New PCT Service: Supplementary International Search

On 1 January 2009, PCT Rule 45bis will come into effect and the new PCT supplementary international search (SIS) service will be available to all applicants. This is an optional service, developed at the request of applicants, that allows additional searches to be performed during the international phase, in addition to the search prepared by the applicant’s “usual” International Searching Authority (ISA). Three Authorities (the Federal Service for Intellectual Property, Patents and Trademarks (Russian Federation), the Swedish Patent and Registration Office and the Nordic Patent Institute) will offer the service as from 1 January 2009; at least three more Authorities are expected to begin offering the service later in 2009 and in 2010.

Why is the new service being introduced?

It has always been recognized that no search can be guaranteed to find all of the relevant prior art. The main international search is intended to be of a high quality and to cover not only the PCT minimum documentation but also the additional range of documentation which would be searched by the ISA in its role as a national Office. Furthermore, Offices are working on technical systems to assist examiners in conducting an effective, broad search, as well as on quality management systems to encourage good practice. Nevertheless, there remain cases where highly relevant citations are only found during the national phase, once considerable additional expenditure has been incurred.

One of the major problems in finding relevant prior art is that the range of languages in which original technical disclosures are made is constantly increasing; no single Office is capable of searching even the whole of the PCT minimum documentation in its original language, let alone the large volume of other patent and non-patent literature containing original disclosures. Machine translation goes some way towards addressing this problem, but is still a long way from being a substitute for consideration of disclosures by an examiner who understands the original language.

The SIS service will thus allow applicants to reduce the risk of being faced with new citations during the national phase. It is not expected that SIS will be requested routinely, but rather as a strategic decision by the applicant, taken after consideration of the results of the main international search, the commercial importance of the particular application and the amount of prior art in the particular technical field which is known to be published in a language in which the main ISA is not skilled.

Moreover, it is up to the individual Authorities offering SIS to define the scope of the service which they are offering, and for the applicant to decide which (if any) of those services meets the needs of the particular application. Some Authorities may offer a search which is focused on documentation in languages in which they specialize, while others may offer a full search, covering their entire documentation as they would do if they were conducting a “normal” (main) international search. Each Authority also sets its own fees for the service and it is up to the applicant to decide whether SIS is desirable in any particular case. The applicant is permitted to request more than one SIS on the same international application, if this is desired.
Which Authority can I use to carry out the supplementary international search?

In principle, subject to any limitations which may be set out by the Authority concerned, an ISA which has announced that it will act as an Authority specified for supplementary search will be able to act in such a capacity for any international application, irrespective of the receiving Office with which the application has been filed (as distinct from the international searching and preliminary examining authorities, which, under PCT Rules 35 and 59.1, depend on the receiving Office with which the application was filed).

What does a supplementary international search cover?

As regards the scope of documentation searched, each participating Authority defines the scope of its service. The services available from January 2009 are summarized in the table below.

The SIS will be carried out on the application as filed (amendments under PCT Article 19 and/or 34 will not be considered) and will only cover one invention or group of inventions having unity of invention – there is no option for paying additional fees for the searching of multiple inventions. However, if the main ISA has identified a lack of unity before SIS is requested, the latter can be requested to concentrate on an invention which is not necessarily the first one claimed (PCT Rule 45bis.1(d)).

If not established in English, the resulting supplementary international search report will be translated into English by the International Bureau (IB).

How much will it cost?

Requests for SIS must be submitted directly to the IB and not to individual Authorities. There is a supplementary search handling fee of 200 Swiss francs to cover the costs of the IB and a supplementary search fee set by each Authority offering the service. These fees must be paid to the IB in Swiss francs within one month of filing the request for SIS. Applicants from certain States may be eligible for a 90% reduction in the supplementary search handling fee (please refer to the PCT Schedule of Fees, as in force from 1 January 2009, at: http://www.wipo.int/pct/en/texts/pdf/pct_regs2009.pdf).

Although there is no opportunity to pay for searches of additional inventions, it is permitted to request a review of any finding of lack of unity. The Authority may require a fee for this, which in this case is payable directly to the Authority in (one of) its accepted currency(ies).

Limitations of the service

The Authority may, subject to any special provisions, refuse to issue a supplementary search report for some or all of the claims in the following circumstances (in which case there is no refund of the fees):

– if the main ISA declares that no international search report will be established; or
– if the Authority would not carry out a main international search in the same case, for reasons of subject matter, clarity or failure to provide a sequence listing in the appropriate form.

The Authority may, according to PCT Rule 45bis.9, set out any limitations and conditions of the service in its agreement with the IB, for example, it may limit itself to a maximum number of
searches per year, or may only offer the service for certain technical fields. If no search is performed because of such a special limitation, the supplementary search fee will be refunded.

**Summary of services offered from 1 January 2009**

The requirements, fees and scope of the services offered from 1 January 2009 are as follows:

<table>
<thead>
<tr>
<th>International Searching Authority specified for supplementary search</th>
<th>Required language of international application or translation</th>
<th>Fees (as at 1 January 2009)</th>
<th>Scope of search</th>
</tr>
</thead>
</table>
| Federal Service for Intellectual Property, Patents and Trademarks (Russian Federation) (RU) | Russian or English | Supplementary search handling fee: CHF 200  
Supplementary search fee: CHF equiv. of USD 350 | To be confirmed: For any international application:  
At least the Russian language documentation held by the Authority in its collection and certain patent documentation in other languages published by the former Soviet Union or members of the Commonwealth of Independent States. |
| Swedish Patent and Registration Office (SE) | Swedish, English, Danish or Norwegian | Supplementary search handling fee: CHF 200  
Supplementary search fee: CHF 2,726 | To be confirmed: If the main ISA has issued a declaration that no International Search Report will be established due to the inventions relating to methods of treatment of the human or animal body:  
At least the PCT minimum documentation, as well as documents in Swedish, Danish, Finnish and Norwegian held by the Authority. |
| Nordic Patent Institute (XN) | Danish, English, Norwegian, Icelandic or Swedish | Supplementary search handling fee: CHF 200  
Supplementary search fee: CHF 2,726 | At least the PCT minimum documentation, as well as documents in Danish, Icelandic, Norwegian, and Swedish held by the Authority. |

More detailed information is published in the *PCT Applicant's Guide*, Annex SISA (RU, SE and XN).

Note that the applicant may withdraw a request for SIS at any time prior to the issuance of either the supplementary international search report or the declaration by the Authority that no report will be established. As long as the IB has not yet transmitted the request for SIS to the Authority in question, both the handling fee and the supplementary search fee will be refunded to the applicant.
Further information

Further explanations of the SIS system are published in the “Practical Advice” in this issue, which discusses, in particular, the applicability of the new system and explains how to request SIS. For further information, see also:

- *PCT Applicant’s Guide*, Annex SISA (RU, SE and XN), which contains information on the fees payable for the benefit of those Offices, as well as the scope of an SIS by those Offices, and new Chapter VIIbis (which has not yet been finalized but will be available shortly) at: http://www.wipo.int/pct/guide/en/index.html

The Nordic Patent Institute and the Swedish Patent and Registration Office have published information on their roles as supplementary international searching authorities on their websites at, respectively:

http://www.npi.int/PCT/Supplementary-International-Search/

http://www.prv.se/sis

Application of the Patent Cooperation Treaty in Montenegro

It is recalled that, following the adoption by the National Assembly of the Republic of Montenegro of a declaration of independence on 3 June 2006, Montenegro deposited, on 4 December 2006, a declaration that the PCT continues to be applicable, as from 3 June 2006, as far as Montenegro is concerned (see *PCT Newsletter* No. 01/2007 at: http://www.wipo.int/edocs/pctndocs/en/2007/pct_news_2007_1.pdf).

The Intellectual Property Office of the Republic of Montenegro (Montenegrin Office) has informed the International Bureau (IB) that it started operations on 28 May 2008. Whereas the Government of the Republic of Montenegro has delegated, under PCT Rule 19.1(b), the functions of receiving Office under the PCT, in relation to international applications filed by nationals or residents of Montenegro, to the International Bureau in its capacity as receiving Office under the PCT, the Montenegrin Office has taken up its functions as designated and elected Office under the PCT as from 28 May 2008.

Effect in Montenegro of international applications under the Patent Cooperation Treaty

(1) Pursuant to the deposit of the declaration of continuation referred to above, nationals and residents of Montenegro may file international applications, and Montenegro is automatically designated in all international applications filed on or after 3 June 2006.

(2) The conditions under which international applications, or patents resulting therefrom, may continue to have effect in Montenegro are the following:

(a) any rights granted before 3 June 2006 by the Intellectual Property Office of Serbia and Montenegro on the basis of an international application shall have effect in Montenegro until the expiration of its term of protection or the term for which maintenance fees have been paid, without any additional registration or payment of any additional fees;
(b) any rights granted by the Serbian Office on or after 3 June 2006 but prior to the commencement of operation of the Montenegrin Office on the basis of an international application shall have effect in Montenegro until the expiration of its term of protection or the term for which maintenance fees have been paid, without any additional registration or payment of any additional fees;

(c) international applications which have entered the national phase and were pending before the Intellectual Property Office of Serbia and Montenegro or the Serbian Office at the time of the commencement of operation of the Montenegrin Office shall have effect in Montenegro as of the international filing date, provided that the applicant:

i) files with the Montenegrin Office a request for the grant of the right not later than one year after the commencement of operation of the Montenegrin Office;

ii) submits to the Montenegrin Office a copy of the application and of any attachment thereto, filed with the Intellectual Property Office of Serbia and Montenegro or the Serbian Office, together with the certificate of receipt of the application by the Office with which it was previously filed; and

iii) pays the prescribed fee.

(d) international applications which have not entered the national phase before the Serbian Office and for which on 3 June 2006, the time limit under PCT Article 22 or 39(1) had not yet expired, shall have effect in Montenegro as of the international filing date, provided that the applicant:

i) files with the Montenegrin Office a request for the grant of the right not later than one year after the commencement of operation of the Montenegrin Office or within the time limit under Article 22 or 39(1), whichever time limit expires later;

ii) submits to the Montenegrin Office, where applicable, a translation of the application; and

iii) pays the prescribed fee.

For further information, please contact the Montenegrin Office at the following address:

Intellectual Property Office
Bulevar Revolucije 5
Podgorica
Montenegro

Tel: (+382 20) 24 64 99
Fax: (+382 20) 24 64 96
E-mail: ziscg@cg.yu
Internet: http://www.gov.me

For information on the effects in Serbia of international applications filed under the PCT, see PCT Newsletter Nos. 11/2006 and 06/2007 at, respectively:

Modifications to Administrative Instructions and to certain PCT Forms

Following the adoption of amendments to the Regulations under the PCT which will enter into force on 1 January 2009, a number of modifications have been made to Sections 102, 415, 420, 425 and 515 of the Administrative Instructions under the PCT and new Sections 436, 519 and 520 have been added. Furthermore, modifications to Section 204 have been made and a new Section 204bis has been added, modifying the recommended headings for certain sections of the international application and introducing recommendations for the presentation of the title of the invention and numbering of claims for consistency with the “Common Application Format” adopted in November 2007 by the European Patent Office, the Japan Patent Office and the United States Patent and Trademark Office (see: http://www.trilateral.net/news/20071130/index.php).

All new/modified Sections will apply to international applications filed on or after 1 January 2009.

Modifications have also been made to certain forms used by the applicant, the International Searching Authority, the International Bureau and the International Preliminary Examining Authority, and new forms have been introduced for use by the Authority specified for supplementary search.

The consolidated text of the Administrative Instructions (PCT/AI/8), as in force from 1 January 2009, and the modified and additional forms, which are to be used from 1 January 2009, are available in PDF format, in English and French, on the PCT Resources page at, respectively:


European Patent Convention

Accession by the former Yugoslav Republic of Macedonia

The former Yugoslav Republic of Macedonia deposited its instrument of accession to the European Patent Convention (EPC) on 28 October 2008, and will become bound by that Convention on 1 January 2009.

Therefore, any international application filed on or after 1 January 2009 will include the designation of the former Yugoslav Republic of Macedonia for a European patent (applicants should be aware that any international application filed before that date will not include the designation of the former Yugoslav Republic of Macedonia for a European Patent; however, the extension system, as explained below, will continue to apply to all international applications filed prior to that date). Moreover, as from 1 January 2009, it will be possible for nationals and residents of the former Yugoslav Republic of Macedonia to file international applications with the European Patent Office (EPO) as receiving Office, in addition to the State Office of Industrial Property (the former Yugoslav Republic of Macedonia) or the International Bureau of WIPO.

This accession brings the number of Contracting States of the EPC to 35.

Effect on the extension agreement between the EPO and the former Yugoslav Republic of Macedonia

The extension agreement between the former Yugoslav Republic of Macedonia and the European Patent Organisation will terminate with the entry into force of the EPC in the former...
Yugoslav Republic of Macedonia on 1 January 2009. It will thereafter no longer be possible to extend European patent applications and patents to the former Yugoslav Republic of Macedonia. The extension system will, however, continue to apply to all European and international applications filed prior to 1 January 2009, as well as to all European patents granted in respect of such applications.

Further information on the accession to the EPC by the former Yugoslav Republic of Macedonia is contained in the Official Journal of the EPO No. 11/2008 at:


EPO: Change in the Conditions for Entitlement to the 75% Reduction in PCT Search and Preliminary Examination Fees

On 21 October 2008, the Administrative Council of the European Patent Organisation made a decision concerning the reduction of the fees for international search and preliminary examination carried out on international applications in favor of nationals of certain States. That decision supersedes the decision of 11 October 2000 which was published in the Official Journal of the EPO, No. 10/2000 (see also PCT Newsletter No. 11/2000, page 3).

As a result of that decision, there will be a change, as from 1 January 2009, in the conditions for a 75% reduction in the search fee, the additional search fee, the preliminary examination fee and the additional preliminary examination fee, payable to the European Patent Office (EPO). As from that date, the fees will be reduced by 75% if the international application or the demand for international preliminary examination is filed by a natural person who is a national of and resident in a State which is not a Contracting State of the European Patent Convention, and which, on the date of filing of the application or of the demand, is listed as a low-income or lower-middle-income economy by the World Bank1. If there are several applicants, each must satisfy these criteria.

The new conditions will apply, with respect to the reduction in the search fee, to all international applications filed on or after 1 January 2009, and, with respect to the reduction in the preliminary examination fee, to all demands filed on or after that date.

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1 The States which will meet the criteria on 1 January 2009 are as follows (PCT Contracting States are in bold print): Afghanistan, Albania, Algeria, Angola, Armenia, Azerbaijan, Bangladesh, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic People’s Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Iran (Islamic Republic of), Jordan, Kenya, Kiribati, Kyrgyzstan, Lao People’s Democratic Republic, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Marshall Islands, Mauritania, Micronesia (Federated States of), Mongolia, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Republic of Moldova, Rwanda, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Tunisia, Turkmenistan, Uganda, Ukraine, United Republic of Tanzania, Uzbekistan, Vanuatu, Viet Nam, Yemen, Zambia, Zimbabwe.
For further information, see the *Official Journal of the EPO* No. 11/2008 at:


**PCT Information Update**

**AU Australia (fees)**

As from 1 February 2009, there will be a change in the equivalent amounts of the international filing fee and the fee per sheet over 30, payable in AUD to the Australian Patent Office as receiving Office, as well as a change in the equivalent amount in AUD of the PCT-EASY fee reduction and electronic filing fee reductions listed in item 3 of the Schedule of Fees, as indicated in Fee Table I(a).

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

**BH Bahrain (competent International Searching and Preliminary Examining Authorities)**

The National Patent Office (Bahrain) has specified the Austrian Patent Office, in addition to the European Patent Office, as competent International Searching and Preliminary Examining Authority for international applications filed by nationals and residents of Bahrain with the National Patent Office as receiving Office.

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

**EE Estonia (fees)**

The Estonian Patent Office has notified a change in the currency of payment of the international filing fee and the fee per sheet in excess of 30, and in the currency of the PCT-EASY fee reduction, with effect from 1 January 2009, from Estonian kroon (EEK) to Swiss franc (CHF), as indicated in Fee Table I(a). The amount and currency of the transmittal fee and the fee for priority document (EEK) has not changed.

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

**IB International Bureau (fees)**

As from 1 January 2009, there will be a change in the equivalent amount in USD of the following fees, payable to the IB as receiving Office:

- Transmittal fee: ............................................................... see Fee Table I(a)
- Fee for priority document:....................................................... USD 45
- Supplement for airmail: ........................................................... USD 9

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

**IS Iceland (fees)**

As from 1 February 2009, there will be a change in the equivalent amounts of the international filing fee and the fee per sheet over 30, payable in ISK to the Icelandic Patent Office as
receiving Office, as well as a change in the equivalent amounts in ISK of the PCT-EASY fee reduction (see item 3(a) of the Schedule of Fees), as indicated in Fee Table I(a).

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

**JP  Japan (fees)**

As from 15 February 2009, there will be a change in the equivalent amounts of the international filing fee and the fee per sheet over 30, payable in JPY to the Japan Patent Office as receiving Office, as well as a change in the equivalent amounts in JPY of the PCT-EASY and electronic filing fee reduction listed in item 3 of the Schedule of Fees, as indicated in Fee Table I(a).

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

**KR  Republic of Korea (fees)**

As from 15 February 2009, there will be a change in the equivalent amounts of the international filing fee and the fee per sheet over 30, payable in KRW to the Korean Intellectual Property Office as receiving Office, as well as a change in the equivalent amounts in KRW of the PCT-EASY and electronic filing fee reduction listed in item 3 of the Schedule of Fees, as indicated in Fee Table I(a).

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

**NO  Norway (fees)**

As from 1 February 2009, there will be a change in the equivalent amounts of the international filing fee and the fee per sheet over 30, payable in NOK to the Norwegian Industrial Property Office as receiving Office, as well as a change in the equivalent amounts in NOK of the PCT-EASY fee reduction (see item 3(a) of the Schedule of Fees), as indicated in Fee Table I(a).

(Updating of *PCT Applicant’s Guide*, Annex C (NO))

**NZ  New Zealand (fees)**

As from 1 February 2009, there will be a change in the equivalent amounts of the international filing fee and the fee per sheet over 30, payable in NZD to the Intellectual Property Office of New Zealand as receiving Office, as well as a change in the equivalent amounts in NZD of the PCT-EASY fee reduction (see item 3(a) of the Schedule of Fees), as indicated in Fee Table I(a).

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

**US  United States of America (fees)**

The amount of the transmittal fee, payable to the United States Patent and Trademark Office as receiving Office will change with effect from 12 January 2009, as indicated in Fee Table I(a).

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

As from 1 January 2009, there will be two different amounts, depending on whether the international application has been filed in English or Korean, payable in KRW for an international search carried out by the Korean Intellectual Property Office. The equivalent amounts payable in CHF and EUR will also change accordingly (equivalent amounts in NZD, SGD and USD are not yet known and will be notified as soon as possible).

In addition, there will be a change in the equivalent amount payable in USD for an international search carried out by the Nordic Patent Institute as from that date.

For the purposes of payment of fees to the International Bureau as receiving Office, there will also be a change, as from 1 January 2009, in the equivalent amount payable in USD for an international search carried out by the National Board of Patents and Registration of Finland.

For information about the reduction applicable, with effect from 1 January 2009, in respect of fees payable to the European Patent Office for an international search, see “EPO: Change in the Conditions for Entitlement to the 75% Reduction in PCT Search and Preliminary Examination Fees”, above.

As from 12 January 2009, there will be a change in the amount payable in USD, as well as in the equivalent amounts payable in CHF and EUR, for an international search carried out by the United States Patent Office (equivalent amounts in NZD and ZAR are not yet known and will be notified as soon as possible), as indicated in Fee Table I(b), as well as a change in the amount of the additional search fee, as indicated below:

Additional search fee: .............................................................. USD 2,080

As from 1 February 2009, there will be a change in the equivalent amounts payable in the currencies specified below for international searches carried out by the following Offices:

Australian Patent Office........................................................... USD
Austrian Patent Office.............................................................. USD
Canadian Intellectual Property Office ...................................... USD
European Patent Office ........................................................... ISK, NOK, NZD, ZAR
Federal Service for Intellectual Property, Patents and Trademarks (Russian Federation)................................. CHF, EUR
Japan Patent Office ............................................................... CHF, EUR
National Board of Patents and Registration of Finland........ CHF
Nordic Patent Institute ............................................................. CHF, ISK, NOK
State Intellectual Property Office of the People’s Republic of China ................................................................. EUR
Swedish Patent and Registration Office ................................. ISK, NOK

As from 15 February 2009, there will be a change in the equivalent amounts payable in the currencies specified below for international searches carried out by the following Offices:
Unless otherwise stated, the above-mentioned changes are indicated in Fee Table I(b).

(Updating of *PCT Applicant’s Guide*, Annexes D (AT), (AU), (CA), (CN), (EP), (FI), (JP), (KR), (RU), (SE), (US) and (XN))

**Fees relating to the international preliminary examination (Korean Intellectual Property Office, Spanish Patent and Trademark Office)**

As from 1 January 2009 there will be changes in the amounts payable in KRW for an international preliminary examination carried out by the Korean Intellectual Property Office, and in EUR for an international preliminary examination carried out by the Spanish Patent and Trademark Office, as indicated in Fee Table II. There will also be a change in the amount of the additional preliminary examination fee payable to the latter Office, as indicated below.

Additional preliminary examination fee: .............................. EUR 555.33

For information about the reduction applicable, with effect from 1 January 2009, in respect of fees payable to the European Patent Office for an international preliminary examination, see “EPO: Change in the Conditions for Entitlement to the 75% Reduction in PCT Search and Preliminary Examination Fees”, above.

(Updating of *PCT Applicant’s Guide*, Annexes E (ES) and (KR))

**New/Updated PCT Resources on the Internet (http://www.wipo.int/pct/en)**

**PCT Forms**

The following PCT forms are now available in editable PDF format, in English and French, on the PCT Resources page at:


**Forms relating to the Power of Attorney:**

Power of Attorney (PCT Rule 90.4)
General Power of Attorney (PCT Rule 90.5)

**Forms relating to the International Bureau:**

PCT/IB/372
PCT/IB/375
PCT/IB/380

**Supplementary International Search: PowerPoint presentation**

A PowerPoint presentation that provides practical guidance to applicants concerning supplementary international search is now available at:

http://www.wipo.int/pct/en/texts/ppt/sis.ppt
Collection of PCT User Strategies

The first in a series of PCT strategy presentations, a presentation entitled “PCT for the Americas, How PCT Has Been a Success for a US Multinational, Procter & Gamble”, prepared by Timothy B. Guffey, Manager, Global Patent Services, The Procter & Gamble Company, has been added to the collection of PCT User Strategies on the PCT Resources page at:


PCT Resources in Arabic

The Arabic part of the PCT Resources page has been updated and expanded in line with PCT Resources pages in other languages to improve navigability for Arabic-speaking users. Links to alternative language versions in English and, where available, French, are included where no translation in Arabic is available. See:

http://www.wipo.int/pct/ar/index.html

PCT Resources in Portuguese

The Portuguese part of the PCT Resources page has been updated and expanded in line with PCT Resources pages in other languages to improve navigability for Portuguese-speaking users, and now includes the list of PCT Contracting States, information about the PCT Information Service and a provisional version of the PCT Regulations that will enter into force on 1 January 2009. Links to alternative language versions in English and, where available, French and Spanish, are included where no translation in Portuguese is available. See:

http://www.wipo.int/pct/pt/index.html

PCT Applicant’s Guide

The Introduction to the International Phase which has been updated to take into account the July 2008 amendments to the PCT Regulations, is now available in French in HTML format, in addition to PDF format, at:

http://www.wipo.int/pct/guide/fr/index.html

Modifications to Administrative Instructions and to certain PCT Forms

See separate item, above.

Time limits for entering the national phase

A revised version of the table of time limits for entering the national phase has been prepared and is available on the PCT resources page in English and French at, respectively:


http://www.wipo.int/pct/fr/texts/pdf/time_limits.pdf

The table indicates, for each designated/elected Office, the time limits for entering the national (or regional) phase under Chapters I and II of the PCT.
PCT User Survey (reminder)

For those PCT users who have not yet had the chance to complete WIPO’s PCT user survey, we would like to stress that this survey is very important to the International Bureau (IB). Your responses will enable the IB to assess user satisfaction concerning all aspects of the PCT system, and will provide us with valuable input on your needs, expectations and experiences, as PCT users, and thereby help to improve existing practices and levels of service delivery.

We would very much appreciate it if you would take the time to complete the survey which is available on the WIPO website at:

https://webaccess.wipo.int/opinio/s?s=2433

PATENTSCOPE® Search Service

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

Modification of kind codes

As from 1 January 2009, publication codes ("kind codes"), which are used to distinguish PCT international applications published by the International Bureau (IB), will be modified.

International applications republished with alterations, amendments, corrections or supplements will be specifically distinguished from other documents by additional publication codes not previously used. The purpose of this change is to improve the usability of published PCT data and documents by more clearly identifying the reasons for republication of international applications.

In compliance with WIPO Standard ST.16, the following publication codes will be used (additional codes are denoted by bold italics):

<table>
<thead>
<tr>
<th>Code</th>
<th>Publication details</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>International application published with ISR</td>
</tr>
<tr>
<td>A2</td>
<td>International application published without ISR</td>
</tr>
<tr>
<td>A2</td>
<td>International application published with declaration under PCT Article 17(2)(a)</td>
</tr>
<tr>
<td>A3</td>
<td>Later publication of ISR with revised front page</td>
</tr>
<tr>
<td>A4</td>
<td>Later publication of amended claims and/or statement (PCT Article 19) with revised front page</td>
</tr>
<tr>
<td>A8</td>
<td>International application republished with corrections to front page bibliographic data</td>
</tr>
<tr>
<td>A9</td>
<td>International application or ISR republished with corrections, alterations or supplements (see also WIPO Standard ST.50)</td>
</tr>
</tbody>
</table>

For example: under the present system, an international application published with an ISR would retain the publication code A1 after republication for any reason; under the new system, the application would be assigned the publication code A4 if republished with amended claims.
International applications affected

Changes in publication codes will be reflected in all international applications published or republished by the IB on or after 1 January 2009. International applications published or republished before that date will not be affected and will retain their original publication codes.

Products affected

The following WIPO products will be affected by these changes:

- PATENTSCOPE® Search Service;
- Weekly Published PCT Data on DVD (PCT Rule 87 and PCT Article 20 DVDs);
- Weekly Published PCT Data through FTP;
- Communication on request (COR).

The information below illustrates, by republication reason, the various situations in which the codes will change:

<table>
<thead>
<tr>
<th>Modification of Kind Codes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>1) International application published with international search report (ISR)</td>
</tr>
<tr>
<td>Amended claims and/or statement</td>
</tr>
<tr>
<td>Corrections to front page bibliographic data</td>
</tr>
<tr>
<td>Corrections, alterations or supplements</td>
</tr>
<tr>
<td>2) International application published without ISR</td>
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Practical Advice

International applications in respect of which a supplementary international search may be requested; how to request such a search.

Q: I have filed an international application claiming the priority of an earlier application filed on 11 June 2007. Will it be possible for me to take advantage of the new supplementary international search service that will start up on 1 January 2009, or is it only available for
international applications filed on or after that date? If I am eligible to request a supplementary search, please could you tell me how to do this?

A: The new supplementary international search service will be available not only to international applications filed on or after 1 January 2009, but also to existing international applications where the time limit for requesting supplementary international search (SIS) has not yet expired (PCT Rule 45bis.1(a)). The time limit for requesting SIS is 19 months from the priority date (or international filing date, if the application does not claim the priority of an earlier-filed application). Therefore, this new service will be available for any international application with a priority date on or after 1 June 2007.

It is expected that requests for SIS will normally be made after the applicant has received and assessed the main international search report, but this does not necessarily have to be the case (and will, unfortunately, sometimes not be possible where the main international search report is issued late). You should request SIS using Form PCT/IB/375, which should be filed with the IB and not sent directly to any of the Authorities specified for SIS. Form PCT/IB/375 is now available, in editable PDF format, on the PCT Resources page at:


When completing the supplementary search request form, you should select the International Searching Authority (ISA) which is to carry out the SIS, noting that this must be one of the three ISAs which are offering the SIS service from 1 January 2009, and that it cannot be the ISA which has carried out the “main search” under PCT Article 16(1). It is possible to have more than one SIS carried out on the same application (PCT Rule 45bis.1(a)), however, if you want to do this, a separate supplementary search request should be submitted for each SIS requested.

The fees for SIS, the supplementary search fee and the supplementary search handling fee, should be paid to the IB, in Swiss francs, within one month from the date on which the supplementary search request is received by the IB.

This request may need to be accompanied by:

- a translation of the international application into a language accepted by the Authority if the international application is not in such a language and the receiving Office has not yet forwarded a translation under PCT Rule 12.3 or 12.4; and/or

- a copy of any sequence listing in an acceptable electronic form if such a listing was not originally provided in the international application.

In accordance with PCT Rule 92.2(d), you must file the supplementary search request in English or French.

If your supplementary search request is received by the IB after the expiration of the applicable time limit, it will be considered not to have been submitted and there are no provisions for extending this time limit.

For further information, see:

- the item entitled: “New PCT Service: Supplementary International Search” in this issue

- Form PCT/IB/375 and in particular the Notes to that form, available at:
# PCT Seminar Calendar

<table>
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<tr>
<th>Dates and location</th>
<th>Language of seminar</th>
<th>Nature of seminar; WIPO speakers (and others where known)</th>
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<td>11–12 December 2008</td>
<td>English</td>
<td>Advanced formalities seminar WIPO speakers: Mrs. Coeckelbergs and Ms. Schwarz</td>
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<tr>
<td>London (GB)</td>
<td></td>
<td>(previously announced as 4–5 December 2008)</td>
<td>Tel: (44-1483) 57 00 99</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Fax: (44-1483) 53 64 24</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>E-mail: <a href="mailto:josephine.leak@management-forum.co.uk">josephine.leak@management-forum.co.uk</a></td>
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<tr>
<td>20–21 January 2009</td>
<td>Finnish</td>
<td>Seminar for patent administrators on the PCT and PCT-SAFE WIPO speaker: Mrs. Metcalfe</td>
<td>Helsinki University of Technology, Lifelong Learning Institute Dipoli (Ms. Arja Andsten)</td>
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<tr>
<td>Helsinki (FI)</td>
<td></td>
<td></td>
<td>Tel: (358–9) 451 40 47</td>
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<td></td>
<td></td>
<td></td>
<td>Fax: (358–9) 451 40 68</td>
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<td></td>
<td></td>
<td></td>
<td>E-mail: <a href="mailto:arja.andsten@dipoli.tkk.fi">arja.andsten@dipoli.tkk.fi</a></td>
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<td>Internet: <a href="http://www.dipoli.tkk.fi">www.dipoli.tkk.fi</a></td>
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<td>Centre Paul Roubier</td>
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<td>Ecully (FR)</td>
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<td></td>
<td>Tel: (33-4) 78 33 07 08</td>
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<td>Fax: (33-4) 78 33 58 96</td>
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<tr>
<td>Munich (DE)</td>
<td></td>
<td></td>
<td>Tel: (49-6221) 500 500</td>
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<td></td>
<td></td>
<td>Fax: (49-6221) 500 505</td>
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<td>E-mail: <a href="mailto:a.kapeller@forum-institut.de">a.kapeller@forum-institut.de</a></td>
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<tr>
<td>10–11 March 2009</td>
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<td>Franklin Pierce Law Center (Ms. Carol Ruh)</td>
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<tr>
<td>Concord, New Hampshire</td>
<td></td>
<td></td>
<td>Tel: (1-603) 228 15 41, ext. 1108</td>
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<tr>
<td>Falls Church, Virginia</td>
<td></td>
<td></td>
<td>Tel: (1-703) 205 80 00</td>
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<td>E-mail: <a href="mailto:a.kapeller@forum-institut.de">a.kapeller@forum-institut.de</a></td>
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## Other IP events

**Conference on Intellectual Property and Global Challenges, International Conference Centre Geneva (CICG), 13–14 July 2009. Save the Date!**

The Conference will address issues relating to the interface of intellectual property with other areas of public policy, notably health, the environment, climate change, food security and disability.

Further information will be published in due course.
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, 200 or 300 where the international application, or part of the international application, is filed in electronic form, as prescribed under Item 3(a), (b), (c) and (d) of the Schedule of Fees (annexed to the Regulations under the PCT) and the PCT Applicant’s Guide, paragraph 202(A). A 90% 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 90% reduction are applicable, the 90% 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
- CHF: Swiss franc
- INR: Indian rupee
- MYR: Malaysian ringgit
- USD: US dollar

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

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<th>RO</th>
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### Table I(a) — Transmittal and international filing fees [continued]

(amounts on 1 December 2008, unless otherwise indicated)

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Table I(a) — Transmittal and international filing fees [continued]
(amounts on 1 December 2008, unless otherwise indicated)

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[continued on next page]
## Table I(a) — Transmittal and international filing fees [continued]

(amounts on 1 December 2008, unless otherwise indicated)

| RO | Transmittal fee | International filing fee | Fee per sheet over 30
colds 1, 2, 3 | E-filing reductions according to Schedule of Fees: Items 3(a) 4 and (b) 4 | Competent ISA(s) 4 |
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<tr>
<td>(from 1.1.09: 1,210)</td>
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<th>Fee per sheet over 301, 2, 3</th>
<th>E-filing reductions according to Schedule of Fees: Items 3(a) 4 and (b) 4</th>
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<th>CHF 330</th>
<th>KRW 306,000</th>
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**Table I(b) — Search fees**

(amounts on 1 December 2008, unless otherwise indicated)

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<th>ISA</th>
<th>EUR 1,600</th>
<th>CHF* 1,594</th>
<th>EUR**,** 987</th>
<th>KRW***,1,590,000</th>
<th>NZD*** 2,029</th>
<th>SGD*,*** 2,084</th>
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**Table I(b) — Search fees**

(amounts on 1 December 2008, unless otherwise indicated)

<table>
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<th>ISA</th>
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<th>CHF 2,726</th>
<th>DKK 12,670</th>
<th>GBP 1,352</th>
<th>ISK* 207,000</th>
<th>JPY** 268,800</th>
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**Table I(b) — Search fees**

(amounts on 1 December 2008, unless otherwise indicated)

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<th>CHF 2,726</th>
<th>USD* 2,665</th>
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**Table I(b) — Search fees**

(amounts on 1 December 2008, unless otherwise indicated)

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<th>CHF* 926</th>
<th>EUR* 600</th>
<th>KRW** 924,000</th>
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**Table I(b) — Search fees**

(amounts on 1 December 2008, unless otherwise indicated)

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<th>CHF 226</th>
<th>EUR 148</th>
<th>NZD 289</th>
<th>SGD 320</th>
<th>USD 220</th>
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<td><strong>(from 1.1.09:</strong></td>
<td><strong>USD</strong> 225,000*</td>
<td>**(from 25.7)</td>
<td><strong>(from 1.1.09:</strong></td>
<td>**(from 25.7)</td>
<td><strong>(from 1.1.09:</strong></td>
<td><strong>USD</strong> 2,665</td>
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**Table I(b) — Search fees**

(amounts on 1 December 2008, unless otherwise indicated)

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<th>USD 500</th>
<th>CHF* 507</th>
<th>EUR* 319</th>
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**Table I(b) — Search fees**

(amounts on 1 December 2008, unless otherwise indicated)

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<th>CHF 2,726</th>
<th>DKK 12,670</th>
<th>EUR 1,700</th>
<th>ISK* 207,000</th>
<th>NOK* 13,440</th>
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</thead>
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<tr>
<td><strong>(from 1.2.09:</strong></td>
<td><strong>USD</strong> 2,665</td>
<td>**(from 25.7)</td>
<td><strong>(from 1.1.09:</strong></td>
<td>**(from 25.7)</td>
<td><strong>(from 1.2.09:</strong></td>
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**Table I(b) — Search fees**

(amounts on 1 December 2008, unless otherwise indicated)

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<th>ISA</th>
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<th>CHF*** 1,789</th>
<th>EUR****,1,154</th>
<th>NZD*** 2,370</th>
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**Table I(b) — Search fees**

(amounts on 1 December 2008, unless otherwise indicated)

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<th>CHF** 2,726</th>
<th>EUR, ISK*** 192,000</th>
<th>NOK** 13,440</th>
<th>USD* 2,665</th>
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<td>**(from 25.7)</td>
<td><strong>(from 1.1.09:</strong></td>
<td><strong>USD</strong> 2,665</td>
<td>**(from 25.7)</td>
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**Table I(b) — Search fees**

(amounts on 1 December 2008, unless otherwise indicated)
Table II — Preliminary examination fees
(amounts on 1 December 2008, unless otherwise indicated)

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<td>CA</td>
<td>CAD 800</td>
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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 90% where the applicant or, if there are two or more applicants, each applicant fulfills the criteria indicated on the PCT Resources page at: 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(i) of the Administrative Instructions).
4 For the search fee payable to the receiving Office, consult the entry in Table (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 at: 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 MYR 45 for each sheet in excess of 30.
17 Plus 12.5% GST (Goods and Services Tax) for New Zealand residents.
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% under certain conditions, in accordance with the decision of the EPO's Administrative Council of 11 October 2000 (OJ EPO 2000, page 446, available at: www.european-patent-office.org/eupo/pubs/oj2001012_0010_4460.pdf). For a more detailed explanation of those conditions, together with a list of the States whose nationals and residents are entitled to this reduction, see: www.wipo.int/pct/en/fees/epo_fee_reduction.html.
19 In the case of international search carried out by the EPO in respect of an international application filed on or after 1 January 2009, and in the case of international preliminary examination carried out by the EPO where the demand was filed on or after that date, see item in PCT Newsletter No. 12/2008 entitled “EPO: Change in the Conditions for Entitlement to the 75% Reduction in PCT Search and Preliminary Examination Fees”.
20 For international applications filed in English.
21 For international applications filed in Korean.
22 Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
23 Payable when the international search report was not issued by the Australian Patent Office.
24 Payable when the international search report was established by the Federal Service for Intellectual Property, Patents and Trademarks (Russian Federation).
25 In all cases where footnote 24 does not apply.
26 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 (139 on 1 December 2008)

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1 Extension of European patent possible.

2 May only be designated for a regional patent (the “national route” via the PCT has been closed).

3 Only international applications filed on or after 1 January 2008 include the designation of this State for a European patent.

4 International applications filed on or after 1 January 2008 include the designation of this State for a European patent.

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 July 2008) 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). The request and demand forms can be printed from the website, in editable PDF format, at: 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.