

PCT NEWSLETTER

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New Method of Online Payment of Fees to the International Bureau

The WIPO Pay platform now offers an additional online payment method for the payment of filing fees to the International Bureau as receiving Office (RO/IB):

'**eWallet**' can now be used by applicants who have Apple Pay, Google Pay and Samsung Pay accounts.

Applicants wishing to request supplementary international search can also use this new method for the online payment of supplementary search fees and supplementary search handling fees to the International Bureau (IB) in Swiss francs (CHF). Other fees payable to the IB, cannot currently be paid via WIPO Pay.

For further information on the payment of PCT fees to WIPO, please refer to:

<https://www.wipo.int/pct/en/fees/index.html>

New/updated ISA and IPEA Agreements

China National Intellectual Property Administration (CNIPA)

An updated version of the Agreement between the China National Intellectual Property Administration (CNIPA) and the International Bureau of WIPO relating to the functioning of the CNIPA as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty, as in force from 1 May 2023, has been published in PDF format in English and French at, respectively:

<https://www.wipo.int/export/sites/www/pct/en/docs/agreements/ag-cn-2023.pdf>

<https://www.wipo.int/export/sites/www/pct/fr/docs/agreements/ag-cn-2023.pdf>

Annex A of the Agreement has been modified to include Saudi Arabia in the list of States for which it may act as ISA/IPEA. For more information, see also below "PCT Information Update" – SA Saudi Arabia.

Don't miss out on our upcoming PCT Seminars, Webinars, and other PCT-related events – consult the PCT Seminar Calendar in this issue!

Electronic Filing and Processing of International Applications

New web-based EPO Contingency Upload Service

The European Patent Office (EPO) has notified the International Bureau that, as from 1 July 2023, the new web-based EPO Contingency Upload Service will be available. Applicants may wish to use this service in the event that they need to submit a document to the EPO urgently and EPO online systems are not available or where they are not yet fully familiar with the EPO online filing system.

Information about the new EPO Contingency Upload Service will be published by the EPO on its website shortly.

The notification containing the requirements and practices of the Office with regard to the filing of international applications in electronic form has been updated accordingly, and will be published in the *Official Notices (PCT Gazette)* on 19 May 2023 at:

https://www.wipo.int/pct/en/official_notices/index.html

Please note that the following modes of filing continue to be available at the EPO:

- Online Filing 2.0;
- Online Filing;
- ePCT Filing (WIPO IP Portal); and
- until further notice, web-form filing service.

Applicants are strongly encouraged to use Online Filing 2.0 or ePCT-Filing (WIPO IP Portal) at <https://pct.wipo.int/ePCT> rather than the EPO's Contingency Upload Service whenever possible, especially in order to benefit from pre-filled bibliographic data, where applicable, and the numerous business validations built into the systems. These features allow for an accelerated and possibly more accurate processing of the filed documents.

Update of Electronic Filing Notifications by Receiving Offices

The following Offices have updated their e-filing notifications to take into account the change in the applicable format for the filing of sequence listings as from 1 July 2022 (from WIPO Standard ST.25 to ST.26):

- PH Intellectual Property Office of the Philippines
- TT The Intellectual Property Office, Office of the Attorney General and Ministry of Legal Affairs (Trinidad and Tobago)

The corresponding notifications were published in the *Official Notices (PCT Gazette)* on 4 May 2023 for the Intellectual Property Office, Office of the Attorney General and Ministry of Legal Affairs (Trinidad and Tobago) and 11 May 2023 for the Intellectual Property Office of the Philippines at:

https://www.wipo.int/pct/en/official_notices/officialnotices.pdf

Languages Accepted for Language-Dependent Free Text in Sequence Listings in accordance with PCT Rule 12.1(d)

It is recalled that amendments to PCT Rule 12.1(d) relating to language-dependent free text contained in the sequence listing part of the description of an international application entered into force on 1 July 2022, and a new paragraph (*a-bis*) was added to Section 332 of the Administrative Instructions under the PCT prescribing that each receiving Office shall notify the International Bureau (IB) of the language or languages of any language-dependent free text which it is prepared to accept.

The following receiving Offices have notified the following information to the IB in accordance with Section 332(*a-bis*):

- **PH Intellectual Property Office of the Philippines:** English or Filipino. The Office also permits the language-dependent free text to be filed in both English and Filipino within a single sequence listing.
- **TT Intellectual Property Office, Office of the Attorney General and Ministry of Legal Affairs (Trinidad and Tobago):** English. The Office does *not* permit the language-dependent free text to be filed in more than one language within a single sequence listing.

(Updating of *PCT Applicant's Guide*, Annex C (PH) and (TT))

PCT Information Update

AU Australia (fees)

As from 1 July 2023, 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 amounts in AUD of the applicable filing fee reductions listed in item 4 of the Schedule of Fees, as indicated in Fee Table I(a).

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

BY Belarus (fax number)

The fax number of the National Center of Intellectual Property (Belarus) has changed. The number to be used is now as follows:

Fax: (375-17) 272 97 51

CA Canada (fees)

As from 1 June 2023, there will be a change in the equivalent amounts of the international filing fee and the fee per sheet over 30, payable in CAD to the Canadian Intellectual Property Office as receiving Office, as well as a change in the equivalent amounts in CAD of the applicable filing fee reductions listed in item 4 of the Schedule of Fees, as indicated in Fee Table I(a).

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

CV Cabo Verde (fees)

The Institute for Quality Management and Intellectual Property (IGQPI) (Cabo Verde) has notified the International Bureau (IB) of the amounts of the national filing fees for patents and utility models, payable in Cabo Verde Escudo (CVE) to the Office in its capacity as designated (or elected) Office, as follows:

National fee:

For patent:

Filing fee: ¹CVE 15,000

For utility model:

Filing fee: ¹CVE 13,000

Also, information on the requirements of the Office as designated (or elected) Office has been published in the *PCT Applicant's Guide* (National Chapter, Summary (CV)), at:

<https://www.wipo.int/pct/guide/en/gdvol2/annexes/cv.pdf>

EP European Patent Organisation (fees)

The amount of the fee for requesting the preparation and transmission to the International Bureau of a priority document, payable to the European Patent Office as receiving Office, has changed with effect from 1 April 2023, as follows:

Fee for priority document: EUR 115

(Updating of *PCT Applicant's Guide*, Annex C (EP))

KN Saint Kitts and Nevis (location and mailing address; e-mail address)

The location and mailing address and the e-mail address of the Intellectual Property Office (Saint Kitts and Nevis) have changed, as follows:

Location and
mailing address: P.O. Box 693
George Street
Basseterre
Saint Kitts
Saint Kitts and Nevis

E-mail: ipo@gov.kn

(Updating of *PCT Applicant's Guide*, Annex B1 (KN))

¹ This fee must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).

MY Malaysia (fees)

The Intellectual Property Corporation of Malaysia has notified the IB that the amounts of the national filing fee and the additional fees for each independent claim in excess of 10 (for patent applications or international applications entering the national phase), payable to the Office as designated (or elected) Office have changed with effect from 18 March 2022:

Filing fee ¹	MYR	290
Claim fee for each claim in excess of 10	MYR	20
Claim fee for each claim in excess of 20	MYR	30
Claim fee for each claim in excess of 30	MYR	40
Claim fee for each claim in excess of 40	MYR	50

(Updating of *PCT Applicant's Guide*, National Chapter, Summary (MY))

NO Norway (fees)

As from 1 July 2023, 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 applicable filing fee reductions listed in item 4 of the Schedule of Fees, as indicated in Fee Table I(a).

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

RS Serbia (provisional protection after international publication; fees)

There has been a change in the provisions concerning provisional protection in the Intellectual Property Office (Serbia) after international publication where a designation is made for the purposes of a European patent, which are now as follows:

Where the designation is made for the purposes of a European patent:

A published European patent application shall provisionally confer the protection as conferred by a published national patent application under Article 149 of Patent Law as from the date on which a translation of the published European patent application into the Serbian language has been communicated by the applicant to the person using the invention in Serbia.

The Office has also notified a change in the conditions for exemptions, reductions or refunds of the national fee which are now as follows – fees are reduced by 50% where the international application is filed by a natural person.

(Updating of *PCT Applicant's Guide*, Annex B1 (RS) and National Chapter, Summary (RS))

SA Saudi Arabia (competent International Searching and Preliminary Examining Authorities)

The Saudi Authority for Intellectual Property (SAIP) has specified, with effect from 1 May 2023, the China National Intellectual Property Administration (CNIPA)², in addition to the Canadian Intellectual Property Office², the Egyptian Patent Office, the European Patent Office², the Federal Service for Intellectual Property (Rospatent) (Russian Federation), the Intellectual Property Office of Singapore², the Japan Patent Office (JPO)², the Korean Intellectual Property Office and the United States Patent and Trademark Office² as competent International Searching and Preliminary Examining Authority for international applications filed by nationals and residents of Saudi Arabia with the Office (or with the IB) as receiving Office.

(Updating of *PCT Applicant's Guide*, Annex C (SA))

SE Sweden (fees)

The amounts of the following fees, payable to the Swedish Intellectual Property Office (PRV) as designated (or elected) Office, have changed with effect from 18 March 2023, as follows:

For a patent:

Annual fees for the first two years:[no change]

Annual fee for the third year³:.....SEK 1,500

(Updating of *PCT Applicant's Guide*, National Chapter, Summary (SE))

Search fee (various Offices)

As from 1 June 2023, there will be changes in the equivalent amounts payable in the currencies specified below for international searches carried out by the following Offices:

Canadian Intellectual Property Office	CHF
Eurasian Patent Office	CHF, EUR, USD
European Patent Office	NOK
Federal Service for Intellectual Property (Rospatent) (Russian Federation)	USD
Korean Intellectual Property Office	CHF
Swedish Intellectual Property Office (PRV)	NOK
Nordic Patent Institute	NOK

² The Office is competent to act as International Preliminary Examining Authority only if the international search is or has been carried out by that Office.

³ This fee is due on the last day of the month containing the second anniversary (24 months) of the international filing date; where PCT Article 22 or 39(1) applies, it is payable within two months after performing the acts for entering the national phase, unless the 24-month time limit has not yet expired.

As from 1 July 2023, there will be changes in the equivalent amounts payable in the currencies specified below for international searches carried out by the following Offices:

Australian Patent Office	EUR
Austrian Patent Office	KRW
Intellectual Property Office of Singapore	KRW
Israel Patent Office	EUR
Korean Intellectual Property Office	EUR, SGD
National Institute of Industrial Property (Brazil).....	USD

The above-mentioned amounts are indicated in Fee Table I(b).

(Updating of *PCT Applicant's Guide*, Annex D (AU), (AT), (AU), (BR), (CA), (EA), (EP), (IL), (KR), (RU), (SE), (SG) and (XN))

Handling fee (Australian Patent Office, Canadian Intellectual Property Office, Korean Intellectual Property Office)

As from 1 June 2023, there will be changes in the equivalent amounts of the handling fee, payable in AUD to the Australian Patent Office, in CAD to the Canadian Intellectual Property Office and in KRW to the Korean Intellectual Property Office as International Preliminary Examining Authorities. The new amounts will be AUD 338, CAD 294 and KRW 286,000, respectively.

(Updating of *PCT Applicant's Guide*, Annex E (AU), (CA) and (KR))

New WIPO resources

Patent Landscape Report: COVID-19-related vaccines and therapeutics

The latest WIPO Patent Landscape Report shows that innovators around the world have filed thousands of patent applications for new technologies to battle the COVID-19 pandemic, with the vast majority of the envisioned products related to therapies to help stricken patients.

Overall, China, the United States of America, the Republic of Korea, Germany and the United Kingdom were the leading origins of the 7,758 patent applications filed between January 2020 and September 2022.

For further information, please refer to Press Release PR/2023/900 at:

https://www.wipo.int/pressroom/en/articles/2023/article_0003.html

As background, under the Development Agenda project “Developing Tools for Access to Patent Information” WIPO is mandated to produce patent landscape reports in areas of particular interest to developing and least developed countries, such as public health, food security, climate change, and the environment. For more Patent Landscape Reports please visit:

https://www.wipo.int/patentscope/en/programs/patent_landscapes/

New/Updated PCT Resources

New webinar recordings

Webinars in Russian

A recording of the following webinar in Russian:

- “Introduction to the Intellectual Property and the PCT System” (20 April 2023);

as well as the supporting documents, can now be accessed at:

<https://www.wipo.int/pct/ru/seminar/webinars/index.html>

Recordings and supporting documents for ePCT webinar series – reminder

Further to the information published in *PCT Newsletter* Nos. 02/2023, 03/2023 and 04/2023 about the continuing ePCT webinars presented by PCT Consultant Carl Oppedahl, further recordings of and supporting documents for the webinars are available at:

https://blog.oppedahl.com/?page_id=8978

Information and registration for upcoming webinars can be found in the PCT Seminar Calendar.

PCT Success Stories

RES GigaTube – a new structural and electrical system for a vertical axis wind turbine

The “PCT Success Stories” page on the PCT website continues to invite PCT users to share their stories about how the PCT helped them to seek protection for their invention. A selection of the submitted success stories are highlighted on the PCT website and on WIPO social media (provided that they are the subject of an already-published PCT application).

A new story about how the PCT helped an independent inventor seek patent protection for a new structural and electrical system for a vertical axis wind turbine is available at:

https://www.wipo.int/pct/en/news/2023/news_0013.html

If you are interested in more information about the invention featured in the story, you will also find a link to the published PCT application concerned. The PCT Success Stories page also contains information on how you can contribute your own story, and is available in all 10 PCT languages at:

https://www.wipo.int/pct/en/success_story/success_story.html

Practical Advice

Rectification of an obvious mistake during the international phase

Q: I have noticed a typographical error in the description of a PCT application I submitted several months ago in which the word ‘water’ was incorrectly indicated as ‘wafer’. Can we correct it before publication and if so, to which authority should such a request be submitted?

A: You may request the rectification of the mistake under PCT Rule 91, which states that an “obvious mistake in the international application or another document submitted by the applicant may be rectified in accordance with this Rule if the applicant so requests.” However, please note

that the request for rectification must be submitted within 26 months from the priority date (PCT Rule 91.2) and that certain criteria must be met.

The authority to which a request for rectification of an obvious mistake should be submitted depends on which part of the application the mistake is in:

For a mistake in the request (PCT Form RO/101)	Receiving Office
For a mistake in the description, claims or drawings (unless the International Preliminary Examining Authority is competent)	International Searching Authority
For a mistake in the description, claims or drawings or in an amendment under Article 19 or 34 if the demand for international preliminary examination has been made and has not been withdrawn, and the date on which international preliminary examination shall start has passed	International Preliminary Examining Authority
For a mistake in any other document not mentioned above	The authority to which the document was submitted

As your mistake is in the description, you will need to submit a request for rectification to the International Searching Authority.

The competent Authority authorizes the rectification of the mistake if, and only if, as at the applicable date under PCT Rule 91.1(f) (the international filing date or, if the mistake is in a document other than the international application as filed, the date on which the document was submitted), it is obvious to the competent authority that:

- something other than what appears in the document concerned was intended; and
- nothing other than the proposed rectification could have been intended. (PCT Rule 91.1)

An error such as a linguistic error, grammatical error or spelling error can, consequently, be requested for rectification providing that it would not change the meaning of the disclosure. Mistakes in a chemical or mathematical formula, for example, would not generally be rectifiable unless the correct formula was common knowledge or has been used in other places of the application.

In many cases, the first criterion is easier to meet than the second one. If, for instance, there was an equation “1+2=5” in the description where it should have been “1+2=3”, even if the applicant can convince the competent Authority that it was a mistake and something other than “1+2=5” was intended, it is still not sufficient and it has to be shown that nothing other than “1+2=3” was intended. In other words, it has to be obvious that “3+2=5”, “1+4=5”, or any other possibility was not intended.

Another example might be where a drawing is blurred and therefore not readable. Even if the applicant can show that the drawing was blurred due to a mistake, it would be very difficult to convince the competent Authority that nothing other than the clear drawing now submitted was originally intended to be submitted as the drawing.

It should be noted that, for a mistake in the description, claims or drawings, the decision of the competent authority on the rectification will be made only on the basis of the description, claims and drawings (PCT Rule 91.1(d)), and therefore information in the priority document will not be taken into account. However, in the case of a mistake in the request, the competent Authority,

which would be the receiving Office, can take into account any priority document in respect of the international application that is available to the authority (PCT Rule 91.1(e)).

Consequently, in your case, it has to be obvious to the International Searching Authority from the description, claims and drawings as originally filed that “wafer” in the description was a mistake and nothing other than “water” was intended.

For information, mistakes which cannot be rectified under PCT Rule 91 (PCT Rule 91.1(g)) include:

- missing sheets or elements of the international application referred to in Article 3(2) (request, description, claims, drawings) (please refer to PCT Rule 20.3 to 20.8);
- a mistake in the abstract (please refer to PCT Rule 38.3);
- a mistake in an amendment under Article 19, unless the International Preliminary Examining Authority is competent; or
- a mistake in a priority claim which would cause a change in the priority date.

Please ensure that your requests for rectification reach the competent authority within 26 months from the priority date. Your letter must specify the mistake to be rectified, the proposed rectification together with a replacement sheet, and you may, if you choose, include a brief explanation (PCT Rule 26.4 applies to the manner in which the proposed rectification should be indicated).

Depending on the competent authority, it may be possible for you to submit the request for rectification via ePCT by selecting the recipient and then using the Action “Upload Documents” (there is no specific Action in ePCT related to the rectification of obvious mistakes – please refer to https://pct.eservices.wipo.int/p_sn_li.aspx?ClickType=5&NaZoeken=1&NodeID=1006 for more information).

If your request for rectification is accepted, the competent authority will notify the IB and provide it with any rectified sheet for publication. If the rectified sheet is received by the IB after technical preparations for publication have been completed, the IB will publish a statement reflecting the rectifications, together with the approved replacement sheets, the letter requesting the rectification and the revised version of the front page (PCT Rule 48.2(i)).

A designated Office is not obliged to take the rectification of an obvious mistake into account if it has already begun the processing or examination of the international application prior to the date on which it is notified under Rule 91.3(a) of the authorization of the rectification by the competent authority.

It may also disregard a rectification if it finds that it would not have authorized the rectification under Rule 91.1 if it had been the competent authority, but it must give the applicant the opportunity to make observations (PCT Rule 91.3(f)).

Please note that even if you have missed the opportunity to rectify a mistake in the description, claims or drawings during the international phase, you have an opportunity to amend them before each designated Office, and therefore you can try to correct the mistake in the description, claims or drawings during the national phase, provided that the amendment meets requirements under the national law (PCT Article 28).

For further information on requests for rectification of obvious mistakes, please refer to the *PCT Applicant’s Guide*, International Phase, paragraphs 11.033 to 11.044 at:

<https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/pdf/gdvol1.pdf>

