

WIPO



PCT/CAL/I/5
ORIGINAL: English
DATE: July 15, 1982

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERNATIONAL PATENT COOPERATION UNION
(PCT UNION)

PCT COMMITTEE FOR ADMINISTRATIVE AND LEGAL MATTERS

First Session*
Geneva, September 6 to 10, 1982

DRAFT
PROPOSED AMENDMENTS TO CERTAIN TIME LIMITS
IN THE PCT AND TO THE REGULATIONS
UNDER THE PCT

THIRD OF THREE PREPARATORY MEMORANDA OF THE INTERNATIONAL BUREAU

Document prepared by the International Bureau

This document contains, in the ascending numerical order of the Articles and Rules to which they relate, all the proposals for amendment to the PCT and the Regulations which appear in documents PCT/CAL/I/2, 3 and 4, without the explanations accompanying them in those documents.

* *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

TABLE OF CONTENTS

Article or Rule	Number and page of document PCT/CAL/I/2, 3 or 4 where the proposed amendment appears	Page of this document where the proposed amendment is reproduced
Article 22(2)	PCT/CAL/I/2, p. 13	4
Article 39(1)a)	PCT/CAL/I/3, p. 39	5
Rule 4.10(d)	PCT/CAL/I/4, p. 5	6
Rule 4.17	PCT/CAL/I/4, p. 7	7
Rule 6.4(a)	PCT/CAL/I/3, p. 5	8
Rule 8.2	PCT/CAL/I/4, p. 9	9
Rule 12.1	PCT/CAL/I/3, p. 7	10
Rule 12.2	PCT/CAL/I/3, p. 25	10
Rule 12.3	PCT/CAL/I/3, p. 7/9	10/11
Rule 13 <i>bis</i> .7(b)	PCT/CAL/I/4, p. 13	12
Rule 15.4	PCT/CAL/I/4, p. 15	13
Rules 16 <i>bis</i> .1(d) and 16 <i>bis</i> .3	PCT/CAL/I/4, p. 19	14
Rules 17.1(c) and (d) and 17.2(b) and (c)	PCT/CAL/I/4, p. 21	15
Rule 19.1(a) and (d)	PCT/CAL/I/3, p. 9/11	16
Rule 20.1(a), (c) and (d)	PCT/CAL/I/3, p. 13	17
Rule 20.5(c)	PCT/CAL/I/2, p. 5	18
Rules 22.1 à 22.4	PCT/CAL/I/2, p. 7/9	19/20
Rule 23.1(a)	PCT/CAL/I/2, p. 11	21
Rule 23.1(b)	PCT/CAL/I/4, p. 25	21
Rule 24.1	PCT/CAL/I/4, p. 27	22
Rule 26.2	PCT/CAL/I/3, p. 15	23
Rule 26.4(b)	PCT/CAL/I/4, p. 29	23
Rule 26.5(a)	PCT/CAL/I/3, p. 15	24
Rule 26.5(b)	PCT/CAL/I/4, p. 29	24
Rule 29.2	PCT/CAL/I/4, p. 31	25
Rule 34.1(c) and (e)	PCT/CAL/I/4, p. 37	26
Rule 42.1	PCT/CAL/I/4, p. 41	27
Rule 46.1	PCT/CAL/I/2, p. 35	28
Rule 46.3	PCT/CAL/I/3, p. 25	28
Rule 46.4	PCT/CAL/I/3, p. 19	29
Rule 46.5(b)	PCT/CAL/I/4, p. 27	29
Rules 47.1(b) and 47.2(c)	PCT/CAL/I/4, p. 43	30

Article or Rule	Number and page of document PCT/CAL/I/2, 3 or 4 where the proposed amendment appears	Page of this document where the proposed amendment is reproduced
Rule 48.2(b)	PCT/CAL/I/4, p. 11	31
Rule 48.2(f)	PCT/CAL/I/2, p. 37	31
Rule 48.2(g) and (h)	PCT/CAL/I/4, p. 45	32
Rule 48.3(a) and (b)	PCT/CAL/I/4, p. 39	32/33
Rule 48.3(c)	PCT/CAL/I/4, p. 49	33
Rule 48.6(b) and (c)	PCT/CAL/I/4, p. 33	33
Rule 49.1(a- <i>bis</i>), (a- <i>ter</i>) and (b)	PCT/CAL/I/2, p. 17	34
Rules 49.3 a 49.6	PCT/CAL/I/2, p. 21/23	34/35
Rules 51.1 and 51.3	PCT/CAL/I/2, p. 13	36
Rule 51 <i>bis</i> .1	PCT/CAL/I/2, p. 27	37
Rule 51 <i>ter</i> .1	PCT/CAL/I/2, p. 31/33	38/39
Rule 53.1(d)	PCT/CAL/I/3, p. 23	40
Rules 54.3.b) and 54.4	PCT/CAL/I/4, p. 51	41
Rule 57.3(e)	PCT/CAL/I/4, p. 17	42
Rule 58.3	PCT/CAL/I/4, p. 53	43
Rule 60.3	PCT/CAL/I/4, p. 55	44
Rule 61.1(a)	PCT/CAL/I/3, p. 23	45
Rule 66.4(b)	PCT/CAL/I/3, p. 35	46
Rule 66.5	PCT/CAL/I/3, p. 27	46
Rule 66.7(a) and (c)	PCT/CAL/I/4, p. 57	47
Rule 69.1(a)	PCT/CAL/I/3, p. 37	48
Rules 70.16 and 70.17	PCT/CAL/I/3, p. 29	49
Rule 74.1	PCT/CAL/I/3, p. 31	50
Rule 76.1.(a- <i>bis</i>), (a- <i>ter</i>) and (b)	PCT/CAL/I/2, p. 19	51
Rule 76.3	PCT/CAL/I/2, p. 23	51
Rules 76.5 à 76.7	PCT/CAL/I/2, p. 25	52
Rule 80.6(b)	PCT/CAL/I/4, p. 59	53
Rules 82 <i>bis</i> .1, 82 <i>bis</i> .2 and 82 <i>bis</i> .3	PCT/CAL/I/3, p. 41/43	54/55
Rules 91.1 and 91.2	PCT/CAL/I/3, p. 45/47/49/51	56/57/58/59
Rules 92 <i>bis</i> .1 and 92 <i>bis</i> .2(b)	PCT/CAL/I/4, p. 61	60
Rule 92 <i>ter</i> .1	PCT/CAL/I/3, p. 53	61
Rule 92 <i>quater</i> .1	PCT/CAL/I/3, p. 55	62
Rule 92 <i>quinquies</i> .1	PCT/CAL/I/4, p. 33	63

TEXT OF THE PROPOSED AMENDMENTS

Article 22

Copy, Translation, and Fee, to Designated Offices

It is proposed that the time limit “two months from the date of the notification sent to the applicant of the said declaration” in Article 22(2) be replaced by “20 months from the priority date.”

[As a consequence, it is proposed that the words “Notwithstanding the provisions of paragraph (1) “ be omitted from the same provision (that is, Article 22(2)).]

Article 39

Copy, Translation, and Fee, to Elected Offices

It is proposed that the time limit “25 months from the priority date” in Article 39(1)(a), in fine, be replaced by “30 months from the priority date.”

Rule 4

The Request (Contents)

4.1 to 4.9 [no change]

4.10 Priority Claim

(a) to (c) [No change]

(d) If the filing date of the earlier application as indicated in the request does not fall within the period of one year preceding the international filing date, the receiving Office, or, if the receiving Office has failed to do so, the International Bureau, shall invite the applicant to ask either for the cancellation of the declaration made under Article 8(1) or, if the date of the earlier application was indicated erroneously, for the correction of the date so indicated. If the applicant fails to act accordingly within 1 month from the date of the invitation, the declaration made under Article 8(1) shall be cancelled *ex officio*. The receiving Office effecting the correction or cancellation shall notify the applicant accordingly and, if copies of the international application have already been sent to the International Bureau and the International Searching Authority, that Bureau and that Authority. If the correction or cancellation is effected by the International Bureau, the latter shall notify the applicant and the International Searching Authority accordingly. Any designated Office which has been notified under Rule 24.2(a) of the receipt of the record copy shall be notified by the International Bureau of any correction or cancellation made under this paragraph.

(e) [no change]

4.11 to 4.16 [no change]

4.17 No Additional Matter

(a) The request shall contain no matter other than that specified in Rules 4.1 to 4.16. The Administrative Instructions may permit, but cannot make mandatory, the inclusion in the request of any additional matter specified in the Administrative Instructions.

(b) If the request contains matter other than that referred to in paragraph (a), the receiving Office shall *ex officio* deland the additional matter.

Rule 6

The Claims

6.1 to 6.3 [no change]

6.4 Dependent Claims

(a) Any claim which includes all the features of one or more other claims (claim in dependent form, hereinafter referred to as “dependent claim”) shall do so by a reference, if possible at the beginning, to the other claim or claims and shall then state the additional features claimed. Any dependent claim which refers to more than one other claim (“multiple dependent claim”) shall refer to such claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim. Where the national law of the designated State does not require the manner of claiming provided for in the preceding two sentences, failure to use that manner of claiming shall have no effect in that State, provided the manner of claiming actually used satisfies the requirements of the national law of the said State.

(b) and (c) [No change]

6.5 [no change]

Rule 8

The Abstract

8.1 [no change]

8.2 Figure

(a) If the applicant fails to make the indication referred to in Rule 3.3(a)(iii), or if the International Searching Authority finds that a figure or figures other than that figure or those figures suggested by the applicant would, among all the figures of all the drawings, better characterize the invention, it shall, subject to paragraph (b), indicate the figure or figures which it so considers. In such case, publications of the abstract by the International Bureau shall be accompanied by the figure or figures so indicated by the International Searching Authority. Otherwise, the said publications shall, subject to paragraph (b), be accompanied by the figure or figures suggested by the applicant.

(b) If the International Searching Authority finds that no drawing is useful for the understanding of the abstract, it shall notify the International Bureau accordingly. In such case, publications of the abstract by the International Bureau shall not be accompanied by any drawing even where the applicant has made a suggestion under Rule 3.3(a)(iii).

8.3 [no change]

Rule 12

Language of the International Application

12.1 Admitted Languages

[no change in the text of this Rule]

12.2 Language of Changes in the International Application

Any changes in the international application, such as amendments and corrections, shall, subject to Rules 46.3 and 66.5, be in the same language as the said application.

12.3 Filing in a Non-admitted Language

(a) Where papers purporting to be an international application have been filed in a language other than a language admitted under Rule 12.1 (“papers in the non-admitted language”), the receiving Office shall promptly invite the applicant to submit a translation in a language admitted under Rule 12.1.

(b) The translation shall be submitted not later than at the expiration of 2 months from the date of the invitation or 13 months from the priority date, whichever period expires first.

(c) The translation shall contain a statement that, to the best of the applicant’s knowledge, it is complete and faithful. This statement shall be signed by the applicant.

(d) Any translation submitted under this Rule shall be considered to be the international application, and such international application shall be considered as having been received by the receiving Office on the date on which the papers in the non-admitted language have been received by the receiving Office.

[Rule 12.3, continued]

(e) The papers in the non-admitted language shall be transmitted to the International Bureau together with the record copy transmitted under Rule 22.1(a).

(f) Where the time limit applicable under paragraph (b) expires later than 12 months after the priority date, the time limit within which the record copy must have reached the International Bureau shall, notwithstanding Rule 22.1(a), be 14 months from the priority date.

Rule 13bis

Microbiological Inventions

13bis.1 to 13bis.6 [no change]

13bis.7 National Requirements: Notification and Publication

(a) [no change]

(b) Each national Office shall notify the International Bureau* of the depositary institutions with which the national law permits deposits of microorganisms to be made for the purposes of patent procedure before that Office or, if the national law does not provide for or permit such deposits, of that fact.

(c) [No change]

* The amendment consists of deleting, after the word "Bureau," the following words: "a first time before entry into force of this Rule and then each time a change occurs."

Rule 15

The International Fee

15.1 to 15.3 [no change]

15.4 Time of Payment

(a) The basic fee shall be due on the date of receipt of the international application. However, the receiving Office may permit applicants to pay the basic fee within one month from that date, provided that such later payment shall not be subject to any surcharge and shall be without loss of the international filing date.

(b) Where the international application does not contain any priority claim under Article 8, any designation fee shall be paid within one year from the date of receipt of the international application. Where the international application contains any priority claim under Article 8, any designation fee shall be paid prior to the expiration of one year from the priority date; however, the receiving Office may permit applicants to pay any designation fee within one month from the date of receipt of the international application, provided that such later payment shall not be subject to any surcharge and shall be without loss of the designations to which the payment relates.

(c) If the amount of the basic fee or of the designation fee as set out in the Schedule of Fees or any corresponding amount in any prescribed currency is changed and the new amount becomes applicable after the date of receipt of the international application, the new amount shall apply to any payment of the basic fee or of any designation fee made on or after the date on which the new amount becomes applicable.

15.5 [no change: remains deleted]

15.6 [no change]

Rule 16bis

Advancing Fees by the International Bureau

16bis.1 Guarantee by the International Bureau

(a) to (c) [No change]

(d) The receiving Office shall inform the International Bureau promptly of any charge made under paragraphs (a) and (b).

16bis.2 [no change]

16bis.3 [Deleted]

Rule 17

The Priority Document

17.1 Obligation to Submit Copy of Earlier National Application

(a) and (b) [No change]

(c) If the requirements of neither of the two preceding paragraphs are complied with by the applicant, any designated State may disregard the priority claim.

(d) [Deleted]

17.2 Availability of Copies

(a) [no change]

(b) The International Bureau shall not make copies of the priority document available to the public prior to the international publication of the international application. After such publication, the International Bureau shall, upon request and subject to reimbursement of the cost of the service, furnish to any person copies of the priority document.

(c) Paragraphs (a) and (b) shall apply also to any earlier international application whose priority is claimed in the subsequent international application. The certification of the earlier international application shall be given by the International Bureau.

Rule 19

The Competent Receiving Office

19.1 Where to File

(a) Subject to paragraphs (b) and (d), the international application shall be filed, at the option of the applicant, with the national Office of or acting for the Contracting State of which the applicant is a resident or with the national Office of or acting for the Contracting State of which the applicant is a national.

(b) and (c) [No change]

(d) Where papers purporting to be an international application have been filed with an Office which is not competent under paragraphs (a), (b) or (c) but which, for other international applications, may act as a receiving Office, such Office (“the incorrectly chosen Office”) shall promptly inform the applicant of that fact and invite him to pay to it, unless already received by it, the transmittal fee fixed by it under Rule 14 and to request the transmittal of the said papers to another Office to be indicated by the applicant. The invitation shall remind the applicant that he has to pay a transmittal fee to the competent receiving Office as well. Where the applicant complies with the invitation within 14 days from the date of the invitation, the incorrectly chosen Office shall proceed as provided for in Rule 20.1(c) and shall promptly transmit the said papers to the Office indicated by the applicant. In such case, the latter Office shall consider the said papers as received on the date on which they were received by the incorrectly chosen Office. Where the applicant does not comply with the invitation within 14 days from the date of the invitation, the incorrectly chosen Office shall proceed as provided for in Rule 20.7(i), (iii) and (iv).

19.2 and 19.3 [no change]

Rule 20

Receipt of International Application

20.1 Date and Number

(a) Upon receipt of papers purporting to be an international application, the receiving Office shall, subject to paragraphs (c) and (d), indelibly mark the date of actual receipt in the space provided for that purpose in the request form of each copy received and one of the numbers assigned by the International Bureau to that Office on each sheet of each copy received.

(b) [No change]

(c) Where Rule 19.1(d), third sentence, applies, the date of actual receipt shall be marked, as provided in paragraph (a), by the incorrectly chosen Office, and the assigned number shall be marked, as provided in paragraph (a), by the Office to which the incorrectly chosen Office has transmitted the papers purporting to be an international application.

(d) Where Rule 12.3 applies, the receiving Office shall mark, as the date of actual receipt of the international application, the date on which the papers in the non-admitted language have been actually received by it or, where Rule 19.1(d) also applies, by the incorrectly chosen Office.

20.2 to 20.4 [no change]

20.5 Positive Determination

(a) [No change]

(b) [No change]

(c) The receiving Office shall promptly notify the applicant of the receipt of the international application, the international application number and the international filing date. The notification shall identify the international application by indicating the name of the applicant and the title of the invention, and shall also indicate, where the priority of an earlier application is claimed in the international application, the date of filing—as indicated in the international application—of the earlier application. If the priority of several earlier applications is claimed, the earliest date of filing shall be indicated. The notification shall be sent to the applicant in two copies, one of them being marked “Copy to be forwarded by the applicant to the International Bureau if the applicant wishes to initiate the procedure under Rule 22.1(b) to (f).”

20.6 to 20.9 [No change]

Rule 22

Transmittal of the Record Copy

22.1 Procedure

(a) [No change]

(b) The applicant may forward a copy of the notification referred to in Rule 20.5(c) to the International Bureau. If, by the expiration of 13 months from the priority date, the International Bureau has received such copy but is not in possession of the record copy, it shall remind the receiving Office that it should transmit the record copy to the International Bureau promptly and shall notify the applicant accordingly.

(c) If, by the expiration of 14 months from the priority date, the International Bureau is in possession of a copy of the notification referred to in Rule 20.5(c) but is not in possession of the record copy or of a substitute record copy certified by the receiving Office on the basis of the home copy, it shall invite the applicant to transmit a copy of his international application to it within 1 month from the date of the invitation. If the International Bureau has received such copy within that time limit and if such copy is not certified by the receiving Office as being identical with the international application as filed, it shall send it, after having made a copy thereof for the file, to the receiving Office with the request to the latter to certify it as being identical with the international application as filed.

(d) The one-month time limit referred to in paragraph (c) shall be extended by one further month if the applicant proves to the satisfaction of the International Bureau that the necessary clearance for national security was not obtained in time for allowing compliance with the one-month time limit referred to in paragraph (c).

[Rule 22.1, continued]

(e) Any certification under paragraph (c) shall be free of charge and may be refused only on the ground that the copy which the receiving Office has been requested to certify is not identical with the international application as filed.

(f) Where, by the expiration of the time limit fixed in Rule 22.3, the International Bureau has not received the record copy, a substitute record copy or a notification of refusal of the certification referred to in paragraph (c), the copy received by the International Bureau from the applicant under paragraph (c) or the copy thereof made by the International Bureau, as the case may be, shall be considered to be the record copy.

22.2 [Deleted]

22.3 Time Limit under Article 12(3)

(a) The time limit referred to in Article 12(3) shall be 17 months from the priority date or, where a copy of the notification referred to in Rule 20.5(c) has been received by the International Bureau under Rule 22.1(b), 3 months from the date of the invitation referred to in Rule 22.1(c).

(b) [No change: remains deleted]

22.4 Statistics Concerning Non-Compliance with Rule 22.1(a)

The number of instances in which, according to the knowledge of the International Bureau, any receiving Office has not complied with the requirements of Rule 22.1(a) shall be indicated, once a year, in the Gazette.

22.5 [no change]

Rule 23

Transmittal of the Search Copy

23.1 Procedure

(a) The search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau.*

(b) If the International Bureau has not received, within 10 days from the receipt of the record copy, information from the International Searching Authority that that Authority is in possession of the search copy, the International Bureau shall promptly transmit a copy of the international application to the International Searching Authority.**

(c) [No change]

* The amendment consists in deleting, at the end of the present text of this paragraph, the words “or, under Rule 22.2(d), to the applicant.”

** The amendment consists of deleting the second sentence of this paragraph, which reads as follows: “Unless the International Searching Authority has erred in alleging that it was not in possession of the search copy by the expiration of the 13th month from the priority date, the cost of making a copy for that Authority shall be reimbursed by the receiving Office to the International Bureau.”

Rule 24

Receipt of the Record Copy by the International Bureau

24.1 Recording of Date of Receipt of the Record Copy

The International Bureau shall, upon receipt of the record copy, mark on the request sheet the date of receipt and* the stamp of the International Bureau.

24.2 [no change]

* The amendment consists of deleting the words “on all sheets of the international application.”

Rule 26

Checking By, and Correcting Before, the Receiving Office of
Certain Elements of the International Application

26.1 [no change]

26.2 Time limit for Correction

(a) The time limit referred to in Article 14(1)(b) shall be reasonable under the circumstances and shall be fixed in each case by the receiving Office. It shall not be less than 1 month from the date of the invitation to correct.

(b) The time limit fixed by the receiving Office may, on the request of the applicant, be extended by that Office or, if the correction is received after the expiration of the time limit fixed by the receiving Office, such delay may, on the request of the applicant or even without such a request, be excused by that Office.

26.3 [no change]

26.4 Procedure

(a) [no change]

(b) The receiving Office shall mark on each replacement sheet the international application number, the date on which it was received, and the stamp identifying the Office. It shall mark on the letter containing the correction or accompanying any replacement sheet the date on which that letter was received. It shall keep in its files a copy of the letter containing the correction or, when the correction is contained in a replacement sheet, the replaced sheet, the letter accompanying the replacement sheet, and a copy of the replacement sheet.

(c) and (d) [No change]

26.5 Correction of Certain Elements

(a) Without prejudice to Rule 26.2(b), the receiving Office shall decide whether the applicant has submitted the correction within the prescribed time limit. If the correction has been submitted within the prescribed time limit, the receiving Office shall decide whether the international application so corrected is or is not to be considered withdrawn. Even where the correction has not been made or seems to be insufficient, the receiving Office shall not consider the international application withdrawn where, in view of the nature of the defect, considering the international application withdrawn would constitute an excessive consequence.

(b) [Deleted]

26.6 [no change]

Rule 29

International Applications or Designations Considered

Withdrawn under Article 14(1), (3) or (4)

29.1 [no change]

29.2 Notification of Maintaining of Effect by the Designated Office

Where Article 24(1)(ii) applies but the effect of the international application is maintained in any designated State by virtue of Article 24(2), the competent designated Office shall promptly notify the International Bureau accordingly.

29.3 and 29.4 [no change]

Rule 34

Minimum Documentation

34.1 Definition

(a) and (b) [No change]

(c) Subject to paragraphs (d) and (e), the “national patent documents” shall be the following:

(i) to (v) [no change]

(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.

(d) [No change]

(e) Any International Searching Authority whose official language, or one of whose official languages is not Japanese, Russian or Spanish is entitled not to include in its documentation those patent documents of Japan and the Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than 6 months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) [no change]

Rule 42

Time Limit for International Search

42.1 Time Limit for International Search

The time limit for establishing the international search report or the declaration referred to in Article 17(2)(a) shall be 3 months from the receipt of the search copy by the International Searching Authority, or 9 months from the priority date, whichever time limit expires later in the given case.*

*

The amendment also consists of deleting the second sentence of Rule 42.1, which reads as follows: “For a transitional period of 3 years from the entry into force of the Treaty, time limits for the agreement with any International Searching Authority may be individually negotiated, provided that such time limits shall not extend by more than 2 months the time limits referred to in the preceding sentence and in any case shall not go beyond the expiration of the 18th month after the priority date.”

Rule 46Amendment of Claims Before the International Bureau

46.1 Time Limit

The time limit referred to in Article 19 shall be 2 months from the date of transmittal of the international search report to the International Bureau and to the applicant by the International Searching Authority or 16 months from the priority date, whichever is later. Any amendment made under Article 19 and filed within the time limit referred to in the preceding sentence with the receiving Office or the International Searching Authority shall be considered to have been filed within that time limit with the International Bureau, provided it is transmitted by that Office or Authority to the International Bureau with an indication of the date on which it was received by the said Office or Authority and provided it is received by the International Bureau not later than 14 days after the expiration of the said time limit. In such a case, the date of filing of the amendment shall be the date on which the amendment was received by the said Office or Authority.

46.2 [no change]

46.3 Language of Amendments

If the international application has been filed in a language other than the language in which it is published, any amendment made under Article 19 shall be in the language in which the international application is published.

46.4 Statement

(a) The statement referred to in Article 19(1) shall be in the language in which the international application is published and shall not exceed 500 words if in the English language or if translated into that language. The statement shall be identified as such by a heading, preferably by using the words “Statement under Article 19(1)” or their equivalent in the language of the statement.

(b) The statement shall contain no disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

46.5 Form of Amendments

(a) [no change]

(b) The International Bureau shall mark on each replacement sheet the international application number and the date on which it was received.* It shall keep in its files any replaced sheet, the letter accompanying the replacement sheet or sheets, and any letter referred to in the last sentence of paragraph (a).

(c) [No change]

* The amendment consists in deleting the words “, and the stamp identifying the International Bureau.”

Rule 47

Communication to Designated Offices

47.1 Procedure

(a) [no change]

(b) Such communication shall be effected promptly after the international publication of the international application and, in any event, by the end of the 19th month after the priority date. Any amendment received by the International Bureau within the time limit under Rule 46.1 which was not included in the communication shall be communicated promptly to the designated Offices by the International Bureau, which shall notify the applicant accordingly.

(c) to (e) [no change]

47.2 Copies

(a) and (b) [No change]

(c) Copies of the pamphlet under Rule 48 may be used for the purposes of the communication of the international application under Article 20.

47.3 [no change]

Rule 48

International Publication

48.1 [no change]

48.2 Contents

(a) [no change]

(b) Subject to paragraph (c), the front page shall include:

(i) data taken from the request sheet and such other data as are prescribed by the Administrative Instructions,

(ii) a figure or figures where the international application contains drawings, unless Rule 8.2(b) applies,

(iii) the abstract; if the abstract is both in English and in another language, the English text shall appear first.

(c) to (e) [no change]

(f) If the claims have been amended under Article 19, the publication shall contain either the full text of the claims both as filed and as amended or the full text of the claims as filed and specify the amendments. Any statement referred to in Article 19(1) shall be included as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4. The date recorded under Rule 46.2 shall be indicated in the publication.

[Rule 48.2, continued]

(g) If, at the time [of the termination of the technical preparations for international publication](#), the international search report is not yet available (for example, because of publication on the request of the applicant as provided in Articles 21(2)(b) and 64(3)(c)(i)), the pamphlet shall contain, in place of the international search report, an indication to the effect that that report was not available and that either the pamphlet (then also including the international search report) will be republished or the international search report (when it becomes available) will be separately published.

(h) If, at the time [of the termination of technical preparations for international publication](#), the time limit for amending the claims under Article 19 has not expired, the pamphlet shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after such amendments, either the pamphlet (containing the claims as amended) will be republished or a statement reflecting all the amendments will be published. In the latter case, at least the front page and the claims shall be republished and, if a statement under Article 19(1) has been filed, that statement shall be published as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.

(i) [no change]

48.3 [Languages](#)

(a) If the international application is filed in English, French, German, Japanese Russian [or Spanish](#), that application shall be published in the language in which it was filed.

(b) If the international application is filed in a language other than English, French, German, Japanese Russian [or Spanish](#), that application shall be published in English translation. The translation shall be prepared under the responsibility of the International Searching Authority, which shall be obliged to have it ready in time to permit the communication under Article 20 by the prescribed date, or, if the international publication is due at an earlier date than the said communication, to permit international publication

[Rule 48.3(b), continued]

by the prescribed date. Notwithstanding Rule 16.1(a), the International Searching Authority may charge a fee for the translation to the applicant. The International Searching Authority shall give the applicant an opportunity to comment on the draft translation. The International Searching Authority shall fix a time limit reasonable under the circumstances of the case for such comments. If there is no time to take the comments of the applicant into account before the translation is communicated or if there is a difference of opinion between the applicant and the said Authority as to the correct translation, the applicant may send a copy of his comments, or what remains of them, to the International Bureau and each designated Office to which the translation was communicated. The International Bureau shall publish the essence of the comments together with the translation of the International Searching Authority or subsequently to the publication of such translation.

(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 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 shall be prepared under the responsibility of the International Bureau.

48.4 and 48.5 [no change]

48.6 [Announcing of Certain Facts](#)

(a) [no change]

(b) [\[Deleted\]](#)

(c) If the international application [or the designation of any designated State](#) is withdrawn [under Rule 32.1](#) after [the termination of the technical preparations for](#) international publication [of the international application](#), this fact shall be published in the Gazette.

Rule 49

Copy, Languages of Translations and Amounts of Fees under Article 22(1) and (2)

49.1 Notification

(a) [no change]

(a-bis) Any Contracting State not requiring the furnishing, under Article 22, by the applicant of a copy of the international application (even though the communication of the copy of the international application by the International Bureau provided for, under Article 20, in Rule 47 has not taken place by the expiration of the time limit applicable under Article 22) shall notify the International Bureau accordingly.

(a-ter) Any Contracting State which, pursuant to Article 24(2), maintains, if it is a designated State, the effect provided for in Article 11(3) even though a copy of the international application is not furnished by the applicant by the expiration of the time limit applicable under Article 22 shall notify the International Bureau accordingly.

(b) Any notification received by the International Bureau under paragraphs (a), (a-bis) or (a-ter) shall be promptly published by the International Bureau in the Gazette.

(c) [No change]

49.2 [no change]

49.3 Statements under Article 19; Indications under Rule 13*bis*.4

For the purposes of Article 22 and the present Rule, any statement made under Article 19(1) and any indication furnished under Rule 13*bis*.4 shall, subject to Rules 49.5 and 49.6, be considered part of the international application.

49.4 Contents of the Translation

The translation of the international application shall contain the description, claims, text matter of drawings (if any) and the abstract. Any translation of the text matter of a drawing may be furnished on a copy of the original drawing by pasting the translation on such copy of the drawing; the expression “Fig.” does not require translation into any language.

49.5 Translation of Amendments and Statements Made Under Article 19

(a) If the applicant amended any claims under Article 19, the translation required under Article 22 may contain, at the option of the applicant, either the claims as appearing in the international application as filed (“original claims”) and the claims as amended, or only the claims as amended. If the translation furnished by the applicant contains only the claims as amended, the designated Office may invite the applicant to furnish a translation of the original claims, if it deems such translation to be necessary, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation; the time limit shall not be less than 2 months from the date of the invitation. If the translation submitted by the applicant contains only the translation of the original claims, the designated Office shall take into account only those claims, unless later amendments are made under Article 28.

(b) Where the translation submitted by the applicant does not contain the translation of the statement which has been filed by the applicant under Article 19(1), the designated Office shall disregard such statement.

49.6 Translation of Indications Under Rule 13bis.4

Where no translation of the indications furnished under Rule 13bis.4 is submitted to the designated Office, the latter shall, if it deems such translation to be necessary, invite the applicant to furnish a translation within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation. The time limit shall not be less than 2 months from the date of the invitation.

Rule 51

Review by Designated Offices

51.1 Time Limit Referred to in Articles 25(1)(c) and 25(2)(a)

The time limit referred to in Article 25(1)(c) for presenting a request to send copies and in Article 25(2)(a) for paying the national fee and furnishing a translation shall expire at the same time as the time limit applicable under Article 22.

51.2 [no change]

51.3 [Deleted]

51.4 [no change]

Rule 51bis (New)

National Requirements Excluded Under Article 27(1)

51bis.1 Requirements Excluded

The requirements referred to in Article 27(1) as being different from or additional to those provided for in the Treaty and the Regulations shall, in particular, include the following:

(i) any requirement that the applicant use a national form in connection with performing any of the acts referred to in Articles 22 and 39(1),

(ii) any requirement that the applicant present drawings other than a copy of the drawings included in the international application as communicated under Article 20, in particular any requirement that the drawings be executed anew,

(iii) any requirement that the international application, its translation or any document relating thereto be presented in more than one copy, without prejudice to Rule 51ter.1(iv),

(iv) any requirement that the translation furnished under Article 22 or Article 39(1) be certified, without prejudice to Rule 51ter.1(ii).

Rule 51ter (New)

National Requirements Allowed

Under Article 27(2), (6) and (7)

51ter.1 Requirements Allowed

Where the national law applicable by the designated Office requires that

(i) the applicant be represented by an agent having the right to represent applicants before that Office and/or that the applicant have an address in the designated State for the purpose of receiving notifications (see Article 27(7)),

(ii) documents referred to in Article 27(2)(ii) or evidence referred to in Article 27(6) be furnished by the applicant, including in particular documents relating to or containing;

- the identity of the inventor,
- any transfer or assignment of the right to file the application,
- an oath or declaration by the inventor alleging his inventorship,
- a declaration by the applicant designating the inventor or alleging the right to file the application,
- any proof of the right of the applicant to claim priority where he is different from the applicant having filed the earlier application the priority of which is claimed,
- any statement or evidence concerning non-prejudicial disclosures or exceptions to lack of novelty, such as abusive disclosures, disclosures at certain exhibitions and disclosures by the applicant during a certain period of time,

[Rule 51ter.1, continued]

– any verification, by the applicant or the translator, of the translation furnished under Article 22 or Article 39(1),

(iii) the agent, if any, representing the applicant be duly appointed by the applicant,

(iv) the international application, its translation or any document relating thereto be presented in more than one copy if the applicant is seeking two kinds of protection under Article 44,

and any of these requirements is not already fulfilled during the same period within which the requirements under Article 22 or Article 39(1) must be complied with, the designated Office shall invite, in writing, the applicant to comply with the requirement within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation. The time limit shall not be less than two months from the date of the invitation.

Rule 53

The Demand

53.1 Form

(a) to (c) [no change]

(d) [Deleted]

53.2 to 53.8 [no change]

Rule 54

The Applicant Entitled to Make a Demand

54.1 and 54.2 [no change]

54.3 Several Applicants; Different for Different Elected States

(a) [no change]

(b) [~~Deleted~~]

54.4 Applicant Not Entitled to Make a Demand

(a) If the applicant does not have the right or, in the case of several applicants, if none of them has the right to make a demand under Article 31(2)(a), the demand shall be considered not to have been submitted.

(b) If the requirement under Rule 54.3(a) is not fulfilled in respect of any elected State, the election of that State shall be considered not to have been made.

Rule 57

The Handling Fee

57.1 and 57.2 [no change]

57.3 Time and Mode of Payment

(a) to (d) [No change]

(e) If the amount of the handling fee or of the supplement to the handling fee as set out in the Schedule of Fees or any corresponding amount in any prescribed currency is changed and the new amount becomes applicable after the date of submission of the demand or of the later election, the new amount shall apply to any payment of the handling fee or of the supplement to the handling fee made on or after the date on which the new amount becomes applicable.

57.4 to 57.6 [no change]

Rule 58

The Preliminary Examination Fee

58.1 and 58.2 [no change]

58.3 Refund

The International Preliminary Examining Authorities shall inform the International Bureau of the extent, if any, to which, and the conditions, if any, under which, they will refund any amount paid as a preliminary examination fee where the demand is considered as if it had not been submitted under Rule 54.4(a), Rule 57.4(c), Rule 58.2(c) or Rule 60.1(c), and the International Bureau shall promptly publish such information.

Rule 60

Certain Defects in the Demand or Elections

60.1 and 60.2 [no change]

60.3 Attempted Elections

If the applicant has attempted to elect a State which is not a designated State or which is not bound by Chapter II, the attempted election shall be considered not to have been made, and the applicant shall be notified accordingly by the International Preliminary Examining Authority if the attempted election is in the demand or by the International Bureau if the attempted election is in a later election.

Rule 61

Notification of the Demand and Elections

61.1 Notifications to the International Bureau, the Applicant, and the International Preliminary Examining Authority

(a) The International Preliminary Examining Authority shall indicate on the demand the date of receipt or, where applicable, the date referred to in Rule 60.1(b). The International Preliminary Examining Authority shall promptly send the demand to the International Bureau. It shall prepare and keep a copy in its files.

(b) and (c) [No change]

61.2 and 61.3 [no change]

Rule 66

Procedure Before the International Preliminary

Examining Authority

66.1 to 66.3 [no change]

66.4 Additional Opportunity for Submitting Amendments, Corrections or Arguments

(a) [no change]

(b) On the request of the applicant, the International Preliminary Examining Authority may give him one or more additional opportunities to submit amendments corrections or arguments.

66.5 Amendment

Any change, other than the rectification of errors or mistakes under Rule 91, in the claims, the description, or the drawings, including cancellation of claims, omission of passages in the description, or omission of certain drawings, shall be considered an amendment. If the international application has been filed in a language other than the language in which it is published, any amendment shall be in the language in which the international application is published.

66.6 [no change]

66.7 [Priority Document](#)

(a) If the International Preliminary Examining Authority needs a copy of the application whose priority is claimed in the international application, the International Bureau shall, on request, promptly furnish such copy, provided that, where the request is made before the International Bureau has received the priority document under Rule [17.1](#), [the International Bureau shall invite the applicant to furnish such copy direct](#) to the International Preliminary Examining Authority. [The International Bureau shall inform that Authority accordingly.](#)

(b) [No change]

(c) The copy to be furnished by the applicant under paragraph (a) and the translation referred to in paragraph (b) shall be furnished not later than by the expiration of 2 months from the date of the* invitation. If they are not furnished within that time limit, the international preliminary examination report shall be established as if the priority had not been claimed.

66.8 [no change]

Rule 69

Time Limit for International Preliminary Examination

69.1 Time Limit for International Preliminary Examination

(a) The time limit for establishing the international preliminary examination report shall be that one of the following which, in the given case, expires last:

(i) 6 months after the start of the international preliminary examination;

(ii) where the International Preliminary Examining Authority issues an invitation to restrict the claims or pay additional fees (Article 34(3)), 8 months after the start of the international preliminary examination

(iii) where the applicant has made a request under Rule 66.4(b), 10 months after the start of the international preliminary examination.

(b) and (c) [No change]

Rule 70The International Preliminary Examination Report

70.1 to 70.15 [no change]

70.16 Annexes of the Report

If the claims, the description, or the drawings, were amended or any part of the international application was corrected before the International Preliminary Examining Authority, each replacement sheet marked as provided in Rule 66.8(b) shall be annexed to the report. Replacement sheets superseded by later replacement sheets shall not be annexed. If the amendment is communicated in a letter, a copy of such letter shall also be annexed to the report.

70.17 Languages of the Report and the Annexes

(a) The report and any annex shall be in the language in which the international application to which they relate is published.

(b) [Deleted]

Rule 74

Translations of Annexes of
the International Preliminary Examination Report

74.1 Time Limit

(a) Where the furnishing of a translation of the international application is required by the elected Office under Article 39(1), the applicant shall, within the time limit applicable under Article 39(1), furnish a translation of any annex, referred to in Rule 70.16, of the international preliminary examination report. However, where such report was transmitted to the applicant less than 1 month before, or any time after, the expiration of the said time limit, the applicant shall furnish the translation of any annex within 1 month from the transmittal of the said report.

(b) The time limits fixed in paragraph (a) shall apply even where the furnishing of a translation of the international application to an elected Office must, because of a declaration made under Article 64(2)(a)(i), be effected within the time limit applicable under Article 22.

(c) Where no translation of the annexes referred to in Rule 70.16 was furnished to the elected Office within the applicable time limit fixed in paragraphs (a) and (b), that Office, if it deems such translation to be necessary, may invite the applicant to furnish the required translation within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation. The time limit shall not be less than 2 months from the date of the invitation. If no translation has been furnished within that time limit, the elected Office shall take into account only the translation of the international application furnished under Article 39(1), unless later amendments are made under Article 41.

Rule 76

Copy, Languages of Translation and Amounts of Fees
under Article 39(1); Translation of Priority Document

76.1 Notification

(a) [no change]

(a-bis) Any Contracting State not requiring the furnishing, under Article 39(1), by the applicant of a copy of the international application (even though the communication of the copy of the international application by the International Bureau provided for, under Article 20, in Rule 47 has not taken place by the expiration of the time limit applicable under Article 39(1)) shall notify the International Bureau accordingly.

(a-ter) Any Contracting State which, pursuant to Article 39(3), maintains, if it is an elected State, the effect provided for in Article 11(3) even though a copy of the international application is not furnished by the applicant by the expiration of the time limit applicable under Article 39(1) shall notify the International Bureau accordingly.

(b) Any notification received by the International Bureau under paragraphs (a), (a-bis) or (a-ter) shall be promptly published by the International Bureau in the Gazette.

(c) [No change]

76.2 [no change]

76.3 Statements Under Article 19; Indications Under Rule 13bis.4

For the purposes of Article 39 and the present Rule, any statement made under Article 19(1) and any indication furnished under Rule, 13bis.4 shall, subject to Rules 76.6 and 76.7, be considered part of the international application.

76.4 [no change]

76.5 Contents of the Translation

The translation of the international application shall contain the description, claims, text matter of drawings (if any) and the abstract. Any translation of the text matter of a drawing may be furnished on a copy of the original drawing by pasting the translation on the drawing; the expression “Fig.” does not require translation into any language.

76.6 Translation of Amendments and Statements Made Under Article 19

(a) If the applicant amended any claims under Article 19, the translation required under Article 39(1) may contain, at the option of the applicant, either the claims as appearing in the international application as filed (“original claims”) and the claims as amended, or only the claims as amended. If the translation furnished by the applicant contains only the claims as amended, the elected Office may invite the applicant to furnish a translation of the original claims, if it deems such translation to be necessary, within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation; the time limit shall not be less than 2 months from the date of the invitation. If the translation submitted by the applicant contains only the translation of the original claims, the elected Office shall take into account only those claims, unless later amendments are made under Article 34(2)(o) and the prescribed translation thereof is furnished by the applicant or unless later amendments are made under Article 41.

(b) Where the translation submitted by the applicant does not contain the translation of the statement which has been filed by the applicant under Article 19(1), the elected Office shall disregard such statement.

76.7 Translation of Indications Under Rule 13bis.4

Where no translation of the indications furnished under Rule 13bis.4 is submitted to the elected Office, the latter shall, if it deems such translation to be necessary, invite the applicant to furnish a translation within a time limit which shall be reasonable under the circumstances and shall be fixed in the invitation. The time limit shall not be less than 2 months from the date of the invitation.

Rule 80

Computation of Time Limits

80.1 to 80.5 [no change]

80.6 Date of Documents

(a) [no change]

(b) [~~Deleted~~]

80.7 [no change]

Rule 82bis (New)

Excuse of Delays in Meeting Certain Time Limits

82bis.1 Meaning of “Time Limit” in Article 48(2)

The reference to “any time limit” in Article 48(2) shall be construed as comprising a reference to any time limit relevant for international applications, whether fixed in the Treaty or these Regulations or fixed in the national law of a Contracting State, as well as to any time limit fixed by any national Office in its capacity of receiving, designated or elected Office, by any International Searching Authority, any International Preliminary Examining Authority or the International Bureau.

82bis.2 Examples of Provisions under the National Law to which Article 48(2)(a) Applies

The provisions of the national law referred to in Article 48(2)(a) concerning the excusing of any delay in meeting any time limit are, in particular, those provisions of the national law which relate to reinstatement of rights, restoration, *restitutio in integrum* or further processing in spite of non-compliance with a time limit, and any other provision related to extension of time limits or to excuses for delays in meeting time limits.

82***bis***.3 Excuse of Delays Where They Can be Traced to an Error of an International Authority

If the applicant proves to the satisfaction of any designated or elected Office that any delay in meeting a time limit is due to a mistake made or erroneous information given by* the International Searching Authority, the International Preliminary Examining Authority or the International Bureau, the delay shall be excused by the said designated or elected Office.

*

It should be considered whether the words “the receiving Office,” should not be inserted here.

Rule 91

Errors and Mistakes in Documents

91.1 Rectification

(a) Subject to paragraphs (b) to (i), errors and mistakes in the international application or other papers submitted by the applicant may be rectified.

(b) An error or mistake may be due to the fact that something other than what was intended was written, or that something that was intended to be included was not included (“omission”), in the international application or other paper submitted by the applicant. The rectification of any error or mistake must, in order to be admitted, be obvious in the sense that nothing else could have been intended, by the applicant, at the time he filed the international application or other paper containing the error or mistake, than what he offers as rectification.

(c) [Deleted]

(d) Rectification may be made on the request of the applicant. The authority having discovered what appears to be a rectifiable error or mistake may invite the applicant to present a request for rectification as provided in paragraphs (e) to (i).

(e) No rectification shall be made except with the express authorization:

(i) of the receiving Office if the error or mistake is in the request, except in the case provided for in paragraph (i),

(ii) of the national Office concerned, in the case provided for in paragraph (i),

[Rule 91.1(e), continued]

(iii) of the International Searching Authority if the error or mistake is in any part of the international application other than the request or if the error or mistake is in any paper submitted to that Authority,

(iv) of the International Preliminary Examining Authority if the error or mistake is in any part of the international application other than the request or if the error or mistake is in any paper submitted to that Authority, and

(v) of the International Bureau if the error or mistake is in any paper, other than the international application or amendments or corrections to that application, submitted to the International Bureau.

(f) Any receiving Office, International Searching Authority, International Preliminary Examining Authority, or national Office referred to in paragraph (i) that authorizes any rectification shall promptly notify such rectification to the International Bureau; notifications by an International Preliminary Examining Authority shall also indicate the date on which the authorization was given.

(g) The authorization for rectification referred to in paragraph (e) shall, subject to paragraphs (g-bis), (g-ter) and (g-quater), be effective:

(i) where it is given by the receiving Office or by the International Searching Authority, if its notification to the International Bureau reaches that Bureau before the expiration of 17 months from the priority date;

(ii) where it is given by the International Preliminary Examining Authority, if it is given before the establishment of the international preliminary examination report;

(iii) where it is given by the International Bureau, if it is given before the expiration of 17 months from the priority date.

[Rule 91.1, continued]

(g-bis) If the notification made under paragraph (g)(i) reaches the International Bureau, or if the rectification made under paragraph (g)(iii) is authorized by the International Bureau, after the expiration of 17 months from the priority date but at a time when the international publication of the international application can still incorporate the rectification, the rectification shall be effective and shall be incorporated in the said publication.

(g-ter) Where the applicant has asked the International Bureau to publish his international application before the expiration of 18 months from the priority date, any notification made under paragraph (g)(i) must reach, and any rectification made under paragraph (g)(iii) must be made by, the International Bureau, in order to be effective, latest at the time when the request for early publication reaches the International Bureau.

(g-quater) Where the international application is not published by virtue of Article 64(3), any notification made under paragraph (g)(i) must reach, and any rectification made under paragraph (g)(iii) must be made by, the International Bureau, in order to be effective, latest at the time of the communication of the international application under Article 20.

(h) [Deleted]

[Rule 91.1, continued]

(i) Where the applicant alleges that it is due to an error or mistake that, the designation of a State has been omitted in the request, his request for rectification shall be filed, and accompanied by the corresponding designation fee, with the receiving Office before the expiration of 15 months from the priority date. The receiving Office shall promptly communicate the request for rectification to the International Bureau. The International Bureau shall include the omitted designation in the record copy and in the international publication of the international application with an indication that the designation is subject to authorization by the national Office of or acting for the State whose designation is requested, and shall transmit the request for rectification to that Office together with the international application communicated under Article 20.

91.2 Manner of Carrying Out Rectifications

Rule 26.4(a) to (c) shall apply *mutatis mutandis* to the manner in which rectifications of errors and mistakes shall be made and the manner in which they shall be entered in the file of the international application.

Rule 92bis

Changes in Certain Indications in the Request or the Demand

92bis.1 Recording of Changes by the International Bureau

(a) The International Bureau shall, on the request of the applicant or the receiving Office, record changes in the following indications appearing in the request or demand:

- (i) person, name, residence, nationality or address of the applicant,
- (ii) person, name or address of the agent, the common representative or the inventor.

(b) The International Bureau shall not record the requested change if the request for recording is received by it after the expiration:

(i) of the time limit referred to in Article 22(1), where Article 39(1) is not applicable with respect to any Contracting State;

(ii) of the time limit referred to in Article 39(1)(a), where Article 39(1) is applicable with respect to at least one Contracting State.

(c) Where paragraph (b) applies, the International Bureau shall notify the applicant accordingly and, if the change was requested by the receiving Office, that Office.

92bis.2 Notifications

(a) [no change]

(b) A copy of each notification sent under paragraph (a) shall be sent to the applicant by the International Bureau. If the change consists of a change in the person of the applicant, the said copy shall be sent to the earlier applicant and the new applicant.

Rule 92ter (New)

Early Examination and Other Processing of the International Application

92ter.1 Request under Article 23(2) or Article 40(2)

A request under Article 23(2) or Article 40(2) shall be made in writing, shall be addressed to the designated or elected Office concerned, and shall state that the applicant wishes the examination and other processing of the international application by that Office to start without waiting for the expiration of the time limit applicable under Article 22 or Article 39(1), as the case may be. The said request may indicate a date before which the examination and other processing of the international application should not start, provided that such date is prior to the expiration of the time limit applicable under Article 22 or Article 39(1), as the case may be. The said request is not considered to have been made until the designation fee has been paid and the acts referred to in Article 22(1) or Article 39(1)(a) have been performed.

Rule 92^{quater} (New)

Maintaining of Effect of International Application

under Article 24(2) or Article 39(3)

92^{quater}.1 Request for Maintaining Effect

(a) Where the effect of the international application provided for in Article 11(3) has ceased in a designated or elected State pursuant to Article 24(1) or Article 39(2), the applicant may, with reference to Article 24(2) or Article 39(3), request the maintaining of such effect.

(b) The request shall be made in writing and shall be addressed to the designated or elected Office concerned. Such Office shall, provided that, at the time it received the request, the national fee (if any) has been paid and a copy of the international application and the appropriate translation (as prescribed) have been furnished, decide whether the effect provided for in Article 11(3) shall be maintained.

(c) The request shall be made within the time limit applicable under Article 22 or Article 39(1) or, where the effect provided for in Article 11(3) has ceased pursuant to Article 24(1)(iii) or Article 39(2), within 2 months from the expiration of such time limit.

Rule 92quinquies (New)

Ceasing of Effect under Articles 24(1)(iii) and 39(2)

92quinquies.1 Notification

Each national Office shall, once a year, notify the International Bureau of the number of international applications designating or electing it, in respect of which, during the preceding calendar year.

(i) the requirements provided for in Article 22 or in Article 39(1) have been complied with within the applicable time limit;

(ii) the requirements provided for in Article 22 or in Article 39(1) have not been complied with within the applicable time limit.

[End of document]