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NEWSLETTER

September 1995

No. 09/1995

LIECHTENSTEIN AND SWITZERLAND BOUND BY PCT CHAPTER II: REMINDER

Following a number of inquiries from PCT users, we remind our readers that Liechtenstein and Switzerland became bound by Chapter II of the PCT on 1 September 1995 following the withdrawal of their reservations under PCT Article 64(1)(a). This has the effect that, as from 1 September 1995, and irrespective of when the international application was filed:

– nationals and residents of Liechtenstein and Switzerland are entitled to file demands for international preliminary examination of their international applications;

– Liechtenstein and Switzerland may be elected in a demand for international preliminary examination, or by way of a notice effecting a later election, in respect of an international application in which Liechtenstein and Switzerland are designated.

For more details, see *PCT Newsletter* No. 06/1995, cover page.

PCT INFORMATION UPDATE

Kazakstan (name)

The spelling of the official name of Kazakstan, which was hitherto spelled Kazakhstan, has changed. The new spelling of that name is Kazakstan, and that of the adjective is Kazak.

(Updating of *PCT Applicant's Guide*, Vol. I, Annexes A, B1 (KZ), C (KZ), and L and Vol. II/B, National Chapter (KZ))

Liechtenstein and Switzerland (time limit applicable for entry into the national phase under PCT Article 39(1))

Consequent to the withdrawal of their reservations under PCT Article 64(1)(a), the time limit applicable for entry into the national phase before the Swiss Federal Intellectual Property Office in its capacity as an elected Office (also acting for Liechtenstein) under PCT Article 39(1) is 30 months from the priority date.

(Updating of *PCT Applicant's Guide*, Vol. II/A, National Chapter (CH))

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[Continued from cover page]

Monaco (fees)

The amount of the following fee, payable to the Monaco Patent Office as receiving Office, has changed:

Transmittal fee: See Table I(a)

(Updating of *PCT Applicant's Guide*, Vol. I, Annex C (MC))

United States of America (fees)

The amounts of fees, payable to the United States Patent and Trademark Office in its capacity as receiving Office, International Searching Authority, International Preliminary Examining Authority, and designated or elected Office, have been revised. The new fees will enter into force on 1 October 1995. These fees are reflected in Tables I(a), I(b) and II, on pages 6 and 7, and in the pink tear-out provisional sheets for the *PCT Applicant's Guide*, Vol. I, Annexes C (US), D (US) and E (US) and Vol. II/C, National Chapter (US).

(Updating of *PCT Applicant's Guide*, Vol. I, Annexes C (US), D (US) and E (US) and Vol. II/C, National Chapter (US))

EPO REGIONAL PHASE

The European Patent Office (EPO) has informed the International Bureau that the form for entry into the regional phase before the EPO as a designated/elected Office (EPA/EPO/OEB Form 1200) as well as the corresponding notes have been revised with effect from September 1995. Copies of the revised form can be obtained directly from the EPO. For further details, see also the *Official Journal of the EPO*, No. 09/1995.

BUDAPEST TREATY

Since an increasing number of international applications relate to inventions in the field of microorganisms and since a number of PCT Contracting States are party to a special treaty - the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure concluded in 1977 - this article will give a brief outline of that treaty and the complete up-to-date list of the States party to it, including those which are not PCT Contracting States.

Disclosure of the invention is a requirement for the grant of patents. Normally, an inven-

tion is disclosed by means of a written description. Where an invention involves a microorganism or the use of a microorganism, disclosure is not possible in writing but can only be effected by the deposit, with a specialized institution, of a sample of the microorganism.

It is in order to eliminate the need of deposit in each country in which protection is sought that the Budapest Treaty provides that the deposit of a microorganism with any "international depository authority," suffices for the purposes of patent procedure before the national patent Offices of all of the Contracting States and before any regional patent Office (if such a regional Office declares that it recognizes the effects of the Treaty). The European Patent Office has made such a declaration.

The table below sets out the list of States party to that Treaty and their two-letter codes as of 1 September 1995.

States party to the Budapest Treaty (as of 1 September 1995)	
Australia (AU)	Philippines (PH)*
Austria (AT)	Poland (PL)
Belgium (BE)	Republic of Korea (KR)
Bulgaria (BG)	Republic of
China (CN)	Moldova (MD)
Cuba (CU)*	Russian Federation (RU)
Czech Republic (CZ)	Singapore (SG)
Denmark (DK)	Slovakia (SK)
Finland (FI)	Spain (ES)
France (FR)	Sweden (SE)
Germany (DE)	Switzerland (CH)
Greece (GR)	Tajikistan (TJ)
Hungary (HU)	Trinidad and
Iceland (IS)	Tobago (TT)
Italy (IT)	United Kingdom (GB)
Japan (JP)	United States of
Latvia (LV)	America (US)
Liechtenstein (LI)	Yugoslavia (YU) *
Netherlands (NL)	
Norway (NO)	(Total: 35 States)

* State not bound by the PCT

TABLE OF STATES PARTY TO THE PARIS CONVENTION (Corrigendum)

The country code for Venezuela was incorrectly indicated as VN in the table setting out the States party to the Paris Convention for the Protection of Industrial Property, published in *PCT Newsletter* No. 08/1995, page 3. It should be corrected to read VE.

GENERAL INFORMATION ON THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Some readers have expressed interest in learning more about the activities of WIPO other than the PCT. A brochure entitled *General Information* is available free of charge in Arabic, Chinese, English, French, German, Japanese, Portuguese, Russian and Spanish.

This brochure gives an overall view of WIPO including its history, objectives, organs, membership, as well as a brief introduction to the different treaties administered by WIPO.

These treaties include, in the field of industrial property, the Paris Convention for the Protection of Industrial Property, the Madrid Agreement Concerning the International Registration of Marks, the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and the Hague Agreement Concerning the International Deposit of Industrial Designs.

In the field copyright and neighboring rights, the treaties include the Berne Convention for the Protection of Literary and Artistic Works and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

The brochure can be obtained from the Publication Sales and Distribution Unit of WIPO at the address indicated on the cover page. The telephone and fax numbers are indicated below:

Telephone: (41-22) 730 91 11 (ask for the Publication Sales and Distribution Unit)

Fax: (41-22) 740 18 12

INDUSTRIAL PROPERTY STATISTICS

WIPO publishes every year a compilation of industrial property statistics (under the title *Industrial Property Statistics [year]*) based on information supplied by national and regional Industrial Property Offices. The latest statistics available are for the year 1993 and relate to over 100 countries.

Each yearly set is divided into a *Publication A* and a *Publication B*. *Publication A* is an advance compilation of about 40 pages containing only the main data and is available around the month of April (current price: CHF 10). *Publication B* is the exhaus-

sive compilation of all the statistics concerned and is usually available in July; it consists of two separate volumes of about 500 pages each (Part I covers patents and utility models while Part II covers trademarks and service marks, industrial designs, plant varieties and microorganisms) and can be purchased separately (current price: CHF 60 per volume).

Of particular interest to PCT users will be the figures, country by country, on patent applications filed and patents granted, broken down according to various criteria, such as (i) the country of residence of the applicant, (ii) the route of filing chosen by the applicant (that is, national, regional or PCT), (iii) the country of origin of the first filed application the priority of which is claimed, (iv) the assigned unit of the International Patent Classification.

A copy of any of these bilingual (English/French) publications can be obtained by placing an order with the Publication Sales and Distribution Unit of WIPO (for address and telephone and fax numbers, see the item on General Information on WIPO).

EURASIAN PATENT CONVENTION

Kazakhstan deposited its instrument of ratification of the Eurasian Patent Convention on 4 August 1995 and will become bound by the Convention on 4 November 1995.

Although the Eurasian Patent Convention came into force on 12 August 1995, **operations under the Convention have not yet started** (see *PCT Newsletter* No. 07/1995, cover page). Information on the starting date of operations will be reported in the *PCT Newsletter* when it becomes available.

PRACTICAL ADVICE

Right to practice before the International Bureau as receiving Office

Q: I am a United States patent attorney. I filed a PCT application at the United States Patent and Trademark Office (USPTO) for a client company which is incorporated in the United Kingdom. Due to the last minute decision to file the application, I had not realized that the USPTO was not the competent receiving Office for that application (there was no applicant with United States nationality or residence named in the appli-

[Continued on page 4]

PCT SEMINAR CALENDAR			
Dates Location	Language of seminar	Nature of seminar WIPO speakers (and others where known)	Organizer and contact numbers
5-6 October 1995 Munich (DE)	German	Advanced PCT seminar for patent administrators and legal assistants WIPO speakers: Mr. Wolff and Mrs. Coeckelbergs	Forum Institut für Management GmbH Tel: (49-6221) 47 95 12 Fax: (49-6221) 41 16 27
18 October 1995 Paris (FR)	French	PCT seminar for patent attorneys WIPO speaker: Ms. Boutillon	Forum Institut für Management GmbH Tel: (49-6221) 47 95 12 Fax: (49-6221) 41 16 27
30-31 October 1995 Irvine, California (US)	English	Advanced PCT seminar for patent attorneys and patent administrators WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Orange County Patent Law Association (Mr. Stefan J. Kirchanski) Tel: (1-714) 261 84 33 Fax: (1-714) 261 90 72
1-2 November 1995 San Francisco (US)	English	Advanced PCT seminar for patent administrators and legal assistants WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Intellectual Property International (Ms. Virginina H. Meyer) Tel: (1-415) 289 74 71 Fax: (1-415) 331 60 68
3 November 1995 San Francisco (US)	English	PCT workshop for patent administrators and legal assistants WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Intellectual Property International (Ms. Virginina H. Meyer) Tel: (1-415) 289 74 71 Fax: (1-415) 331 60 68
6-7 November 1995 Chicago (US)	English	Advanced PCT seminar for patent administrators and legal assistants WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	John Marshall Law School (Mr. Gary T. Watson) Tel: (1-312) 987 14 20 Fax: (1-312) 427 71 28
23-24 November 1995 Copenhagen (DK)	English	Advanced PCT seminar for patent administrators and legal assistants WIPO speakers: Ms. Boutillon and Mr. Bryan	Danish Patent Office (Ms. Inge-Lise Høybye) Tel: (45-43) 50 80 00 Fax: (45-43) 50 80 01
6-7 December 1995 London (GB)	English	Advanced PCT seminar for patent administrators and legal assistants WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 364 24
8 December 1995 London (GB)	English	PCT workshop for patent administrators and legal assistants WIPO speakers: Ms. Boutillon and Mrs. Coeckelbergs	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 364 24

PRACTICAL ADVICE

[Continued from page 3]

ation). The USPTO has now informed me that it has transferred the application to the International Bureau as receiving Office, under PCT Rule 19.4. Could you tell me whether I am entitled to continue to represent my client before the International Bureau?

A: If the only applicant named in the application is the United Kingdom company, and assuming that the company's residence is also in the United Kingdom, then you are not

entitled to represent it before the International Bureau as receiving Office. PCT Rule 83.1^{bis}(a) provides that any person who has the right to practice before the national Office of, or acting for, a Contracting State of which the applicant, or if there are two or more applicants, any of the applicants, is a resident or national, will be entitled to practice before the International Bureau as receiving Office in respect of the application concerned. The application in question could only have been filed by the applicant with the United Kingdom (national) Office or with the European Patent Office as a regional

Office acting for the United Kingdom. Therefore, the only persons who can act, in respect of that application, as agents before the International Bureau as receiving Office are those who are entitled to act before the United Kingdom Patent Office or the European Patent Office.

The International Bureau as receiving Office will notify the applicant through you as an "address for correspondence" that the person named as agent (that is, yourself) is not entitled to be an agent in that particular case and will invite the applicant to appoint an agent fulfilling the conditions laid out above. Until such an agent is appointed, you will continue, as "address for correspondence", to receive all notifications and invitations concerning the application, but you will not be able to file responses and other documents on behalf of the applicant (which implies that not you but the applicant will have to sign responses and letters accompanying other documents).

EPO case law data on unity of invention

Q: I am interested in obtaining copies of the decisions of the Boards of Appeals of the European Patent Office (EPO) concerning the

question of unity of invention in respect of international applications where the EPO acted as an International Searching Authority, International Preliminary Examining Authority, or a designated/elected Office. Can the International Bureau provide me with those decisions ?

A: No, such information cannot be obtained from the International Bureau. Decisions of the Boards of Appeals, including those on unity of invention under the PCT, are regularly published in the *Official Journal of the EPO*. In addition, the ESPACE-LEGAL CD-ROM series contains both the published and unpublished decisions of the Boards of Appeals. The discs, which also contain other information such as the Guidelines for Examination in the EPO, are designed for full disc searching and updates are issued at regular intervals (at present twice yearly). For more details, contact:

European Patent Office
Schottenfeldgasse 29
A-1072 Vienna
Austria

Telephone: (43-1) 521 26 40 51
Fax: (43-1) 521 26 41 92

PCT FEE TABLES

The following Tables show the amounts (including currencies – see the key to currency abbreviations at the bottom of page 6) of the main PCT fees which are payable to the receiving Offices (ROs) and the International Preliminary Examining Authorities (IPEAs) during the international phase under Chapter I (Table I(a) and Table I(b)) and under Chapter II (Table II). Fees which are payable only in special circumstances are not shown; nor are details of reductions and refunds which may be available; such information can be found in the *PCT Applicant's Guide*, Volume I, Annexes C, D and E. Note that all amounts are subject to changes due to fee increases or fluctuations in exchange rates. The footnotes are on page 7.

Table I(a) – TRANSMITTAL, BASIC AND DESIGNATION FEES

(as at 1 September 1995, unless otherwise indicated)

RO	Transmittal fee ¹	Basic fee ¹ (CHF 762)	Supplement per sheet over 30 ¹ (CHF 15)	Designation fee ^{1,2} (CHF 185)	Competent ISA(s) ³
AM	AMD ⁴ –	USD 604	12	147	EP RU
AP	USD 70	USD 604	12	147	AT EP SE
AT	ATS 700	ATS 6,220	122	1,510	EP
AU	AUD 100	AUD 906	18	220	AU
BE	BEF 1,500	BEF 18,208	358	4,421	EP
BG	BGL 600	BGL equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP RU
BR	BRC 21,670	BRC equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	AT EP SE US
BY	RUR ⁴ –	USD 604	12	147	EP RU
CA	CAD 200	CAD 963	19	234	EP
CH	CHF 100	CHF 762	15	185	EP
CN	CNY 500	CNY equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	CN
CZ	CZK 1,500	CZK equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP
DE	DEM 150	DEM 883	17	214	EP
DK	DKK 1,500	DKK 3,440	70	840	EP SE
EE	EEK 1,500	EEK equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP

[continued on page 6]

Table I(a) – TRANSMITTAL, BASIC AND DESIGNATION FEES [continued]

(as at 1 September 1995, unless otherwise indicated)

RO	Transmittal fee ¹		Basic fee ¹ (CHF 762)		Supplement per sheet over 30 ¹ (CHF 15)	Designation fee ^{1,2} (CHF 185)	Competent ISA(s) ³
EP ⁵	DEM	200	DEM	883	17	214	EP
ES		None	ESP	87,000	1,700	21,000	EP ES
FI	FIM	700	FIM	2,800	55	690	EP SE
FR	FRF	400	FRF	3,010	60	730	EP
GB	GBP	55	GBP	419	8	102	EP
GE	USD ⁴	—	USD	604	12	147	EP RU
GR	GRD	30,000	GRD	147,000	3,000	36,000	EP
HU	HUF	4,000	HUF	equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	AT EP RU
IB	CHF	300	CHF	762	15	185	See note 6
	or USD	200	or USD	604	12	147	
IE	IEP	60	IEP	425	8	103	EP
IS	ISK	5,000	ISK	40,000	800	9,700	EP SE
IT	ITL	60,000	ITL	1,130,000	22,000	270,000	EP
JP	JPY	18,000	JPY	59,000	1,000	14,000	EP JP
KE	USD (or KES equiv)	30	USD	604	12	147	AU AT CN EP SE
KG	KGS ⁴	—	USD	604	12	147	EP RU
KP	KPW	50	KPW	equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	AT RU
KR	KRW	40,000	KRW	505,000	10,000	123,000	AT AU JP
KZ	KZT ⁴	—	USD	604	12	147	EP RU
LR	USD	45	USD	604	12	147	AT AU CN EP SE
LT	LTL equiv of USD	80	USD	604	12	147	EP RU
LU	LUF/BEF	1,000	LUF/BEF	18,208	358	4,421	EP
LV	LVL	40	USD	604	12	147	EP RU
MC	FRF	300	FRF	3,010	60	730	EP
MD	MDL ⁴	54	USD	604	12	147	EP RU
MN		None	MNT	equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP RU
MW	MWK	8	MWK	2,350	46	570	EP
MX	MXP equiv of USD	200	MXP	equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP ES US
NL	NLG	110	NLG	1,000	20	240	EP
NO	NOK	500	NOK	3,940	80	960	EP SE
NZ	NZD	155	NZD	976	19	237	AU EP
PL	PLZ	200	PLZ	equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP
PT	PTE	3,500	PTE	89,000	1,800	21,700	EP
RO	ROL	10,000	CHF	762	15	185	AT EP RU
RU	RUR	294,000	USD	604	12	147	EP RU
SD	SDP	50	SDP	equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP
SE	SEK	600	SEK	5,100	100	1,250	EP SE
SG	SGD	120	SGD	880	17	214	AT AU EP
SI	SIT	See note 7	SIT	equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP
SK	SKK	1,200	SKK	equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	EP
TJ	RUR ⁴	—	USD	604	12	147	EP RU
TM	USD ⁴	—	USD	604	12	147	EP RU
TT	TTD	750	USD	604	12	147	AT EP SE US
UA	UAK	21,000,000	USD	604	12	147	EP RU
US	USD	210	USD	604	12	147	EP US
	(from 01.10.95: 220)						
UZ	USD ⁴	—	USD	604	12	147	EP RU
VN	USD	50	VND	equiv of CHF 762	equiv of CHF 15	equiv of CHF 185	AT AU EP RU SE

Key to currency abbreviations for all fee tables:

AMD	Dram	DKK	Danish Krone	JPY	Yen	MNT	Tugrik	SDP	Sudanese Pound
ATS	Schilling	EEK	Estonian Kroon	KES	Kenyan Shilling	MWK	Kwacha	SEK	Swedish Krona
AUD	Australian Dollar	ESP	Peseta	KGS	Som	MXP	Mexican Peso	SGD	Singapore Dollar
BEF	Belgian Franc	FIM	Markka	KPW	Won	NLG	Guilder	SIT	Tolar
BGL	Lev	FRF	French Franc	KRW	Won	NOK	Norwegian Krone	SKK	Slovak Koruna
BRC	Cruzeiro Real	GBP	Pound Sterling	KZT	Tenge	NZD	New Zealand Dollar	TTD	Trinidad and Tobago Dollar
CAD	Canadian Dollar	GRD	Drachma	LTL	Lita	PLZ	Zloty		
CHF	Swiss Franc	HUF	Forint	LUF	Luxembourg Franc	PTE	Escudo	UAK	Karbovanets
CNY	Yuan Renminbi	IEP	Irish Pound	LVL	Lat	ROL	Romanian Leu	USD	US Dollar
CZK	Czech Koruna	ISK	Icelandic Kronur	MDL	Moldovan Leu	RUR	Rouble	VND	Dong
DEM	Mark	ITL	Lira						

Table I(b) – SEARCH FEES
(as at 1 September 1995, unless otherwise indicated)

ISA	Search fee ¹											
AT	ATS	2,200	CHF	285	KRW	184,000	SGD	317	USD	225		
AU	AUD	800	CHF	672	KRW	461,000	NZD	905	SGD	882	USD	592
CN	CNY	800	CHF	120	USD	100						
EP ⁸	DEM	2,400	CHF	2,040	FRF	8,730	ISK	105,000	MWK	6,400	PTE	258,800
	ATS	17,140	DKK	9,840	GBP	1,104	ITL	2,963,000	NLG	2,740	SEK	12,700
	BEF	50,300	ESP	225,800	GRD	400,000	JPY	149,000	NOK	10,300	SGD	2,308
	CAD	2,456	FIM	7,500	IEP	1,103	LUF	50,300	NZD	2,557	USD	1,722
ES	ESP	62,100	CHF	585	USD	510						
JP	JPY	77,000	CHF	1,060	KRW	695,000	USD	874				
RU ⁸	RUR	840,000	CHF	245	USD	200						
SE	SEK	2,600 ⁹	3,600 ¹⁰	4,200 ¹¹	FIM	1,540 ⁹	2,130 ¹⁰	2,480 ¹¹	USD	347 ⁹	480 ¹⁰	560 ¹¹
	CHF	410 ⁹	570 ¹⁰	660 ¹¹	ISK	22,000 ⁹	31,000 ¹⁰	36,000 ¹¹				
	DKK	2,000 ⁹	2,710 ¹⁰	3,160 ¹¹	NOK	2,240 ⁹	3,100 ¹⁰	3,620 ¹¹				
US			USD		640	(420 ¹²)		CHF	727	(477 ¹²)		
	(from 01.10.95:		USD		660	(430 ¹²))		CHF	782	(510 ¹²))		

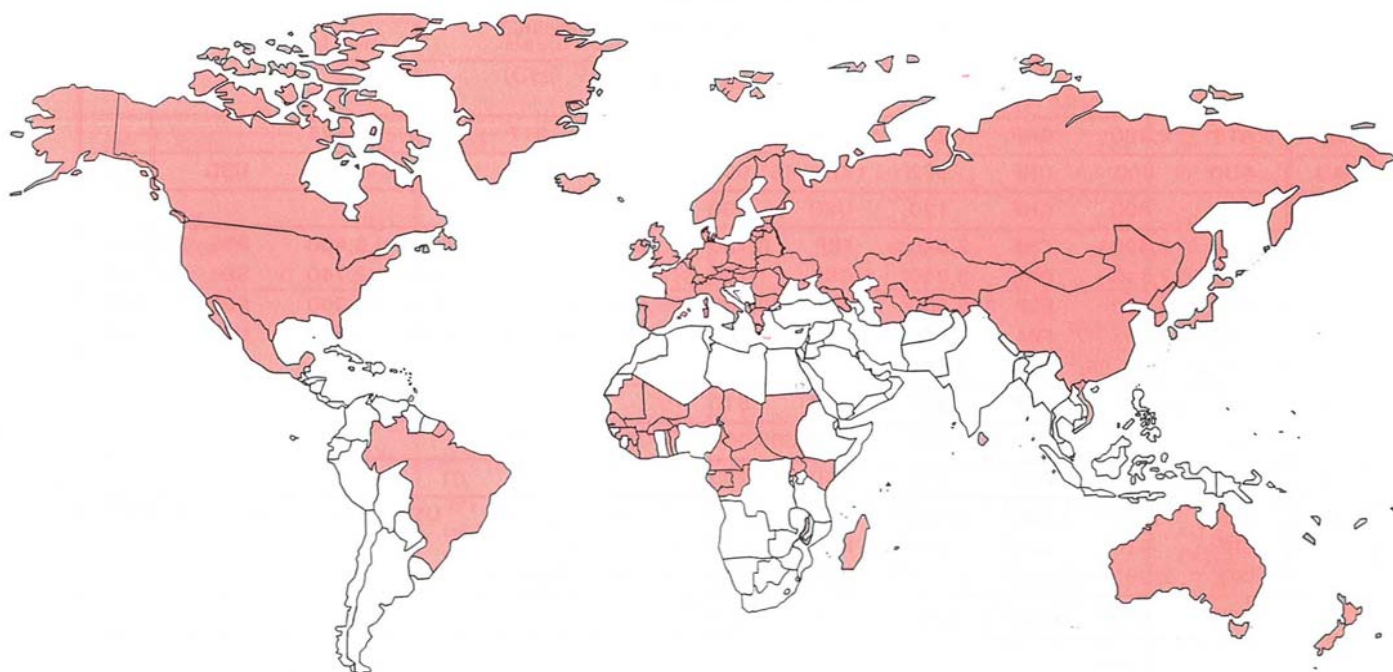
Table II – PRELIMINARY EXAMINATION FEES
(as at 1 September 1995, unless otherwise indicated)

IPEA	Preliminary examination fee ¹³				Handling fee ¹³ (CHF 233)							
AT	ATS	2,200			ATS	1,902						
AU	AUD	450			AUD	277						
CN	CNY	800			CNY equiv of CHF 233							
EP ⁸	DEM	3,000	FRF	10,910	NLG	3,430	DEM	270	FRF	920	NLG	305
	ATS	21,430	GBP	1,380	PTE	323,500	ATS	1,902	GBP	128	PTE	27,000
	BEF	62,900	IEP	1,379	SEK	15,870	BEF	5,568	IEP	130	SEK	1,550
	CHF	2,550	ITL	3,704,000			CHF	233	ITL	343,000		
	DKK	12,300	LUF	62,900			DKK	1,050	LUF	5,568		
JP	JPY	28,000			JPY	18,000						
RU ⁸	RUR	1,260,000	USD	300	USD	185						
SE	SEK	3,200			SEK	1,550						
US			USD	460	(690 ¹⁴)		USD	185				
	(from 01.10.95:		USD	470	(710 ¹⁴))							

Footnotes for all fee tables:

- 1 Payable to the receiving Office in the currency or one of the currencies prescribed by it.
- 2 The confirmation fee payable under PCT Rules 4.9(c) and 15.5 is 50% of the designation fee.
- 3 For the search fee payable to the receiving Office, consult the entry in Table I(b) for the competent International Searching Authority.
- 4 The amounts are not yet known or, where known, are subject to periodical revision. The Office or the agent should be consulted for the latest applicable schedule of fees.
- 5 Payments can also be made in ATS, BEF, CHF, DKK, ESP, FRF, GBP, GRD, IEP, ITL, LUF, NLG, PTE or SEK. For the amounts in the said currencies, reference should be made to the latest issue of the *Official Journal* of the EPO.
- 6 The competent International Searching Authority(ies) for an international application filed with the International Bureau as receiving Office is (are) the Authority(ies) which would have been competent if the international application had been filed with the receiving Office of, or acting for, the Contracting State of which the applicant (or any of the applicants) is a resident or national.
- 7 5% of the total value of the basic fee, supplement per sheet over 30, designation fee and search fee.
- 8 Nationals of developing countries and (in the case of the EPO) countries in transition ("reform States") may be eligible for fee reductions. For details, including the amount of the fee reduction, the countries concerned and applicable conditions, See *PCT Applicant's Guide*, Vol. I, Annex D (EP) and (RU) and Annex E (EP) and (RU).
- 9 If on an earlier application, the priority of which is claimed, a first office action has been issued by the Swedish Patent Office.
- 10 If on an earlier application, the priority of which is claimed, a first office action has been issued by the Danish Patent Office, the National Board of Patents and Registration (Finland) or the Norwegian Patent Office.
- 11 In all cases where 9 and 10 do not apply.
- 12 Payable when a corresponding prior US national application has been filed and the basic national fee for that US application has been paid.
- 13 Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
- 14 Payable when the international search report was not established by the United States Patent and Trademark Office.

PCT CONTRACTING STATES AND TWO-LETTER CODES (81 on 1 September 1995)



In the Americas

BB Barbados
BR Brazil
CA Canada
MX Mexico
TT Trinidad and
Tobago
US United States
of America

In Europe EPO (EP)

AT Austria
BE Belgium
CH Switzerland
DE Germany
DK Denmark
ES Spain
FR France
GB United Kingdom
GR Greece
IE Ireland
IT Italy
LI Liechtenstein
LU Luxembourg
MC Monaco
NL Netherlands
PT Portugal
SE Sweden

Non-EPO

AL Albania (from
4 October 1995)
BG Bulgaria
BY Belarus
CZ Czech Republic
EE Estonia
FI Finland
HU Hungary
IS Iceland
LT Lithuania
LV Latvia
MD Republic of
Moldova
**MK The former
Yugoslav
Republic of
Macedonia**
NO Norway
PL Poland
RO Romania
RU Russian Federa-
tion
SI Slovenia
SK Slovakia
UA Ukraine

In Africa

ARIPO (AP)

KE Kenya
LS Lesotho (from 21
October 1995)
MW Malawi
SD Sudan
SZ Swaziland
UG Uganda

OAPI (OA)

BF Burkina Faso
BJ Benin
CF Central African
Republic
CG Congo
CI Côte d'Ivoire
CM Cameroon
GA Gabon
GN Guinea
ML Mali
MR Mauritania
NE Niger
SN Senegal
TD Chad
TG Togo

In Asia and the Pacific

AM Armenia
AU Australia
CN China
GE Georgia
JP Japan
KG Kyrgyzstan
KP Democratic People's
Republic of Korea
KR Republic of Korea
KZ Kazakhstan
LK Sri Lanka
MN Mongolia
NZ New Zealand
SG Singapore
TJ Tajikistan
TM Turkmenistan
UZ Uzbekistan
VN Viet Nam

Non-ARIPO or -OAPI

LR Liberia
MG Madagascar

Important:

This list includes all States that have adhered to the PCT by the date shown in the heading. Any States indicated in **bold italics** have adhered to the PCT but were not yet bound by the PCT on the date of issue of the latest version of the request form. If the applicant wishes to designate any States which are bound by the PCT on the date on which the international application is filed but which are not listed in the request form, he must add them in Box No. V of the request form and mark the corresponding check-box. Where a State has adhered to but is not yet bound by the PCT, the date on which it will become bound is shown in parentheses; it cannot be designated in international applications filed before that date.

Applicants should always use the latest versions of the request and demand forms. The latest version of the request form (PCT/RO/101) is dated July 1995; that of the demand form (PCT/IPEA/401) is dated January 1994. The forms are reproduced in Annexes X and Y, respectively, of the *PCT Applicant's Guide*, Volume I. The request form can also be obtained from receiving Offices or the International Bureau. The demand form can also be obtained from International Preliminary Examining Authorities or the International Bureau.

C**Receiving Offices****C****US****UNITED STATES PATENT AND
TRADEMARK OFFICE (USPTO)****US**

Competent receiving Office for nationals and residents of:	United States of America
Language in which international applications may be filed:	English
Number of copies required by the receiving Office:	1
Competent International Searching Authority:	United States Patent and Trademark Office or European Patent Office
Competent International Preliminary Examining Authority:	United States Patent and Trademark Office, or European Patent Office for international applications for which the European Patent Office has established the international search report
Fees payable to the receiving Office:	Currency: US Dollar (USD)
Transmittal fee:	USD 210 [220] ¹
Basic fee:	USD 604
Supplement per sheet over 30:	USD 12
Designation fee:	USD 147
Search fee:	See Annex D (United States Patent and Trademark Office or European Patent Office)
Fee for priority document (PCT Rule 17.1(b)):	USD 12 [15] ¹
Is an agent required by the receiving Office?	No
Who can act as agent?	Patent attorneys and patent agents registered to practice before the USPTO. A list of registered patent attorneys and agents may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

¹ The amount in square brackets is applicable as from October 1, 1995.

D	International Searching Authorities	D
US	UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)	US

Search fee (PCT Rule 16): ¹	<table border="0" style="width: 100%;"> <tr> <td style="width: 20%;">US Dollar (USD)</td> <td style="width: 20%;">640 (420)</td> <td style="width: 20%;">[660 (430)]²</td> </tr> <tr> <td>Swiss Franc (CHF)</td> <td>727 (477)</td> <td>[782 (510)]²</td> </tr> </table> <p>The amount in parentheses is payable when a corresponding prior US national application has been filed and the basic filing fee paid</p>	US Dollar (USD)	640 (420)	[660 (430)] ²	Swiss Franc (CHF)	727 (477)	[782 (510)] ²
US Dollar (USD)	640 (420)	[660 (430)] ²					
Swiss Franc (CHF)	727 (477)	[782 (510)] ²					
Additional search fee (PCT Rule 40.2): ³	USD 180 [190] ²						
Fee for copies of documents cited in the international search report (PCT Rule 44.3): ³	None; applicant receives, together with the international search report, a copy of each document cited therein						
Conditions for refund and amount of refund of the search fee:	<p>Money paid by mistake, without cause, or in excess, will be refunded</p> <p>Where the international application is withdrawn or is considered withdrawn, under PCT Article 14(1), (3) or (4), before the start of the international search: refund of 100%</p>						
Languages accepted for international search:	English. International applications filed in Spanish at the Mexican Patent Office as receiving Office are accepted for international search on the basis of a translation prepared under the responsibility of that Office (PCT Rule 12.1(c)).						
Requirements concerning nucleotide and/or amino acid sequence listing:	A sequence listing must comply with WIPO Standard ST.23 (see PCT Gazette No. 20/1992, pages 8465 to 8485) and be presented in machine readable form as provided in Annex C of the PCT Administrative Instructions (see PCT Gazette No. 15/1992)						
Subject matter that will not be searched:	The subject matter specified in items (i) to (vi) of PCT Rule 39.1 with the exception of subject matter which is searched in US national applications						

¹ This fee is payable to the receiving Office in the currency or one of the currencies accepted by it (see Annex C).

² The amounts in square brackets are applicable as from October 1, 1995.

³ This fee is payable to the International Searching Authority and only in particular circumstances.

E

International Preliminary Examining Authorities

E

US

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

US

Preliminary examination fee (PCT Rule 58): ¹	US Dollar (USD) (due on filing demand) The amount in parentheses is payable when the international search report was not established by the USPTO	460 (690) [470 (710)] ²
Additional preliminary examination fee (PCT Rule 68.3): ³	USD 140 (240) [(250)] ² The amount in parentheses is payable when the international search report was not established by the USPTO	
Handling fee (PCT Rule 57.1): ¹	USD 185 (due on filing demand)	
Fee for copies of documents cited in the international preliminary examination report (PCT Rule 71.2):	None; applicant receives, together with the international preliminary examination report, a copy of each additional document not cited in the international search report	
Fee for copies of documents contained in the file of the international application (PCT Rule 94.1): ³	USD 3 per copy of US patent USD 25 per copy of non-US patent document See 37 CFR 1.19 for other document supply fees	
Conditions for refund and amount of refund of the preliminary examination fee:	Money paid by mistake, without cause, or in excess, will be refunded In the cases provided for under PCT Rule 58.3 where the demand is considered as if it had not been submitted (PCT Rules 54.4(a), 57.4(c), 58.2(c) and 60.1(c)): refund of 100% If the international application or the demand is withdrawn before the start of the international preliminary examination: refund of the amount paid less a processing fee equivalent to the transmittal fee (see Annex C(US))	
Languages accepted for international preliminary examination:	English. International applications filed in Spanish at the Mexican Patent Office as receiving Office are accepted for international preliminary examination on the basis of a translation prepared under the responsibility of that Office (PCT Rule 55.2(a)).	
Subject matter that will not be examined:	The subject matter specified in items (i) to (vi) of PCT Rule 67.1 with the exception of subject matter which is examined in US national applications	

¹ This fee is payable to the International Preliminary Examining Authority.

² The amounts in square brackets are applicable as from October 1, 1995.

³ This fee is payable to the International Preliminary Examining Authority and only in particular circumstances.

SUMMARY

**Designated
(or elected) Office**

SUMMARY

US

**UNITED STATES PATENT AND
TRADEMARK OFFICE (USPTO)**

US

Summary of requirements for entry into the national phase

Time limits applicable for the entry into the national phase:	Under PCT Article 22: 20 months from the priority date Under PCT Article 39(1): 30 months from the priority date
Translation of international application required into: ¹	English
Required contents of the translation for the entry into the national phase: ¹	Under PCT Article 22: Request, description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter in the drawings, abstract Under PCT Article 39(1): Request, description, claims, any text matter in the drawings, abstract (if any of those parts amended, both as originally filed and as amended by the annexes to the international preliminary examination report)
Is a copy of the international application required? ²	Applicant should only send a copy of the international application if he/she has not received Form PCT/IB/308 and the USPTO has not received a copy of the international application from the International Bureau under PCT Article 20. This may be the case where the applicant expressly requests an earlier start of the national phase under PCT Article 23(2). No copy is required if the international application was filed with the USPTO as receiving Office. A copy of amendments of the claims filed under PCT Article 19 with the International Bureau is required under the conditions indicated in the previous paragraph.
National fee: (The amounts in square brackets are applicable as from October 1, 1995)	Currency: US Dollar (USD) Basic national fee (37 CFR 1.492(a)(1)-(5)): ² - where an international preliminary examination fee has been paid on the international application to the USPTO: USD 660 (330) ³ [680 (340)] - where no international preliminary examination fee has been paid on the international application to the USPTO, but an international search fee has been paid for an international search by the USPTO: USD 730 (365) ³ [750 (375)] - where no international preliminary examination fee has been paid to and no international search report has been prepared by the USPTO: USD 980 (490) ³ [1,010 (505)]

[continued on next page]

¹ Must be furnished within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with in response to a notice sent to the applicant, provided that a processing fee is paid for furnishing the translation later.
² Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).
³ The amount in parentheses is applicable in case of filing by a "small entity." In order to claim "small entity" status, a proper statement, signed by the "small entity", must be filed with the USPTO (see 37 CFR 1.9(f), 1.27 and PCT Applicant's Guide, Volume II, Annex US.V). Fees are subject to periodic change. Current PCT related fees can be found in the Official Gazette of the United States Patent and Trademark Office.

SUMMARY

Designated
(or elected) Office

SUMMARY

US

UNITED STATES PATENT AND
TRADEMARK OFFICE (USPTO)

US

[continued]

National fee [continued]:

(The amounts in square brackets are applicable as from October 1, 1995)

Basic national fee (37 CFR 1.492(a)(1)-(5)) [continued]:

- where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office: USD 850 (425)⁴
[880 (440)]
- where the international preliminary examination report prepared by the USPTO states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1) to (4) have been satisfied for all the claims presented in the application entering the national phase: USD 92 (46)⁴
[94 (47)]
- Additional fee for each claim in independent form in excess of 3:⁵ USD 76 (38)⁴
[78 (39)]
- Additional fee for each claim, independent or dependent, in excess of 20:⁵ USD 22 (11)⁴
- In addition, if the application contains a multiple dependent claim(s), per application:⁵ USD 240 (120)⁴
[250 (125)]
- Surcharge for filing oath or declaration after the expiration of the time limit applicable under PCT Article 22 or 39(1): USD 130 (65)⁴
- Processing fee for filing English language translation after the expiration of the time limit applicable under PCT Article 22 or 39(1): USD 130⁶

Exemptions, reductions or refunds of the national fee:

Reductions of the national fees are indicated under the national fees listed above

Special requirements of the Office (PCT Rule 51^{bis}):Oath or declaration of the inventor⁷Information disclosure statement is recommended⁸

Where applicable, a nucleotide and/or amino acid sequence listing and its machine readable form, as prescribed, including the required statement (see 37 CFR 1.821-1.825); a sequence listing complying with the requirements as stated in Annex D(US), Volume I, will also be acceptable

Who can act as agent?

Patent attorneys and patent agents registered to practice before the USPTO. A list of registered patent attorneys and agents may be obtained from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

⁴ The amount in parentheses is applicable in case of filing by a "small entity." In order to claim "small entity" status, a proper statement, signed by the "small entity", must be filed with the USPTO (see 37 CFR 1.9(f), 1.27 and PCT Applicant's Guide, Volume II, Annex US.V). Current fees can be found in the Official Gazette of the United States Patent and Trademark Office.

⁵ If not paid with the basic national fee, the USPTO will invite the applicant to pay the fee within a time limit fixed in the invitation.

⁶ This fee is unaffected by small entity status.

⁷ Must be furnished within the time limit applicable under PCT Article 22 or 39(1). The requirement may still be complied with in response to a notice sent to the applicant, provided that a surcharge is paid for furnishing the oath or declaration later.

⁸ Should be filed within 3 months from performing the acts for entering the national phase.