

Request for Change under PCT Rule 92bis

10 & 12 December 2024

Q&A Report

No.	Questions	Answers
I. General Questions regarding Rule 92bis Change Requests		
1	Is it correct that there is no deadline for submitting the designation of inventor?	The deadline for submitting any requests under PCT Rule 92bis is 30 months from the earliest priority date. After this time limit, any such requests should be submitted to the designated/elected Offices concerned directly.
2	Is there a preferred format for the 92bis request and/or a standard form?	There is no standard form for a request under Rule 92bis. It is required to indicate the application concerned and the change to be recorded. Please also make sure that the request is signed by an authorized person, namely the agent or the applicant. We recommend our users to use the ePCT Rule 92bis Action for easier processing by the IB and also for future automation of R92bis received via that action.
3	Since the form is automated, is a cover letter still required?	When you submit a request for a change under Rule 92bis using ePCT, either by conducting an ePCT Rule 92bis Action or uploading a document, a cover letter will be generated automatically. Please ensure that the request is duly signed by the authorized person.
4	When the change is from "inventor and applicant" to "inventor only" is an assignment required?	An assignment is not required by the IB to record such a change. However, you can still submit this document so to have it available on PATENTSCOPE after publication, then a designated Office can refer to this document during the national phase when necessary.
5	Is an executed assignment (or similar) needed to list an applicant as a successor for a deceased inventor?	The applicant's right to apply for a patent is not determined during the international phase, and it would be something that would be addressed during the national phase under national law. You may need to provide evidence if required under national law. You could consider using a PCT Declaration (ii) and (iii) which would avoid you needing to produce an assignment document if it is not readily available.
6	Is it possible to change (under the rule 92bis) the Applicant only for several countries (designated offices)?	Yes, it is possible, for example if there are two applicants for all designated States in your application, you can change one applicant to the applicant for the designation of the US only.

7	I see the Rule 92bis does not mention the address for correspondence. Why is this?	Even if the PCT Rule 92bis does not specially indicate that the address for correspondence can be updated using this rule, a request under PCT Rule 92bis can be submitted to the IB in order to update that address. In fact, PCT Rule 92bis applies to any party mentioned in the international application including the address for correspondence.
8	If you are changing an address how is that categorized? Do you simply edit and make the change?	Yes, if the change is related to the address of the applicant, inventor, or agent, you can simply edit the address. The updated part will be highlighted in bold in the request generated in the Action, and the address box will be ticked to show the type of change.
9	Can the address for an inventor be the company address or does it have to be their personal residence?	There is no mandatory requirement for this under the PCT. It is up to the applicant to indicate the inventor's address in the Request form at the time of filing. There have been cases that inventors wanted to remove their personal addresses from the applications after filing. However, please note that although such personal addresses can be removed from the international publication if the R92bis change requests are received by the IB before the completion of the technical preparations for the publication, they can still be found in the Request form originally filed. The requirements for completely deleting certain information from the file are far more rigid and complex. Therefore, if you have similar concerns or considerations, it is advisable to use the company address as the inventor's address at the time of filing.
10	If case has been published, and inventor was inadvertently entered as Applicant and Inventor, can you make the change of deleting the inventor as applicant. What would be needed?	As long as it is still within the 30-month time limit, you can request to change the status of the person concern from "Applicant and inventor" to "Inventor only". When the request is submitted by the applicant or agent of record, no other documentary evidence is required. We recommend that you use ePCT R92bis Actions - Editing/Replacing an existing Party .
11	When I have to add an inventor and delete another inventor, can I do that in one action?	In this case, it is highly recommended to update the information of the inventor to be deleted to the inventor to be added. In this way, it avoids generating two Form IB/306 instead of one. Furthermore, when there are more than one changes, preparing all change requests in one go and then submitting them together is advisable. It can avoid that you are blocked for submitting another action if you accidentally submitted an Action first which suspends the access to the application.
12	If we have to update the inventor order, do we enter that information in the informal message area?	The informal message is not intended to be used for formal requests. You can prepare a letter of request for changing the order of inventors and then upload this change request to the application concerned. The development of an action for changing the order of the applicants or inventors is under evaluated at the IB.
13	If an external signature is used to sign change request, can the signer view the changes in request before signing it?	The draft change request can be downloaded from the Action for R92bis in ePCT and be sent to the signatory. There is a unique ID number indicated on the draft, in the email notification sending the external signature request and on the signing web page for the signatory to

		identify which document he/she is signing for. The email notification for sending the external signature request does not contain any attachment or the content of the request.
II. Rule 92bis Change Requests relating to the Agent		
14	What about changing the attorney? How to do it?	Changing the attorney from A to B can be requested using the ePCT Action - Rule 92bis change request and should be submitted to the IB together with a POA signed by the applicant for appointing the new agent. If you don't have access to the application concerned, you can submit your request under PCT Rule 92bis using the Upload Documents function in ePCT with or without strong authentication.
15	What if you just want to add an additional agent, but not remove the original?	You can request the addition of an agent under R. 92bis and keep the original one, just to make sure to clearly indicate the intention in your request so that it will not be interpreted as a change of agent.
16	What is the difference between "agent" or "common representative" - which is the attorney/firm?	An agent is a person having the right to practice before the national Office with which the international application is filed or, where the international application is filed with the International Bureau, having the right to practice in respect of the international application before the RO/IB, and has been appointed by the applicant as his agent to represent him before the PCT authorities, such as the RO, IB, ISA, etc. Where there are two or more applicants and the applicants have not appointed an agent representing all of them (a "common agent") under Rule 90.1(a) , one of the applicants who is entitled to file an international application according to Article 9 may be appointed by the other applicants as their common representative (Rule 90.2). In general, the agent is the attorney/firm, and the common representative is one of the applicants.
17	Do we have to be the listed representative, to make a recordable request on a PCT application?	The request under Rule 92bis should be signed by a person who has authority to represent the applicant. It can be the appointed agent or the applicant. If you are recorded as address for correspondence, the request should be signed by the applicant.
18	If we are submitting a request for change of name or address, i.e. not a change of ownership, will we still need a PoA if we are not the recorded agent?	Only the agent (including future agent) and the applicant can request a change under Rule 92bis regardless the type of the change.
19	Is a new POA required for changing an agent's address?	If the agent remains the same and only the address is changed, a new POA is not required.
20	Is it possible for the current agent to ask IB to change the agent to the new agent? Is the signed POA (to the new agent) still required?	Yes, it is possible for the current agent to request the IB to change the agent to the new agent. Since the request is submitted by the agent of record, a POA is not required given the IB's waiver of the POA.

21	<p>PCT Applicant's Guide</p> <p>"11.018B. Does the applicant need to provide any documentary evidence? Where the applicant or agent of record requests a change, it is not necessary to produce any documentary evidence relating to the change." So, no evidence required but IB requires a POA from the agent of a record?</p>	<p>In general, documentary evidence is not required when the change request is submitted by the applicant or agent of record. However, if the person who submitted the request is the new applicant or the new agent, evidence is required. Please refer to the following information in 11.018B of the PCT Applicant's Guide, as follows:</p> <p><i>"Where the applicant or agent of record requests a change, it is not necessary to produce any documentary evidence relating to the change. In particular, where the applicant or agent of record requests a change in the person of the applicant, the International Bureau does not require an assignment or other documentary evidence to show the transfer of rights ... If the agent of record wishes to also represent the new applicant, a power of attorney, signed by the new applicant, should be furnished at the same time, unless the Office or Authority with which the request is filed has waived the requirement that a power be furnished (refer to paragraphs 11.008 and 11.009). It should be noted that the International Bureau has waived such a requirement (refer to https://www.wipo.int/pct/en/texts/waivers.html).</i></p> <p><i>... Where the request for a change of applicant is made by a (new) agent for the new applicant, a power of attorney signed by the new applicant must be furnished in addition to the documentary evidence unless the Office or Authority with which the request is filed has waived the requirement that a separate power of attorney, or a copy of a general power of attorney, has to be submitted (refer to paragraphs 11.008 and 11.009). It should be noted that the International Bureau has not waived that requirement and, as a consequence, a new power of attorney will always be required when filing this type of request for a change with the International Bureau."</i></p>
22	<p>If the current recorded representative files a request for an assignment of the applicant, will the representative remain on file for the new applicant? Or will they need to request this and provide a PoA?</p>	<p>The agent of record can request the IB to record a change of applicant from A to B (due to the assignment) without a POA given the IB's waiver of the POA. Please refer to 11.018B of the PCT Applicant's Guide mentioned above.</p>
23	<p>As a paralegal, do I have authority on behalf of the applicant to submit 92bis?</p>	<p>A paralegal can submit requests in ePCT, however, any document/action should be signed by an authorized person, namely the agent or applicant.</p>
24	<p>Are paralegals allowed to signed change requests or does it have to be the attorney?</p>	<p>It must be the attorney. Paralegals can have access rights of applications in ePCT, conduct ePCT Actions and upload documents, but the change requests must be signed by the agent/attorney of record or the applicant.</p>
25	<p>Are paralegals considered an approved representative to sign the signature page before submitting the 92bis request?</p>	<p>A paralegal is not a named party in the application and is not included in the signatory drop-down menu. The agent or applicant should sign the request.</p>
26	<p>What if the paralegal does have authority to sign from the Applicant?</p>	<p>A paralegal typically cannot legally represent a client. If you have a standing agreement between you and the applicant to apply the signature of the applicant, that is the arrangement</p>

		between you and the applicant, but the signature on the request should not be the name of the paralegal.
27	Regarding signature types, are you saying where evidence or a PoA is needed, these cannot be DocuSigned or similar - they must be wet signed, or have a text string signature (i.e. /JOHN DOE/?)	If the signature generated in DocuSign or similar software appears as a text string signature or a copy of a wet signature and the IB can identify who is the signatory, then that would be acceptable. Not all software works the same in generating signature, for example, if the signature only contains some transaction numbers from the software, it will not be accepted.
III. Rule 92bis Change Requests for Multiple Applications		
28	When requesting multiple change, can the list of documents be added also in the action, it is possible, but can it be done by using action as well?	The ePCT Action - Rule 92bis cannot be used in such cases. You may submit a letter of request to the IB under Rule 92bis, indicating the change and listing all the applications concerned (preferably omitting the ones for which 30 months have expired, as the IB will not be able to take any action on those applications since the international phase has ended). The letter and the accompanying list may be submitted to the IB preferably to the first application on the list, using the Upload Documents Action in ePCT - select the document type "Request for Change under Rule 92bis (for multiple International Applications)" - so that the IB is aware that the uploaded change request concerns more applications.
29	Is it possible to submit a request for multiple applications without access rights?	Yes, you can submit your request under PCT Rule 92bis for multiple applications using the Upload Documents function even if you don't have access rights to the applications concerned. Refer to the ePCT Tutorial " Upload documents to IB without access rights to application ".
IV. Access Rights Management related to Rule 92bis Change Requests		
30	Can you please confirm that you can only use Actions for uploading a 92bis if you have access rights in ePCT?	It is highly recommended to use the ePCT Action - R92bis change request if you have access rights of the application concerned. However, this Action is also available for published international applications even if you don't have access rights to the application. If the application has not yet been published, then the Upload Documents function should be used and the document type "R92bis change request" should be selected when uploading the request.
31	For how long the application access is suspended on ePCT when 92bis request is filed?	Once the IB processed the change request and IB306 has been issued, the email notification for confirming access rights is sent to the email of record. The access to the application is suspended until a person who uses the link in this email to confirm access rights by either removing or keeping the existing access rights.
32	How do you set up notifications that you previously talked about?	To configure the ePCT Notifications preferences , you will need to log in your WIPO Account with strong authentication, click on the bell icon in the navigation bar, then select

		"Notifications" -> "Preferences". From there, you can update the events selection, preferred method of notification, etc.
33	What can be done if the notification is sent to a non-functioning e-mail?	The email address for service, which is used by the IB to send IB forms and ePCT notifications related to access rights management, should be updated. In this case, the ePCT Action Rule 92bis change request can be used, select the party concerned, click "Edit" to update the email address in the appropriate field and submit the action.
34	Due to technical issues with our email server, we sometimes will receive the WIPO notice after expiration. Is there a way to proactively confirm access rights when submitting a 92bis request.	The link in the notification for confirming the access rights after the 92bis change is valid for 7 days and you can have a new link sent after expiration by using the option in the email notifying the expiration. To minimize the number of access suspension cases, it is recommended to use the Action as access rights will not be suspended for a number of changes such as the inventor's address, whereas the Upload Document function will automatically suspend access to the application regardless the type of the change.
35	How to request for a change under R.92bis for an IA when the only colleague who has the access right to this IA in the name of the Applicant is on leave?	You can use the Upload Documents function in ePCT without strong authentication to submit a request under PCT Rule 92bis. Please see our ePCT Tutorial " Upload documents to the IB without access rights to the application ". We take this opportunity to remind you that it is always highly recommended to have at least two eOwners per application to facilitate access rights management.
36	In a case where Rule 92bis request has been filed to change the agent, all access right will be suspended. However, WIPO requested for POA from the new agent. New agent has sent the POA via email to the WIPO but there is still no update since. What should be done in this case?	The IB does not accept any document submissions via email. The POA should be submitted to the IB using the Upload Documents function in ePCT. Once the POA is accepted/processed, a notification to the new email address for service will be sent in order for the new agent/applicant to manage access rights.
37	Regarding a change of agent and access rights - it is technically possible for the current agent to provide access rights to the new agent via Connections (previously called eHandshake). The new agent would then be responsible for uploading the POA and filing the R92bis request in due course (including removing the old agent). Do you have any objections to using the Connections functions in this way?	This is in fact the best practice to follow when it is feasible for you to establish Connection with the new agent, in order for the new agent to gain access to the application concerned and submit the change of agent and the POA to the IB. Then the new agent can update the access rights accordingly.
38	If the applicant who we could represent assigns his rights to a party, we cannot represent - do we lose the access rights to that application? Practically it appears impossible	When you no longer have the right to represent the new applicant of the application, it does mean that your access rights in ePCT will be removed automatically. You can still have access to that application in ePCT if you still manage the application in ePCT for the new

	to do because of the box - are we legally allowed to represent the applicant?	applicant, for example acting as the address for correspondence. However, as you will be recorded as the address for correspondence instead of the agent, all documents and requests submitted afterwards should be signed by the new applicant.
39	I understand that deleting an inventor doesn't suspend actions. In what cases then the ePCT is suspended?	<p>When deleting a person from file, including an inventor, the access to the application will be suspended in order to give the applicant the opportunity to review the access rights, for example, in most of the cases, when the inventor has access to the application, removing his/her access rights.</p> <p>Note: the type of change requested under Rule 92bis will in some cases temporarily suspend access to the IA after clicking "Submit" and pending processing of the change by the IB, namely:</p> <ul style="list-style-type: none"> - Applicant or Agent: change of name, person and/or address will suspend access; - Inventor only (not also applicant): change of name and/or person will suspend access; - Inventor only (not also applicant): change of address will NOT suspend access; - Deletion of Applicant, Inventor or Agent will suspend access. <p>However, adding a new Party (regardless of the type) or submitting a request for change concerning only the nationality, residence, country of address, telephone number, e-mail address, notification method, or applicable designations will not result in online access being suspended.</p> <p>Please refer to Action - Rule 92bis change request overview.</p>
40	When you delete a person, how do you ensure they do not have access to the application?	<p>When a request for deleting a person is submitted, the access to the application will be suspended. Once the IB processed the change request and IB306 has been issued, the email notification for confirming access rights is sent to the email of record. The applicant or agent then can use the link in this email to confirm access rights by removing existing access rights. In this way, all access rights will be removed. A new request for access rights can then be submitted for the applicant or agent to approve.</p> <p>Alternatively, if you are the eOwner of the application, the easier way would be before submitting such a change for the deletion of a person, removing access rights of this person yourself.</p>
V. Miscellaneous Questions		
41	Will we get the slides?	The slides have been available for downloaded on the PCT Webinars webpage https://www.wipo.int/pct/en/seminar/webinars/index.html since one week before the first webinar session. The recording was also posted a few days after the second webinar session, so it is now available on the same page.

42	Can the ePCT account's name be changed since the colleague has been left the company?	You can edit the account details including the names except for the username. The username is unique in the database since its creation. If you really want to have a different username, a new account will need to be created and then you can share access rights of the applications in the existing account to the new account.
43	Regarding e-Ownership: is it correct that e-Ownership cannot be created if the PCT application is filed by the ePCT module under OLF 2.0?	If eOLF 2.0 is used to file the application, you can request access rights after filing as soon as Form PCT IB/301 is issued by the IB. Please refer to Action - Request access rights to an international application after filing
44	For the signature of the Request, is it possible to send to an attorney who does not have an ePCT account, using the option of "external signature"? Or are they required to have an account to use this function?	The attorney does not need to have a WIPO Account to use the external signature to sign a document. Only the email of the attorney should be provided for receiving the external signature request. Then the attorney can use the link in the email to access the signing web page. Please refer to more details ePCT FAQs - External signature .
45	My question is related to change the claims after application submission. Is it under the rule 92bis?	The amendment of claims is prescribed under PCT Article 19 . The amendment should be filed (after having received the international search report) directly with the IB. You can use the ePCT Action - Amendments under Article 19 (text format only) . For more information regarding the amendment of the claims, please refer to the PCT Newsletter November 2024 (Practical Advice, pages 9 and 10).
46	Is it possible to amend claims before the issuance of ISR/WOSA?	No. The applicant shall, after having received the international search report, be entitled to one opportunity to amend the claims of the international application by filing amendments with the International Bureau (refer to PCT Article 19).