilisation of search work and elements of mutual recognition.

#### *2. Principles of NPI*

##### Tasks of NPI

The NPI cooperation shall comprise the following tasks:

- PCT applications (ISA/IPEA) and related work such as International Type Searches.
- Contract work, i.e. subcontracted work from other patent authorities and search services for private customers (large-scale contracts).

##### Organisation of NPI

The cooperation shall make the aggregated resources of the patent offices of the participating states available for performing all NPI tasks. Apart from a director, NPI will not have any staff of its own and will draw, upon payment, on the experts of the national patent offices. For search and substantive examination, the resources will be the examiners of the Danish and Norwegian offices, since the Icelandic office has chosen not to perform search and examination by its own staff. When performing tasks on behalf of NPI, national patent office staff will be under full instruction from NPI.

Applicants will not have the option of selecting the national office which shall perform the work on behalf of NPI. NPI will be responsible for distributing search and examination tasks between the examiners of any of the national offices in such a way that work will be performed by an examiner having the necessary competencies. For PCT applications, the national office used by the applicant when filing the application will, whenever possible, be used for carrying out the search and preliminary examination.

NPI will have an International Secretariat which will be the interface to all external parties, including the International Bureau of WIPO and the Receiving Offices of the national offices. The tasks of the International Secretariat will be performed by the staff of the national Receiving Offices acting under full instruction of NPI.

NPI is established by an agreement between the governments of the participating states. It has the status of an intergovernmental organisation and has full powers as an independent legal entity including the powers to enter into agreements with other parties and represent the member states in matters concerning its role as PCT authority. The seat is Taastrup, Denmark.

NPI will have a Head responsible for its management and will be supervised by a Board of Directors comprising members of each national office.

Use of NPI as a PCT authority will be open to applicants and residents of Denmark, Norway and Iceland who, however, will still have the option of choosing the Swedish office or EPO as PCT authority.

#### Quality Assurance

NPI will establish a Quality Assurance system which will be certified according to ISO 9001. The system will cover all services offered by NPI.

The participating national offices already have well established quality assurance systems covering the national patent granting procedures. The Danish system is ISO certified and the Norwegian one is expected to be so in 2007. The national systems comply with the provisions on quality assurance in the PCT International Search and Preliminary Examination Guidelines (PCT/GL/ISPE).

The NPI quality assurance system will be based on the national systems but will obviously have to be extended to cover the full PCT procedure. The quality standards and practices will be harmonised for all PCT work and brought in full compliance with the standards and practices established by the PCT and applied at the EPO. The Danish, Norwegian and Icelandic offices have for many years cooperated on harmonisation of patent practice and bench marking of the patent granting procedure including search and examination procedures and tools. This cooperation will be further strengthened as part of the NPI cooperation.

The competence and number of examiners is an important aspect of quality. The PCT minimum requirements are fully met in this respect. This is dealt with separately in Annex 2.

Another aspect of quality is the access to the PCT minimum documentation. To the best of our knowledge, these minimum requirements are also met by NPI. Any possible gaps that might be identified will be rectified before NPI will start operation as a PCT authority. Further details can be found in Annex 3.

## ANNEX 2

### EXAMINATION RESOURCES OF THE NORDIC PATENT INSTITUTE

#### *1. Introduction*

Search and Preliminary examination of PCT applications will be carried out by staff of the Danish or Norwegian patent offices on behalf of NPI. Information contained in the present Annex concerning examiner resources will therefore generally refer to the examiner resources of the Danish and Norwegian offices. As can be seen, however, there is a very significant degree of correspondence and similarities which is a consequence of many years of harmonisation and exchange of experience of best practice.

The Danish and Norwegian offices have for many years pursued a strategy of performing search and examination of a quality which matches international standards, and in particular the quality of work at the EPO. In this way, applicants can use the reports in national first filings as a reliable basis for deciding on the prospective of their invention and the international patenting strategy for the application. For the same reason, it has also been a top priority to issue the first official action (including a search report and an assessment of patentability) in good time before the end of the priority year.

Consequently, the patent offices have a long-standing tradition of ensuring highly competent and motivated staff as well as the best possible search and examination tools, comprehensive search material and general quality assurance.

#### *2. Examiner Resources*

Presently, the Danish Patent Office has approximately 80 examiners and plans for recruitment of 12 further examiners in the autumn of 2006 while the Norwegian Patent office has approximately 75 examiners. Most examiners of the two offices are employed on a full-time or almost full-time basis and are predominantly occupied with search and examination and related tasks such as training. The examiners have a university degree in technology or natural science and in some cases further postgraduate degrees such as DSc, PhD or equivalent.

The examining divisions of both offices are roughly similar and comprise a total of approximately 30 examiners in each of the divisions Electricity & Physics, Machinery, Biotechnology, and Organic Chemistry, a few less in Industrial Chemistry, and approximately 15 in each of the divisions Construction and Foodstuff & Healthcare.

#### *3. Competence of Examiners*

The examiners are all experts in their own branch of technology and allocated to specific technical areas. A large number of the examiners also have many years of experience in the patent field. The density of examiner competencies within the various technical disciplines obviously reflects the structure of national industry. In general, however, all technical areas are covered in each office, and taken together the two offices have a more than adequate coverage of all technical fields.



All examiners have, in addition to their ability to understand Danish, Norwegian and Swedish, excellent knowledge of English and good knowledge of German and French. Some also have knowledge of Spanish, Russian, Turkish and Persian.

#### *4. Processing of Patent Applications and Other Work*

The Norwegian Patent Office receives about 1200 first filings per year and the Danish Patent Office about 2000. Close to fifty percent of the Danish applications, however, are filed in order to obtain a priority date and are not carried on to full examination. Patent protection in Denmark can also be obtained through a European patent. The Norwegian government has initiated the process towards Norwegian ratification of the European Patent Convention.

The high number of first filings at the Danish Patent Office despite the possibility of using the EPO signifies a trust in the quality of services delivered by the Danish office. It also reflects the importance of having access to highly competent national patent offices. If Norway ratifies the EPC, it will still be a priority for the Norwegian Patent Office to maintain high-quality search and examination competencies within all technical areas.

The Danish Patent Office also carries out a total of approximately 1100 searches and examinations per year for the patent offices of Great Britain, Turkey, Singapore and Iceland. Furthermore, it carries out a considerable number of searches for private customers. Similar kinds of activities will be taken up by NPI and will further strengthen the ability of NPI to ensure a broad expert coverage of all technical areas.

#### *5. Training and Job Description*

New examiners are trained and supervised by a senior examiner for about 18 months. The senior examiner plays the role of a personal tutor and is responsible for all decisions by the new examiner in the processing of an application. During the apprentice time, the new examiner takes part in in-house training programmes that gives a deep insight in the patent processing procedure including knowledge of the various legal aspects of patent law and the capability of performing searches. The training programmes also give the new examiner an understanding of the patent system in a wider perspective such as the role of patents as an economical tool for enhancing innovation and as a strategic business tool for companies.

All examiners are kept updated regarding changes in legislation, practice, and procedures. There are also regular training activities on improved search tools, etc.

Examiners will only be authorised to take decisions on their own after a thorough verification of their competencies and skills.

An examiner, who has been authorised to make decisions, carries out search and examination of patent applications without detailed supervision. However, decisions on refusal of grant, in opposition procedures, and in certain other well-defined procedures must always be discussed with and approved by a senior examiner.

Examiners may be promoted through several standardised steps on a scale of competencies. Before any promotion, the examiner's competencies are tested against the required targets.

Examiners are invited to participate in seminars and courses in their respective technological fields in order to maintain and update their competencies at a high level.

#### 6. *Quality Control*

The general principles of the forthcoming NPI Quality Assurance System are explained in Annex 1.

The existing national quality assurance systems in the Danish and Norwegian offices are ISO certified (Denmark) or will be so soon (Norway). Both offices have extensive manuals for all parts of the patent granting process, including in particular guidelines on search, examination and communication with the applicant. There are permanent working groups specifically dedicated to improvement of tools and procedures, quality control, and initiation of corrective action in response to feedback from the quality control. These features will be further strengthened in future with the aim of harmonising tools and procedures in the offices. The objective is to ensure that search and examination of any application will lead to the same result irrespective of which office performed the task.

As a further step of harmonisation, the quality standards, practice, tools and (where appropriate) procedures will be harmonised with those applied at the EPO.

#### 7. *Examination Methods and Tools*

Novelty searches are mainly conducted online by using the same databases and search systems as used by the EPO. The most important databases are EPODOS, WPI, PAJ and INSPEC accessed via the EPOQUE search tool. Other important document databases are accessed for instance via Dialog and STN. Examiners also use full text databases in various languages and other databases containing articles and other non-patent literature. IT tools, including work stations, used by the examiners are of a high and modern standard.

The collection of patent documents and other publications in paper form is very comprehensive and is used whenever appropriate.

Annex 3 gives detailed information on the document files and databases available to examiners for search purposes.

#### 8. *Electronic Filing and Processing*

Both the Danish and Norwegian patent offices are now able to accept electronic filing of patent applications. This also applies to filing of PCT applications.

## ANNEX 3

### SEARCH DOCUMENTATION USED BY NPI

#### *1. PCT Minimum Documentation*

PCT authorities must have access to the minimum documentation which comprises patent publications since 1920 on paper, microfilm, electronic carriers or databases as well as certain non-patent literature.

#### Patent Documents

According to PCT Rule 34.1, the minimum documentation comprises 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 language 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,
- (vii) the published international (PCT) applications, the published regional applications for patents and inventors' certificates, and the published regional patents and inventors' certificates.

According to PCT Rule 34.1(e), NPI as a PCT Authority will only be requested to have access to patent documents of Japan, the Russian Federation and the former Soviet Union as well as Spanish language patent documents to the extent that English language abstracts of these documents are generally available.

#### Non-patent Literature

The PCT minimum documentation also covers such other 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. An updated list of currently agreed non-patent literature is available at the WIPO website.

## 2. Search Files Used by NPI

### Search Methods and Tools

Searches are primarily conducted electronically by both the Danish and Norwegian offices and generally by using the same databases and search tools and systems as those used by the European Patent Office.

Searches are conducted in paper files when necessary, which in particular is the case for searches in Danish and Norwegian patent literature. The paper based search files of both the Danish and Norwegian office are very comprehensive and organised by classification systems in a way suitable for searching.

### Use of EPOQUE

The EPOQUE search tool gives access to the following patent literature:

Country	Access to		
	BNS	EPOQUE- Full-text	EPODOC
<b>Switzerland, CH</b>	All documents from: CH1 (A <b>1888</b> 1101)	French, German and Italian Oldest document from <b>1900</b>	All documents from: CH1 (A <b>1888</b> 1101)
<b>Germany, DE</b>	Documents from: DE1 (C <b>1877</b> 0702) DE1427159U (U <b>1933</b> 0203)	German full-text since <b>1920</b> . Oldest document: DE318791 (C <b>1920</b> 0207)	Documents from: DE1 (C <b>1877</b> 0702) DE1427159U (U <b>1933</b> 0203)
<b>France, FR</b>	Documents from: FR1983E (E <b>1900</b> 0101) FR2000029 (A1 <b>1969</b> 0829) (Utility model)	French full-text since <b>1900</b> . Oldest document: FR1983E (E <b>1900</b> 0101)	Documents. From: FR1983E (E <b>1900</b> 0101)
<b>United Kingdom, GB</b>	Documents from: GB189503951 (A <b>1896</b> 0330) GB20000136 (B <b>1979</b> )	English full-text since: GB189503951 (A <b>1896</b> 0330)	Documents from: GB189300739 (A <b>1893</b> 1011)
<b>Japan, JP</b>	JP documents from <b>1970</b>	Not available	Documents from: JP40000046Y1 (Y1 <b>1965</b> 0106)
<b>Soviet Union, SU Russia, RU</b>	SU documents from <b>1972</b>	Not available	SU documents from: SU115325 (A1 <b>1972</b> 1207)
<b>USA, US</b>	All documents from: USX000001 (A <b>1790</b> 0731)	All documents from: US1 (A <b>1836</b> 0713)	All documents from: US1 (A <b>1836</b> 0713)

### Other On-line Tools

For searching of patent literature use is made of EPOQUE and WPI together with certain full text databases. For non-patent literature, use is made of INSPEC, COMPENDEX, MEDLINE, ELSEVIER and IEEE among others via EPOQUE. Additionally, CHEMICAL ABSTRACT and BIOSIS, accessed via STN, are used for searches in chemistry, pharmaceuticals and other special technologies. STN, Dialog and QUESTEL are also used for accessing other databases as appropriate. Various useful internet sites, for instance concerning additional documentation and classification systems are available in a systematic way via a special "Patent Port" on the intranet.

Paper Based Search Files of the Danish Patent Office

Country	Patent number	Document code	Status of filing
<b>Germany, DE</b>	1 – 976.850		
	1800001 – 1000001 – 3159800	A B	Stopped 20001231
	4201806 –	C1	Stopped 20001231
<b>Denmark, DK</b>	1 – 110252		
	111001 –	A, B	Going on
<b>Finland, FI</b>	19401 – 40000		
	40001 –	B	Stopped 20031231
<b>France, FR</b>	317501 – 1605572		
	2583849 – 1 – 96689	A E	Stopped 20001231
	1 – 8496	M	
<b>United Kingdom, GB</b>	136850 – 1605400	Abridgement cards	
	2000001 – 2297886	A (Only frontpages)	Stopped 19960814
<b>Norway, NO</b>	1 – 115000		
	115001 – 180817	B	Going on
	300001 –	B	
<b>Sweden, SE</b>	1 – 228000		
	228001 – 470602	B	Stopped 20031231
	500001 –	C	

Documents for which filing of paper copies has been discontinued, are available for search electronically.

Paper Based Search Files of the Norwegian Patent Office

Country	Class (IPC) / Number collection	Last publ. date	Publication	Collection
<b>AT</b> <b>AT (A-F, H)</b> <b>AT (G)</b> <b>AT</b>	Number 1 - 326.892		Patent	Microfilm
	Class 326.852 - 412.317	2004.12.27	Patent	Paper
	Class 326.852 - 403.410	1998.02.25	Patent	Paper
	Number 412.318 - →		Patent	CD-ROM
<b>AU</b>	Number 1/1926 - 4.951/1936			Microfilm
	Number 100.001-296.236			CD-ROM
	Number 400.001-496.937			
	Number 7/1999 - →			
<b>CA</b>	Number 10.829 - 1.340.137		Patent	Microfiche
	Number 2.000.000 - →		Patent	Microfiche
	Number 1999/1 - →		Patent appl.	CD-ROM
	Number 2000/201 - →		Patent	CD-ROM
<b>CH</b> <b>CH (A-H)</b> <b>CH (G)</b> <b>CH</b>	Number 1 - 623.442		Patent	Microfilm
	Class 335.501 - 467.000	2005.12.31	Patent	Paper
	Class 335.501 - 688.755	1998.02.27	Patent	Paper
	Class 683.055 - →			CD – ROM

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<b>DE</b>	Number 1 - 1.800.000		Patent	Microfilm
<b>DE</b>	Class 1- 1.800.000			Paper
<b>DE</b>	Class			
<b>DE (A-F)</b>	Class	2005.12.31	Patent/appl.	Paper
<b>DE (C)</b>	Class	1999.04.29	Patent/appl.	Paper
<b>DE (C02, C05F)</b>	Class	2005.12.31	Patent/appl.	Paper
<b>C10)</b>	Class	2005.12.31	Patent/appl.	Paper
<b>DE (G)</b>	Class	1998.12.24	Patent/appl.	Paper
<b>DE (H)</b>	Class	1998.12.24	Patent/appl.	Paper
<b>DE</b>	Number 1999/001 - →			CD-ROM
<b>DK</b>	Class 1 - 110.250		Patent/abstr	Paper
	Class 111.000 - 166.396		Patent/abstr	Paper
	Class 166.397 - →		Patent/abstr.	Paper
<b>EPO (A-F)</b>	Class 1 - 1.610.060	2005.12.31	Appl.	Paper
<b>EPO (C)</b>	Class 1 - 824.300	1998.02.18	Appl.	Paper
<b>(C02 and C05F)</b>	Class 1 - 888.709	1999.01.07	Appl.	Paper
<b>(C10)</b>	Class 1 - 882.386	2005.12.31	Appl.	Paper
<b>EPO (G-H)</b>	Class 1 - 824.300	1998.12.09	Appl.	Paper
<b>EPO (A3)</b>	Class 16.414 - 74.347	1999.09.08		Paper
<b>FR</b>	Number 317.502 - 1.605.474		Patent	Microfilm
	Class 855.000 - 1.606.441		Patent	Paper
	Number 1 - 96.628		Add. Patent	Microfilm
	Class 50.000 - 96.646		Add. Patent	Paper
	Class 2.055.001 - 2.739.246	1997.03.28	Abstr.	Paper
	Class 2.000.001 - 2.734.169		Patent/appl.	Microfilm
	Class 1 - 8.483		Pharm.patent	Paper
	Number 1 - 6.190		Pharm.patent	Microfilm
	Number 2.663.812 - →		Appl.	CD-ROM
<b>GB</b>	Number 1/1900 - 19.225/1915			Microfilm/Paper
<b>GB</b>	Number 100.001 - 524.678			Microfilm/Paper
<b>GB</b>	Number 572.500 - 945.608			Microfilm/Paper
<b>GB</b>	Number 945.600 - 2.415.591	2005.12.31	Appl.	
<b>GB (A-F)</b>	Class	2005.12.31		
<b>GB (G)</b>	Class 945.600 - 2.366.710	2002.03.13		
<b>GB (H)</b>	Class 945.600 - 2.366.710	2002.03.13		
<b>JP</b>	1976-		PAJ. abstr.	CD-ROM
	Number 1994/06 - 000001			CD-ROM
<b>NO</b>	Number 1- 313.930			Paper
<b>NO (A-H)</b>	Class 1- 313.930			Paper
	Number 313.931 - →			PDF
<b>SU</b>	Number 307.690 - 1.839.717			
<b>RU</b>	Number 1999/2 - →			CD-ROM
<b>SE</b>	Class 1 - →		Patent	Paper
	Class 1969 - →		Abstr.	Paper
<b>WO – PCT</b>	Class 1996/18.287	1996.06.13	Appl.	Paper
<b>WO – PCT</b>	Number 00/74463 - →		Appl.	CD-ROM

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<b>US</b>	Number 574.369 - 2.469.461		Patent.	Microfilm
	Number 1.014.631 - 5.613.244		Patent	Paper
<b>US (A-F)</b>	Class 4.300.000 - →	2005.12.31	Patent	Paper
<b>US (C)</b>	Class 4.300.000 - 5.699.554	1997.12.16	Patent	Paper
<b>(C02, C05F)</b>	Class 4.300.000 - →	2005.12.31	Patent	Paper
<b>(C10)</b>	Class 4.300.000 - →	2005.12.31	Patent	Paper
<b>US (G)</b>	Class 4.300.000 - 5.613.244	1997.03.18	Patent	Paper
<b>US (H)</b>	Class 4.300.000 - 5.713.075	1998.01.27	Patent	Paper
<b>US</b>	Class (US) 10.000 - 30.799	2005.12.31	RE Patent	Paper
	Class (IPC) 30.800 - →	2005.12.31	RE Patent	Paper

[Appendix II follows]

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APPENDIX II

DRAFT

AGREEMENT

between the Nordic Patent Institute  
and the International Bureau of the World Intellectual Property Organization

in relation to the functioning of the Nordic Patent Institute  
as an International Searching Authority  
and International Preliminary Examining Authority  
under the Patent Cooperation Treaty

*Preamble*

The Nordic Patent Institute 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 Nordic Patent Institute;
  - (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 International Search and 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 matter set forth in Rule 39.1 or 67.1, as the case may be, with the exception of the subject matter specified in Annex B to 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 functions 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 an 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 it is prepared to start functioning as an International Searching Authority and as an International Preliminary Examining Authority.

*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 a 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 date specified in the notification, provided that, for any increase of fees 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 Nordic Patent Institute 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 Nordic Patent Institute 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* [city], this [date], in two originals in the Danish, English, Icelandic and Norwegian languages, each text being equally authentic.

For the Nordic Patent Institute by:

For the International Bureau by:

[...]

[...]

*Annex A*  
*States and Languages*

Under Article 3 of the Agreement, the Authority specifies:

- (i) the following States:
  - (a) Denmark, Iceland, Norway;
  - (b) any other Contracting State in accordance with the obligations of Denmark and Iceland within the framework of the European Patent Organisation;
- (ii) the following languages:

Danish, English, Icelandic, Norwegian and Swedish.

*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 Danish, Icelandic and Norwegian Patent Laws.

*Annex C*  
*Fees and Charges*

*Part I. Schedule of Fees and Charges*

<i>Kind of fee or charge</i>	<i>Amount</i>
	(...)
Search fee (Rule 16.1(a))	[...]
Additional search fee (Rule 40.2(a))	[...]
Preparation of international-type search report	[...]

Preliminary examination fee (Rule 58.1(b))	[...]
Additional fee (Rule 68.3(a))	[...]
Cost of copies (Rule 44.3(b), 71.2(b) and 94.2)	[...]
Cost of copies in paper form (Rules 44.3(b) and 71.2(b)), per document	[...]

*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 an earlier international or international-type search, 50% or 100% of the search fee paid according to Part I shall be refunded, depending upon the extent to which the Authority benefits from that earlier search.

(4) Where on an earlier application, the priority of which is claimed, a search report has been issued by the Danish Patent Office, the Icelandic Patent Office or the Norwegian Patent Office, and where the Authority benefits from that search report, the amount of [...] shall be refunded in respect of the search fee paid according to Part I.

(5) In the cases provided for under Rule 58.3, the following amount of the preliminary examination fee shall be refunded:

- (a) refund of the full amount paid where Rule 54.4, 54bis.1(b) or 58bis.1(b) applies;
- (b) refund of the amount paid less the current amount of transmittal fee, where Rule 60.1(c) applies.

(6) Where the international application or the demand is withdrawn before the start of the international preliminary examination, the amount of the preliminary examination fee shall be fully refunded.

*Annex D*  
*Languages of Correspondence*

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

Danish, English, Icelandic, Norwegian and Swedish, depending on the language in which the international application is filed or translated; however, English may be used in all cases.

[End of Appendix II and of document]