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PROPOSED AMENDMENTS OF THE PCT REGULATIONS

prepared by the International Bureau

SUMMARY

1. This document contains proposals for amendment of the Regulations under the Patent Cooperation Treaty (PCT)¹ as recommended by the Working Group on Reform of the PCT (“the Working Group”). The proposed amendments relate to the following matters:

- (a) international search: use of the results of earlier searches by an Office other than the Office acting as International Searching Authority;
- (b) restoration of the right of priority by the receiving Office;
- (c) international applications considered withdrawn.

¹ References in this document to “Articles” and “Rules” are to those of the Patent Cooperation Treaty (PCT) and the Regulations under the PCT (“the Regulations”), or to such provisions as proposed to be amended or added, as the case may be. References to “national laws”, “national applications”, “the national phase”, etc., include references to regional laws, regional applications, the regional phase, etc.

2. The text of the proposed amendments appears in Annex I. For the proposed date of entry into force, see paragraph 6, below, and Annex II. A brief outline of the purpose of each group of amendments appears in paragraph 5(a) to (c), below, and more detailed explanations are set out in Annex III. A “clean” text of all of the proposed amended provisions (without underlining or striking through) appears in Annex IV.

PROPOSED AMENDMENTS

3. Proposals were considered by the Working Group during its ninth session, held in April 2007, at which the Working Group agreed on proposed amendments to be submitted to the Assembly for adoption at the present session, subject to possible further drafting changes to be made by the Secretariat (document PCT/R/WG/9/8, reproduced in Annex I to document PCT/A/36/1).

4. The proposed amendments are set out in Annex I to the present document. Where further drafting changes have been included, beyond the text as agreed by the Working Group, attention is drawn to that fact in a footnote in the said Annex with an explanation, where necessary, in Annex III. Information concerning proposed changes was posted by the Secretariat on the PCT reform electronic forum on the WIPO website² for comments and suggestions by delegations and representatives. The proposals contained in this document take into account the comments and suggestions received.

5. The purpose of the proposed amendments is outlined briefly in the following subparagraphs. More detailed explanations appear in Annex III.

(a) *International search: use of the results of an earlier search by an Office other than the Office acting as International Searching Authority.* Proposed amendments of Rules 4.1, 4.11, 16.3 and 41.1, and the proposed addition of new Rules 4.12 and 12*bis*, are set out in Annex I and explained in Annex III, paragraphs 2 to 11. The proposal is to allow the International Searching Authority, upon request of the applicant, to take into account, in carrying out the international search, not only, as at present, the results of an earlier search carried out by that Authority but also the results of an earlier search carried out by another International Searching Authority or any national Office.

(b) *Restoration of the right of priority by the receiving Office.* Proposed amendments of Rule 26*bis*.3 are set out in Annex I and explained in Annex III, paragraphs 12 and 13. The proposal is to give receiving Offices the authority to extend the time period for the applicant to pay the fee for requesting restoration of the right of priority.

(c) *International applications considered withdrawn.* Proposed amendments of Rule 29.1 are set out in Annex I and explained in Annex III, paragraphs 14 and 15. The proposal is to clarify that international publication can only be reliably prevented by way of an express withdrawal under Rule 90*bis*.1 received by the International Bureau prior to completion of technical preparations for international publication.

² www.wipo.int/pct/reform/en/index.html

ENTRY INTO FORCE

6. It is proposed that the proposed amendments appearing in Annex I enter into force on July 1, 2008, and apply to international applications whose international filing date is on or after that date. There would appear to be no need for any transitional arrangements. A proposed decision relating to entry into force is set out in Annex II.

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

(i) to adopt the proposed amendments of the Regulations under the PCT set out in Annex I;

(ii) to adopt the proposed decision set out in Annex II relating to entry into force; and

(iii) to adopt the proposed understandings relating to Rules 4.12 and 12bis.1(e) set out in Annex III, paragraphs 9 and 10.

[Annexes follow]

ANNEX I

PROPOSED AMENDMENTS OF THE PCT REGULATIONS³

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³ Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned. A “clean” copy of the proposed amended provisions (without underlining or striking through) appears in Annex IV.

Rule 4
The Request (Contents)

4.1 *Mandatory and Optional Contents; Signature*⁴

- (a) [No change]
- (b) The request shall, where applicable, contain:
 - (i) [no change]
 - (ii) indications relating to an earlier search as provided in Rules 4.12(i) and 12bis.1(c) and (f) ~~a reference to any earlier international, international-type or other search,~~
 - (iii) and (iv) [no change]
- (c) The request may contain:
 - (i) to (iv) [no change]
 - (v) a request for restoration of the right of priority.
 - (vi) a statement as provided in Rule 4.12(ii).
- (d) [No change]

4.2 to 4.10 [No change]

4.11 *Reference to ~~Earlier Search~~, Continuation or Continuation-in-Part, or Parent Application or Grant*⁵

- (a) If:
 - (i) ~~[deleted] an international or international-type search has been requested on an application under Article 15(5);~~
 - (ii) ~~[deleted] the applicant wishes the International Searching Authority to base the international search report wholly or in part on the results of a search, other than an international or international-type search, made by the national Office or intergovernmental organization which is the International Searching Authority competent for the international application;~~

⁴ Further drafting changes have been made to Rule 4.1(b)(ii) and (c), beyond the text as agreed by the Working Group (Annex III, paragraphs 5 and 6).

⁵ Further drafting changes have been made to Rule 4.11(b), beyond the text as agreed by the Working Group (Annex III, paragraph 7).

[Rule 4.11(a), continued]

- (i) ~~(iii)~~ the applicant intends to make an indication under Rule 49bis.1(a) or (b) of the wish that the international application be treated, in any designated State, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition; or
- (ii) ~~(iv)~~ the applicant intends to make an indication under Rule 49bis.1(d) of the wish that the international application be treated, in any designated State, as an application for a continuation or a continuation-in-part of an earlier application;

the request shall so indicate and shall, ~~as the case may be, identify the application in respect of which the earlier search was made or otherwise identify the search, or~~ indicate the relevant parent application or parent patent or other parent grant.

(b) The inclusion in the request of an indication under paragraph (a) ~~(a)(iii) or (iv)~~ shall have no effect on the operation of Rule 4.9.

4.12 *Taking into Account Results of Earlier Search* ~~*Deleted*~~⁶

If the applicant wishes the International Searching Authority to take into account, in carrying out the international search, the results of an earlier international, international-type or national search carried out by the same or another International Searching Authority or by a national Office ("earlier search"):

(i) the request shall so indicate and shall specify the Authority or Office concerned and the application in respect of which the earlier search was carried out;

(ii) the request may, where applicable, contain a statement to the effect that the international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out, or that the international application is the same, or substantially the same, as that earlier application except that it is filed in a different language.

4.13 and 4.14 *[Remain deleted]*

4.14bis to 4.19 [No change]

⁶ Further drafting changes have been made to Rule 4.12, beyond the text as agreed by the Working Group (Annex III, paragraph 8). The Assembly is invited to adopt two proposed understandings in relation to Rule 4.12 (Annex III, paragraphs 9 and 10).

Rule 12bis
Copy of Results of Earlier Search
and of Earlier Application; Translation

12bis.1 Copy of Results of Earlier Search and of Earlier Application; Translation⁷

(a) Where the applicant has, under Rule 4.12, requested the International Searching Authority to take into account the results of an earlier search carried out by the same or another International Searching Authority or by a national Office, the applicant shall, subject to paragraphs (c) to (f), submit to the receiving Office, together with the international application, a copy of the results of the earlier search, in whatever form (for example, in the form of a search report, a listing of cited prior art or an examination report) they are presented by the Authority or Office concerned.

(b) The International Searching Authority may, subject to paragraphs (c) to (f), invite the applicant to furnish to it, within a time limit which shall be reasonable under the circumstances:

(i) a copy of the earlier application concerned;

(ii) where the earlier application is in a language which is not accepted by the International Searching Authority, a translation of the earlier application into a language which is accepted by that Authority;

(iii) where the results of the earlier search are in a language which is not accepted by the International Searching Authority, a translation of those results into a language which is accepted by that Authority;

(iv) a copy of any document cited in the results of the earlier search.

(c) Where the earlier search was carried out by the same Office as that which is acting as the receiving Office, the applicant may, instead of submitting the copies referred to in paragraphs (a) and (b)(i) and (iv), indicated the wish that the receiving Office prepare and transmit them to the International Searching Authority. Such request shall be made in the request and may be subjected by the receiving Office to the payment to it, for its own benefit, of a fee.

(d) Where the earlier search was carried out by the same International Searching Authority, or by the same Office as that which is acting as the International Searching Authority, no copy or translation referred to in paragraphs (a) and (b) shall be required to be submitted under those paragraphs.

⁷ Further drafting changes have been made to Rule 12bis.1, beyond the text as agreed by the Working Group, affecting the French version only. The Assembly is invited to adopt a proposed understanding in relation to Rule 12bis.1(e) (Annex III, paragraph 10).

[Rule 12bis.1, continued]

(e) Where the request contains a statement under Rule 4.12(ii) to the effect that the international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out, or that the international application is the same, or substantially the same, as that earlier application except that it is filed in a different language, no copy or translation referred to in paragraphs (b)(i) and (ii) shall be required to be submitted under those paragraphs.

(f) Where a copy or translation referred to in paragraphs (a) and (b) is available to the International Searching Authority in a form and manner acceptable to it, for example, from a digital library or in the form of the priority document, and the applicant so indicates in the request, no copy or translation shall be required to be submitted under those paragraphs.

Rule 16
The Search Fee

16.1 and 16.2 [No change]

16.3 *Partial Refund*

Where the International Searching Authority takes into account, under Rule 41.1, the results of an earlier search in carrying out the international search, ~~Where the international application claims the priority of an earlier international application which has been the subject of an international search by the same International Searching Authority,~~ that Authority shall refund the search fee paid in connection with the ~~later~~ international application to the extent and under the conditions provided for in the agreement under Article 16(3)(b), ~~if the international search report on the later international application could wholly or partly be based on the results of the international search effected on the earlier international application.~~

Rule 26bis
Correction or Addition of Priority Claim

26bis.1 and 26bis.2 [No change]

26bis.3 *Restoration of Right of Priority by Receiving Office*

(a) to (c) [No change]

(d) The submission of a request under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a fee for requesting restoration, payable within the time limit applicable under paragraph (e). The amount of that fee, if any, shall be fixed by the receiving Office. The time limit for payment of the fee may be extended, at the option of the receiving Office, for a period of up to two months from the expiration of the time limit applicable under paragraph (e).

(e) to (j) [No change]

Rule 29
International Applications Considered Withdrawn

29.1 *Finding by Receiving Office*

If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 (failure to correct certain defects), or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1(a)), or under Article 14(4) (later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)), or under Rule 12.3(d) or 12.4(d) (failure to furnish a required translation or, where applicable, to pay a late furnishing fee), or under Rule 92.4(g)(i) (failure to furnish the original of a document), that the international application is considered withdrawn:

(i) to (iii) [no change]

(iv) the International Bureau shall not be required to notify the applicant of the receipt of the record copy;

(v) no international publication of the international application shall be effected if the notification of the said declaration transmitted by the receiving Office reaches the International Bureau before the technical preparations for international publication have been completed.

29.2 *[Remains deleted]*

29.3 and 29.4 *[No change]*

Rule 41

Taking into Account Results of Earlier Search ~~Other than International Search~~

41.1 ~~Obligation to Use~~ Taking into Account Results of Earlier Search; ~~Refund of Fee~~

Where the applicant has, under Rule 4.12, requested the International Searching Authority to take into account the results of an earlier search and has complied with Rule 12bis.1 and:

(i) the earlier search was carried out by the same International Searching Authority, or by the same Office as that which is acting as the International Searching Authority, the International Searching Authority shall, to the extent possible, take those results into account in carrying out the international search;

(ii) the earlier search was carried out by another International Searching Authority, or by an Office other than that which is acting as the International Searching Authority, the International Searching Authority may take those results into account in carrying out the international search.

~~If reference has been made in the request, in the form provided for in Rule 4.11, to an international type search carried out under the conditions set out in Article 15(5) or to a search other than an international or international type search, the International Searching Authority shall, to the extent possible, use the results of the said search in establishing the international search report on the international application. The International Searching Authority shall refund the search fee, to the extent and under the conditions provided for in the agreement under Article 16(3)(b) or in a communication addressed to and published in the Gazette by the International Bureau, if the international search report could wholly or partly be based on the results of the said search.~~

[Annex II follows]

ANNEX II

PROPOSED DECISION RELATING TO ENTRY INTO FORCE

It is proposed that the Assembly adopt the following decision concerning entry into force of the proposed amendments of the Regulations set out in Annex I:

“The amendments set out in Annex I shall enter into force on July 1, 2008, and shall apply to international applications whose international filing date is on or after July 1, 2008.”

[Annex III follows]

ANNEX III

EXPLANATORY NOTES

1. This Annex sets out more detailed explanations of the amendments of the PCT Regulations that are proposed in the main body of the document and set out in Annex I. A proposed decision concerning entry into force is set out in Annex II. Understandings that are proposed to be adopted by the Assembly in connection with the adoption of proposed new Rules 4.12 and 12*bis*.1(e) are set out in this Annex in paragraphs 9 and 10, below.

INTERNATIONAL SEARCH: USE OF RESULTS OF EARLIER SEARCH BY OFFICE OTHER THAN OFFICE ACTING AS INTERNATIONAL SEARCHING AUTHORITY

2. See the proposed amendments of Rules 4.1, 4.11, 16.3 and 41.1, and the proposed addition of new Rules 4.12 and 12*bis*, set out in Annex I, with the proposed date of entry into force of July 1, 2008. Details of consideration of the matter by the Working Group at its ninth session are set out in document PCT/R/WG/9/8, paragraphs 117 to 134 (reproduced in Annex I to document PCT/A/36/1).

3. The proposal is to allow the International Searching Authority, upon request of the applicant, to take into account, in carrying out the international search, not only, as at present, the results of an earlier search carried out by that Authority but also the results of an earlier search carried out by another International Searching Authority or any national Office.

4. The proposed amendments would not, in effect, change the present practice in relation to taking into account searches which an International Searching Authority had itself carried out in some capacity. Furthermore, it is to be noted that the new practice whereby an Authority could take into account the results of a search conducted by another Office is optional. Authorities would therefore be free to decide whether and when to adopt the new practice. When an Authority adopts the new practice, details concerning the provision of any refund of the search fee would be included in Annex C of the agreement under Article 16(3)(b) between the International Bureau and the International Authority concerned (which can be amended by the Authority concerned by way of a simple notification to the Director General of WIPO) and subsequently published in the *PCT Gazette* and the *PCT Applicant's Guide*.

5. Further drafting changes have been made to Rule 4.1(b)(ii), beyond the text as agreed by the Working Group. The words "earlier international, international-type or other search" have been replaced by the words "earlier search", consequential on the proposed inclusion, in Rule 4.12, of a definition of the term "earlier search" (paragraph 8, below). Furthermore, the references in Rule 4.1(b)(ii) to Rule 4.12 and to Rule 12*bis*.1(b) and (d) (as agreed by the Working Group; document PCT/R/WG/9/8, paragraph 123) have been changed to references to Rule 4.12(i) and to Rule 12*bis*.1(c) and (f), respectively, consequential on the drafting changes to Rules 4.12 and 12*bis*.1 as agreed by the Working Group (document PCT/R/WG/9/8, paragraphs 128 to 131).

6. Further drafting changes have been made to Rule 4.1(c), beyond the text as agreed by the Working Group. A new item "(vi)" has been added ("a statement as provided in Rule 4.12(ii)"), consequential on the proposed further drafting change to Rule 4.12 (paragraph 8, below).

7. Further drafting changes have been made to Rule 4.11(b), beyond the text as agreed by the Working Group. The reference to “Rule 4.11(a)(i) or (ii)” has been changed to refer to Rule 4.11(a) as a whole, since indications made relating to intended actions under either sub-paragraph are actually made under the same provision at the foot of the paragraph.
8. Further drafting changes have been made to Rule 4.12, beyond the text as agreed by the Working Group. A definition of the term “earlier search” has been added to the introductory sentence (“an earlier international, international-type or national search carried out by the same or another International Searching Authority or by a national Office”).
9. In connection with the proposed addition of new Rule 4.12, it is proposed that the Assembly adopt an understanding that an “earlier search” under Rule 4.12 includes an earlier search not carried out by, but under the responsibility of, an Authority or Office which had contracted out searches (report of the ninth session of the Working Group: document PCT/R/WG/9/8, paragraph 127).
10. Furthermore, in connection with the proposed addition of new Rules 4.12(ii) and 12*bis*.1(e), it is proposed that the Assembly adopt an understanding that an international application is only considered to be “substantially the same” as the application in respect of which the earlier search was carried out (where applicable, except that the international application is filed in a different language) if both applications are the same in substance, including the inventions described and claimed, and that changes relate only to minor clerical or administrative matters, such as formatting, correction of minor errors or inclusion or omission of matter not specific to the invention but which is required for applications in some States but not others (for example, details of public funding used in the development of the invention). Any International Searching Authority would be free to require the applicant to clarify what the differences were between the international application and the earlier application concerned.
11. Further drafting changes have been made to Rule 12*bis*.1, beyond the text as agreed by the Working Group, affecting the French version only.

RESTORATION OF THE RIGHT OF PRIORITY BY THE RECEIVING OFFICE

12. See the proposed amendments of Rule 26*bis*.3(d) set out in Annex I, with the proposed date of entry into force of July 1, 2008. Details of consideration of the matter by the Working Group at its ninth session are set out in document PCT/R/WG/9/8, paragraphs 153 to 158 (reproduced in Annex I to document PCT/A/36/1).
13. The proposal is to give receiving Offices the authority to extend the time period for the applicant to pay the fee for requesting restoration of the right of priority, subject to a limitation of the extension to a maximum of two months from the expiration of the time limit under Rule 26*bis*.3(e). This would allow an applicant who inadvertently pays an insufficient amount of the fee for requesting restoration of the right of priority or omits that fee entirely to still pay that fee at a later date.

INTERNATIONAL APPLICATIONS CONSIDERED WITHDRAWN

14. See the proposed amendments of Rule 29.1 set out in Annex I, with the proposed date of entry into force of July 1, 2008. Details of consideration of the matter by the Working Group at its ninth session are set out in document PCT/R/WG/9/8, paragraphs 144 and 145 (reproduced in Annex I to document PCT/A/36/1).

15. In the past, there have been a substantial number of cases where applicants, rather than expressly withdrawing the international application under Rule 90*bis*.1 prior to publication, relied on Rule 29.1 to have the international application “considered withdrawn” by the receiving Office for failure to pay the required fees, disregarding the substantial risk that, where the declaration by the receiving Office that the application is considered withdrawn reaches the International Bureau only after completion of technical preparations for international publication, the international application will be published, despite the fact that it is considered withdrawn. It is proposed to amend Rule 29.1, along the lines of Rule 90*bis*.1(c) (applicable in the case of an express withdrawal of the international application), to highlight this risk and clarify that international publication can only be reliably prevented by way of an express withdrawal under Rule 90*bis*.1 received by the International Bureau prior to completion of technical preparations for international publication.

[Annex IV follows]

ANNEX IV

PROPOSED AMENDMENTS OF THE PCT REGULATIONS
(clean text)

A number of proposed amendments of the PCT Regulations are set out in Annex I, in which additions and deletions are shown, respectively, by underlining and striking-through of the text concerned. This Annex contains, for convenient reference, a “clean” text of the relevant Rules as they would stand after amendment.

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Rule 4
The Request (Contents)

4.1 *Mandatory and Optional Contents; Signature*

(a) [No change]

(b) The request shall, where applicable, contain:

(i) [no change]

(ii) indications relating to an earlier search as provided in Rules 4.12(i) and 12bis.1(c) and (f),

(iii) and (iv) [no change]

(c) The request may contain:

(i) to (iv) [no change]

(v) a request for restoration of the right of priority,

(vi) a statement as provided in Rule 4.12(ii).

(d) [No change]

4.2 to 4.10 [No change]

4.11 *Reference to Continuation or Continuation-in-Part, or Parent Application or Grant*

(a) If:

(i) the applicant intends to make an indication under Rule 49bis.1(a) or (b) of the wish that the international application be treated, in any designated State, as an application for a patent of addition, certificate of addition, inventor's certificate of addition or utility certificate of addition; or

(ii) the applicant intends to make an indication under Rule 49bis.1(d) of the wish that the international application be treated, in any designated State, as an application for a continuation or a continuation-in-part of an earlier application;

the request shall so indicate and shall indicate the relevant parent application or parent patent or other parent grant.

(b) The inclusion in the request of an indication under paragraph (a) shall have no effect on the operation of Rule 4.9.

4.12 *Taking into Account Results of Earlier Search*

If the applicant wishes the International Searching Authority to take into account, in carrying out the international search, the results of an earlier international, international-type or national search carried out by the same or another International Searching Authority or by a national Office (“earlier search”):

(i) the request shall so indicate and shall specify the Authority or Office concerned and the application in respect of which the earlier search was carried out;

(ii) the request may, where applicable, contain a statement to the effect that the international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out, or that the international application is the same, or substantially the same, as that earlier application except that it is filed in a different language.

4.13 and 4.14 *[Remain deleted]*

4.14*bis* to 4.19 [No change]

Rule 12bis
Copy of Results of Earlier Search
and of Earlier Application; Translation

12bis.1 Copy of Results of Earlier Search and of Earlier Application; Translation

(a) Where the applicant has, under Rule 4.12, requested the International Searching Authority to take into account the results of an earlier search carried out by the same or another International Searching Authority or by a national Office, the applicant shall, subject to paragraphs (c) to (f), submit to the receiving Office, together with the international application, a copy of the results of the earlier search, in whatever form (for example, in the form of a search report, a listing of cited prior art or an examination report) they are presented by the Authority or Office concerned.

(b) The International Searching Authority may, subject to paragraphs (c) to (f), invite the applicant to furnish to it, within a time limit which shall be reasonable under the circumstances:

(i) a copy of the earlier application concerned;

(ii) where the earlier application is in a language which is not accepted by the International Searching Authority, a translation of the earlier application into a language which is accepted by that Authority;

(iii) where the results of the earlier search are in a language which is not accepted by the International Searching Authority, a translation of those results into a language which is accepted by that Authority;

(iv) a copy of any document cited in the results of the earlier search.

(c) Where the earlier search was carried out by the same Office as that which is acting as the receiving Office, the applicant may, instead of submitting the copies referred to in paragraphs (a) and (b)(i) and (iv), request the receiving Office to prepare and transmit them to the International Searching Authority. Such request shall be made in the request and may be subjected by the receiving Office to the payment to it, for its own benefit, of a fee.

(d) Where the earlier search was carried out by the same International Searching Authority, or by the same Office as that which is acting as the International Searching Authority, no copy or translation referred to in paragraphs (a) and (b) shall be required to be submitted under those paragraphs.

(e) Where the request contains a statement under Rule 4.12(ii) to the effect that the international application is the same, or substantially the same, as the application in respect of which the earlier search was carried out, or that the international application is the same, or substantially the same, as that earlier application except that it is filed in a different language, no copy or translation referred to in paragraphs (b)(i) and (ii) shall be required to be submitted under those paragraphs.

[Rule 12bis.1, continued]

(f) Where a copy or translation referred to in paragraphs (a) and (b) is available to the International Searching Authority in a form and manner acceptable to it, for example, from a digital library or in the form of the priority document, and the applicant so indicates in the request, no copy or translation shall be required to be submitted under those paragraphs.

Rule 16
The Search Fee

16.1 and 16.2 [No change]

16.3 *Partial Refund*

Where the International Searching Authority takes into account, under Rule 41.1, the results of an earlier search in carrying out the international search, that Authority shall refund the search fee paid in connection with the international application to the extent and under the conditions provided for in the agreement under Article 16(3)(b).

Rule 26bis
Correction or Addition of Priority Claim

26bis.1 and 26bis.2 [No change]

26bis.3 *Restoration of Right of Priority by Receiving Office*

(a) to (c) [No change]

(d) The submission of a request under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a fee for requesting restoration, payable within the time limit applicable under paragraph (e). The amount of that fee, if any, shall be fixed by the receiving Office. The time limit for payment of the fee may be extended, at the option of the receiving Office, for a period of up to two months from the expiration of the time limit applicable under paragraph (e).

(e) to (j) [No change]

Rule 29
International Applications Considered Withdrawn

29.1 *Finding by Receiving Office*

If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 (failure to correct certain defects), or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1(a)), or under Article 14(4) (later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)), or under Rule 12.3(d) or 12.4(d) (failure to furnish a required translation or, where applicable, to pay a late furnishing fee), or under Rule 92.4(g)(i) (failure to furnish the original of a document), that the international application is considered withdrawn:

(i) to (iii) [no change]

(iv) the International Bureau shall not be required to notify the applicant of the receipt of the record copy;

(v) no international publication of the international application shall be effected if the notification of the said declaration transmitted by the receiving Office reaches the International Bureau before the technical preparations for international publication have been completed.

29.2 *[Remains deleted]*

29.3 and 29.4 *[No change]*

Rule 41
Taking into Account Results of Earlier Search

41.1 *Taking into Account Results of Earlier Search*

Where the applicant has, under Rule 4.12, requested the International Searching Authority to take into account the results of an earlier search and has complied with Rule 12*bis*.1 and:

(i) the earlier search was carried out by the same International Searching Authority, or by the same Office as that which is acting as the International Searching Authority, the International Searching Authority shall, to the extent possible, take those results into account in carrying out the international search;

(ii) the earlier search was carried out by another International Searching Authority, or by an Office other than that which is acting as the International Searching Authority, the International Searching Authority may take those results into account in carrying out the international search.

[End of Annex IV and of document]