

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

ASSEMBLY

**Thirty-Fifth (20th Extraordinary) Session
Geneva, September 25 to October 3, 2006**

REPORT

adopted by the Assembly

1. The Assembly was concerned with the following items of the Consolidated Agenda (document A/42/1): 1, 2, 3, 4, 6, 7, 15, 18, 21, 24 and 25.
2. The report on the said items, with the exception of item 18, is contained in the General Report (document A/42/14).
3. The report on item 18 is contained in the present document.
4. The meeting of the Assembly was presided over by Mrs. Nadia Ibrahim Mohamed Abdallah (Egypt), Chair of the PCT Assembly. Mr. Enrique Manalo (Philippines), Chair of the General Assembly, presided over the adoption of the Report.

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ITEM 18 OF THE CONSOLIDATED AGENDA:

MATTERS CONCERNING THE PCT UNION

Reform of the PCT

5. Discussions were based on document PCT/A/35/1.

6. The Assembly:

(i) noted the report of the eighth session of the Working Group on Reform of the PCT contained in document PCT/R/WG/8/9 and reproduced in the Annex of document PCT/A/35/1; and

(ii) unanimously approved the proposals concerning the work program in connection with reform of the PCT to be undertaken between the September 2006 and September 2007 sessions of the Assembly, subject to the availability of sufficient funds, including the matters to be considered, the convening of sessions of the Working Group and possibly the Committee on Reform of the PCT, and financial assistance to enable attendance of certain delegations, as set out in paragraph 21(i) and (ii) of document PCT/A/35/1.

Proposed Amendments of the PCT Regulations

7. Discussions were based on documents PCT/A/35/2 and 2 Add.

8. The Delegation of Japan expressed its general agreement with pursuing possibilities for fee reductions at all stages of the PCT procedure, for the benefit of users, provided that there were good reasons for granting such reductions. With regard to the proposed fee reduction for international applications filed in a non-character coded electronic document format (see document PCT/A/35/2 Add.), the Delegation stated that, for the sake of efficient processing by Offices, Authorities and the International Bureau, and for the benefit of users, the focus in the future should be on the processing of international applications in character coded format. This would not only allow substantial savings for the International Bureau in terms of data entry of bibliographical data and the abstract, but would also enable users to conduct full text searches of published international applications and to take advantage of machine translation systems. The Delegation expressed its willingness to contribute to the development of systems enabling the International Bureau to process and publish international applications in character coded format so as to make the overall processing more efficient. Against this background, the Delegation questioned the reasoning for the proposed fee reduction, noting that it would not encourage the filing of international applications in character coded format and would result in a workload and cost for the International Bureau similar to that in the case of paper filings.

9. In reply to the Delegation of Japan, the Secretariat noted that, while it shared the view that filing and processing in character coded format was the most efficient and thus preferred way of handling international applications, in practice, at present, many Offices had adopted a different approach and were not yet ready to move to processing in fully character coded format. The Secretariat thanked the Delegation of Japan for its offer to contribute to the further development of systems for the processing and publication of international applications in character coded format and stated that it looked forward to working closely with the Delegation on this matter. As to the rationale for the proposed fee reduction for the

filing of international applications in non-character coded format, the Secretariat explained that the filing of international applications in such format would enable certain savings for the International Bureau since such applications would not have to be converted by way of scanning, as in the case of paper filings, into electronic form.

10. The Assembly:

- (i) adopted the amendments of the Regulations under the PCT set out in Annex I;
- (ii) adopted the amendments of the Schedule of Fees annexed to the Regulations under the PCT set out in Annex II;
- (iii) adopted the decisions set out in Annex III relating to entry into force and transitional arrangements in respect of those amendments;
- (iv) adopted the understandings set out in Annex IV in respect of certain of those amendments; and
- (v) noted the Director General's intention to promulgate certain related modifications of the Administrative Instructions with effect from October 12, 2006.

Quality Management Systems for PCT International Authorities

11. Discussions were based on document PCT/A/35/3.

12. The Assembly noted the contents of document PCT/A/35/3.

Appointment of the Nordic Patent Institute as an International Searching and Preliminary Examining Authority Under the PCT; Approval of the Corresponding Draft Agreement

13. Discussions were based on document PCT/A/35/4.

14. The Chair informed the Assembly that the PCT Committee for Technical Cooperation (PCT/CTC) had, at its 22nd session which was being held concurrently with the Assembly's session, unanimously recommended to the Assembly that the Nordic Patent Institute (NPI) be appointed as an International Searching Authority and International Preliminary Examining Authority under the PCT ("International Authority") (see document PCT/CTC/22/3). The Secretariat noted that delegations had heard the statement of the Delegation of Norway, speaking on behalf of the Delegations of Denmark, Iceland and Norway, in support of the application for appointment of NPI as an International Authority, made during the session of the PCT/CTC (see document PCT/CTC/22/3).

15. The Delegation of Kenya congratulated 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 for presenting to the Assembly the request to appoint NPI as an International Authority. The Delegation expressed the view that the request was a positive step towards reducing backlogs and workload before the existing International Authorities. An additional International Authority would assist in enabling the PCT system to meet its objectives of simplification and providing economic protection of inventions internationally. The Delegation stated that it had no doubt about the availability of resources, the competence of the examiners, the quality of processing of patent applications, the training

and the quality control and examination methods and tools in place in the Danish and Norwegian Offices. It expressed its supports for the appointment of NPI as an International Authority.

16. The Delegation of Hungary expressed its strong support for the request of the Delegations of Denmark, Iceland and Norway to seek the appointment of NPI as an International Authority, noting its firm belief that the goals of increased competency, efficiency and improvement of the quality of work carried out, as expressed by the founders of the NPI, were in full conformity with the principle objectives of the PCT. The Delegation stated that it had always expressed the view, in different international fora, that it was the right of the national Office of any Contracting State of the PCT to become an International Authority, provided that it satisfied the requirements prescribed by the PCT. The Delegation believed that forming a new international institution for the purposes of becoming an International Authority, using human and other resources of national Offices, reflected even more the spirit of the PCT and contributed to the enhancement of the effectiveness of existing capacities of national Offices. Therefore, the Delegation supported the text of the draft agreement between the NPI and the International Bureau and the appointment of NPI as an International Authority.

17. The Delegation of Portugal expressed its strong support for the appointment of NPI as an International Authority.

18. The Delegation of Austria reiterated its statement made during the 22nd session of the PCT/CTC (see document PCT/CTC/22/3) and stated that it would look forward to welcoming NPI in the family of International Authorities.

19. The Delegation of China expressed its commendation for the appointment of NPI as an International Authority.

20. The Assembly, having heard the representative of the Nordic Patent Institute and taking into account the advice of the PCT Committee for Technical Cooperation:

(i) approved the text of the draft Agreement between the Nordic Patent Institute and the International Bureau set out in Annex V to this report; and

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

21. The Delegation of the United States stated that it warmly welcomed the appointment of NPI as an International Authority.

22. The Delegation of Norway, speaking on behalf of the Delegations of Denmark, Iceland and Norway, thanked all delegations who took the floor for their words of encouragement and all delegations for their support.

Quality of International Searches

23. Discussions were based on document PCT/A/35/5.

24. The Assembly noted the contents of document PCT/A/35/5.

PCT Information Systems Report

25. Discussions were based on document PCT/A/35/6.

26. The Delegation of Japan expressed its appreciation for the work of the PCT Information Systems Division, in particular for its efforts to provide more and more information via the PatentScope service. With reference to its earlier statement, made in the context of the discussions on document PCT/A/35/2 Add., concerning the processing of international applications in character coded format, the Delegation expressed its concerns about the envisaged delay in the development of systems which would enable the International Bureau to process and publish international applications in character coded format. Noting that, at present, more than 80% of all international applications filed with the Japan Patent Office as receiving Office were filed in character coded format but, due to the lack of such systems, subsequently converted into, and published in, an image format, the Delegation urged the International Bureau to address the issue as soon as possible, for the benefit not only of the Japan Patent Office but also, in particular, of Japanese applicants who would like to see their applications filed in character coded format processed and published in that format.

27. In reply to the Delegation of Japan, the Secretariat noted that, while it agreed with the Delegation as to the importance of the matter, activities related to the development of systems allowing for the processing and publication of international applications in character coded format had to be deferred due to limited resource availability, as indicated in document PCT/A/35/6. The Secretariat stated that activities related to this matter, as well as all other activities listed in that document as being deferred, would be the subject of a detailed submission for additional resources by the PCT Information Systems Division and the Office of the PCT as part of the preparation of the 2008-2009 Program and Budget of WIPO.

28. The Assembly noted the contents of document PCT/A/35/6.

[Annexes follow]

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¹ See Annex III for details concerning entry into force and transitional arrangements. See also Annex IV for details concerning understandings relating to Rules 20.8(c), 76.5 and 82*ter*.1(b).

² The Table of Contents is included for convenience; it does not form part of the amendments.

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Rule 11
Physical Requirements of the International Application

11.1 to 11.8 [No change]

11.9 *Writing of Text Matter*

(a) to (c) [No change]

(d) All text matter shall be in characters the capital letters of which are not less than 0.28 cm high, and shall be in a dark, indelible color, satisfying the requirements specified in Rule 11.2, provided that any text matter in the request may be in characters the capital letters of which are not less than 0.21 cm high.

(e) [No change]

11.10 to 11.14 [No change]

Rule 12
Language of the International Application
and Translations for the Purposes of International Search
and International Publication

12.1 and 12.1*bis* [No change]

12.1*ter* *Language of Indications Furnished under Rule 13bis.4*

Any indication in relation to deposited biological material furnished under Rule 13*bis.4* shall be in the language in which the international application is filed, provided that, where a translation of the international application is required under Rule 12.3(a) or 12.4(a), any such indication shall be furnished in both the language in which the application is filed and the language of that translation.

12.2 *Language of Changes in the International Application*

(a) and (b) [No change]

(c) Any correction under Rule 26 of a defect in the international application shall be in the language in which the international application is filed. Any correction under Rule 26 of a defect in a translation of the international application furnished under Rule 12.3 or 12.4, any correction under Rule 55.2(c) of a defect in a translation furnished under Rule 55.2(a), or any correction of a defect in a translation of the request furnished under Rule 26.3*ter*(c), shall be in the language of the translation.

12.3 and 12.4 [No change]

Rule 20
International Filing Date

20.1 to 20.7 [No change]

20.8 *Incompatibility with National Laws*

(a) [No change]

(a-bis) Where a missing element or part cannot be incorporated by reference in the international application under Rules 4.18 and 20.6 because of the operation of paragraph (a) of this Rule, the receiving Office shall proceed as provided for in Rule 20.3(b)(i), 20.5(b) or 20.5(c), as the case may be. Where the receiving Office proceeds as provided for in Rule 20.5(c), the applicant may proceed as provided for in Rule 20.5(e).

(b) [No change]

(c) Where an element or part is considered to have been incorporated by reference in the international application by virtue of a finding of the receiving Office under Rule 20.6(b), but that incorporation by reference does not apply to the international application for the purposes of the procedure before a designated Office because of the operation of paragraph (b) of this Rule, the designated Office may treat the application as if the international filing date had been accorded under Rule 20.3(b)(i) or 20.5(b), or corrected under Rule 20.5(c), as the case may be, provided that Rule 82*ter*.1(c) and (d) shall apply *mutatis mutandis*.

Rule 26
Checking by, and Correcting before, the Receiving Office
of Certain Elements of the International Application

26.1 to 26.3~~ter~~ [No change]

26.4 *Procedure*

A correction of the request offered to the receiving Office may be stated in a letter addressed to that Office if the correction is of such a nature that it can be transferred from the letter to the request without adversely affecting the clarity and the direct reproducibility of the sheet on to which the correction is to be transferred; otherwise, and in the case of a correction of any element of the international application other than the request, the applicant shall be required to submit a replacement sheet embodying the correction and the letter accompanying the replacement sheet shall draw attention to the differences between the replaced sheet and the replacement sheet.

26.5 and 26.6 [No change]

Rule 36
Minimum Requirements for International Searching Authorities

36.1 *Definition of Minimum Requirements*

The minimum requirements referred to in Article 16(3)(c) shall be the following:

- (i) to (iii) [No change]
- (iv) that Office or organization must have in place a quality management system and internal review arrangements in accordance with the common rules of international search;
- (v) that Office or organization must hold an appointment as an International Preliminary Examining Authority.

Rule 43
The International Search Report

43.1 to 43.3 [No change]

43.4 *Language*

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is to be published, provided that:

(i) if a translation of the international application into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, the international search report and any declaration made under Article 17(2)(a) may be in the language of that translation;

(ii) if the international application is to be published in the language of a translation furnished under Rule 12.4 which is not accepted by the International Searching Authority and that Authority so wishes, the international search report and any declaration made under Article 17(2)(a) may be in a language which is both a language accepted by that Authority and a language of publication referred to in Rule 48.3(a).

43.5 to 43.10 [No change]

Rule 48
International Publication

48.1 and 48.2 [No change]

48.3 *Languages of Publication*

(a) and (b) [No change]

(c) If the international application is published in a language other than English, the international search report to the extent that it is published under Rule 48.2(a)(v), or the declaration referred to in Article 17(2)(a), the title of the invention, the abstract and any text matter pertaining to the figure or figures accompanying the abstract shall be published both in that language and in English. The translations, if not furnished by the applicant under Rule 12.3, shall be prepared under the responsibility of the International Bureau.

48.4 to 48.6 [No change]

Rule 54bis
Time Limit for Making a Demand

54bis.1 Time Limit for Making a Demand

(a) A demand may be made at any time prior to the expiration of whichever of the following periods expires later:

(i) three months from the date of transmittal to the applicant of the international search report or the declaration referred to in Article 17(2)(a), and of the written opinion established under Rule 43bis.1; or

(ii) 22 months from the priority date.

(b) [No change]

Rule 55
Languages (International Preliminary Examination)

55.1 [No change]

55.2 *Translation of International Application*

(a) [No change]

(*a-bis*) A translation of the international application into a language referred to in paragraph (a) shall include any element referred to in Article 11(1)(iii)(d) or (e) furnished by the applicant under Rule 20.3(b) or 20.6(a) and any part of the description, claims or drawings furnished by the applicant under Rule 20.5(b) or 20.6(a) which is considered to have been contained in the international application under Rule 20.6(b).

(*a-ter*) The International Preliminary Examining Authority shall check any translation furnished under paragraph (a) for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purposes of the international preliminary examination.

(b) [No change]

(c) If a requirement referred to in paragraphs (a), (*a-bis*) and (*a-ter*) is not complied with and paragraph (b) does not apply, the International Preliminary Examining Authority shall invite the applicant to furnish the required translation or the required correction, as the case may be, within a time limit which shall be reasonable under the circumstances. That time limit shall not be less than one month from the date of the invitation. It may be extended by the International Preliminary Examining Authority at any time before a decision is taken.

(d) If the applicant complies with the invitation within the time limit under paragraph (c), the said requirement shall be considered to have been complied with. If the applicant fails to do so, the demand shall be considered not to have been submitted and the International Preliminary Examining Authority shall so declare.

55.3 [No change]

Rule 63
Minimum Requirements for
International Preliminary Examining Authorities

63.1 *Definition of Minimum Requirements*

The minimum requirements referred to in Article 32(3) shall be the following:

- (i) to (iii) [No change]
- (iv) that Office or organization must have in place a quality management system and internal review arrangements in accordance with the common rules of international preliminary examination;
- (v) that Office or organization must hold an appointment as an International Searching Authority.

Rule 76
Translation of Priority Document;
Application of Certain Rules to Procedures before Elected Offices

76.1, 76.2 and 76.3 *[Remain deleted]*

76.4 [No change]

76.5 *Application of Certain Rules to Procedures before Elected Offices*

Rules 13^{ter}.3, 20.8(c), 22.1(g), 47.1, 49, 49^{bis}, 49^{ter} and 51^{bis} shall apply, provided that:

(i) to (v) [No change]

Rule 91
Rectification of Obvious Mistakes
in the International Application and Other Documents

91.1 and 91.2 [No change]

91.3 *Authorization and Effect of Rectifications*

(a) to (e) [No change]

(f) A designated Office may disregard a rectification that was authorized under Rule 91.1 only if it finds that it would not have authorized the rectification under Rule 91.1 if it had been the competent authority, provided that no designated Office shall disregard any rectification that was authorized under Rule 91.1 without giving the applicant the opportunity to make observations, within a time limit which shall be reasonable under the circumstances, on the Office's intention to disregard the rectification.

[Annex II follows]

ANNEX II

AMENDMENTS OF THE SCHEDULE OF FEES
ANNEXED TO THE REGULATIONS UNDER THE PCT
TO ENTER INTO FORCE ON OCTOBER 12, 2006¹

Fees	Amounts
1. International filing fee: (Rule 15.2)	1,400 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, as provided for in the Administrative Instructions, filed:

- | | |
|---|------------------|
| (a) on paper together with a copy in electronic form, in character coded format, of the request and the abstract: | 100 Swiss francs |
| (b) in electronic form, the request not being in character coded format: | 100 Swiss francs |
| (c) in electronic form, the request being in character coded format: | 200 Swiss francs |
| (d) in electronic form, the request, description, claims and abstract being in character 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:

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

[Annex III follows]

ANNEX III

AMENDMENTS OF THE REGULATIONS UNDER THE PCT AND
THE SCHEDULE OF FEES ANNEXED TO THOSE REGULATIONS:
DECISIONS RELATING TO ENTRY INTO FORCE
AND TRANSITIONAL ARRANGEMENTS

1. The amendments of the Regulations under the PCT set out in Annex I shall enter into force on April 1, 2007, and shall apply to international applications whose international filing date is on or after April 1, 2007, provided that Rules 20.8(a-*bis*) and (c), 55.2(a-*bis*) and 76.5 as amended shall not apply to international applications in respect of which one or more elements referred to in Article 11(1)(iii) were first received by the receiving Office before April 1, 2007.
2. The amendments of the Regulations under the PCT set out in Annex I shall not apply to international applications whose international filing date is before April 1, 2007, provided that:
 - (a) Rule 43.4 as amended shall apply to any international application in respect of which an international search report is established on or after April 1, 2007, whether the international filing date is before, on or after April 1, 2007;
 - (b) Rule 48.3(c) as amended shall apply to any international application which is published under Article 21 on or after April 1, 2007, whether the international filing date is before, on or after April 1, 2007;
 - (c) Rules 54*bis*.1 and 55.2(a-*ter*), (c) and (d) as amended shall apply to any international application in respect of which a demand for international preliminary examination is made on or after April 1, 2007, whether the international filing date is before, on or after April 1, 2007.
3. The amendments of the Schedule of Fees annexed to the Regulations under the PCT set out in Annex II shall enter into force on October 12, 2006, and shall apply to international applications whose international filing date is on or after October 12, 2006, provided that the Schedule of Fees as worded before its amendment shall continue to apply to international applications which are received by the receiving Office before October 12, 2006, and are accorded an international filing date that is on or after October 12, 2006.
4. The amendments of the Schedule of Fees annexed to the Regulations under the PCT set out in Annex II shall not apply to international applications whose international filing date is before October 12, 2006.

[Annex IV follows]

ANNEX IV

AMENDMENTS OF THE REGULATIONS UNDER THE PCT:
UNDERSTANDINGS RELATING TO CERTAIN PROVISIONS

1. In connection with the adoption of amended Rules 20.8(c) and 76.5, the Assembly noted that:

(a) where an element or part is considered to have been incorporated by reference in the international application by virtue of a finding of the receiving Office under Rule 20.6(b), but that incorporation by reference does not apply to the international application for the purposes of the procedure before a designated or elected Office because of the operation of Rule 20.8(b), the time limit for performing the acts referred to in Articles 22 and 39 before such designated or elected Office would be calculated on the basis of the priority date referred to in Article 2(xi) having due regard to the international filing date as accorded by the receiving Office; and

(b) the same should apply where that incorporation by reference does not apply to the international application for the purposes of the procedure before a designated or elected Office because of the operation of Rule 82*ter*.1(b) as adopted by the Assembly in October 2005 with effect from April 1, 2007.

[Annex V follows]

ANNEX V

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 Annex V and of document]