

international applications can be purchased online has changed. The new address is:

Internet: <https://certifiedcopycenter.uspto.gov/index.html>

(Updating of *PCT Applicant's Guide*, Annex B (US))

For information on the change, with effect from 1 December 2024, in the equivalent amounts of the international filing fee and the fee per sheet over 30, payable in USD to the United States Patent and Trademark Office (USPTO) as receiving Office, as well as a change in the equivalent amounts in USD of the applicable filing fee reductions listed in item 4 of the Schedule of Fees, please refer to "International filing fee and handling fee payable in US dollars (various Offices)", above.

Search fee and other fees relating to the international search (Intellectual Property Office of the Philippines, Japan Patent Office (JPO), National Institute of Industrial Property (Brazil), National Institute of Industrial Property (Chile), United States Patent and Trademark Office (USPTO))

As from 1 December 2024, there will be changes in the equivalent amounts payable in the currencies specified below for international searches carried out by the following Offices:

National Institute of Industrial Property (Chile)	CHF, EUR
Intellectual Property Office of the Philippines	CHF, EUR, USD
Japan Patent Office (JPO).....	EUR
National Institute of Industrial Property (Brazil).....	CHF, EUR
United States Patent and Trademark Office (USPTO)	CHF, EUR

(Updating of *PCT Applicant's Guide*, Annex D (BR, CL, JP, PH and US))

Search fee and other fees relating to the international search (Saudi Authority for Intellectual Property (SAIP))

The Saudi Authority for Intellectual Property (SAIP) has notified the amount which will be payable in SAR, as from 15 December 2024, for an international search carried out by it, as indicated in Fee Table I(b). The equivalent amounts of that fee in other currencies will be published once they have been established. The amounts of the following fees have also been established:

Additional search fee:	SAR	1,000
Fee for copies of documents cited in the international search report, per page:	SAR	3
Protest fee:	SAR	400
Late furnishing fee for sequence listings:	SAR	100

Fees relating to the international preliminary examination (Saudi Authority for Intellectual Property (SAIP))

The Saudi Authority for Intellectual Property (SAIP) has notified the amount which will be payable in SAR, as from 15 December 2024, for an international preliminary examination

carried out by it, as indicated in Fee Table II. The equivalent amounts of that fee in other currencies will be published once they have been established. The amounts of the following fees have also been established:

Additional preliminary examination fee:	SAR	600
Fee for copies of documents cited in the international preliminary examination report, per page:	SAR	3
Fee for copies of documents contained in the file of the international application, per page:	SAR	3
Protest fee:	SAR	400
Late furnishing fee for sequence listings:	SAR	100

Global Innovation Index

The 2024 edition of the Global Innovation Index (GII) is now available at:

<https://www.wipo.int/web-publications/global-innovation-index-2024/en/index.html>

This edition of the GI finds that Switzerland, Sweden, the United States of America, Singapore and the United Kingdom are the world's most-innovative economies, while China, Türkiye, India, Viet Nam and the Philippines¹ are the fastest 10-year climbers. A summary of the findings of the new edition of the GI was published in Press Release PR/2024/925, at:

https://www.wipo.int/pressroom/en/articles/2024/article_0013.html

New/Updated PCT Resources

FAQs of the PCT eServices Help Page

The ePCT Frequently Asked Questions (FAQs) available on the PCT eServices Help page have been replaced by a new structure of ePCT User Guide FAQs for applicants and are now available in English at:

<https://www.wipo.int/en/web/ipportal-support/epct-user-guide/faq>

The link is available from the ePCT home page by clicking on "Help" and we recommend that users update their bookmark to the new URL.

The search field can be used to search by keyword, the results being displayed first by articles containing the keyword in their title, followed by those containing the keyword within the text of the article.

The contact details for PCT eServices Help Desk have not changed:

e-mail: pct.eservices@wipo.int
 telephone: (+41-22) 338 9523

¹ In order of their overall GI ranking.

New webinar recordings

Webinar in Russian

A recording of the following webinar in Russian:

– PCT System: Filing documents/requests after filing the PCT application via ePCT (24 September 2024)

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

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

Seminar at the United States Patent and Trademark Office (USPTO) (Reminder)

As already mentioned in *PCT Newsletter* No. 09/2024, a PCT seminar hosted by WIPO will be held at the USPTO Headquarters in Alexandria, Virginia on 28 October 2024.

Registration and further details on the seminar are now available at:

https://www.wipo.int/pct/en/news/2024/news_0028.html

This is an onsite event only – don't miss this unique opportunity to learn more about the PCT and ePCT!

Practical Advice

Correction of incorrectly submitted parts of an international application

Q: I filed a PCT application and mistakenly included a draft set of drawings rather than the final version. The priority period expired last week. I would prefer to have the version of the drawings in the PCT application as it was in the priority application. Is there any way of remedying this?

A: For situations where applicants have accidentally included an incorrect element or part in a PCT application, the PCT provides a safeguard procedure referred to as “incorporation by reference of erroneously filed elements and parts” (PCT Rule 20.5*bis*). This rule allows applicants to include elements or parts of a previously filed application to which priority is claimed in the PCT application (in the context of this Rule, elements are the description and the claims whereas a part is a portion thereof or part or all of the drawings). However, the correct element or part can only be added; it is not possible to remove any erroneously filed element or part from the international application without changing the international filing date.

In accordance with PCT Rule 4.18, the PCT Request form, in Box No. VI, contains a precautionary statement to the effect that where an element or part is not otherwise contained in the international application but is completely contained in the earlier application of which priority is claimed, it is incorporated by reference in the international application, subject to confirmation by the applicant under PCT Rule 20.6. Electronic filing systems automatically generate this precautionary statement for each application.

In your case, if you wish the drawings of your earlier application to be part of the PCT application, you need to send a notice to the receiving Office confirming that they are incorporated by reference and submit a copy of the drawings to be incorporated.

It is important to expressly mention that you are confirming incorporation by reference and not just submitting the drawings. If you do not so clarify, the receiving Office may consider the

additional copy of the drawings as completing the application rather than being incorporated by reference, in which case it would change the international filing date to the date of receipt of the correct drawings, which would be outside the priority period.

The time limit for confirming incorporation by reference is two months from the international filing date or two months from an invitation by the receiving Office where it notices the error and invites correction (PCT Rule 20.7). If the priority document is not yet available to the receiving Office, you would also need to submit a simple copy of the earlier application, so that the Office can verify that the drawings you are now submitting are identical to those in the priority application.

Please note that priority must have been claimed on the international filing date; in other words, you cannot add a priority claim after filing the application and also use it as a basis to confirm incorporation by reference. If you forgot to claim the priority of the earlier application in the request at the time of filing, you would not be able to request incorporation by reference even though the correct drawings were indeed contained in the earlier application.

If all requirements for incorporation by reference are fulfilled, the receiving Office will mark the correct drawings as incorporated by reference and will add them to the application, placing them before the erroneously filed drawings and marking them as such. The ISA will not take the latter into account if it receives the correct ones in time before starting the search.

Because the erroneously filed drawings will remain in the PCT application and, additionally, a few Offices still have outstanding incompatibility notifications as designated Offices under PCT Rule 20.8(b-*bis*) (meaning that in the national phase they will not consider the drawings concerned as incorporated by reference), it is possible that this safeguard procedure may not entirely resolve your problem in all situations and in relation to all PCT Contracting States.

As you can see from the above, every precaution needs to be taken to avoid submitting an incorrect version of a PCT application element, which can sometimes occur when one is attaching files for submission during the process of filing electronically. Helpful best practices are to give clearly distinctive names to the files to be submitted and to check before and immediately after filing that the correct files have been attached and submitted. If any mistake is noticed on the same day as the application has been filed, it can be corrected under PCT Rule 25*bis*(a)(i) before all receiving Offices without impacting the international filing date.

Nevertheless, should the mistake be noticed only after the priority period and you intend to resort to the procedure described above, it is of utmost importance that you carefully read each form you subsequently receive. If the receiving Office finds that the requirements to confirm incorporation by reference are not fulfilled, for example because the copy of the drawings you have submitted is not exactly identical to what is contained in the priority application, it will change the international filing date to the date of receipt of the copy in question (using Form PCT/RO/126) and give you a time limit of only one month, non-extendible, to request that the submitted pages be disregarded and the change of international filing date be reversed (Rule 20.5*bis*(e)).

For further information on incorporation by reference in general, please refer to the *PCT Applicant's Guide*, paragraphs 6.024 to 6.031 at:

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

For notifications of incompatibility under PCT Rule 20.8(a), (a-*bis*), (b) or (b-*bis*) please refer to:

https://www.wipo.int/pct/en/texts/reservations/res_incomp.html

More information on incorporation by reference, specifically where an incorrect element has been filed with the application, can be found in the Practical Advice published in *PCT Newsletter* No. 07-08/2020 at:

https://www.wipo.int/edocs/pctndocs/en/2020/pct_news_2020_7_8.pdf

