

# PCT NEWSLETTER

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## Latvia: Closing of the National Route via the PCT

Latvia has informed WIPO that it has closed the national route via the PCT with effect from 1 March 2007. Therefore, any international application filed on or after 1 March 2007 will include the designation of Latvia for a European patent only, and not for a national patent.

## PCT Information Update

### (1) Acceptance of requests for restoration of the right of priority

It is recalled that new PCT Rules 26*bis*.3 and 49*ter*.2 relating to requests for restoration of the right of priority before the receiving Office and designated (or elected) Office, respectively, entered into force on 1 April 2007. **Detailed information on requesting the restoration of the right of priority is contained in the "Practical Advice" on page 8.**

The Offices listed below have so far notified the International Bureau (IB) of the criteria that they apply for restoration of the right of priority (PCT Rules 26*bis*.3(a) and 49*ter*.2(a)), and where applicable, of the fee payable for requesting restoration of the right of priority (PCT Rule 26*bis*.3(d) and/or 49*ter*.2(d)). Information on the requirements, if any, under PCT Rule 26*bis*.3(f), regarding the furnishing of declarations or other evidence in support of the statement of reasons for failure to file the international application within the priority period, will be available shortly in the *PCT Applicant's Guide*, Annex C and National Chapters at:

[www.wipo.int/pct/guide/en/](http://www.wipo.int/pct/guide/en/)

A table summarizing all the above-mentioned information will also be available shortly on the PCT Resources page of PatentScope at:

[www.wipo.int/pct/en/index.html](http://www.wipo.int/pct/en/index.html)

It is recalled that a list of the receiving Offices/designated or elected Offices which have notified the International Bureau of the incompatibility of PCT Rules 26*bis*.3 and 49*ter*.2 with the national law applied by them is available on the PCT Resources page of PatentScope at:

[www.wipo.int/pct/en/texts/reservations/res\\_incomp.pdf](http://www.wipo.int/pct/en/texts/reservations/res_incomp.pdf)

## AM Armenia

The Intellectual Property Agency of the Republic of Armenia, in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies the "due care" criterion to requests for restoration of the right of priority.

(Updating of *PCT Applicant's Guide*, Annex C (AM) and the National Chapter (AM))

## AT Austria

The Austrian Patent Office, in its capacities as receiving Office and as design-

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- Washington Diplomatic Conference on the PCT
- Useful tables: reservations and incompatibilities; types of protection; time limits for entering national/regional phase; powers of attorney waivers; access to the IPER; regional patents; States party to PCT/Paris/WTO
- PCT Contracting States
- ISA and IPEA agreements

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- Seminars and presentations
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nated (or elected) Office, has informed the IB under PCT Rules 26bis.3(i) and 49ter.2(g) that it applies both the "unintentionality" and the "due care" criteria to requests for restoration of the right of priority. Furthermore, the Office has notified the following fee for requesting restoration, payable to it as receiving Office and as designated (or elected) Office:

Fee for requesting  
restoration of the right  
of priority applying both  
the "unintentionality"  
and the "due care"  
criteria: EUR 220

(Updating of *PCT Applicant's Guide*, Annex C (AT) and the National Chapter (AT))

**AU Australian Patent Office**

The Australian Patent Office has informed the IB under PCT Rules 26bis.3(i) and 49ter.2(g) that, in respect of requests for restoration of the right of priority, it applies, in its capacity as receiving Office, both the "unintentionality" and the "due care" criteria, and in its capacity as designated (or elected) Office, it applies, in accordance with PCT Rule 49ter.2(f), the requirements under the applicable national law. Furthermore, the Office has notified the following fees for request-

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To subscribe to this e-mail updating service, which informs PCT users on a regular basis of important PCT news and new PCT resources, go to:

[www.wipo.int/pct/en/newslett/](http://www.wipo.int/pct/en/newslett/)

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E-mail: [pct.infoline@wipo.int](mailto:pct.infoline@wipo.int)

**Reminder**

The national Offices of the following States do not yet apply the 30-month time limit for entering the national phase under Chapter I as fixed in PCT Article 22(1) (as modified with effect from 1 April 2002). Note, however, that in respect of the **regional** designation of all those States, the time limit under PCT Article 22(3) of 31 months applies.

- CH Switzerland
- LU Luxembourg
- SE Sweden
- TZ United Republic of Tanzania
- UG Uganda

A list of time limits applicable for each designated/elected Office for entering the national phase under Chapters I and II of the PCT is available at:

[www.wipo.int/pct/en/texts/pdf/time\\_limits.pdf](http://www.wipo.int/pct/en/texts/pdf/time_limits.pdf)

ing restoration, payable to it as receiving Office and as designated (or elected) Office:

Fee for requesting restoration of the right of priority applying both the “unintentionality” and the “due care” criterion (PCT Rule 26*bis*.3): AUD 200

Fee for requesting restoration of the right of priority applying the requirements under the applicable national law PCT Rule 49*ter*.2(f):

- for a request on the basis of circumstances beyond the control of the person, regardless of the length of extension sought: AUD 100

- for a request on other grounds, for each month or part of a month for which the extension is sought: AUD 100

(Updating of *PCT Applicant’s Guide*, Annex C (AU) and the National Chapter (AU))

### BY Belarus

The National Center of Intellectual Property (Belarus), in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies the “unintentionality” criterion to requests for restoration of the right of priority.

(Updating of *PCT Applicant’s Guide*, Annex C (BY) and the National Chapter (BY))

### CA Canada

The Canadian Intellectual Property Office, in its capacity as receiving Office, has informed the IB under PCT Rule 26*bis*.3(i) that it applies both the “unintentionality” and the “due care” criteria to requests for restoration of the right of priority.

(Updating of *PCT Applicant’s Guide*, Annex C (CA))

### EA Eurasian Patent Organization

The Eurasian Patent Office, in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies both the “unintentionality” and the “due care” criteria as receiving Office, and the “unintentionality” criterion as designated Office, to requests for restoration of the right of priority. Furthermore, the Office has notified the following fee for requesting restoration, payable to it as designated (or elected) Office:

Fee for requesting restoration of the right of priority applying the “unintentionality” criterion : RUR 16,000

(Updating of *PCT Applicant’s Guide*, Annex C (EA) and the National Chapter (EA))

### EE Estonia

The Estonian Patent Office, in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies the “unintentionality” criterion to requests for restoration of the right of priority.

(Updating of *PCT Applicant’s Guide*, Annex C (EE) and the National Chapter (EE))

### EG Egypt

The Egyptian Patent Office, in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies the “due care” criterion to requests for restoration of the right of priority. Furthermore, the Office has notified the following fees for requesting restoration, payable to it as receiving Office and as designated (or elected) Office:

Fee for requesting restoration of the right of priority applying the “due care” criterion:

for individuals: EGP 800

for companies employing more than 10 persons: EGP 1,500

for companies employing less than 10 persons: EGP 1,000

for research institutions: EGP 800

(Updating of *PCT Applicant’s Guide*, Annex C (EG) and the National Chapter (EG))

### FI Finland

The National Board of Patents and Registration of Finland, in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies the “due care” criterion to requests for restoration of the right of priority. Furthermore, the Office has notified the following fee for requesting restoration, payable to it as designated (or elected) Office:

Fee for requesting restoration of the right of priority applying the “due care” criterion : EUR 250

(Updating of *PCT Applicant’s Guide*, Annex C (FI) and the National Chapter (FI))

**GB United Kingdom**

The Patent Office (United Kingdom), in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies the “unintentionality” criterion to requests for restoration of the right of priority. Furthermore, the Office has notified the following fee for requesting restoration, payable to it as designated (or elected) Office:

Fee for requesting restoration of the right of priority applying the “unintentionality” criterion:	GBP	150
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(Updating of *PCT Applicant’s Guide*, Annex C (GB) and the National Chapter (GB))

**HR Croatia**

The Croatian Intellectual Property Office, in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies the “due care” criterion to requests for restoration of the right of priority. Furthermore, the Office has notified the following fee for requesting restoration, payable to it as receiving Office and as designated (or elected) Office:

Fee for requesting restoration of the right of priority applying the “due care” criterion:	HRK	150
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(Updating of *PCT Applicant’s Guide*, Annex C (HR) and the National Chapter (HR))

**IB International Bureau**

Under PCT Rule 26*bis*.3(i), the International Bureau, in its capacity as receiving Office applies both the “unintentionality” and the “due care” criteria to requests for restoration of the right of priority.

(Updating of *PCT Applicant’s Guide*, Annex C (IB))

**IL Israel**

The Israel Patent Office, in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies the “due care” criterion to requests for restoration of the right of priority.

(Updating of *PCT Applicant’s Guide*, Annex C (IL) and the National Chapter (IL))

**KG Kyrgyzstan**

The Kyrgyz Intellectual Property Office, in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i)

and 49*ter*.2(g) that it applies both the “unintentionality” and the “due care” criteria to requests for restoration of the right of priority. Furthermore, the Office has notified the following fee for requesting restoration, payable to it as receiving Office and as designated (or elected) Office:

Fee for requesting restoration of the right of priority applying both the “unintentionality” and the “due care” criteria :	USD	100
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(Updating of *PCT Applicant’s Guide*, Annex C (KG) and the National Chapter (KG))

**LT Lithuania**

The State Bureau of the Republic of Lithuania, in its capacity as receiving Office, has informed the IB under PCT Rule 26*bis*.3(i) that it applies the “due care” criterion to requests for restoration of the right of priority.

(Updating of *PCT Applicant’s Guide*, Annex C (LT))

**MK The former Yugoslav Republic of Macedonia**

The State Office of Industrial Property (the former Yugoslav Republic of Macedonia), in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies the “due care” criterion to requests for restoration of the right of priority. Furthermore, the Office has notified the following fee for requesting restoration, payable to it as receiving Office and as designated (or elected) Office:

Fee for requesting restoration of the right of priority applying the “due care” criterion:	MKD	1,000
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(Updating of *PCT Applicant’s Guide*, Annex C (MK) and the National Chapter (MK))

**MY Malaysia**

The Intellectual Property Corporation of Malaysia, in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26*bis*.3(i) and 49*ter*.2(g) that it applies the “unintentionality” criterion to requests for restoration of the right of priority.

(Updating of *PCT Applicant’s Guide*, Annex C (MY) and the National Chapter (MY))

**RU Russian Federation**

The Federal Service for Intellectual Property, Patents and Trademarks (Russian Federation), in its capaci-

ties as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26bis.3(i) and 49ter.2(g) that it applies the “due care” criterion to requests for restoration of the right of priority.

(Updating of *PCT Applicant’s Guide*, Annex C (RU) and the National Chapter (RU))

### SE Sweden

The Swedish Patent and Registration Office, in its capacity as receiving Office, has informed the IB under PCT Rule 26bis.3(i) that it applies the “due care” criterion to requests for restoration of the right of priority.

(Updating of *PCT Applicant’s Guide*, Annex C (SE))

### SI Slovenia

The Slovenian Intellectual Property Office, in its capacity as receiving Office, has informed the IB under PCT Rule 26bis.3(i) that it applies the “due care” criterion to requests for restoration of the right of priority. Furthermore, the Office has notified the following fee for requesting restoration, payable to it as receiving Office:

Fee for requesting restoration of the right of priority applying the “due care” criterion:	EUR	42
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(Updating of *PCT Applicant’s Guide*, Annex C (SI))

### SK Slovakia

The Industrial Property Office (Slovakia), in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26bis.3(i) and 49ter.2(g) that it applies the “due care” criterion to requests for restoration of the right of priority. Furthermore, the Office has notified the following fee for requesting restoration, payable to it as receiving Office and as designated (or elected) Office:

Fee for requesting restoration of the right of priority applying the “due care” criterion:	SKK	2,000
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(Updating of *PCT Applicant’s Guide*, Annex C (SK) and the National Chapter (SK))

### UA Ukraine

The State Department of Intellectual Property (SDIP), Ministry of Education and Science of Ukraine, in its capacities as receiving Office and as designated (or elected) Office, has informed the IB under PCT Rules 26bis.3(i) and 49ter.2(g) that it applies the “unintentionality” criterion to requests for restoration

of the right of priority. Furthermore, the Office has notified the following fees for requesting restoration, payable to it as receiving Office and as designated (or elected) Office:

Fee for requesting restoration of the right of priority applying the “unintentionality” criterion:

- for residents of States whose per capita national income is below USD 3,000:  
UAH 10 (or equivalent in EUR or USD)
- for residents of States whose per capita national income is above USD 3,000:  
EUR 50 (or equivalent in UAH or USD)

(Updating of *PCT Applicant’s Guide*, Annex C (UA) and the National Chapter (UA))

### US United States of America

The United States Patent and Trademark Office, in its capacity as receiving Office, has informed the IB under PCT Rule 26bis.3(i) that it applies the “unintentionality” criterion to requests for restoration of the right of priority. Furthermore, the Office has notified the following fee for requesting restoration, payable to it as receiving Office:

Fee for requesting restoration of the right of priority applying the “unintentionality” criterion:	USD	400
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(Updating of *PCT Applicant’s Guide*, Annex C (US))

## (2) Other changes

### GB United Kingdom (fees)

As from 1 June 2007, there will be a change in the equivalent amounts of the international filing fee and the fee per sheet over 30, payable in GBP to the Patent Office (United Kingdom) as receiving Office, as well as a change in the equivalent amounts in GBP of the PCT-EASY and electronic filing fee reductions listed in item 3 of the Schedule of Fees, as indicated in Table I(a).

(Updating of *PCT Applicant’s Guide*, Annex C (GB))

### Search fee (European Patent Office)

As from 1 June 2007, there will be a change in the equivalent amount payable in JPY for an international search carried out by the European Patent Office, as indicated in Table I(b).

(Updating of *PCT Applicant’s Guide*, Annex D (EP))

## How to Make Use of Incorporation by Reference if using old Request Form

Applicants were reminded in *PCT Newsletter* No. 03/2007 that the new request form (Form PCT/RO/101) should be used for international applications filed on or after 1 April 2007, in particular, because it contains the preprinted "incorporation by reference" statement. Note, however, that if you do wish to make use of the statement of incorporation by reference under amended PCT Rule 4.18, and the use of the new request form causes problems for you, for example, if the old version of the request form has already been signed by the applicant(s) and you do not wish to ask the applicant(s) to sign it again, you have the possibility of doing one of the following, provided the statement, in whatever form it takes, **is contained in, or submitted with, the international application**:

- using all pages of the April 2007 request form (including the second sheet containing the incorporation by reference statement) except for the page from the old form containing the applicant's signature;
- using all pages of the old request form except for the second sheet, which you take from the new request form; or
- filing with the international application a separate statement of incorporation of reference.

Even though it is preferable to make use of the most up-to-date version of the request form, you are not obliged to do this. If it wishes to do so, the receiving Office may, however, request you to replace the old version of the request form with the current version.

It is recalled that the editable PCT version of the request form is available at:

[www.wipo.int/pct/en/forms/](http://www.wipo.int/pct/en/forms/)

## Change to the Publication Schedule

### Publication of 18 May 2007

Due to the fact that Thursday, 17 May 2007, will be a non-working day at WIPO, the PCT applications which would normally have been published on that day, as well as any *Official Notices (PCT Gazette)* which would normally have been published on that day, will be published on Friday, 18 May 2007 (publication no. 20/2007).

Note that the completion of technical preparations for that publication will take place more than the usual 15 days before publication, on Wednesday, 2 May 2007, meaning that any changes which should be taken into account for the purposes of international

publication should be received by the International Bureau by midnight on Tuesday, 1 May 2007.

### Publication of 31 May 2007

Due to the fact that Thursday, 17 May 2007 will be a non-working day at WIPO, the completion of technical preparations for the PCT applications to be published on 31 May 2007 (publication no. 22/2007) will take place earlier than usual, on Tuesday, 15 May 2007 (instead of on Wednesday, 16 April 2007, the day on which technical preparations would normally have been completed). This means that any changes which should be taken into account for the purposes of international application should be received by the International Bureau by midnight on Monday, 14 May 2007.

## New/Updated PCT Resources on the Internet

([www.wipo.int/pct/en/](http://www.wipo.int/pct/en/))

### Amendments to the PCT Regulations: video presentation

A video presentation in English, containing an overview of the amendments to the PCT Regulations that will enter into force on 1 April 2007, is now available on the PCT Resources page of PatentScope at:

[www.wipo.int/pct/en/video/files/changes07\\_256.asx](http://www.wipo.int/pct/en/video/files/changes07_256.asx)

Similar presentations will also be available in other languages shortly.

### Modifications to the Administrative Instructions under the PCT

Modifications have been made to Appendix I of Annex F of the Administrative Instructions under the PCT with effect from 1 April 2007. The text of Appendix I of Annex F as modified has been published as document PCT/AI/DTD/4, dated 23 March 2007, on the PCT Resources page of PatentScope at:

[www.wipo.int/pct/en/texts/index.htm](http://www.wipo.int/pct/en/texts/index.htm)

### Administrative Instructions in Russian

The consolidated text of the Administrative Instructions under the PCT, as in force from 12 October 2006, is now available in Russian in PDF format, published as document PCT/AI/5, on the PCT Resources page of PatentScope at:

[www.wipo.int/pct/ru/texts/index.html](http://www.wipo.int/pct/ru/texts/index.html)

### Regulations under the PCT

The consolidated texts of the Regulations under the PCT in English and French, as in force from 1 April

2007, are now available on the PCT Resources page of PatentScope in html format (in addition to PDF format) at, respectively:

[www.wipo.int/pct/en/texts/](http://www.wipo.int/pct/en/texts/)

[www.wipo.int/pct/fr/texts/](http://www.wipo.int/pct/fr/texts/)

For information on the paper version of the *Patent Cooperation Treaty and the Regulations under the PCT*, see below.

### Request and demand forms

The April 2007 versions of the request form (PCT/RO/101) and demand form (PCT/IPEA/401) in English, French, German and Spanish, in editable PDF format, are now available on the PCT Resources page of PatentScope at:

[www.wipo.int/pct/en/forms/](http://www.wipo.int/pct/en/forms/)

### Receiving Office forms

Receiving Office forms, as in force from 1 April 2007, in English and French, in PDF editable format, are now available on the PCT Resources page of PatentScope at:

[www.wipo.int/pct/en/forms/](http://www.wipo.int/pct/en/forms/)

### PCT Reform

The documents for the upcoming PCT Reform Meeting, which will be held in Geneva from 23 to 27 April 2007, are now available on WIPO's website at:

[www.wipo.int/meetings/en/details.jsp?meeting\\_code=pct/r/wg/9](http://www.wipo.int/meetings/en/details.jsp?meeting_code=pct/r/wg/9)

## Patent Cooperation Treaty and Regulations under the PCT (April 2007 edition)

The International Bureau has published new editions of the English and French texts of the *Patent Cooperation Treaty (PCT) and Regulations under the PCT*, as in force from 1 April 2007.

The price of the publication is 24 Swiss francs by regular mail, or 28 Swiss francs by priority mail. Orders, which should refer to WIPO Publication No. 274 and indicate the language in which the publication is required, should be addressed to the Design, Marketing and Distribution Section at WIPO:

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 mailing address: see address on page 2

Other languages will be available shortly. For information on the Internet version of the new consolidated text of the Regulations under the PCT, see "New/updated PCT resources on the Internet," above.

## PatentScope Search Service

([www.wipo.int/pctdb](http://www.wipo.int/pctdb))

### Full text search range broadened

On 26 March 2007, the PatentScope database was extended, in the case of the Latin character languages (English, French, Spanish, and German), to allow users to search full text data from 1978 (the first year that international applications were published) to present day. Prior to 26 March 2007, it was possible to search the full text of claims and descriptions back to July 1998.

The full text data includes all published text of PCT international applications (including bibliographic data, descriptions and claims) that were filed in English, French, Spanish or German. This 20-year extension of availability of claims and descriptions means users will get more results than searching front page bibliographic data only. Searches of full text can be carried out in the following ways:

- in the default Structured Search interface: choose "Any Field".
- in the Advanced Search interface: choose "Full text"
- in the Simple Search interface: precede your text with the field codes CL/ (to search claims) and DE/ (to search descriptions). Text not preceded by a field code will search only the front page bibliographic data in the Simple Search interface.

### Extension of PatentScope Glossary

On 28 March 2007, the PatentScope search Glossary was reformatted and extended to 87 terms. It is available at:

[www.wipo.int/pctdb/en/help-results.html](http://www.wipo.int/pctdb/en/help-results.html)

The purpose of the Glossary is to help searchers to understand the terminology used when searching the PatentScope database.

## PCT-SAFE Update

### Release of new version of the PCT-SAFE Client software

A new version of the PCT-SAFE Client software (version 3.51.018.193), dated 1 April 2007, may now be downloaded from the PCT-SAFE website at:

[www.wipo.int/pct-safe/en/support/download\\_client.htm](http://www.wipo.int/pct-safe/en/support/download_client.htm)

This version ("build 193") includes modifications to the PCT request form, the latest new PCT Contracting States, enhanced Annex F compliance checking for fully electronic applications, revised fee schedules and other PCT updates.

Further details are available on the PCT-SAFE website at:

[www.wipo.int/pct-safe/en/index.htm](http://www.wipo.int/pct-safe/en/index.htm)

## Notice to Users of the EPO's *epoline*® Online Filing Software

Applicants who file international applications in electronic form via the European Patent Office's *epoline*® Online Filing Software on or after 1 April 2007 should be aware that, due to some delays in the implementation of the April 2007 Rule changes and in view of the necessary time for the incorporation of the changes made in this context to the PCT request into the *epoline*® Online Filing Software, an update of that software which includes the April 2007 Rule changes will most likely only be available some weeks after 1 April 2007.

As a result, applicants using the *epoline*® Online Filing Software for the filing of international applications between 1 April 2007 and the time when the updated software becomes available, will not as easily be able to take advantage of some of the new features of the 1 April 2007 Rule changes. This concerns primarily the possibility to incorporate by reference missing elements or parts into the international application (amended PCT Rule 20). In order to rely on the incorporation by reference, pursuant to PCT Rules 4.18 and 20, a statement of incorporation by reference needs to be included in the request at the time of filing, or if not contained in the request on that date, it has to be otherwise contained in, or submitted with, the international application.

Both the paper request form and the request in the PCT-SAFE software (fully electronic and PCT-EASY mode) will include such a statement as of 1 April 2007. Applicants using the *epoline*® Online Filing Software will, however, not have such a statement included in the software until the PCT plug-in is updated, and if they wish to make use of the new Rule, they should **add such a statement either in the request (as an Annotation or Remark) or as a separate document submitted together with the international application.**

## Practical Advice

***Restoration of the right of priority where the international application is filed more than 12 months from the filing date of the earlier application whose priority is claimed.***

*Q: I am just about to file an international application in which the priority of an earlier national application is claimed. Unfortunately, however, I have missed the 12-month priority period as the earlier application was filed 12 months and two weeks ago. Is it possible to restore the right of priority, and if so, how do I do this?*

*A: Amendments to the PCT Regulations have been made, with effect from 1 April 2007, to enable the applicant to restore the right of priority of an earlier filed application if the international application is filed outside the priority period (that is, after the expiration of 12 months from the filing date of the earlier application whose priority is claimed (PCT Rule 2.4)), provided that the international application is filed within two months from the date on which the priority period expired. For example, if your earlier application had been filed on 1 March 2006, the priority period would have expired on 1 March 2007, and, provided your international application is filed by 1 May 2007, it may still be possible for you to request the restoration of the right of priority.*

If you include the priority claim and you do not request the restoration of the right of priority, the receiving Office, provided that that Office has not notified the International Bureau (IB) of the incompatibility of PCT Rule 26bis.3 with its national law (for a list of such Offices, see: [www.wipo.int/pct/en/texts/reservations/res\\_incomp.pdf](http://www.wipo.int/pct/en/texts/reservations/res_incomp.pdf)), may notify you of the possibility of submitting to the receiving Office a request to restore the right of priority by way of revised Form PCT/RO/110 ("Invitation to Correct Priority Claim and/or Notification of Possibility to Request Restoration of the Right of Priority").

Such a request for the restoration of the right of priority may be made, subject to certain conditions, during the international phase before the receiving Office (PCT Rule 26bis.3), or later, during the national phase, before the designated Office (PCT Rule 49ter.2). The conditions and procedures applicable before each authority are discussed, separately, below.

### **(A) Request for the restoration of the right of priority during the international phase**

#### **PCT Rule 26bis.3 "Restoration of the Right of Priority by Receiving Office"**

It may be more beneficial for applicants to request the restoration of the right of priority initially during



the international phase with the receiving Office, as the decision of the receiving Office may have effect in many of the designated Offices. Note, however, that ***it is not possible to restore the priority claim before the receiving Office in all situations, and it is not possible to do so before all receiving Offices*** - there are several conditions which must be met, and actions that must be taken, as described below:

(1) The international application must be filed on or after 1 April 2007 (the date of entry into force of the new rule).

(2) The receiving Office with which the international application is filed should be one which has not filed a notice under PCT Rule 26*bis*.3(j) of the incompatibility of PCT Rule 26*bis*.3(a) to (i) with its national law - requests for the restoration of the right of priority should not be made before the receiving Offices of the States and intergovernmental organization that have notified the IB of such incompatibility<sup>1</sup>. If the receiving Office with which you normally file is one of these Offices, you have the usual option of filing your international application with the IB as receiving Office (RO/IB), which does allow for the restoration of the right of priority. Notwithstanding, if you do file an application with a receiving Office which has notified the IB of such incompatibility, the receiving Office may apply the procedure under PCT Rule 19.4(a)(iii) whereby it will transmit the application to RO/IB.

Furthermore, even if a receiving Office has notified the IB of the incompatibility of PCT Rule 26*bis*.3 with its national law, PCT Rule 26*bis*.2(c)(iii), which is applicable in respect of ***all*** receiving Offices, provides that a priority claim shall not be considered void if the international filing date is within two months from the date on which the priority period expired. Also, the date of the earlier application will serve as a basis to calculate time limits during the international phase.

(3) Depending on the criteria applied by the receiving Office<sup>2</sup>, one of the following criteria for restoration must be satisfied:

a) the failure to file the international application within the priority period occurred in spite of due care required by the circumstances having been taken; or

b) the failure to file the international application within the priority period was unintentional.

Note that some receiving Offices will, if the applicant so requests, apply both criteria - first "due care" and then the more lenient "unintentional".

If conditions (1) and (2) are met and you think that the applicable criterion for restoration of the right of priority under (3) can be satisfied, the following actions must be taken, where applicable:

(4) The request for restoration of the right of priority (hereinafter: "request for restoration") must be filed with the receiving Office within the time limit of two months from the expiration of the priority period; if made at the time of filing the international application, it should preferably be made by using the Section provided for this purpose in Box No. VI "Priority Claim" of the request form dated 1 April 2007. If filed separately, it can be submitted in a letter (there is no specific form for this).

(5) The request for restoration must be supplemented by a statement explaining the reasons for failure to file the international application within the priority period. That statement should indicate, for each earlier application concerned, the filing date, the earlier application number and the name or two-letter code of the country, Member of the World Trade Organization, regional Office or receiving Office. Then, for each earlier application concerned, the applicant should state the reasons for the failure to file the international application within the priority period (PCT Rules 26*bis*.3(a) and 26*bis*.3(b)(ii)).

(6) Some receiving Offices<sup>2</sup> may require the payment of a fee, which should be paid within the time limit of two months from the expiration of the priority period (PCT Rule 26*bis*.3(e)).

(7) Some receiving Offices<sup>2</sup> may require the furnishing, within a reasonable time limit, of a declaration or other evidence in support of the statement of reasons (PCT Rule 26*bis*.3(f)). This should preferably be submitted to the receiving Office together with the request for restoration.

Note that the time limit for submitting the request for restoration and/or, if applicable, the fee payable therefor, may be less than two months from the expiration of the priority period where the applicant makes a request for early publication under PCT Article 21(2)(b), in which case they should be submitted before the completion of technical preparations for publication (PCT Rule 26*bis*.3(e)).

For the restoration of the right of priority to be effective, the receiving Office must find that the criterion applied by it has been satisfied. When the receiving Office has made a decision on the request for restoration, it will notify the applicant and the International Bureau of its decision and of the criterion for restora-

tion upon which the decision was based (PCT Rule 26bis.3(h)(iii)). It is important to note that even if the receiving Office restores the priority claim, the validity of the priority claim in the national phase cannot be assured (see further details about the designated office, below).

### **Rule 49ter.1 "Effect of Restoration of Right of Priority by Receiving Office" on designated Office**

*(1) Where the right of priority has been restored by the receiving Office:*

The restoration of the right of priority by the receiving Office is, in principle, binding on the designated Office, but a limited review by the latter is possible. Whether the designated Office accepts the decision of the receiving Office will depend on:

(a) whether the designated Office has notified the IB of the incompatibility of PCT Rule 49ter.1 with its national law - if it is one of the Offices of the States or intergovernmental organization which has notified the IB of such incompatibility<sup>3</sup> it does not have to accept that decision;

(b) for all other designated Offices, it will depend on the criterion/criteria for restoration used by the receiving Office:

- any right of priority which has been restored using the "in spite of due care" criterion is effective, subject to PCT Rule 49ter.1(c) and (d), in all such designated Offices;
- any right of priority which has been restored using the "unintentional" criterion is effective, subject to PCT Rule 49ter.1(c) and (d), in all such designated Offices which, under their applicable national law, apply that criterion or a criterion which, from the viewpoint of the applicant, is more favorable.

*(2) Where the request for restoration of the right of priority has been refused by the receiving Office:*

No designated State is bound by the decision of the receiving Office; any designated Office may consider the request for restoration submitted to the receiving Office to be a request for restoration submitted to it as designated Office under PCT Rule 49ter.2(a). It is recalled that even if the receiving Office refused to restore the right of priority, the priority claim will not be considered void during the international phase (see PCT Rule 26bis.2(c)(iii)).

### **(B) Request for the restoration of the right of priority during the national phase**

#### **Rule 49ter.2 "Restoration of Right of Priority by Designated Office"**

According to PCT Rule 49ter.2, where the international application claims the priority of an earlier ap-

plication and has an international filing date which is later than the date on which the priority period expired but within the period of two months from that date, the designated Office will, on the request of the applicant, restore the right of priority if the Office finds that a criterion for restoration applied by it is satisfied. You may want to request the restoration of the right of priority in the national phase, rather than in the international phase, in the following situations:

- if the receiving Office was one of those which have declared that PCT Rule 26bis.3 is incompatible with its national law, and the international application was not transmitted to the IB as receiving Office under PCT Rule 19.4;
- if the receiving Office refused the request for restoration; or
- if you simply did not request the restoration of the right of priority during the international phase.

If you request the restoration of the priority right before the designated Office, there are several conditions which must be met and actions that must be taken, as described below:

(1) The international application must be filed on or after 1 April 2007, or, if the international application was filed before 1 April 2007, the acts referred to in PCT Article 22(1) must be performed on or after 1 April 2007.

(2) The request for restoration must be filed within a time limit of one month from the applicable time limit under PCT Article 22. As was indicated above, even where the receiving Office has refused to restore the right of priority, the priority claim remains in the application and time limits will be calculated from the filing date of the priority claim which has not been restored, including the time limit under PCT Article 22.

(3) That request should state the reasons for the failure to file the international application within the priority period and, where applicable before the designated Office concerned<sup>2</sup>, be accompanied by any declaration or other evidence required and a fee.

(4) The designated Office will restore the right of priority if it finds that the criterion for restoration applied by it<sup>2</sup> is satisfied.

(5) It may not be possible to restore the right of priority before a designated Office if it is the Office of one of the States or intergovernmental organization which has notified the IB of the incompatibility of PCT Rule 49ter.2 with its national law<sup>3</sup>.

A table showing information furnished to the IB by receiving Offices and designated Offices on the criterion/criteria applied by them, and on whether a fee is payable and/or whether other evidence is required in support of the request for restoration is under preparation and will be published shortly on the PCT Resources page of PatentScope. Information on the criteria applied by, and the requirements of the Offices will also be published shortly in the *PCT Applicant's Guide*, Annex C, and will be notified in the *PCT Newsletter* and the *Official Notices (PCT Gazette)* as and when the IB is notified of those requirements or of any changes to them.

**Footnotes to practical advice:**

1. The Offices of the following States and intergovernmental organization have notified the IB of the incompatibility of PCT Rule 26bis.3 with the national law applied by them: Algeria, Belgium, Brazil, Colombia, Cuba, Czech Republic, European Patent Office, France, Germany, Greece, Hungary, India, Indonesia, Italy, Japan, Norway, Philippines, Portugal, Republic of Korea, Singapore, Spain (situation on 1 April 2007).
2. See last paragraph for further information.
3. The Offices of the following States and intergovernmental organization have notified the IB of the incompatibility of PCT Rule 49ter.1 and 2 with the national law applied by them: Algeria, Brazil, Canada, China, Colombia, Cuba, Czech Republic, European Patent Office, Germany, Hungary, India, Indonesia, Japan, Lithuania, Mexico, Norway, Philippines, Portugal, Republic of Korea, Singapore, Spain, Sweden, Turkey, United States of America (situation on 1 April 2007).

<b>PCT Seminar Calendar</b>			
<b>Dates and location</b>	<b>Language of seminar</b>	<b>Nature of seminar; WIPO speakers (and others where known)</b>	<b>Organizer and contact numbers</b>
<b>16 April 2007 Munich (DE)</b>	German	PCT update seminar WIPO speaker: Mrs. Coeckelbergs	Forum Institut für Management GmbH Tel: (49-6221) 500 500 Fax: (49-6221) 500 505 E-mail: a.kapeller@forum-institut.de
<b>17-18 April 2007 Zagreb (HR)</b>	English	PCT seminar WIPO speakers: Mr. Carrasco Pradas and Ms. Trpkovska	State Intellectual Property Office of the Republic of Croatia (Mr. Bojan Benko) Tel: (385-1) 610 94 27 Fax: (385-1) 611 20 17 E-mail: bojan.benko@dziv.hr.
<b>18-19 April 2007 Helsinki (FI)</b>	Finnish	Seminar for patent administrators on the PCT and PCT-SAFE WIPO speaker: Mrs. Metcalfe	Helsinki University of Technology, Lifelong Learning Institute Dipoli (Ms. Arja Andsten) Tel: (358-9) 451 40 47 Fax: (358-9) 451 40 68 E-mail: arja.andsten@dipoli.tkk.fi Internet: www.dipoli.tkk.fi
<b>19-20 April 2007 Bratislava (SK)</b>	English	PCT seminar WIPO speakers: Mrs. Coeckelbergs and Mr. Genin	European Patent Institute (EPI) (Ms. Martina Fromm) Tel: (49-89) 24 20 52 15 Fax: (49-89) 24 20 52 20 E-mail: info@patentepi.com
<b>19-20 April 2007 London (GB)</b>	English	Basic formalities seminar on the PCT WIPO speakers: Ms. Bonvallet and Ms. Aeri	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
<b>27-28 April 2007 Concord, New Hampshire (US)</b>	English	Comprehensive PCT seminar WIPO speakers: Mrs. Bidwell and Mr. Reed	Franklin Pierce Law Center (Ms. Carol Ruh) Tel: (1-603) 228 15 41, ext. 1108 Fax: (1-603) 224 33 42 E-mail: cruh@piercelaw.edu Internet: www.piercelaw.edu/pct
<b>15 May 2007 Sapporo (JP)</b>	Japanese	PCT seminar for patent administrators at universities WIPO speaker: Mr. Takahashi	University Technology Transfer Association, Japan (UNITT) (Mr. Fukuda) Tel: (81-3) 54 02 18 57 Fax: (81-3) 54 02 18 59 Internet: www.jauiptm.jp
<b>15-16 May 2007 Paris (FR)</b>	French	Basic PCT seminar WIPO speakers: to be announced	Institut national de la propriété industrielle (INPI) (Ms. Marie Vlamynck and Ms. Dominique Antoine) Tel: (33-1) 53 04 53 04 Fax: (33-1) 53 04 52 652 E-mail: mvlamynck@inpi.fr and dantoine@inpi.fr

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<b>PCT Seminar Calendar [continued]</b>			
<b>Dates and location</b>	<b>Language of seminar</b>	<b>Nature of seminar; WIPO speakers (and others where known)</b>	<b>Organizer and contact numbers</b>
<b>16 May 2007 Tokyo (JP)</b>	Japanese	PCT seminar for patent administrators at universities WIPO speaker: Mr. Takahashi	University Technology Transfer Association, Japan (UNITT) (Mr. Fukuda) Tel: (81-3) 54 02 18 57 Fax: (81-3) 54 02 18 59 Internet: www.jauiptm.jp
<b>18 May 2007 Fukuoka (JP)</b>	Japanese	PCT seminar for patent administrators at universities WIPO speaker: Mr. Takahashi	(see Tokyo, above)
<b>22 May 2007 Brussels (BE)</b>	French	PCT presentation within the framework of the "Cours de formation de base en droit européen des brevets 2006-2007" WIPO speaker: Mr. Genin <i>[Note that only a limited number of places are available]</i>	Centre d'études internationales de la propriété industrielle (CEIPI) and the Institut des mandataires agréés près l'Office européen des brevets (EPI) (Mr. Thierry Debled) Tel: (32-65) 40 08 19 Fax: (32-65) 31 14 74 E-mail: Thierry.Debled@vesuvius.com
<b>23-24 May 2007 Copenhagen (DK)</b>	English	PCT seminar WIPO speakers: Ms. Schwarz and Ms. Trpkovska	Danish Patent and Trademark Office (Ms. Turner) Tel: (45) 43 50 65 87 Fax: (45) 43 50 80 01 E-mail: LKT@dkpto.dk
<b>7-8 June 2007 Ottawa (CA)</b>	English	2007 Canadian PCT Administrators' Roundtable WIPO speakers: Mr. Baron and Ms. Aeri <i>[Requirement: minimum 2 years experience in PCT and foreign filing; limited number of places available]</i>	Borden Ladner Gervais LLP (Ms. Sue Gibson) Tel: (1-613) 787 35 50 Fax: (1-613) 787 35 58 E-mail: sgibson@blgcanada.com
<b>13-14 June 2007 Hamburg (DE)</b>	German	Advanced PCT seminar WIPO speakers: Mr. Reischle and Mrs. Coeckelbergs	Forum Institut für Management GmbH Tel: (49-6221) 500 500 Fax: (49-6221) 500 505 E-mail: a.kapeller@forum-institut.de
<b>11-12 September 2007 London (GB)</b>	English	Advanced PCT seminar WIPO speakers: to be announced	Intellectual Property Administrators Group (IPAG) (Ms. Jacqueline Jones) Tel: (44-207) 539 42 45 E-mail: member@jsjones.fsnet.co.uk
<b>8-9 October 2007 Oslo (NO)</b>	English	PCT seminar for consultants WIPO speakers: Mr. Genin and Ms. Schwarz	Norwegian Patent Office (Vigdis Aaserud) Tel: (47-22) 38 73 14/38 73 00 Fax: (47-22) 38 73 31 E-mail: vaa@patentstyret.no
<b>11-12 October 2007 Helsinki (FI)</b>	English	Advanced PCT seminar WIPO speakers: Mr. Genin and Ms. Schwarz	National Board of Patents and Registration of Finland (Mr. Illmarinen) Tel: (358-9) 69 39 52 36 Fax: (358-9) 69 39 53 22 E-mail: olli.illmarinen@prh.fi

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<b>PCT Seminar Calendar [continued]</b>			
<b>Dates and location</b>	<b>Language of seminar</b>	<b>Nature of seminar; WIPO speakers (and others where known)</b>	<b>Organizer and contact numbers</b>
<b>11–12 October 2007 London (GB)</b>	English	6 <sup>th</sup> Annual Conference for Senior Patent Administrators WIPO speaker: to be announced	Management Forum Ltd Tel: (44–1483) 57 00 99 Fax: (44–1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
<b>24–25 October 2007 Paris (FR)</b>	French	PCT seminar: “La demande PCT” WIPO speakers: to be announced	Institut national de la propriété industrielle (INPI) (Ms. Marie Vlamynck and Ms. Dominique Antoine) Tel: (33–1) 53 04 53 04 Fax: (33–1) 53 04 52 652 E-mail: mvlamynck@inpi.fr and dantoine@inpi.fr
<b>28–29 November 2007 Boston, Massachusetts (US)</b>	English	PCT seminar WIPO speakers: Mr. Reischle and Mrs. Bidwell	Boston Patent Law Association (Mr. Lee Carl Bromberg, President) Tel: (1–617) 443 92 92 Fax: (1–617) 443 00 04 (Attention: Lee Bromberg) E-mail: lbromberg@bromsun.com

#### Other IP events

##### **Strategic Innovation, Technology and Intellectual Property Management Executive Program, Geneva (CH), 16 to 19 April 2007**

An intensive program designed for middle to senior level executives who wish to learn how to strategically use the intellectual property regime to fuel innovation, maximize return on investment in R&D and move their firm up the technology ladder. The program blends innovation and technology management with IP management to offer a unique learning experience. Thought leaders from leading business schools and the corporate world will reveal unique insights and experiences using lectures, case studies, best practices and group discussions. The program includes the essentials of product design and development. For further information on this event, see: [www.wipo.int/academy/en/execed/sipm/gva\\_apr\\_07/](http://www.wipo.int/academy/en/execed/sipm/gva_apr_07/)

##### **WIPO-Kellogg Biotechnology: Strategies for Management of Intellectual Property Executive Program, Chicago (US), 11 to 14 June 2007**

As companies seek to achieve competitive advantage through exploitation of their technological assets, managing intellectual property has become a key issue for these companies. In most cases, intellectual property is responsible for more than 70% of the market value of companies in the S & P index. This course is designed to expose participants to the various organizational skills needed so as to confidently develop, analyze and negotiate the IP of their corporation. Faculty from Kellogg School of Management and WIPO will help you understand the strategic issues involved in IP management. Special guest experts complement the foundations presented by the faculty. For further information on this event, see: [www.wipo.int/academy/en/execed/sipm/chg\\_jun\\_07/index.html](http://www.wipo.int/academy/en/execed/sipm/chg_jun_07/index.html)

## PCT Fee Tables

### (amounts on 1 April 2007, unless otherwise indicated)

The following Tables show the amounts and currencies 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 (Tables I(a) and I(b)) and under Chapter II (Table II). Fees which are payable only in particular circumstances are not shown; nor are details of certain reductions and refunds which may be available; such information can be found in the *PCT Applicant's Guide*, Annexes C, D and E. Note that all amounts are subject to change due to variations in the fees themselves or fluctuations in exchange rates. The international filing fee may be reduced by CHF 100 under certain circumstances where the request is prepared using the PCT-EASY features of the PCT-SAFE software or by CHF 200 or 300 where the international application is filed in electronic form, as prescribed; see Item 3(a), (b) and (c) of the Schedule of Fees (annexed to the Regulations under the PCT) and the *PCT Applicant's Guide*, paragraph 202(A). A 75% reduction in the international filing fee (including the fee per sheet over 30) and the handling fee, as well as an exemption from the transmittal fee payable to the International Bureau as receiving Office, is also available to applicants from certain States—see footnotes 2 and 12. (Note that if the CHF 100, 200 or 300 reduction, as the case may be, and the 75% reduction are applicable, the 75% reduction is calculated **after** the CHF 100, 200 or 300 reduction.) The footnotes to the Fee Tables follow Table II.

#### Key to abbreviations used in fee tables:

eq	equivalent of –	BGL	Bulgarian lev	GEL	Georgian lari	LTL	Lithuanian litas	SDP	Sudanese pound
IPEA	International Preliminary Examining Authority	BRR	Brazilian real	GHC	Ghanaian cedi	LVL	Latvian lat	SEK	Swedish krona
		BYR	Belarussian rouble	HRK	Croatian kuna	MAD	Moroccan dirham	SGD	Singapore dollar
ISA	International Searching Authority	BZD	Belize dollar	HUF	Hungarian forint	MDL	Moldovan leu	SKK	Slovak koruna
		CAD	Canadian dollar	IDR	Indonesian rupiah	MKD	Macedonian denar	TJS	Tajik somoni
RO	receiving Office	CHF	Swiss franc	ILS	New Israel shekel	MWK	Malawian kwacha	TND	Tunisian dinar
		CNY	Yuan renminbi	INR	Indian rupee	MXP	Mexican peso	TTD	Trinidad and Tobago dollar
		COP	Colombian peso	ISK	Icelandic krona	NOK	Norwegian krone	UAH	Ukrainian hryvnia
		CUC	Cuban convertible peso	JPY	Japanese yen	NZD	New Zealand dollar	USD	US dollar
AED	United Arab Emirates dirham	CYP	Cyprus pound	KES	Kenyan shilling	PGK	Kina	VND	Vietnamese dong
		CZK	Czech koruna	KGS	Kyrgyz som	PHP	Philippine peso	XAF	CFA franc BEAC
ALL	Albanian lek	DKK	Danish krone	KPW	KP won	PLZ	Polish zloty	ZAR	South African rand
AMD	Armenian dram	DZD	Algerian dinar	KRW	KR won	ROL	Romanian leu	ZWD	Zimbabwe dollar
AUD	Australian dollar	EEK	Estonian kroon	KZT	Kazakh tenge	RSD	Serbian dinar		
AZM	Azerbaijani manat	EUR	Euro	LSL	Lesotho loti	RUR	Russian rouble		
BAM	Convertible mark	GBP	Pound sterling						

**Table I(a) — Transmittal and international filing fees**  
(amounts on 1 April 2007, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>		International filing fee <sup>1, 2</sup> (CHF 1,400)		Fee per sheet over 30 <sup>1, 2, 3</sup> (CHF 15)	E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
						Items 3(a) <sup>5</sup> and (b) <sup>6</sup> (CHF 100)	Item 3(c) <sup>7</sup> (CHF 200)	Item 3(d) <sup>8</sup> (CHF 300)	
AG	Information not yet available								
AL	ALL	9,000	CHF	1,400	15	–	–	–	EP
AM	AMD	32,000	USD	1,086	12	78	–	–	EP RU
AP	USD	50 (or eq in local currency)	USD	1,086	12	78	–	–	AT EP SE
AT	EUR	50	EUR	900	10	64	–	–	EP
AU	AUD	150	AUD	1,531 <i>(from 15.5.07: 1,445)</i>	16 <i>(15)</i>	109 <i>(103)</i>	219 <i>(206)</i>	328 <i>(310)</i>	AU
AZ	AZM	55,000	USD	1,086	12	–	–	–	EP RU
BA	BAM	50	EUR	900	10	64	–	–	EP
BE	EUR	40	EUR	900	10	64	–	–	EP
BG	BGL	60	BGL eq CHF	1,400	eq CHF 15	eq CHF 100	–	–	EP RU
BR	BRR	236	BRR eq CHF	1,400	eq CHF 15	eq CHF 100	–	–	AT EP SE US
BW	USD <sup>9</sup>	–	USD	1,086	12	78	–	–	EP
BY	BYR eq USD	70	USD	1,086	12	–	–	–	EP RU
BZ	BZD	300	USD	1,086	12	78	–	–	CA EP
CA	CAD	300	CAD	1,273	14	91	–	–	CA

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**Table I(a) — Transmittal and international filing fees [continued]**

(amounts on 1 April 2007, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>		International filing fee <sup>1,2</sup>		Fee per sheet over 30 <sup>1,2,3</sup>	E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
						Items 3(a) <sup>5</sup> and (b) <sup>6</sup>	Item 3(c) <sup>7</sup>	Item 3(d) <sup>8</sup>	
CH	CHF	100	CHF	1,400	15	100	–	–	EP
CN	CNY	500	CNY	eq CHF 1,400	eq CHF 15	eq CHF 100	–	–	CN
CO	COP <sup>9</sup>	–	COP	eq USD 1,086	eq USD 12	eq USD 78	–	–	AT, EP, ES, RU
CR	USD	250	USD	1,086	12	78	–	–	EP ES
CU	CUC	200	CUC	1,086	12	78	–	–	AT EP ES RU
CY	CYP	75	CYP	516	6	–	–	–	EP
CZ	CZK	1,500	EUR	900	10	64	–	–	EP
DE	EUR	90	EUR	900	10	64	129	193	EP
DK	DKK	1,500	DKK	6,710	70	480	960	1,440	EP SE
DM	Information not yet available								
DZ	DZD	None	CHF	1,400	15	100	–	–	AT EP
EA	RUR	1,600	USD	1,086	12	78	–	–	EP RU
EC	USD <sup>9</sup>	–	USD	1,086	12	78	–	–	EP ES
EE	EEK	1,800	EEK	eq CHF 1,400	eq CHF 15	eq CHF 100	–	–	EP
EG	USD	142	USD	1,086	12	78	–	–	AT EP US
EP	EUR	105	EUR	900	10	64	129	193	EP
ES	EUR	66.56	EUR	900	10	64	129	193	EP ES
FI	EUR	135	EUR	900	10	64	129	193	EP FI SE
FR	EUR	60	EUR	900	10	64	129	193	EP
GB	GBP	55	GBP	611 (from 1.6.07: 574)	7 (6)	44 (41)	87 (82)	131 (123)	EP
GD	Information not yet available								
GE	GEL <sup>10</sup>	10	USD	1,086	12	78	–	–	EP RU
GH	GHC <sup>11</sup>	2,500 or 5,000	USD	1,086	12	–	–	–	AT AU CN EP SE
GR	EUR	115	EUR	900	10	64	–	–	EP
GT	Information not yet available								
HN	Information not yet available								
HR	HRK	200	HRK	eq CHF 1,400	eq CHF 15	eq CHF 100	–	–	EP
HU	HUF	10,700	HUF	eq CHF 1,400	eq CHF 15	eq CHF 100	–	–	EP RU
IB	CHF <sup>12</sup>	100	CHF	1,400	15	100	200	300	See footnote 13
	or EUR <sup>12</sup>	64	or EUR	900	10	64	129	193	
	or USD <sup>12</sup>	79	or USD	1,086	12	78	155	233	
ID	IDR	500,000	IDR	eq CHF 1,400	eq CHF 15	eq CHF 100	–	–	AU EP KR RU
IE	EUR	76	EUR	900	10	64	–	–	EP
IL	ILS	486	USD	1,086	12	78	–	–	EP US
IN	INR	8,000 (filing by indiv: 2,000)	USD	1,086	12	78	–	–	AT AU CN EP SE US
IS	ISK	6,500	ISK	78,500	800	5,600	–	–	EP SE
IT	EUR	30.99	EUR	900	10	–	–	–	EP

[continued on next page]



**Table I(a) — Transmittal and international filing fees [continued]**

(amounts on 1 April 2007, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	International filing fee <sup>1,2</sup>	Fee per sheet over 30 <sup>1,2,3</sup>	E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
				Items 3(a) <sup>5</sup> and (b) <sup>6</sup>	Item 3(c) <sup>7</sup>	Item 3(d) <sup>8</sup>	
JP	JPY 13,000	JPY 130,300	1,400	9,300	–	27,900	EP JP
KE	USD (or KES equiv) 250 plus cost of mailing	USD 1,086	12	78	–	–	AT AU CN EP SE
KG	KGS eq USD 100	USD 1,086	12	78	–	–	EP RU
KM	Information not yet available						
KN	Information not yet available						
KP	KPW eq CHF 50	KPW eq CHF 1,400	eq CHF 15	eq CHF 100	–	–	AT CN RU
KR	KRW 45,000	KRW 1,096,000	12,000	78,000	–	235,000	AT AU JP <sup>14</sup> KR
KZ	KZT 7,360	USD 1,086	12	78	–	–	EP RU
LA	Information not yet available						
LR	USD 45	USD 1,086	12	–	–	–	AT AU CN EP SE
LS	LSM <sup>9</sup> –	LSM eq CHF 1,400	eq CHF 15	–	–	–	AT EP
LT	LTL 320	EUR 900	10	64	–	–	EP RU
LU	EUR 19	EUR 900	10	–	–	–	EP
LV	LVL 47.20	EUR 900	10	64	–	–	EP RU
LY	Information not yet available						
MA	None	CHF 1,400	15	–	–	–	AT EP RU SE
MC	EUR 54 <sup>15</sup>	EUR 900	10	–	–	–	EP
MD	MDL 180	USD 1,086	12	78	–	–	EP RU
MK	MKD 2,700	MKD eq CHF 1,400	eq CHF 15	eq CHF 100	–	–	EP
MN	None	CHF 1,400	15	100	–	–	EP RU
MW	MWK 6,000	MWK 134,700	1,400	9,600	–	–	EP
MX	MXP <sup>2</sup> eq USD 200	MXP eq CHF 1,400	eq CHF 15	eq CHF 100	–	–	EP ES SE US
MY	Information not yet available						
NI	USD 200	USD 1,086	12	78	–	–	EP ES
NL	EUR 50	EUR 900	10	64	129	193	EP
NO	NOK 550	NOK 7,030	80	500	–	–	EP SE
NZ	NZD 180 <sup>16</sup>	NZD 1,748 (from 1.5.07: 1,613)	19 (17)	125 (115)	–	–	AU EP KR US
OA	XAF <sup>9</sup> –	XAF eq CHF 1,400	eq CHF 15	–	–	–	AT EP RU SE
OM	Information not yet available						
PG	PGK 250	USD 1,086	12	78	–	–	AU
PH	PHP 3,500	USD 1,086	12	78	155	233	AU EP JP KR US
PL	PLZ 300	PLZ eq CHF 1,400	eq CHF 15	–	eq CHF 200	eq CHF 300	EP
PT	EUR 31.73	EUR 900	10	64	–	–	EP
RO	ROL 300,000	CHF 1,400	15	100	200	300	AT EP RU
RS	RSD 3,000	RSD eq CHF 1,400	eq CHF 15	eq CHF 100	–	–	EP
RU	RUR 294	USD 1,086	12	78	–	–	EP RU
SC	USD <sup>9</sup> –	USD 1,086	12	–	–	–	EP
SD	SDP 50	SDP eq CHF 1,400	eq CHF 15	–	–	–	EP
SE	SEK 1,200	SEK 7,950	90	570	1,140	1,700	EP SE
SG	SGD 150	SGD 1,834 (from 15.5.07: 1,720)	20 (18)	131 (123)	–	–	AT AU EP KR <sup>17</sup>

[continued on next page]

**Table I(a) — Transmittal and international filing fees [continued]**

(amounts on 1 April 2007, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>		International filing fee <sup>1,2</sup>		Fee per sheet over 30 <sup>1,2,3</sup>		E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
							Items 3(a) <sup>5</sup> and (b) <sup>6</sup>	Item 3(c) <sup>7</sup>	Item 3(d) <sup>8</sup>	
SI	EUR	91	EUR	900		10	64	–	–	EP
SK	SKK	2,000	SKK eq CHF	1,400	eq CHF	15	eq CHF 100	eq CHF 200	eq CHF 300	EP
SM	EUR	50	EUR	900		10	–	–	–	EP
SV	Information not yet available									
SY	USD <sup>9</sup>	–	USD	1,086		12	78	–	–	AT EP RU
TJ	TJS <sup>9</sup>	–	USD	1,086		12	–	–	–	EP RU
TM	USD <sup>9</sup>	–	USD	1,086		12	78	–	–	EP RU
TN	TND <sup>9</sup>	–	CHF	1,400		15	–	–	–	EP
TR	CHF	100	CHF	1,400		15	100	–	–	EP
TT	TTD	750	USD	1,086		12	78	–	–	AT EP SE US
UA	UAH	255	USD (or eq UAH)	1,086		12	–	–	–	EP RU
US	USD	300	USD	1,086		12	78	155	–	EP KR US
UZ	USD <sup>9</sup>	–	USD	1,086		12	78	–	–	EP RU
VC	Information not yet available									
VN	VND eq USD	150	VND eq CHF	1,400	eq CHF	15	–	–	–	AT AU EP KR RU SE
ZA	ZAR	500	ZAR	8,710 (from 1.5.07: 8,230)		90 (90)	620 (590)	–	–	AT AU EP US
ZM	USD	50	USD	1,086		12	–	–	–	AT SE
ZW	ZWD	6,000	ZWD eq USD	1,086	eq USD	12	eq USD 78	–	–	AT AU CN EP RU

**Table I(b) — Search fees**

(amounts on 1 April 2007, unless otherwise indicated)

ISA	Search fee <sup>1</sup>											
AT	EUR	200	CHF	311	KRW	250,000	SGD	410	USD	241	ZAR	1,830
AU	AUD	1,600	CHF	1,553	EUR	962	KRW	1,173,000	NZD	1,794	SGD	1,943
	USD	1,266	ZAR	8,854								
CA	CAD	1,600	CHF	1,759	EUR	1,050	USD	1,365				
CN	CNY	2,100	CHF	335	EUR	215	USD	260				
EP <sup>18</sup>	EUR	1,615	CHF	2,525	CYP	928	DKK	12,050	GBP	1,098	ISK	143,000
	JPY*	238,100	MWK	248,000	NOK	12,990	NZD*	3,208	SEK	15,230	SGD	3,120
	USD	2,059	ZAR	14,920								
	* (from 1.6.07: JPY 255,300 NZD 3,010)											
ES <sup>18</sup>	EUR	1,615	CHF	2,525	USD	2,059						
FI	EUR	1,615	CHF	2,525	USD	2,059						
JP	JPY	97,000	CHF	1,042	EUR*	668	KRW	789,000	USD*	861		
	* (from 1.5.07: EUR 616 USD 797)											
KR	KRW	225,000	CHF	280	EUR	180	NZD	347	SGD	380	USD	232
RU <sup>19</sup>	USD	300	CHF	387	EUR	248						
SE	SEK	15,230	CHF	2,525	DKK	12,050	EUR	1,615	ISK	143,000	NOK	12,990
	USD	2,059										
US	USD	1,000	CHF	1,289		387 <sup>20</sup>	EUR	762	248 <sup>20</sup>	NZD	1,520	440 <sup>20</sup>
	ZAR	7,200										

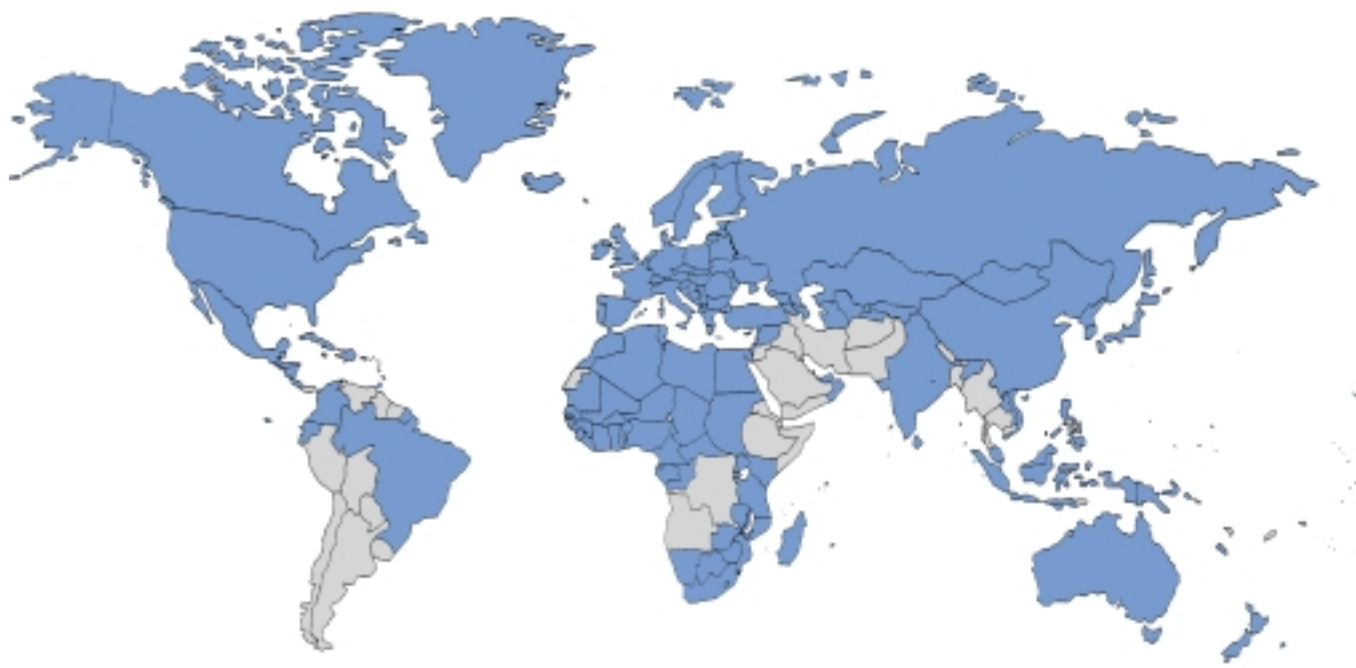
**Table II — Preliminary examination fees**  
(amounts on 1 April 2007, unless otherwise indicated)

IPEA	Preliminary examination fee <sup>21</sup>		Handling fee <sup>2, 21</sup> (CHF 200)		
AT	EUR	200	EUR	129	
AU	AUD	550	780 <sup>22</sup>	AUD	205
CA	CAD	800		CAD	182
CN	CNY	1,500		CNY eq CHF	200
EP <sup>18</sup>	EUR	1,595		EUR	129
ES	EUR	533.76		EUR	129
FI	EUR	550		EUR	129
JP	JPY	36,000		JPY	17,400
KR	KRW	225,000		KRW	147,000
RU <sup>19</sup>	USD	200 <sup>23</sup>	300 <sup>24</sup>	USD	155
SE	SEK	5,000		SEK	1,210
US	USD	600	750 <sup>25</sup>	USD	155

*Footnotes to fee tables:*

- 1 Payable to the receiving Office in the currency or one of the currencies prescribed by it.
- 2 This fee is reduced by 75% where the applicant or, if there are two or more applicants, each applicant fulfills the criteria indicated on the PCT Resources page of PatentScope at: [www.wipo.int/pct/en/fees/fee\\_reduction.pdf](http://www.wipo.int/pct/en/fees/fee_reduction.pdf)
- 3 Where the PCT application as filed contains a sequence listing part in computer readable form only, or both in that form and on paper, under Section 801 of the Administrative Instructions under the PCT, and where that application is filed with a receiving Office which is prepared to accept such filings, a fixed component of 400 times the fee per sheet over 30 is payable for the sequence listing part, irrespective of the actual length of that part (see Section 803(ii) of the *Administrative Instructions*).
- 4 For the search fee payable to the receiving Office, consult the entry in Table I(b) for the competent International Searching Authority.
- 5 If the international application is filed on paper together with a copy in electronic form, in character coded format, of the request and the abstract.
- 6 If the international application is filed in electronic form, the request not being in character coded format.
- 7 If the international application is filed in electronic form, the request being in character coded format.
- 8 If the international application is filed in electronic form, the request, description, claims and abstract being in character coded format.
- 9 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.
- 10 This fee is reduced by 80% where the applicant is a natural person.
- 11 The first amount of the transmittal fee is applicable to individuals or entities employing less than 25 persons. The second amount is applicable to entities employing 25 persons or more.
- 12 This fee is not payable in respect of international applications filed by applicants fulfilling the conditions indicated on the PCT Resources page of PatentScope at: [www.wipo.int/pct/en/fees/fee\\_reduction.pdf](http://www.wipo.int/pct/en/fees/fee_reduction.pdf)
- 13 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. See also *PCT Applicant's Guide*, Annex C (IB).
- 14 The Japan Patent Office is competent only for international applications in Japanese.
- 15 Plus EUR 1.50 for the preparation of additional copies, for each page and each copy.
- 16 Plus 12.5% GST (Goods and Services Tax) for New Zealand residents.
- 17 The Korean Intellectual Property Office is competent for international applications, the declared priority date of which or, if there is no declared priority date, the date of filing of which is on or after 2 June 2006.
- 18 The search fee payable to the EPO and the Spanish Patent and Trademark Office, as well as the preliminary examination fee payable to the EPO, are reduced by 75% where the applicant or, if there are two or more applicants, each applicant is a natural person and is a national of and resides in a State not party to the European Patent Convention, which fulfils the requirements for the corresponding reduction of certain PCT fees as specified in Item 4(a) of the Schedule of Fees annexed to the PCT Regulations, and in accordance with the decision of the EPO's Administrative Council of 11 October 2000, the text of which was included in *PCT Newsletter* No. 11/2000. The States concerned are those indicated in part 1 of the table on the PCT Resources page of PatentScope at: [www.wipo.int/pct/en/fees/fee\\_reduction.pdf](http://www.wipo.int/pct/en/fees/fee_reduction.pdf), with the exception of Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia and Turkey.
- 19 The applicant may, instead of paying the USD amount, pay the equivalent amount in RUR at the exchange rate applicable, on the date of payment, at the Central Bank of the Russian Federation, provided that, in the case of the search fee, the receiving Office accepts payment in RUR.
- 20 Payable when a corresponding prior US national application has been filed under 35 USC 111(a), ((i) prior to 8 December 2004, the basic filing fee under 37 CFR 1.16(a) has been paid, or (ii) on or after 8 December 2004, the basic filing fee under 37 CFR 1.16(a), the search fee under 37 CFR 1.16(k) and the examination fee under 37 CFR 1.16(o) have been paid) and the prior US national application is identified by the application number if known, or if the application number is not known, by the filing date, title and name of applicant (and preferably by the application docket number), in the international application or accompanying the papers at the time of filing the international application.
- 21 Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
- 22 Payable when the international search report was not issued by the Australian Patent Office.
- 23 Payable when the international search report was established by the Federal Service for Intellectual Property, Patents and Trademarks (Russian Federation).
- 24 In all cases where footnote 23 does not apply.
- 25 Payable when the international search was not carried out by the United States Patent and Trademark Office (USPTO) (provided that the USPTO is a competent International Preliminary Examining Authority in the particular case—see *PCT Applicant's Guide*, Annex C (US)).

## PCT Contracting States and Two-letter Codes (137 on 1 April 2007)



AE United Arab Emirates	CY Cyprus (EP) <sup>2</sup>	IN India	MG Madagascar	SI Slovenia (EP) <sup>2</sup>
AG Antigua and Barbuda	CZ Czech Republic (EP)	IS Iceland (EP)	MK The former Yugoslav Republic of Macedonia <sup>1</sup>	SK Slovakia (EP)
AL Albania <sup>1</sup>	DE Germany (EP)	IT Italy (EP) <sup>2</sup>		SL Sierra Leone (AP)
AM Armenia (EA)	DK Denmark (EP)	JP Japan		SM San Marino
AT Austria (EP)	DM Dominica	KE Kenya (AP)	ML Mali (OA) <sup>2</sup>	SN Senegal (OA) <sup>2</sup>
AU Australia	<b>DO Dominican Republic (from 28 May 2007)</b>	KG Kyrgyzstan (EA)	MN Mongolia	SV El Salvador
AZ Azerbaijan (EA)	DZ Algeria	KM Comoros	MR Mauritania (OA) <sup>2</sup>	SY Syrian Arab Republic
BA Bosnia and Herzegovina <sup>1</sup>	EC Ecuador	KN Saint Kitts and Nevis	MT Malta (EP) <sup>2</sup>	SZ Swaziland (AP) <sup>2</sup>
BB Barbados	EE Estonia (EP)	KP Democratic People's Republic of Korea	MW Malawi (AP)	TD Chad (OA) <sup>2</sup>
BE Belgium (EP) <sup>2</sup>	EG Egypt	KR Republic of Korea	MX Mexico	TG Togo (OA) <sup>2</sup>
BF Burkina Faso (OA) <sup>2</sup>	ES Spain (EP)	KZ Kazakhstan (EA)	MY Malaysia	TJ Tajikistan (EA)
BG Bulgaria (EP)	FI Finland (EP)	LA Lao People's Democratic Republic	MZ Mozambique (AP)	TM Turkmenistan (EA)
BH Bahrain	FR France (EP) <sup>2</sup>	LC Saint Lucia	NA Namibia (AP)	TN Tunisia
BJ Benin (OA) <sup>2</sup>	GA Gabon (OA) <sup>2</sup>	LI Liechtenstein (EP)	NE Niger (OA) <sup>2</sup>	TR Turkey (EP)
BR Brazil	GB United Kingdom (EP)	LK Sri Lanka	NG Nigeria	TT Trinidad and Tobago
BW Botswana (AP)	GD Grenada	LR Liberia	NL Netherlands (EP) <sup>2</sup>	TZ United Republic of Tanzania (AP)
BY Belarus (EA)	GE Georgia	LS Lesotho (AP)	NO Norway	UA Ukraine
BZ Belize	GH Ghana (AP)	LT Lithuania (EP)	NZ New Zealand	UG Uganda (AP)
CA Canada	GM Gambia (AP)	LU Luxembourg (EP)	OM Oman	US United States of America
CF Central African Republic (OA) <sup>2</sup>	GN Guinea (OA) <sup>2</sup>	LV Latvia (EP) <sup>2</sup>	PG Papua New Guinea	UZ Uzbekistan
CG Congo (OA) <sup>2</sup>	GQ Equatorial Guinea (OA) <sup>2</sup>	LY Libyan Arab Jamahiriya	PH Philippines	VC Saint Vincent and the Grenadines
CH Switzerland (EP)	GR Greece (EP) <sup>2</sup>	MA Morocco	PL Poland (EP)	VN Viet Nam
CI Côte d'Ivoire (OA) <sup>2</sup>	GT Guatemala	MC Monaco (EP) <sup>2</sup>	PT Portugal (EP)	ZA South Africa
CM Cameroon (OA) <sup>2</sup>	GW Guinea-Bissau (OA) <sup>2</sup>	MD Moldova (EA)	RO Romania (EP)	ZM Zambia (AP)
CN China	HN Honduras	ME Montenegro	RS Serbia <sup>1</sup>	ZW Zimbabwe (AP)
CO Colombia	HR Croatia <sup>1</sup>		RU Russian Federation (EA)	
CR Costa Rica	HU Hungary (EP)		SC Seychelles	
CU Cuba	ID Indonesia		SD Sudan (AP)	
	IE Ireland (EP) <sup>2</sup>		SE Sweden (EP)	
	IL Israel		SG Singapore	

<sup>1</sup> Extension of European patent possible.

<sup>2</sup> May only be designated for a regional patent (the "national route" via the PCT has been closed).

Where a State can be designated for a regional patent, the two-letter code for the regional patent concerned is indicated in parentheses (AP = ARIPO patent, EA = Eurasian patent, EP = European patent, OA = OAPI patent).

### **Important:**

This list includes all States that have adhered to the PCT by the date shown in the heading. Any State indicated in **bold italics** has adhered to the PCT but will only become bound by the PCT on the date shown in parentheses; it will not be considered to have been designated in international applications filed before that date.

Note that even though the filing of a request constitutes under PCT Rule 4.9(a) the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents, applicants should always use the latest versions of the request form (PCT/RO/101) and demand form (PCT/IPEA/401) (the latest versions are dated April 2007) or, if filing the request using the PCT-EASY features of the PCT-SAFE software, the latest version of that software (which is available at: [www.wipo.int/pct-safe](http://www.wipo.int/pct-safe)). The request and demand forms can be printed from the website, in editable PDF format, at: [www.wipo.int/pct/en/forms/](http://www.wipo.int/pct/en/forms/), or obtained from receiving Offices or the International Bureau, or, in the case of the demand form, also from International Preliminary Examining Authorities.