



C.PCT 882

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November 20, 2002

Madam,
Sir,

This Circular is addressed to your Office in its capacity as receiving Office under the Patent Cooperation Treaty (PCT) for the purpose of consultation under Rule 89.2(b). This Circular concerns amended Rule 12.1(c) of the Regulations Under the PCT, as adopted by the PCT Assembly at its thirty-first (18th extraordinary) session held from September 23 to October 1, 2002. The text ./.

It is recalled that amended Rule 12.1(c), which will enter into force on January 1, 2003, deals with the issue of the language(s) accepted by the receiving Office for the filing of the request. It is also recalled that the Assembly decided that the amended Rule would apply to *any international application whose international filing date is on or after January 1, 2003*.

As a result of the adoption of amended Rule 12.1(c), a number of modifications are now proposed, as outlined below, to the Administrative Instructions under the PCT and to certain forms relating to receiving Offices and the International Bureau (these forms are set out, respectively, in Parts I and III of Annex A to the PCT Administrative Instructions).

PCT Administrative Instructions

The proposed modified text of Section 332 of the Administrative Instructions is set out in Annex II to this Circular. Added and deleted text is indicated, respectively, by double underlining and double strikethrough. ./.

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In a separate circular (C.PCT 880, dated November 6, 2002), Section 332 has also been proposed to be modified in light of new Rule 12.4, as adopted by the PCT Assembly at the above-mentioned session. This separate circular was addressed only to those receiving Offices and International Searching Authorities which have a special interest in those amendments. In order to help distinguish those proposals from the current proposed modifications, the modifications already proposed in PCT Circular C.PCT 880 are repeated in Annex II of this circular and indicated, respectively, by single underlining or single strikethrough of the added and deleted text.

Forms relating to receiving Offices and the International Bureau

The following forms are proposed to be modified: PCT/RO/106 and PCT/IB/313 (only Annex A to each form).

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- The text of the draft modified pages of the forms is set out in Annex III to this Circular. The proposed modifications of the forms are identified by vertical lines in the margins of the sheets concerned.

Comments on the proposed modifications to the Administrative Instructions and forms

Noting that the modified Administrative Instructions and forms should be promulgated with effect from the date of entry into force of amended Rule 12.1(c), that is, with effect from January 1, 2003, you are invited to urgently provide comments, if any, to the International Bureau by December 5, 2002, preferably by fax to (+41-22) 910 00 30.

Notification by receiving Offices of language(s) accepted for the filing of requests

Under proposed new paragraph (e) of Section 332, each receiving Office must notify the International Bureau of the language or languages which the

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Office is prepared to accept under Rule 12.1(c) for the filing of requests. Therefore, your Office, in its capacity as receiving Office is kindly asked to urgently submit the requested notification to the International Bureau, at the latest by December 5, 2002, preferably by fax to (+41-22) 910 00 30, so that a corresponding notice can be published in the *PCT Gazette* before January 1, 2003, or as soon as possible thereafter.

Yours sincerely,



Francis Gurry
Assistant Director General

Enclosures: Annex I—Text of amended Rule 12.1(c)
Annex II—Proposed modifications of the Administrative
Instructions under the PCT
Annex III—Draft modified forms

Annex I to Circular C.PCT 882

TEXT OF RULE 12.1
(as in force from January 1, 2003)

12.1 *Languages Accepted for the Filing of International Applications*

(a) An international application shall be filed in any language which the receiving Office accepts for that purpose.

(b) [No change]

(c) Notwithstanding paragraph (a), the request shall be filed in any language of publication which the receiving Office accepts for the purposes of this paragraph.

(d) [No change]

[Annex II follows]

PROPOSED MODIFICATIONS TO
THE ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT*

Section 332

Notification of Languages Accepted by the receiving Office under Rules 12.1(a) and (c) and 12.4(a) for the Filing of International Applications

(a) Each receiving Office shall notify the International Bureau of the language or languages which, having regard to Rule 12.1(b), it is prepared to accept under Rule 12.1(a) for the filing of international applications.

(b) Each receiving Office shall notify the International Bureau of any change to the information notified under paragraphs (a), ~~and (d) and (e)~~. If the change means that

(i) the receiving Office is no longer prepared to accept the filing of international applications in a language that it had previously notified the International Bureau that it was prepared to accept; or

(ii) the receiving Office is no longer prepared to accept the translation of international applications into a language of publication that it had previously notified the International Bureau that it was prepared to accept; or

(iii) the receiving Office is no longer prepared to accept the filing of requests in a language that it had previously notified the International Bureau that it was prepared to accept,

the effective date of such change shall be two months after the date of publication of the notification of the change in the Gazette pursuant to Section 405 or such later date as may be determined by the receiving Office.

(c) Nothing in paragraph (a), ~~or (b), or (d) or (e)~~ prevents any receiving Office from accepting, in a particular case,

(i) the filing of an international application in a language that it has not notified the International Bureau that it is prepared to accept; or

(ii) the translation of an international application into a language of publication that it has not notified the International Bureau that it is prepared to accept; or

(iii) the filing of a request in a language that it has not notified the International Bureau that it is prepared to accept.

(d) Each receiving Office shall notify the International Bureau of the language or languages which it is prepared to accept under Rule 12.4(a) for the translation of international applications into a language of publication.

(e) Each receiving Office shall notify the International Bureau of the language or languages which it is prepared to accept under Rule 12.1(c) for the filing of requests.

[Annex III follows]

* The modifications already proposed in PCT Circular C.PCT 880, dated November 6, 2002 (relating to new Rule 12.4), are indicated by simple underlining and simple strikethrough of the added and deleted text. The proposed modifications which are the subject of this circular (relating to modified Rule 12.1(c)) are indicated by double underlining and double strikethrough of the added and deleted text.

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCT

INVITATION TO CORRECT DEFECTS IN
THE INTERNATIONAL APPLICATION

(PCT Articles 3(4)(i) and 14(1) and Rule 26)

To:	
	Date of mailing (day/month/year)
Applicant's or agent's file reference	REPLY DUE within months/days from the above date of mailing
International application No.	International filing date (day/month/year)
Applicant	

1. The applicant is hereby **invited**, within the time limit indicated above, to correct, **in the international application as filed**, the defects specified on the attached
- Annex A
- Annex B1 (*text matter of the international application as filed*)
- Annex C1 (*drawings of the international application as filed*)

2. The applicant is hereby **invited**, within the time limit indicated above, to correct, **in the translation of the international application** furnished under Rule 12.3, the defects specified on the attached
- Annex A
- Annex B2 (*text matter of the translation of the international application*)
- Annex C2 (*drawings of the translation of the international application*)

Additional observations (if necessary):**HOW TO CORRECT THE DEFECTS?**

Correction must be submitted by filing a replacement sheet embodying the correction and a letter accompanying the replacement sheet, which shall draw attention to the difference between the replaced sheet and the replacement sheet. A correction may be stated in a letter only if it is of such a nature that it can be transferred from the letter to the record copy without adversely affecting the clarity and direct reproducibility of the sheet onto which the correction is to be transferred (Rule 26.4).

ATTENTION

Failure to correct the defects will result in the international application being considered withdrawn by this receiving Office (see Rule 26.5 for further details).

A copy of this invitation and any attachments has been sent to the International Bureau
 and the International Searching Authority.

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

ANNEX A TO FORM PCT/RO/106

International application No.

The receiving Office has found the following defects in the international application as filed:

1. As to **signature*** of the international application (Rules 4.15 and 90.4), the request:
- is not signed.
 - is not signed by all the applicants.
 - is not accompanied by the statement referred to in the check list in Box No. VIII of the request explaining the lack of the signature of an applicant for the designation of the United States of America.
 - is signed by what appears to be an agent/common representative but
 - the international application is not accompanied by a power of attorney appointing him.
 - the power of attorney accompanying the international application was not signed by all the applicants.
 - other (*specify*):

* All applicants must sign, including inventors if they are also applicants (e.g. where the United States of America is designated).

2. As to indications concerning the **applicant**, the request (Rules 4.4 and 4.5):
- does not properly indicate the applicant's name (*specify*):
 - does not indicate the applicant's address.
 - does not properly indicate the applicant's address (*specify*):
 - does not indicate the applicant's nationality.
 - does not indicate the applicant's residence.
 - other (*specify*):

3. As to the **language** of certain elements of the international application, other than the description and claims (Rules 12.1(c) and 26.3ter(a) and (c)):
- the **request** is not in a language of publication accepted by this receiving Office, which is (are):
 - the **text matter of the drawings** is not in the language in which the international application is to be published, which is:
 - the **abstract** is not in the language in which the international application is to be published, which is:

4. The **title** of the invention:
- is not indicated in Box No. I of the request (Rule 4.1(a)).
 - is not indicated at the top of the first sheet of the description (Rule 5.1(a)).
 - as appearing in Box No. I of the request is not identical with the title heading the description (Rule 5.1(a)).

5. As to the **abstract** (Rule 8):
- the international application does not contain an abstract.

PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCTNOTIFICATION OF DEFECTS IN
THE INTERNATIONAL APPLICATION

(PCT Articles 3(4)(i) and 14(1) and Rule 28.1)

To:

in its capacity as receiving Office

Date of mailing
(day/month/year)

International application No.

International filing date
(day/month/year)

Applicant

1. The International Bureau hereby calls the attention of the receiving Office to the defects **in the international application as filed**, which are specified on the attached
- Annex A
 - Annex B1 (*text matter of the international application as filed*)
 - Annex C1 (*drawings of the international application as filed*)
2. The International Bureau hereby calls the attention of the receiving Office to the defects **in the translation of the international application** furnished under Rule 12.3, which are specified on the attached
- Annex A
 - Annex B2 (*text matter of the translation of the international application*)
 - Annex C2 (*drawings of the translation of the international application*)

Additional observations (*if necessary*):The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Facsimile No. (41-22) 740.14.35

Telephone No. (41-22) 338.91.11

International application No.

ANNEX A TO FORM PCT/IB/313

The International Bureau has found the following defects in the international application as filed:

1. As to **signature*** of the international application (Rules 4.15 and 90.4), the request:
- is not signed.
 - is not signed by all the applicants.
 - is not accompanied by the statement referred to in the check list in Box No. VIII of the request explaining the lack of the signature of an applicant for the designation of the United States of America.
 - is signed by what appears to be an agent/common representative but
 - the international application is not accompanied by a power of attorney appointing him.
 - the power of attorney accompanying the international application was not signed by all the applicants.
 - other (*specify*):

* All applicants must sign, including inventors if they are also applicants (e.g. where the United States of America is designated).

2. As to indications concerning the **applicant**, the request (Rules 4.4 and 4.5):

- does not properly indicate the applicant's name (*specify*):
- does not indicate the applicant's address.
- does not properly indicate the applicant's address (*specify*):
- does not indicate the applicant's nationality.
- does not indicate the applicant's residence.
- other (*specify*):

3. As to the **language** of certain elements of the international application, other than the description and claims (Rules 12.1(c) and 26.3ter(a) and (c)):

- the **request** is not in a language of publication accepted by the receiving Office, which is (are):
- the **text matter of the drawings** is not in the language in which the international application is to be published, which is:
- the **abstract** is not in the language in which the international application is to be published, which is:

4. The **title** of the invention:

- is not indicated in Box No. I of the request (Rule 4.1(a)).
- is not indicated at the top of the first sheet of the description (Rule 5.1(a)).
- as appearing in Box No. I of the request is not identical with the title heading the description (Rule 5.1(a)).