



C.PCT 818  
-211/41

January 7, 2002

Madam,  
Sir,

1. This Circular is addressed to your Office in its capacity as receiving Office, International Searching Authority, International Preliminary Examining Authority and/or designated or elected Office under the Patent Cooperation Treaty (PCT) for the purposes of consultation under PCT Rule 89.2(b). It is also addressed to certain non-governmental organizations.

2. It is recalled that the Assembly of the PCT Union, at its thirtieth (13<sup>th</sup> ordinary) session, held in Geneva from September 24 to October 3, 2001, adopted modifications to the time limit fixed in PCT Article 22(1) and amendments to PCT Rule 90*bis* (see documents PCT/A/30/4, 4 Add. and 7); these modifications and amendments will enter into force on April 1, 2002. The time limit under Article 22(1) for performing the acts necessary to enter the national phase will be the same—namely 30 months from the priority date—as that which applies under Article 39(1)(a) where the applicant files a demand for international preliminary examination within 19 months from the priority date. The modified (30-month) time limit will be applicable, so far as any designated Office is concerned, to any international application in respect of which the period of 20 months from the priority date expires on or after the date on which the modifications enter into force in respect of that Office and in respect of which the acts referred to in Article 22(1) have not yet been performed by the applicant.

3. Noting that the modifications of Article 22(1) will require that a number of Contracting States change their national laws and that the necessary changes may take some time, the PCT Assembly adopted transitional arrangements to enable postponement of the entry into force of the modifications in respect of the designated Offices concerned. In practice, that means that the time limit of 20 months will continue to apply in respect of certain designated Offices, whereas the time limit of 30 months will already apply in respect of others; in addition, as has been the case until now, certain other designated Offices, under Article 22(3), have fixed time limits which are longer than 20 months (e.g., 21 months) and others will in future fix time limits which will be longer than 30 months (e.g., 31 months). The resulting situation might cause some difficulty

/...

for applicants and their agents when they wish to ascertain which time limit applies in respect of each of the designated Offices before which they intend to enter into the national phase.

4. As a consequence, some of the specific messages, currently appearing in various PCT forms, need to be modified with the aim of drawing the attention of applicants and their agents to various (and sometimes new) applicable time limits.

5. Modifications are now proposed to the forms listed below, as explained in further detail in the subsequent paragraphs (the forms are listed in the order in which they appear in the relevant parts of Annex A to the PCT Administrative Instructions).

6. *Forms relating to the Receiving Office*

- Notification of transmittal of demand to the International Bureau or to the competent International Preliminary Examining Authority (PCT/RO/153)
- Invitation to indicate competent International Preliminary Examining Authority (PCT/RO/154)
- Notification that demand considered not to have been submitted (PCT/RO/155).

7. *Forms relating to the International Searching Authority*

- Notification of transmittal of the International Search Report or the Declaration (PCT/ISA/220)—the accompanying notes remaining unchanged
- Notification of transmittal of demand to the International Bureau or to the competent International Preliminary Examining Authority (PCT/ISA/234)
- Invitation to indicate competent International Preliminary Examining Authority (PCT/ISA/235)
- Notification that demand considered not to have been submitted (PCT/ISA/236).

8. *Forms relating to the International Bureau*

- Notification of receipt of record copy (PCT/IB/301) and Annex
- Notice informing the applicant of the communication of the international application to the designated Offices (PCT/IB/308)
- Notification of receipt of notice effecting later elections (PCT/IB/329)
- Invitation to correct defects in the notice effecting later election (PCT/IB/333)
- Notification that notice effecting later elections considered as not having been submitted or later election as not having been made (PCT/IB/334)

/...

- Invitation to indicate competent International Preliminary Examining Authority (PCT/IB/367)
- Notification of transmittal of demand to the competent International Preliminary Examining Authority (PCT/IB/368)
- Notification that demand considered not to have been submitted (PCT/IB/369).

9. *Forms relating to the International Preliminary Examining Authority*

- Notification of receipt of demand by competent International Preliminary Examining Authority (PCT/IPEA/402)
- Invitation to correct defects in the demand (PCT/IPEA/404)—the Annex remaining unchanged
- Notification that demand considered not to have been submitted (PCT/IPEA/407)
- Notification of transmittal of demand to the International Bureau or to the competent International Preliminary Examining Authority (PCT/IPEA/436)
- Notification that certain elections considered not to have been made (PCT/IPEA/439)
- Invitation to indicate competent International Preliminary Examining Authority (PCT/IPEA/442)
- Notification by non-competent International Preliminary Examining Authority that demand considered not to have been submitted (PCT/IPEA/444).

10. *Demand Form*

- Demand (PCT/IPEA/401)—only the Notes to the Form, page 1, under the heading “Important General Information,” third paragraph.

11. *Explanations of the proposed modifications.* It is proposed that rather detailed explanations, even though expressed in general terms, be included in the Annex to the Notification of receipt of record copy (Form PCT/IB/301), established by the International Bureau and sent to the applicant. These explanations would, however, not include a list of designated Offices with the corresponding applicable time limits, since it is expected that these will change from time to time and since the applicable time limits will be those in effect at the time the application enters into the national phase, not at the time of issuance of Form PCT/IB/301. It is therefore proposed to refer to information, which will be regularly updated, to be made available by the International Bureau in the *PCT Gazette*, *PCT Newsletter* and *PCT Applicant’s Guide*, in both their paper and Internet versions.

12. It is also proposed, in respect of all other forms (except Form PCT/IB/308, see below), to include a short message referring to the Annex to Form PCT/IB/301 and to the relevant National Chapters in Volume II of the *PCT Applicant's Guide*, with a view to directing the applicant's attention to a single basic source of information, while minimizing the effect of the modifications on the other forms.

13. However, noting that, at the time when the forms, modified with effect from April 1, 2002, will be sent out, the old version of Form PCT/IB/301 will have already been sent out in respect of at least 50,000 international applications (corresponding to about six months' worth of filings), it is also proposed to include a rather detailed message in Form PCT/IB/308 instead of a mere reference to Form PCT/IB/301 and the *Guide*.

./ 14. The draft modified Forms, as listed in paragraphs 6 to 10, above, are enclosed. All the proposed modifications are indicated by a vertical line in the margin; minor changes in layout are not indicated.


15. The International Bureau would very much appreciate receiving, by February 4, 2002, the observations and/or comments, if any, of your Office, as follows:

- in its capacity as receiving Office, in respect of the forms listed in paragraph 6 (PCT/RO series);
- in its capacity as International Searching Authority, in respect of the forms listed in paragraph 7 (PCT/ISA series);
- in its capacity as International Preliminary Examining Authority, in respect of the forms listed in paragraphs 9 and 10 (PCT/IPEA series and notes to the demand form);
- in its capacity as designated or elected Office, in respect of the forms listed in paragraph 8 (PCT/IB series);

so as to be in a position to promulgate the modified forms by the beginning of March 2002, noting that some of them will have to be translated into the language or languages used by certain Offices and Authorities.

16. The International Bureau would also very much appreciate receiving, by the same date, the observations and/or comments, if any, of your Organization on all draft forms referred to above.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Francis Gurry', written in a cursive style.

Francis Gurry  
Assistant Director General

Enclosures: Draft modified PCT forms, as listed in paragraphs 6 to 10

ANNEX TO CIRCULAR C.PCT 818, dated January 7, 2002

Draft modified PCT Forms  
(as listed in paragraphs 6 to 10 of the Circular)

PCT/RO/153  
PCT/RO/154  
PCT/RO/155

PCT/ISA/220  
PCT/ISA/234  
PCT/ISA/235  
PCT/ISA/236

PCT/IB/301 and Annex  
PCT/IB/308  
PCT/IB/329  
PCT/IB/333  
PCT/IB/334  
PCT/IB/367  
PCT/IB/368  
PCT/IB/369

PCT/IPEA/402  
PCT/IPEA/404  
PCT/IPEA/407  
PCT/IPEA/436  
PCT/IPEA/439  
PCT/IPEA/442  
PCT/IPEA/444

PCT/IPEA/401 (only Notes, page 1)

*[total number of pages: this cover page plus 24 pages]*

**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

<p><b>DRAFT FOR CONSULTATION</b></p>
--

**PCT**

NOTIFICATION OF TRANSMITTAL OF DEMAND  
TO THE INTERNATIONAL BUREAU OR TO THE  
COMPETENT INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 59.3(a) and (f) and  
Administrative Instructions, Section 334)

Date of mailing <i>(day/month/year)</i>
--

Applicant's or agent's file reference		<b>IMPORTANT NOTIFICATION</b>	
International application No.	International filing date <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>	
Applicant			

1. This receiving Office has **received** on \_\_\_\_\_ *(date of receipt)*  
a demand for international preliminary examination of the international application.

2. The applicant is hereby **notified** that:

this receiving Office **has transmitted the demand to the International Bureau** which will transmit it, as the case may be, directly to the competent International Preliminary Examining Authority and inform the applicant accordingly, or invite the applicant to indicate the competent International Preliminary Examining Authority to which the demand should be transmitted.

this receiving Office **has transmitted the demand directly to the competent International Preliminary Examining Authority** which is:

3. The date of receipt indicated above has been marked on the demand; **the demand will, in accordance with Rule 59.3(e), be considered to have been received by the competent International Preliminary Examining Authority on that date of receipt.**

That date of receipt is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

*(If applicable)* The applicant has already been informed accordingly by telephone, facsimile transmission or in person, on: \_\_\_\_\_

4. A copy of this notification is being sent to the International Bureau or to the competent International Preliminary Examining Authority indicated above, as the case may be.

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.

**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

**PCT**

INVITATION TO INDICATE  
COMPETENT INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 59.3(f) and  
Administrative Instructions, Section 334)

To:

**DRAFT  
FOR  
CONSULTATION**

Date of mailing <i>(day/month/year)</i>
--

Applicant's or agent's file reference	<b>REPLY DUE</b> 15 days from the above date of mailing or 19 months from the priority date, whichever expires later
---------------------------------------	--

International application No.	International filing date <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>
-------------------------------	---	---------------------------------------

Applicant

1. This receiving Office has **received** on \_\_\_\_\_ *(date of receipt)* a demand for international preliminary examination of the international application.

2. The applicant is hereby **invited**, within the time limit indicated above, **to indicate the competent International Preliminary Examining Authority** to which the demand should be transmitted (Rule 59.3(c)(ii)).

**Failure to respond to this Invitation**, within the time limit indicated above, will result in this receiving Office declaring that the demand will be considered not to have been submitted (Rule 59.3(d)).

3. The date of receipt indicated above has been marked on the demand; **provided the applicant responds to this Invitation within the time limit indicated above, the demand will, in accordance with Rule 59.3(e), be considered to have been received by the competent International Preliminary Examining Authority on that date of receipt.**

**ATTENTION:** That date of receipt is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

*(If applicable)* The applicant has already been informed accordingly by telephone, facsimile transmission or in person, on:

\_\_\_\_\_

Name and mailing address of the receiving Office	Authorized officer
Facsimile No.	Telephone No.



**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

**PCT**

NOTIFICATION THAT DEMAND CONSIDERED  
NOT TO HAVE BEEN SUBMITTED

(PCT Rule 59.3(d) and (f))

To:

**DRAFT  
FOR  
CONSULTATION**

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**IMPORTANT NOTIFICATION**

International application No.

International filing date  
(day/month/year)

Applicant

1. The applicant is hereby notified that **this receiving Office declares that the demand is considered not to have been submitted** since the applicant has not furnished within the time limit referred to in the Invitation (Form PCT/RO/154) the indication of the competent International Preliminary Examining Authority to which the demand should have been transmitted.

2. Consequently, this receiving Office will **refund** to the applicant any amount paid in respect of the demand.

3. **ATTENTION**

In respect of some Offices, the demand does **not** have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

Name and mailing address of the receiving Office

Facsimile No.

Authorized officer

Telephone No.

**PATENT COOPERATION TREATY**

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

To:

**DRAFT  
FOR  
CONSULTATION**

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.

International filing date  
(day/month/year)

Applicant

1.  The applicant is hereby notified that the international search report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**  
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

**For more detailed instructions,** see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3.  **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

Name and mailing address of the ISA/  
  
Facsimile No.

Authorized officer  
  
Telephone No.

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

NOTIFICATION OF TRANSMITTAL OF DEMAND  
TO THE INTERNATIONAL BUREAU OR TO THE  
COMPETENT INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 59.3(a) and (f) and Administrative Instructions,  
Section 516)

DRAFT FOR CONSULTATION
------------------------------

Date of mailing <i>(day/month/year)</i>
--

Applicant's or agent's file reference		<b>IMPORTANT NOTIFICATION</b>
International application No.	International filing date <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>
Applicant		

1. This International Searching Authority has **received** on the date indicated below a demand for international preliminary examination of the international application:

\_\_\_\_\_ *(date of receipt)*

2. The applicant is hereby **notified** that:

this Authority **has transmitted the demand to the International Bureau** which will transmit it, as the case may be, directly to the competent International Preliminary Examining Authority and inform the applicant accordingly, or invite the applicant to indicate the competent International Preliminary Examining Authority to which the demand should be transmitted.

this Authority **has transmitted the demand directly to the competent International Preliminary Examining Authority** which is:

3. The date of receipt indicated above has been marked on the demand; **the demand will, in accordance with Rule 59.3(e), be considered to have been received by the competent International Preliminary Examining Authority on that date of receipt.**

**ATTENTION:** That date of receipt is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

*(If applicable)* The applicant has already been informed accordingly by telephone, facsimile transmission or in person, on: \_\_\_\_\_

4. A copy of this notification is being sent to the International Bureau or to the competent International Preliminary Examining Authority indicated above, as the case may be.

Name and mailing address of the ISA/	Authorized officer
Facsimile No.	Telephone No.

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

DRAFT FOR CONSULTATION
------------------------------

## PCT

### INVITATION TO INDICATE COMPETENT INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rule 59.3(f) and Administrative Instructions,  
Section 516)

	Date of mailing <i>(day/month/year)</i>
Applicant's or agent's file reference	<b>REPLY DUE</b> 15 days from the above date of mailing or 19 months from the priority date, <b>whichever expires later</b>
International application No.	International filing date <i>(day/month/year)</i> Priority date <i>(day/month/year)</i>
Applicant	

1. This International Searching Authority has **received** on the date indicated below a demand for international preliminary examination of the international application:

\_\_\_\_\_ *(date of receipt)*

2. The applicant is hereby **invited**, within the time limit indicated above, **to indicate the competent International Preliminary Examining Authority** to which the demand should be transmitted (Rule 59.3(c)(ii)).

**Failure to respond to this Invitation**, within the time limit indicated above, will result in this Authority declaring that the demand will be considered not to have been submitted (Rule 59.3(d)).

3. The date of receipt indicated above has been marked on the demand; **provided the applicant responds to this invitation within the time limit indicated above, the demand will, in accordance with Rule 59.3(e), be considered to have been received by the competent International Preliminary Examining Authority on that date of receipt.**

**ATTENTION:** That date of receipt is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

*(If applicable)* The applicant has already been informed accordingly by telephone, facsimile transmission or in person, on:

\_\_\_\_\_

Name and mailing address of the ISA/	Authorized officer
Facsimile No.	Telephone No.

**PATENT COOPERATION TREATY**

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**

NOTIFICATION THAT DEMAND CONSIDERED  
NOT TO HAVE BEEN SUBMITTED

(PCT Rule 59.3(d) and (f))

To:

**DRAFT  
FOR  
CONSULTATION**

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**IMPORTANT NOTIFICATION**

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

Applicant

1. The applicant is hereby notified that **this International Searching Authority declares that the demand is considered not to have been submitted** since the applicant has not furnished within the time limit referred to in the Invitation (Form PCT/ISA/235) the indication of the competent International Preliminary Examining Authority to which the demand should have been transmitted.

2. Consequently, this Authority will **refund** to the applicant any amount paid in respect of the demand.

3. **ATTENTION**  
That date of receipt is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

4. A copy of this notification has been sent to the International Bureau.

Name and mailing address of the ISA/  
  
Facsimile No.

Authorized officer  
  
Telephone No.

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF RECEIPT OF RECORD COPY

(PCT Rule 24.2(a))

To:

DRAFT FOR CONSULTATION

Date of mailing <i>(day/month/year)</i>	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference	International application No.

The applicant is hereby **notified** that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

International filing date:

Priority date(s) claimed:

Date of receipt of the record copy by the International Bureau:

List of designated Offices:

**ATTENTION:** The applicant should carefully check the data appearing in this notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau. **In addition, the applicant's attention is drawn to the information contained in the Annex**, relating to:

- time limits for entry into the national phase – **see updated important information (as of April 2002)**
- confirmation of precautionary designations (if applicable)
- requirements regarding priority documents (if applicable)

A copy of this notification is being sent to the receiving Office and to the International Searching Authority.

The International Bureau of WIPO 34, chemin des Colombettes, 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer  Telephone No. (41-22) 338.91.11
--	---

**DRAFT  
FOR  
CONSULTATION**

### INFORMATION ON ENTERING THE NATIONAL PHASE

The applicant is reminded that the “**national phase**” **must be entered** before each of the designated Offices indicated on the cover sheet of this Notification by paying national fees and furnishing translations, as prescribed by Articles 22 and 39 and the applicable national laws. In addition, the applicant may also have to comply with **other special requirements** applicable in certain Offices. It is the **applicant’s responsibility** to ensure that the necessary steps to enter the national phase are taken in a timely fashion. Most Offices do not issue reminders to applicants in connection with the entry into the national phase.

The **applicable time limit** for entering the national phase will, subject to what is said in the following paragraph, be **30 MONTHS** from the priority date, not only in respect of any elected Office where a demand for international preliminary examination is filed before the expiration of 19 months from the priority date (see Article 39(1)), but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 issues.

In practice, **time limits other than the 30-month time limit will continue to apply, for various periods of time**, in respect of certain designated or elected Offices. For **regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit)**, Office by Office, refer to the *PCT Gazette* (“Section IV” part published on a weekly basis), to the *PCT Newsletter* (on a monthly basis) and to the relevant National Chapters in Volume II of the *PCT Applicant’s Guide* (the paper version of which is updated usually twice a year and the Internet version of which is updated usually on a weekly basis). Finally, a cumulative table of all applicable time limits for entering the national phase is available from WIPO’s Internet site, via links from various pages of the site, including those of the *Gazette*, *Newsletter* and *Guide*, at <http://www.wipo.int/pct/en/index.html>.

Information about the requirements for **filing a demand for international preliminary examination** is set out in the *PCT Applicant’s Guide*, Volume I/A, Chapter IX. Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

### CONFIRMATION OF PRECAUTIONARY DESIGNATIONS

This notification lists only specific designations made under Rule 4.9(a) in the request. It is important to check that these designations are correct. Errors in designations can be corrected where precautionary designations have been made under Rule 4.9(b). The applicant is hereby reminded that any precautionary designation may be confirmed according to Rule 4.9(c) before the expiration of 15 months from the priority date. If it is not confirmed, it will automatically be regarded as withdrawn by the applicant. There will be no reminder and no invitation. Confirmation of a designation consists of the filing of a notice specifying the designated State concerned (with an indication of the kind of protection or treatment desired) and the payment of the designation and confirmation fees. The Notice of confirmation and payment must reach the receiving Office within the 15-month time limit.

### REQUIREMENTS REGARDING PRIORITY DOCUMENTS

For applicants who have not yet complied with the requirements regarding priority documents, the following is recalled.

Where the priority of an earlier national, regional or international application is claimed, the applicant must submit a copy of the said earlier application, certified by the authority with which it was filed (“the priority document”) to the receiving Office (which will transmit it to the International Bureau) or directly to the International Bureau, before the expiration of 16 months from the priority date, provided that any such priority document may still be submitted to the International Bureau before the date of international publication of the international application, in which case that document will be considered to have been received by the International Bureau on the last day of the 16-month time limit (Rule 17.1(a)).

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request must be made before the expiration of the 16-month time limit and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)).

If the priority document concerned is not submitted to the International Bureau or if the request to the receiving Office to prepare and transmit the priority document has not been made (and the corresponding fee, if any, paid) within the applicable time limit indicated under the preceding paragraphs, any designated State may disregard the priority claim, provided that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

Where several priorities are claimed, the priority date to be considered for the purposes of computing the 16-month time limit is the filing date of the earliest application whose priority is claimed.

**PATENT COOPERATION TREATY**

From the INTERNATIONAL BUREAU

**PCT**

NOTICE INFORMING THE APPLICANT OF THE  
COMMUNICATION OF THE INTERNATIONAL  
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

**DRAFT  
FOR  
CONSULTATION**

Date of mailing <i>(day/month/year)</i>		
Applicant's or agent's file reference		<b>IMPORTANT NOTICE</b>
International application No.	International filing date <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>
Applicant		

1. Notice is hereby given that the International Bureau has **communicated**, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on

\_\_\_\_\_ *(date)* under No. WO/ \_\_\_\_\_ .

**4. TIME LIMITS for filing a demand for international preliminary examination and for entry into the national phase**

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be **30 MONTHS** from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of **19 months** from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 issues.

In practice, **time limits other than the 30-month time limit** will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For **regular updates on the applicable time limits** (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

For filing a **demand for international preliminary examination**, see the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's **sole responsibility** to monitor all these time limits.

The International Bureau of WIPO 34, chemin des Colombettes, 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer  Telephone No. (41-22) 338.91.11
--	---



PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF RECEIPT OF NOTICE EFFECTING LATER ELECTIONS

(PCT Rules 56.1(e) and (f) and 61.1(c))

To:

DRAFT FOR CONSULTATION

Date of mailing <i>(day/month/year)</i>		
Applicant's or agent's file reference		IMPORTANT NOTIFICATION
International application No.	International filing date <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>
Applicant		

1. The applicant is hereby notified of the receipt by the International Bureau of a notice effecting later election of the following States:

2. The date of receipt of the notice is \_\_\_\_\_

3. This date is:

the actual date of receipt of the notice effecting later election of States.

the date of receipt of the correction furnished by the applicant, upon invitation from the International Bureau (Rule 60.2(b)).

4.  This date is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

The International Bureau of WIPO 34, chemin des Colombettes, 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer  Telephone No. (41-22) 338.91.11
--	---

**PATENT COOPERATION TREATY**

From the INTERNATIONAL BUREAU

**PCT**

INVITATION TO CORRECT DEFECTS IN  
THE NOTICE EFFECTING  
LATER ELECTION

(PCT Rule 60.2)

To:

**DRAFT  
FOR  
CONSULTATION**

Date of mailing <i>(day/month/year)</i>		<b>REPLY DUE</b> within <b>ONE MONTH</b> from the above date of mailing. See also below.
Applicant's or agent's file reference		
International application No.	International filing date <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>
Applicant		

The applicant is hereby **invited**, within the time limit indicated above, **to correct the following defects** which the International Bureau has found in the notice effecting later election of States received on: \_\_\_\_\_ :

1.  It does not contain the election of at least one Contracting State bound by Chapter II (Rule 60.2(b)).
2.  It does not contain the required indications which permit the identification of the international application and the demand to which it relates (Rule 56.1(a)) *(specify)*:
  
3.  It is not signed as prescribed (Rules 56.1(b) and (c) and 90.4) *(specify)*:
  
4.  It is not in the language of the demand, which is \_\_\_\_\_ (Rule 56.5).

**Effect of the date of receipt of the corrections on the date of the later election:**

(i) If the defects noted under items 1 and 2 are corrected within the time limit indicated above, the notice will be considered to have been received on the date when the corrections are received (Rule 60.2(b)). If that date is later than the expiration of 19 months from the priority date, but only in respect of **some designated Offices**, entry into the national phase before the later elected Offices will **NOT** be postponed until the expiration of 30 months from the priority date. In respect of **other designated Offices**, the time limit of 30 months will apply even if that date of receipt is later than the expiration of 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

(ii) If the defects noted under items 3 and 4 are corrected within the time limit indicated above, the notice will be considered to have been received on its actual filing date indicated above (Rule 60.2(b)).

**Effect of failure to correct the defects within the time limit indicated above:**

- (i) In the case of defects noted under items 1, 2 and 4 the notice will be considered as not having been submitted.
- (ii) In the case of defects noted under item 3, the election(s) of the State(s) concerned will be considered as not having been made.

The International Bureau of WIPO 34, chemin des Colombettes, 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer  Telephone No. (41-22) 338.91.11
--	---

**PATENT COOPERATION TREATY**

From the INTERNATIONAL BUREAU

**PCT**

NOTIFICATION THAT NOTICE EFFECTING  
LATER ELECTIONS CONSIDERED AS NOT  
HAVING BEEN SUBMITTED OR LATER  
ELECTION AS NOT HAVING BEEN MADE

(PCT Rule 61.1(c), third sentence,  
and Administrative Instructions, Section 418)

To:	DRAFT FOR CONSULTATION
-----	------------------------------

Date of mailing <i>(day/month/year)</i>	<b>IMPORTANT NOTIFICATION</b> See paragraph 2 below
Applicant's or agent's file reference	
International application No.	International filing date <i>(day/month/year)</i>
Applicant	

1.  The applicant is hereby notified that **the notice effecting later election of States has been considered as having not been submitted** due to the lack of compliance, within the prescribed time limit, with the invitation to correct the defects in the said notice (Form PCT/IB/333).
  
2.  The applicant is hereby notified that the election(s) of the following State(s): \_\_\_\_\_ made in the notice effecting later election is (are) considered as if it (they) had not been made because the notice:
  - is not signed.
  - is not signed by all the applicants for the later elected States.
  - is not accompanied by a statement explaining the lack of the signature of an applicant for the later election of the United States of America.
  - is signed by what appears to be an agent/common representative but
    - the notice is not accompanied by a power of attorney appointing him.
    - the power of attorney accompanying the notice is not signed by all the applicants for the later elected States.
  
3. **REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22)**  
  
 The applicant must enter the national phase within 20 months from the priority date (or later in some Offices) before **some of the designated Offices** which have not been elected by paying the national fee(s) and furnishing, if prescribed, a translation of the international application. **However**, in respect of **some other designated Offices**, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.
  
4. A copy of this notification has been sent to the elected Offices which have been notified of their election.

The International Bureau of WIPO 34, chemin des Colombettes, 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer  Telephone No. (41-22) 338.91.11
--	---

**PATENT COOPERATION TREATY**

From the INTERNATIONAL BUREAU

**PCT**

INVITATION TO INDICATE  
COMPETENT INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 59.3(f) and Administrative Instructions,  
Sections 432 and 601(b))

To:

**DRAFT  
FOR  
CONSULTATION**

Date of mailing <i>(day/month/year)</i>		<b>REPLY DUE</b> 15 days from the above date of mailing or 19 months from the priority date, <b>whichever expires later</b>	
Applicant's or agent's file reference			
International application No.	International filing date <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>	
Applicant			

1.  a. The International Bureau has **received** directly from the applicant, on the date indicated below, a demand for international preliminary examination of the international application:

\_\_\_\_\_ *(date of receipt by International Bureau)*

b. A receiving Office, International Searching Authority, or International Preliminary Examining Authority has transmitted to the International Bureau a demand for international preliminary examination of the international application, which it had received on:

\_\_\_\_\_ *(date of receipt by Office or Authority)*

2. The applicant is hereby **invited**, within the time limit indicated above, **to indicate the competent International Preliminary Examining Authority** to which the demand should be transmitted (Rule 59.3(c)(ii)).

**Failure to respond to this invitation**, within the time limit indicated above, will result in the International Bureau declaring that the demand will be considered not to have been submitted (Rule 59.3(d)).

3. The date of receipt indicated above has been marked on the demand; provided the applicant responds to this invitation within the time limit indicated above, **the demand will, in accordance with Rule 59.3(e), be considered to have been received by the competent International Preliminary Examining Authority on that date of receipt.**

That date of receipt is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

*(If applicable)* The applicant has already been informed accordingly by telephone, facsimile transmission or in person, on:

\_\_\_\_\_

The International Bureau of WIPO 34, chemin des Colombettes, 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer  Telephone No. (41-22) 338.91.11
--	---

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL OF DEMAND TO THE COMPETENT INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rule 59.3(b) and Administrative Instructions, Section 432)

To:

DRAFT FOR CONSULTATION

Form with fields: Date of mailing, Applicant's or agent's file reference, International application No., International filing date, Priority date, Applicant.

- 1. a. The International Bureau has received directly from the applicant... b. A receiving Office... 2. The applicant is hereby notified that the International Bureau has transmitted the demand directly to the competent International Preliminary Examining Authority which is: 3. The date of receipt indicated above has been marked on the demand; the demand will, in accordance with Rule 59.3(e), be considered to have been received by the competent International Preliminary Examining Authority on that date. ATTENTION: That date of receipt is after the expiration of 19 months from the priority date. (If applicable) The applicant has already been informed accordingly by telephone, facsimile transmission or in person, on: 4. A copy of this notification is being sent to the competent International Preliminary Examining Authority indicated above.

Footer information: The International Bureau of WIPO, 34, chemin des Colombettes, 1211 Geneva 20, Switzerland. Authorized officer, Telephone No. (41-22) 338.91.11.

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION THAT DEMAND CONSIDERED NOT TO HAVE BEEN SUBMITTED

(PCT Rule 59.3(d))

To:

DRAFT FOR CONSULTATION

Date of mailing <i>(day/month/year)</i>		<b>IMPORTANT NOTIFICATION</b>	
Applicant's or agent's file reference			
International application No.	International filing date <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>	
Applicant			

1. The applicant is hereby notified that **the International Bureau declares that the demand is considered not to have been submitted** since the applicant has not furnished within the time limit referred to in the invitation (Form PCT/IB/367) the indication of the competent International Preliminary Examining Authority to which the demand should have been transmitted.

2. Consequently, the International Bureau will **refund** to the applicant any amount paid in respect of the demand.

3. **ATTENTION**  
 In respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

The International Bureau of WIPO 34, chemin des Colombettes, 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer  Telephone No. (41-22) 338.91.11
--	---

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**PCT**

NOTIFICATION OF RECEIPT  
OF DEMAND BY COMPETENT INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY

(PCT Rules 59.3(e) and 61.1(b), first sentence  
and Administrative Instructions, Section 601(a))

To:

**DRAFT  
FOR  
CONSULTATION**

Date of mailing  
(day/month/year)

Applicant's or agent's file reference		<b>IMPORTANT NOTIFICATION</b>
International application No.	International filing date (day/month/year)	Priority date (day/month/year)
Applicant		

1. The applicant is hereby **notified** that this International Preliminary Examining Authority considers the following date as the date of receipt of the demand for international preliminary examination of the international application:

\_\_\_\_\_

2. That date of receipt is:

the actual date of receipt of the demand by this Authority (Rule 61.1(b)).

the actual date of receipt of the demand on behalf of this Authority (Rule 59.3(e)).

the date on which this Authority has, in response to the invitation to correct defects in the demand (Form PCT/IPEA/404), received the required corrections.

3.  **ATTENTION:** That date of receipt is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

(If applicable) This notification confirms the information given by telephone, facsimile transmission or in person on:

\_\_\_\_\_

4. Only where paragraph 3 applies, a copy of this notification has been sent to the International Bureau.

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

### INVITATION TO CORRECT DEFECTS IN THE DEMAND

(PCT Rule 60.1)

<p style="font-size: 2em; font-weight: bold; transform: rotate(-15deg);">DRAFT FOR CONSULTATION</p>
---

	Date of mailing (day/month/year)
Applicant's or agent's file reference	<b>REPLY DUE</b> within <b>ONE MONTH</b> from the above date of mailing. See also below.
International application No.	International filing date (day/month/year)
Applicant	

The applicant is hereby **invited** within the time limit indicated above **to correct the following defects** which this International Preliminary Examining Authority has found in the demand for international preliminary examination:

1.  It does not contain the election of at least one Contracting State bound by Chapter II (Rules 53.2(a)(iv) and 53.7).
2.  It does not permit identification of the international application to which it relates (Rule 60.1(b)).
3.  It does not contain the required petition (Rules 53.2(a)(i) and 53.3).
4.  It does not contain the required indications concerning the agent as specified in the Annex (Rules 53.2(a)(ii) and 53.5).
5.  It does not contain the required indications concerning the international application as specified in the Annex (Rules 53.2(a)(iii) and 53.6).
6.  It is not submitted in the required language which is: \_\_\_\_\_ (Rule 55.1).
7.  It is not made on the printed form (Rule 53.1(a)).
8.  It is presented as a computer print-out the particulars of which do not comply with the Administrative Instructions (Rule 53.1(a)).
9.  It does not contain the required indications concerning the applicant as specified in the Annex (Rules 53.2(a)(ii) and 53.4).
10.  It does not contain the required signature as specified in the Annex (Rules 53.2(b) and 53.8).

**Effect of the date of receipt of the corrections on the date of receipt of the demand:**

- (i) If the defects noted under items 1 and 2 are corrected within the time limit indicated above, the notice will be considered to have been received on the date when the corrections are received (Rule 60.2(b)). If that date is later than the expiration of 19 months from the priority date, but only in respect of **some designated Offices**, entry into the national phase before the later elected Offices will **NOT** be postponed until the expiration of 30 months from the priority date. In respect of **other designated Offices**, the time limit of 30 months will apply even if that date of receipt is later than the expiration of 19 months. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.
- (ii) If the defects noted under items 3 to 10 are corrected within the time limit indicated above, the demand shall be considered as if it had been received on the actual filing date (Rule 60.1(b)).

**Effect of failure to correct the defects within the time limit indicated above:**

- (i) In the case of defects noted under items 1 to 8, this Authority will declare that the demand is considered as if it had not been submitted.
- (ii) In the case of defects noted under items 9 and 10, this Authority will declare that the election(s) of the State(s) concerned is(are) considered as if it(they) had not been made.

A copy of this invitation has been sent to the International Bureau.

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.



# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

DRAFT FOR CONSULTATION
------------------------------

NOTIFICATION THAT DEMAND CONSIDERED  
NOT TO HAVE BEEN SUBMITTED

(PCT Rules 55.2(d), 54.4 and 61.1(b),  
second sentence)

	Date of mailing <i>(day/month/year)</i>
Applicant's or agent's file reference	<b>IMPORTANT NOTIFICATION</b>
International application No.	International filing date <i>(day/month/year)</i>
Applicant	

1. The applicant is hereby notified that **the demand is declared by this International Preliminary Examining Authority not to have been submitted** for the following reason:

a.  the applicant does not have the right to make a demand (see Article 31(2)(a) and Rule 54.4) since

he is not a resident or national of a Contracting State bound by Chapter II of the PCT.

the international application has not been filed with a receiving Office of or acting for a Contracting State bound by Chapter II of the PCT.

b.  the required amount of the following fee(s) has not been paid within the time limit referred to in the invitation (Form PCT/IPEA/440):

the preliminary examining fee                       the handling fee                       the late payment fee

c.  the defect(s) in the demand has(have) not been corrected within the time limit referred to in the invitation (Form PCT/IPEA/404).

d.  the translation of the international application has not been furnished within the time limit fixed in the invitation (Form PCT/IPEA/443).

2. Consequently, this Authority will **refund** to the applicant any amount paid in respect of the demand (Rules 57.6(ii), 58.3 and 58*bis*.1(b)):

in full     partially, in the amount of \_\_\_\_\_

3. **ATTENTION**

Since the demand is considered not to have been submitted, but only in respect of some designated Offices, the election(s) concerned does(do) not have the effect of postponing entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, the time limit of 30 months will nevertheless apply to some other designated Offices. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

4. A copy of this notification has been sent to the International Bureau.

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**PCT**

<p><b>DRAFT FOR CONSULTATION</b></p>
--

NOTIFICATION OF TRANSMITTAL OF DEMAND  
TO THE INTERNATIONAL BUREAU OR TO THE  
COMPETENT INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 59.3(a) and (f) and Administrative Instructions,  
Section 601(b))

Date of mailing <i>(day/month/year)</i>
--

Applicant's or agent's file reference	<b>IMPORTANT NOTIFICATION</b>	
International application No.	International filing date <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>
Applicant		

1. This International Preliminary Examining Authority, which has **received** on the date indicated below a demand for international preliminary examination, is not competent for the international preliminary examination of the international application:  
  

\_\_\_\_\_ *(date of receipt)*
  
2. The applicant is hereby **notified** that:
  - this Authority **has transmitted the demand to the International Bureau** which will transmit it, as the case may be, directly to the competent International Preliminary Examining Authority and inform the applicant accordingly, or invite the applicant to indicate the competent International Preliminary Examining Authority to which the demand should be transmitted.
  
  - this Authority **has transmitted the demand directly to the competent International Preliminary Examining Authority** which is:
  
3. The date of receipt indicated above has been marked on the demand; **the demand will, in accordance with Rule 59.3(e), be considered to have been received by the competent International Preliminary Examining Authority on that date of receipt.**
  - ATTENTION:** That date of receipt is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.
  
  - (If applicable)* The applicant has already been informed accordingly by telephone, facsimile transmission or in person, on: \_\_\_\_\_
  
4. A copy of this notification is being sent to the International Bureau or to the competent International Preliminary Examining Authority indicated above, as the case may be.

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

NOTIFICATION THAT CERTAIN ELECTIONS  
CONSIDERED NOT TO HAVE BEEN MADE

(PCT Rule 60.1(d))

DRAFT FOR CONSULTATION
------------------------------

Applicant's or agent's file reference	<b>IMPORTANT NOTIFICATION</b>			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">International application No.</td> <td style="width: 33%; padding: 5px;">International filing date (<i>day/month/year</i>)</td> <td style="width: 33%; padding: 5px;">Priority date (<i>day/month/year</i>)</td> </tr> </table>	International application No.	International filing date ( <i>day/month/year</i> )	Priority date ( <i>day/month/year</i> )	Date of mailing ( <i>day/month/year</i> )
International application No.	International filing date ( <i>day/month/year</i> )	Priority date ( <i>day/month/year</i> )		
Applicant				

<p>1. An invitation (Form PCT/IPEA/404) to correct defects in the demand was mailed by this International Preliminary Examining Authority on:</p> <p style="text-align: center;">_____ .</p> <p>2. However, the invitation was not complied with, within the time limit indicated in that invitation, with regard to:</p> <p><input type="checkbox"/> the required indications concerning the applicant.</p> <p><input type="checkbox"/> the required signature of the applicant.</p> <p>3. <b>Consequently, the election(s) of the following State(s) is (are) considered as not having been made:</b></p>   <p>4. <b>ATTENTION</b></p> <p>Entry into the national phase before the Offices of some of the States listed above will <b>not</b> be postponed until the expiration of 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). <b>However</b>, the time limit of 30 months will nevertheless apply to the Offices of some of the other States listed above. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the <i>PCT Applicant's Guide</i>, Volume II, National Chapters.</p>
---

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

**PATENT COOPERATION TREATY**

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

**PCT**

INVITATION TO INDICATE  
COMPETENT INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 59.3(f) and Administrative Instructions,  
Section 601(b))

<p><b>DRAFT FOR CONSULTATION</b></p>
--

Applicant's or agent's file reference		Date of mailing <i>(day/month/year)</i>
		<b>REPLY DUE</b> 15 days from the above date of mailing or 19 months from the priority date, whichever expires later
International application No.	International filing date <i>(day/month/year)</i>	Priority date <i>(day/month/year)</i>
Applicant		

1. This International Preliminary Examining Authority, which has **received**, on the date indicated below, a demand for international preliminary examination, is not competent for the international preliminary examination of the international application:

\_\_\_\_\_ *(date of receipt)*

2. The applicant is hereby **invited**, within the time limit indicated above, **to indicate the competent International Preliminary Examining Authority** to which the demand should be transmitted (Rule 59.3(c)(ii)).

**Failure to respond to this invitation**, within the time limit indicated above, will result in this Authority declaring that the demand will be considered not to have been submitted (Rule 59.3(d)).

3. The date of receipt indicated above has been marked on the demand; **provided the applicant responds to this invitation within the time limit indicated above, the demand will, in accordance with Rule 59.3(e), be considered to have been received by the competent International Preliminary Examining Authority on that date of receipt.**

**ATTENTION:** That date of receipt is **after** the expiration of 19 months from the priority date. Consequently, in respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

*(If applicable)* The applicant has already been informed accordingly by telephone, facsimile transmission or in person, on:

\_\_\_\_\_

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

DRAFT  
FOR  
CONSULTATION

NOTIFICATION BY NON-COMPETENT  
INTERNATIONAL PRELIMINARY EXAMINING  
AUTHORITY THAT DEMAND CONSIDERED  
NOT TO HAVE BEEN SUBMITTED

(PCT Rule 59.3(d) and (f))

To:	
Applicant's or agent's file reference	IMPORTANT NOTIFICATION
International application No.	Date of mailing <i>(day/month/year)</i>
Applicant	
International filing date <i>(day/month/year)</i>	

1. The applicant is hereby notified that **this International Preliminary Examining Authority declares that the demand is considered not to have been submitted** since the applicant has not furnished within the time limit referred to in the invitation (Form PCT/IPEA/442) the indication of the competent International Preliminary Examining Authority to which the demand should have been transmitted.
  
2. Consequently, this Authority will **refund** to the applicant any amount paid in respect of the demand.
  
3. **ATTENTION**  
 In respect of some Offices, the demand does not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)) and the acts for entry into the national phase must therefore be performed within 20 months from the priority date (or later in some Offices). **However**, in respect of some other Offices, the time limit of 30 months will nevertheless apply. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.
  
4. A copy of this notification has been sent to the International Bureau.

Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

## NOTES TO THE DEMAND FORM (PCT/IPEA/401)

These Notes are intended to facilitate the filling in of the demand form and to give some information concerning international preliminary examination under Chapter II of the Patent Cooperation Treaty (PCT). For more detailed information, see the *PCT Applicant's Guide*, a WIPO publication, which is available, together with other PCT related documents, at WIPO's Website: [www.wipo.int/pct/en/index.html](http://www.wipo.int/pct/en/index.html). The Notes are based on the requirements of the PCT, the Regulations and the Administrative Instructions under the PCT. In case of any discrepancy between these Notes and those requirements, the latter are applicable.

In the demand form and these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the Administrative Instructions, respectively.

Please use a typewriter; check-boxes may be marked by hand with dark ink (Rules 11.9(a) and (b) and 11.14).

The demand form and these Notes may be downloaded from WIPO's Website at the address given above.

**DRAFT  
FOR  
CONSULTATION**

### IMPORTANT GENERAL INFORMATION

**Who May File a Demand?** (Article 31(2)(a) and Rule 54): A demand (for international preliminary examination) may only be filed by an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II of the PCT; furthermore, the international application must have been filed with a receiving Office of, or acting for, a State bound by Chapter II. Where there are two or more applicants (for the same or different elected States) at least one of them must qualify.

**Where Must the Demand Be Filed?** (Article 31(6)(a)): The demand must be filed with a competent International Preliminary Examining Authority (IPEA). The receiving Office with which the international application was filed will, upon request, give information about the competent IPEA (or see the *PCT Applicant's Guide*, Volume I/B, Annex C). If several IPEAs are competent, the applicant has the choice and the demand must be filed with (and the fees must be paid to) the IPEA chosen by the applicant. The IPEA chosen by the applicant may be identified, preferably by an indication of the name or two-letter code of the IPEA, at the top of the first sheet of the demand in the space provided for that purpose.

**When Must the Demand Be Filed?** (Article 39(1)): The demand must be filed within 19 months from the priority date, but **only in respect of some designated Offices**, if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. **In respect of other designated Offices, the time limit of 30 months will apply** even if no demand is filed within 19 months. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters.

**In Which Language Must the Demand Be Filed?** (Rule 55.1): The demand must be filed in the language in which international preliminary examination will be carried out (see Notes to Box No. IV).

**What is the Language of Correspondence?** (Rules 66.9 and 92.2 and Section 104): Any letter from the applicant to the IPEA must be in the same language as the international application to which it relates. However, where the international preliminary examination will be carried out on the basis of a translation (see Notes to Box No. IV), any letter from the applicant to the IPEA must be in the language of the translation. The IPEA may authorize the use of other languages for letters which do not contain or relate to amendments of the international application. Any letter from the applicant to the International Bureau must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in

English; if the language of the international application is French, the letter must be in French.

**Which Fees Must Be Paid and When?** (Rules 57 and 58): Two fees are due in respect of the international preliminary examination: the preliminary examination fee and the handling fee. Both fees must be paid to the IPEA within one month from the date on which the demand is submitted. The Fee Calculation Sheet should be used for that purpose. For details concerning the payment of the fees, see the Notes to that Sheet.

### BOX No. I

**Applicant's or Agent's File Reference:** A file reference may be indicated, if desired. It should not exceed 12 characters. Characters in excess of 12 may be disregarded (Section 109).

**Identification of the International Application** (Rule 53.6): The international application number must be indicated in Box No. I. Where the demand is filed at a time when the international application number has not yet been notified by the receiving Office, the name of that Office must be indicated instead of the international application number.

**International Filing Date and (Earliest) Priority Date** (Section 110): Dates must be indicated by the Arabic number of the day, the name of the month and the Arabic number of the year—in that order; after, below or above such indication, the date should be repeated in parentheses, using two-digit Arabic numerals for each of the number of the day, the number of the month and the last two digits of the year, in that order, and separated by periods, slants or hyphens, for example, "20 March 2001 (20.03.01)", "20 March 2001 (20/03/01)" or "20 March 2001 (20-03-01)". Where the international application claims the priority of several earlier applications, the filing date of the earliest application whose priority is claimed must be indicated as the priority date.

**Title of the Invention:** If a new title has been established by the International Searching Authority, that title must be indicated in Box No. I.

### BOX No. II

**Applicant(s)** (Rule 53.4): All the applicants for the elected States must be indicated in the demand; an applicant named in the request (Form PCT/RO/101) for a State which is not elected need not be named in the demand. It should be noted that the persons named as "inventor only" in the request need not be named in the demand.

Make in Box No. II of the demand the required indications as appearing in Boxes Nos. II and III of the request. The Notes to the request apply *mutatis mutandis*. If there are two or more applicants for the States elected in the demand, give the required indications for each of them; if there are more than