

# WIPO



**PCT/A/VII/8**  
**ORIGINAL:** English  
**DATE:** May 27, 1981

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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

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

**ASSEMBLY**

**Seventh Session (5<sup>th</sup> Extraordinary)<sup>+</sup>**  
**Geneva, June 29 to July 3, 1981**

AMENDMENT TO THE SCHEDULE OF FEES

*Memorandum of the Director General*

1. In the draft budget of the PCT Union for the 1982-1983 biennium, assumptions are used to establish the estimated income of the PCT union in 1982 as to the amounts of certain PCT fees which involves new amounts being fixed for them. The assumptions, which were included in the working document containing the said draft budget, prepared by the International Bureau for the second session of the PCT Management and Budget Consultants Group (document PCT/MBCG/II/2),\* were as follows:

- (ii) that the basic fee ... will be raised by 22% ...  
[and] will be 527 [Swiss] francs in 1982 ...
- (iii) that the designation fee ... will be raised by 22% ...  
[and] will be 127 [Swiss] francs in 1982 ...

(numbering is as in paragraph 7 of the said document).

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<sup>+</sup> *Editor's Note:* This electronic document has been created from the paper original and may contain errors. Please bring any such errors to the attention of the PCT Legal Division by e-mail at [pct.legal@wipo.int](mailto:pct.legal@wipo.int)

<sup>\*</sup> This and other documents quoted or cited in the present document are not annexed since they are not necessary for the understanding of the present document; they may be obtained from the International Bureau, upon request.

2. In the report of the said second session, adopted by the PCT Management and Budget Consultants Group (document PCT/MBCG/II/5), it is said, in paragraph 10:

“As regards income, all of the consultants agreed that the proposals of the International Bureau for 1982 [as contained in document PCT/MBCG/II/2] were reasonable (+22% on the basic and designation fees, deficit-covering contributions of 1,500,000 Swiss francs)”.

3. It is the intention of the Director General, having regard to the approval which the draft budget was accorded by the PCT Management and Budget Consultants Group and in the absence of any comment on the question of fees by the Budget Committee of WIPO\* at its fourth session held in Geneva from April 27 to 30, 1981, to present draft budget of the PCT Union to the Assembly at its eighth session to be held from November 16 to 24, 1981, based on the amount of the fees as indicated above.

4. The present document presents to the Assembly the amendments to the Schedule of Fees annexed to the PCT Regulations which are necessary for giving effect to the assumptions as to the amounts of fees mentioned above and for aligning to them the amounts of certain other fees which have always been aligned with them but which are not mentioned in the assumptions since the number of cases in which income is expected to be received from these other fees in 1982 is not sufficient to have any impact on the estimated income. These other fees are the handling fee and the supplement to the handling fee which the International Bureau receives in case Chapter II of the PCT is used.

5. The amendments are presented at the present session rather than at the eighth session (when the budget for 1982 will be adopted) since the lead time for entry into effect of the new amounts (required for notification of the new amounts by the International Bureau in the PCT Gazette and by the receiving Offices and the International Preliminary Examining Authorities (in their own currencies) in their official publications in time to give applicants sufficient notice of the entry into effect of new amounts) is such that the new amounts could not enter into effect before March or April 1982 unless the necessary amendments are adopted at the present session. Of course, delayed entry into effect of those amounts would mean that the estimated income for 1982 would be less than foreseen in the draft budget. As a result, either the fees would have to be raised by even more than the 22% used in the assumptions or the deficit in 1982 which is foreseen in the PCT budget would be increased.

6. Adoption of the new amounts would not, of course, prejudice any discussion by the Assembly at its eighth session of new amounts which would be higher than those used in the assumptions. Should the Assembly then decide to increase the fees by even more than 22%, it could do so but, as mentioned above, the new amounts could not enter into effect before March or April 1982. On the other hand, the possibility of fixing a lower level of fees in the eighth session would be more or less excluded. But since in recent times the contracting States have been concerned to pay lower rather than higher deficit covering contributions (at its sixth session the Assembly decided to decrease the deficit-covering contributions to 1,500,000 Swiss francs from the 1,800,000 Swiss francs proposed and to increase the fees by

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\* The Budget Committee had the PCT budget (including the assumptions mentioned in paragraph 1) before it as part of the WIPO budget (in document WO/BC/IV/4); it also had the conclusions of the PCT Management and Budget Consultants Group (in document WO/BC/IV/5). In the report of the Budget Committee (document WO/BC/IV/8), no comment is made on the PCT Budget.

33% rather than the 22% proposed), it seems unlikely that the Assembly would wish to fix lower amounts for the fees and thereby increase the amount to be covered by contributions from the Contracting States.

7. The fees for which new amounts need to be fixed and the new amounts proposed are as follows:

<u>Fees</u>	<u>Amounts</u>
1. Basic Fee: (Rule 15.2(a))	
if the international application contains not more than 30 sheets	527 Swiss francs
if the international application contains more than 30 sheets	527 Swiss francs plus 11* Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2(a))	127 Swiss francs
3. Handling Fee (Rule 57.2(a))	162 Swiss francs
4. Supplement to the Handling Fee (Rule 57.2(b))	162 Swiss francs

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\* An increase of more than 22% has been made to restore the earlier relationship of this fee to the basic and designation fees.

8. If the Assembly fixes new amounts at its present session, that is, about six months in advance of their entry into effect, it would be safer, having regard to the fluctuations in exchange rates which have been occurring in recent times, not to attempt to establish equivalents in currencies other than Swiss francs on the occasion of the present session of the Assembly. Instead, rates of exchange applying on a date closer to the date of entry into effect, say those applying on October 1, 1981, should be used.

9. *The Assembly is invited to consider the amounts of the fees indicated in paragraph 7, above, and, if it agrees*

*(i) to fix the amounts indicated in paragraph 7 as the amounts on and from January 1, 1982;*

*(ii) to amend, with effect on and from that date, the Schedule of Fees annexed to the PCT Regulations as set out in the Annex hereto;*

*(iii) to decide that, for the purpose of fixing new amounts in currencies other than Swiss francs, the rates of exchange between such currencies and Swiss francs on October 1, 1981, shall be used.*

[Annex follows]

## ANNEX

## SCHEDULE OF FEES

<u>Fees</u>	<u>Amounts</u>
1. Basic Fee: (Rule 15.2(a))	
if the international application contains not more than 30 sheets	527 Swiss francs
if the international application contains more than 30 sheets	527 Swiss francs plus 11 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2(a))	127 Swiss francs
3. Handling Fee (Rule 57.2(a))	162 Swiss francs
4. Supplement to the Handling Fee (Rule 57.2(b))	162 Swiss francs
Surcharges	
5. Surcharge for late payment: (Rule 16bis.2(a))	Minimum: 200 Swiss francs Maximum: 500 Swiss francs

[End of Annex and of document]