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ВСЕМИРНАЯ ОРГАНИЗАЦИЯ  
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

C.PCT 958  
-00

December 4, 2003

Madam,  
Sir,

Following consultation under Rule 89.2(b) of the Regulations under the Patent Cooperation Treaty (PCT) with your Office in its capacity as receiving Office, International Searching Authority (ISA), International Preliminary Examining Authority (IPEA), designated and/or elected Office under the Patent Cooperation Treaty (PCT), or intergovernmental or non-governmental organization, by means of Circular C.PCT 931, modifications to Parts 1 through 8, and Annexes C, D and E of the Administrative Instructions under the PCT are hereby promulgated. The text of the modified Sections and Annexes (with effect from January 1, 2004) is set out in document PCT/AI/1 Rev.1 Add.9, dated November 21, 2003, enclosed herewith.

The modifications are as proposed by Circular C.PCT 931 (dated July 2, 2003), except where further changes have been made as a result of consultations or as a result of the deliberations during the fourth session of the Working Group on Reform of the Patent Cooperation Treaty held from May 19 to 23, 2003 (see the summary of the session, document PCT/R/WG/4/14). The modifications also reflect required changes following amendments of the Regulations under the PCT as adopted by the PCT Assembly at its thirty-second (14<sup>th</sup> ordinary) session held from September 22 to October 1, 2003 (see the report of the session, document PCT/A/32/8), which will enter into force on January 1, 2004. Some editorial and minor drafting changes have also been made.

As outlined by Circular C.PCT 931, the modified Sections fall into two principal categories, namely those concerning the enhanced international search and preliminary examination system, and those relating to the concept and operation of the new designation system. For the purposes of this circular,

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however, contrary to Circular C.PCT 931, all the amended and new Sections are presented in chronological order.

It is to be noted that in addition to modifications referred to in Circular C.PCT 931, the following changes have also been made to the Administrative Instructions:

- Section 102 has been updated to reflect the changes to the PCT Forms as promulgated in PCT Circulars C.PCT 946 and 947 (both dated October 9, 2003). Section 102 also anticipates the changes to the PCT Forms that will be promulgated in Circular C.PCT 948 (Forms relating to the International Bureau);
- Section 108 has been amended as a result of the deliberations during the fourth session of the Working Group on Reform of the Patent Cooperation Treaty;
- Sections 336, 433, 517 and 617 have been further amended and Section 434 has been added, as a result of both consultation under Rule 89.2(b), and amendments of the Regulations under the PCT as adopted by the PCT Assembly;
- Amendments to Sections 102*bis*, 418, 602 and 707 have been added and Section 606*bis* has been deleted, as a result of the amendments of the Regulations under the PCT as adopted by the PCT Assembly;
- Section 431 has been further amended and amendments to Annex D have been added as a result of consultation under Rule 89.2(b);
- Section 611, although included in Circular C.PCT 931, now remains unchanged, as a result of consultation under Rule 89.2(b).

*PCT Administrative Instructions*

./ The modified text of the Administrative Instructions is set out in the Annex to this Circular.

Yours sincerely,



Francis Gurry  
Deputy Director General

Enclosures: document PCT/AI/1 Rev.1 Add.9

# WIPO



**PCT/AI/1 Rev.1 Add.9**

**ORIGINAL:** English

**DATE:** December 4, 2003

**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

## **PATENT COOPERATION TREATY (PCT)**

### ADMINISTRATIVE INSTRUCTIONS UNDER THE PATENT COOPERATION TREATY

*as in force from January 1, 2004*

1. This document contains the text of modifications, with effect from January 1, 2004, of the Administrative Instructions Under the Patent Cooperation Treaty (PCT), as in force from June 19, 2003 (see documents PCT/AI/1 Rev.1 dated August 23, 2001, PCT/AI/1 Rev.1 Add.1 dated October 26, 2001, PCT/AI/1 Rev.1 Add.2 dated December 20, 2001, PCT/AI/1 Rev.1 Add.3 dated September 2, 2002, PCT/AI/1 Rev.1 Add.4 dated October 14, 2002, PCT/AI/1 Rev.1 Add.5 dated November 25, 2002, PCT/AI/1 Rev.1 Add.6 dated December 10, 2002; PCT/AI/1 Rev.1 Add.7 and PCT/AI/1 Rev.1 Add.8, both dated May 28, 2003). The modifications contained in the present document, are promulgated after consultation with the interested Offices and Authorities pursuant to Rule 89.2(b) of the Regulations under the PCT. These modifications and additions concern the enhanced international search and preliminary examination system, and the concept and operation of the new designation system.

2. The present modifications will be promulgated in *PCT Gazette* No. 51/2003 on December 18, 2003. The full text of the present document is published on WIPO's website at <http://www.wipo.int/pct/en/texts/index.htm>; paper copies are available from the International Bureau of WIPO upon request.

**Section 102**  
**Use of the Forms**

(a) Subject to paragraphs (b) to (i) and Section 103, the International Authorities shall use, or require the use of, the mandatory Forms specified below:

(i) [No change]

(ii) Forms for use by the receiving Offices:

PCT/RO/103	PCT/RO/111	PCT/RO/126	PCT/RO/152
PCT/RO/104	PCT/RO/112	PCT/RO/133	PCT/RO/153
PCT/RO/105	PCT/RO/113	PCT/RO/136	PCT/RO/154
PCT/RO/106	PCT/RO/115	PCT/RO/143	PCT/RO/155
PCT/RO/107	PCT/RO/117	PCT/RO/147	PCT/RO/156
PCT/RO/109	PCT/RO/118	PCT/RO/150	PCT/RO/157
PCT/RO/110	PCT/RO/123	PCT/RO/151	

(iii) Forms for use by the International Searching Authorities:

PCT/ISA/201	PCT/ISA/209	PCT/ISA/219	PCT/ISA/234
PCT/ISA/202	PCT/ISA/210	PCT/ISA/220	PCT/ISA/235
PCT/ISA/203	PCT/ISA/212	PCT/ISA/225	PCT/ISA/236
PCT/ISA/205	PCT/ISA/217	PCT/ISA/228	PCT/ISA/237
PCT/ISA/206	PCT/ISA/218	PCT/ISA/233	

(iv) Forms for use by the International Bureau:

PCT/IB/301	PCT/IB/319	PCT/IB/345	PCT/IB/369
PCT/IB/304	PCT/IB/320	PCT/IB/346	PCT/IB/370
PCT/IB/305	PCT/IB/321	PCT/IB/349	PCT/IB/371
PCT/IB/306	PCT/IB/323	PCT/IB/350	PCT/IB/373
PCT/IB/307	PCT/IB/325	PCT/IB/351	PCT/IB/374
PCT/IB/308	PCT/IB/326	PCT/IB/353	PCT/IB/399
PCT/IB/310	PCT/IB/331	PCT/IB/354	
PCT/IB/311	PCT/IB/332	PCT/IB/356	
PCT/IB/313	PCT/IB/335	PCT/IB/357	
PCT/IB/314	PCT/IB/336	PCT/IB/358	
PCT/IB/315	PCT/IB/337	PCT/IB/360	
PCT/IB/316	PCT/IB/338	PCT/IB/366	
PCT/IB/317	PCT/IB/339	PCT/IB/367	
PCT/IB/318	PCT/IB/344	PCT/IB/368	

(v) Forms for use by the International Preliminary Examining Authorities:

PCT/IPEA/402	PCT/IPEA/412	PCT/IPEA/431	PCT/IPEA/443
PCT/IPEA/404	PCT/IPEA/414	PCT/IPEA/436	PCT/IPEA/444.
PCT/IPEA/405	PCT/IPEA/415	PCT/IPEA/437	
PCT/IPEA/407	PCT/IPEA/416	PCT/IPEA/440	
PCT/IPEA/408	PCT/IPEA/420	PCT/IPEA/441	
PCT/IPEA/409	PCT/IPEA/425	PCT/IPEA/442	

(b) to (i) [No change]

**Section 102bis**

**Filing of Request in PCT-EASY Format Together with  
PCT-EASY Diskette Containing Request Data and Abstract**

(a) and (b) [No change]

(c) Item 3(a) of the Schedule of Fees annexed to the Regulations shall apply to reduce the fees payable in respect of an international application containing the request in PCT-EASY format filed, together with a PCT-EASY diskette, with a receiving Office which, under paragraph (a), accepts the filing of such international applications.

**Section 105**

**Identification of International Application with Two or More Applicants**

Where any international application indicates two or more applicants, it shall be sufficient, for the purpose of identifying that application, to indicate, in any Form or correspondence relating to such application, the name of the applicant first named in the request. The provisions of the first sentence of this Section do not apply to the demand.

**Section 108**

**Correspondence Intended for the Applicant**

(a) to (d) [No change]

(e) Where, in accordance with paragraph (c), correspondence intended for the applicants from the International Authorities is to be addressed to the common representative but the indication required under Rule 4.5(a)(ii) has not been provided for the common representative, correspondence shall be addressed:

(i) to the first applicant named in the request who is entitled according to Rule 19.1 to file an international application with the receiving Office and in respect of whom the indication required under Rule 4.5(a)(ii) has been provided; or, if there is no such applicant,

(ii) to the applicant first named in the request who is entitled according to Article 9 to file an international application and in respect of whom the indication required under Rule 4.5(a)(ii) has been provided; or, if there is no such applicant,

(iii) to the applicant first named in the request in respect of whom the indication required under Rule 4.5(a)(ii) has been provided.

**Section 114**

*[Deleted]*

**Section 202**

*[Deleted]*

**Section 209**

**Indications as to Deposited Biological Material on a Separate Sheet**

(a) [No change]

(b) For the purposes of the Israel Patent Office, the Japan Patent Office, the Korean Intellectual Property Office, the Mexican Institute of Industrial Property, and the Turkish Patent Institute as designated Offices, paragraph (a) applies only to the extent that the said Form or sheet is included as one of the sheets of the description of the international application at the time of filing.

**Section 210**

*[Deleted]*

**Section 304**

**Invitation to Pay Fees Before Date on Which They Are Due**

If the receiving Office finds, before the date on which they are due, that the transmittal fee, the international filing fee (including any supplement per sheet over 30) or the search fee are lacking in whole or in part, it may invite the applicant to pay the missing amounts within one month from the date of receipt of the international application.

**Section 315**

*[Deleted]*

**Section 320**

**Invitation to Pay Fees Under Rule 16bis.1(a)**

When issuing an invitation under Rule 16bis.1(a), the receiving Office shall, if it received moneys from the applicant before the due date, inform the applicant of the fees to which those moneys have been applied.

**Section 321**

**Application of Moneys Received by the Receiving Office in Certain Cases**

(a) The receiving Office shall, to the extent that it has received instructions from the applicant as to the fees to which it shall apply moneys received by it from the applicant, apply those moneys accordingly.

(b) Where the receiving Office receives moneys from the applicant which, together with any other moneys so received, are not sufficient to cover in full the transmittal fee (if any), the international filing fee and the search fee (if any), the receiving Office shall, to the extent that it has not received instructions from the applicant as to the fees to which it shall apply the moneys which are available for the purpose, apply those moneys in payment, successively, of the fees set out below to the extent that they are due and unpaid and in the order in which they appear below:

- (i) the transmittal fee;
- (ii) the international filing fee;
- (iii) the search fee.

**Section 325**

**Corrections of Defects Under Rule 26.4, Rectifications  
of Obvious Errors Under Rule 91.1, and Corrections Under Rule 9.2**

(a) Where the receiving Office receives a correction of defects under Rule 26.4 or authorizes a rectification of an obvious error under Rule 91.1, it shall:

- (i) to (v) [No change]
- (vi) where transmittals under Article 12(1) have not yet been made, transmit any letter and any replacement sheet to the International Bureau together with the record copy and, except where the international application is considered withdrawn and Rule 29.1(iii) applies, a copy of the said letter or replacement sheet to the International Searching Authority together with the search copy. The record copy and the search copy shall contain any replaced sheet.

- (b) and (c) [No change]

**Section 334**

**Notification to Applicant of Submission of Demand  
After the Expiration of 19 Months from the Priority Date**

Where the demand is submitted after the expiration of 19 months from the priority date to a receiving Office and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, the receiving Office shall:

- (i) promptly notify the applicant accordingly, directing attention to the fact that the time limit under Article 39(1)(a) does not apply, and that Article 22(1), as in force until March 31, 2002, continues to apply in respect of any such designated Office, and
- (ii) proceed under Rule 59.3.

**Section 336**

**Waivers Under Rules 90.4(d) and 90.5(c)**

(a) Where, in accordance with Rule 90.4(d), a receiving Office waives the requirement under Rule 90.4(b) that a separate power of attorney be submitted to it, the receiving Office shall notify the International Bureau accordingly.

(b) Where, in accordance with Rule 90.5(c), a receiving Office waives the requirement under Rule 90.5(a)(ii) that a copy of a general power of attorney be attached to the request or any separate notice, the receiving Office shall notify the International Bureau accordingly.

(c) A receiving Office may require a separate power of attorney, or a copy of a general power of attorney, in particular instances even if the receiving Office has waived the requirement in general.

(d) A receiving Office which has notified the International Bureau under paragraph (a) or (b) shall notify the International Bureau of any change to the information notified under those paragraphs.

**Section 402**

**Correction or Addition of a Priority Claim Under Rule 26bis**

(a) to (c) [No change]

(d) [*Deleted*]

**Section 413**

**Corrections of Defects Under Rule 26.4, Rectifications of  
Obvious Errors Under Rule 91.1, and Corrections Under Rule 9.2**

(a) Where the International Bureau receives from the receiving Office a letter containing a correction of any defects under Rule 26.4, or a replacement sheet and the letter accompanying it, the International Bureau shall transfer the correction to the record copy, together with the indication of the date on which the receiving Office received the letter, or shall insert the replacement sheet in the record copy. Any letter and any replaced sheet shall be kept in the file of the international application.

(b) [No change]

**Section 414****Notification to the International Preliminary Examining Authority Where the International Application is Considered Withdrawn**

If a demand has been submitted and the international application is considered withdrawn under Article 14(1), (3) or (4), the International Bureau shall promptly notify the International Preliminary Examining Authority, unless the international preliminary examination report has already issued.

**Section 415****Notification of Withdrawal Under Rule 90bis.1, 90bis.2, 90bis.3 or 90bis.4**

(a) The fact of withdrawal by the applicant of the international application under Rule 90bis.1, of designations under Rule 90bis.2, or of a priority claim under Rule 90bis.3, together with the date on which the notice effecting withdrawal reached the International Bureau, the International Preliminary Examining Authority or the receiving Office, shall be recorded by the International Bureau and promptly notified by it to the receiving Office, the applicant, the designated Offices affected by the withdrawal and, where the withdrawal concerns the international application or a priority claim and where the international search report, or the declaration referred to in Article 17(2)(a), and the written opinion of the International Searching Authority have not yet issued, the International Searching Authority. However, where the withdrawal concerns the international application and where the notice effecting withdrawal was filed with the receiving Office before the sending of the record copy to the International Bureau, that Bureau shall send the notifications referred to in the preceding sentence and in Rule 24.2(a) to the receiving Office and the applicant only.

(b) and (c) [No change]

**Section 417****Processing of Amendments Under Article 19**

(a) to (c) [No change]

(d) If, at the time when the demand is received by the International Bureau, the international search report and the written opinion of the International Searching Authority have been established and no amendments under Article 19 have been made, the International Bureau shall inform the International Preliminary Examining Authority accordingly, unless the Authority has informed the International Bureau that it wishes not to be so notified.

**Section 418****Notifications to Elected Offices Where the Demand Is Considered Not to Have Been Submitted or Made**

Where, after any elected Office has been notified of its election under Article 31(7), the demand is considered not to have been submitted or made, the International Bureau shall notify the said Office accordingly.

**Section 421****Invitation to Furnish a Copy of the Priority Document**

Where a request for a copy of the application whose priority is claimed in the international application is made under Rule 43bis.1(b) by the International Searching Authority or, under Rule 66.7(a), by either the International Searching Authority, or the International Preliminary Examining Authority before the International Bureau has received the priority document under Rule 17.1, the International Bureau shall, unless the applicable



time limit referred to in Rule 17.1(a) has already expired, inform the applicant of such request and remind him of the requirements of Rule 17.1.

### **Section 422**

#### **Notifications Concerning Changes Recorded Under Rule 92bis.1**

(a) The International Bureau shall give notifications concerning changes recorded by it under Rule 92bis.1(a), except changes which are the subject of notifications under Section 425:

(i) [No change]

(ii) as long as the international search report, or the declaration referred to in Article 17(2)(a), and the written opinion of the International Searching Authority have not been established, to the International Searching Authority;

(iii) to the designated Offices unless the change can be duly reflected in the pamphlet used for the purposes of the communication of the international application under Article 20;

(iv) to (vi) [No change]

(b) [No change]

### **Section 422bis**

#### **Objections Concerning Changes in the Person of the Applicant Recorded Under Rule 92bis.1(a)**

(a) Where a change recorded by the International Bureau under Rule 92bis.1(a):

(i) consists of a change in the person of the applicant, and

(ii) the request under Rule 92bis.1(a) was not signed by or on behalf of both the earlier and the new applicant, and

(iii) the earlier applicant objects to the change in writing,

the change under Rule 92bis.1(a) shall be considered as if it had not been recorded.

(b) Where paragraph (a) applies, the International Bureau shall notify all those who received a notification under Section 422(a) accordingly.

### **Section 423**

#### **Cancellation of Designations and Elections**

(a) [No change]

(b) The International Bureau shall cancel *ex officio*:

(i) the election of any State which is not a designated State;

(ii) the election of any State not bound by Chapter II of the Treaty, if the International Preliminary Examining Authority has failed to do so.

(c) [No change]

### **Section 426**

*[Deleted]*

### **Section 427**

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### **Section 428**

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**Section 429***[Deleted]***Section 430****Notification of Designations Under Rule 32**

Where the effects of any international application are extended to a successor State under Rule 32.1(a), the International Bureau shall promptly, but not before the international publication of the international application, effect the communication under Article 20 to the designated Office concerned, and notify that Office under Rule 47.1(a-bis).

**Section 431****Publication of Notice of Submission of Demand**

(a) For international applications in respect of which a demand is filed before January 1, 2004, the publication in the Gazette of information on the demand and the elected States concerned, as referred to in Rule 61.4, as in force until December 31, 2003, shall consist of a notice indicating that a demand has been submitted prior to the expiration of 19 months from the priority date and, as applicable, indicating that all eligible States have been elected or, where not all eligible States have been elected, indicating those eligible States which have not been elected.

(b) For international applications in respect of which a demand is filed on or after January 1, 2004, the publication in the Gazette of information on the demand and the elected States concerned, as referred to in Rule 61.4, as in force from January 1, 2004, shall consist of a notice indicating that a demand has been submitted prior to the expiration of the applicable time limit under Rule 54bis.1(a) and that all Contracting States which were designated and were bound by Chapter II of the Treaty have been elected. Where the demand is made subsequent to the expiration of 19 months from the priority date and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, the notice shall also indicate that fact.

**Section 432****Notification to Applicant of Submission of Demand  
After the Expiration of 19 Months from the Priority Date**

Where the demand is submitted after the expiration of 19 months from the priority date and subsequently transmitted to the International Bureau under Rule 59.3(a), or is submitted after the expiration of 19 months from the priority date to the International Bureau, and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, the International Bureau shall, together with the notification sent to the applicant under Rule 59.3(c)(i) or the invitation sent to the applicant under Rule 59.3(c)(ii), as the case may be:

(i) promptly notify the applicant accordingly, directing attention to the fact that the time limit under Article 39(1)(a) does not apply, and that Article 22(1), as in force until March 31, 2002, continues to apply in respect of any such designated Office,

(ii) proceed under Rule 59.3.

**Section 433****Waivers Under Rules 90.4(d) and 90.5(c)**

(a) Where, in accordance with Rule 90.4(d), the International Bureau waives the requirement under Rule 90.4(b) that a separate power of attorney be submitted to it, the International Bureau shall publish a notice of this fact in the Gazette.

(b) The International Bureau may require a separate power of attorney in particular instances even if the International Bureau has waived the requirement in general.

**Section 434**  
**Publication of Information Concerning Waivers**  
**Under Rules 90.4(d) and 90.5(c)**

(a) Any waivers of the requirement under Rule 90.4(b) that a separate power of attorney be submitted, or any changes to the information, notified to the International Bureau under Sections 336(a), 517(a), or 617(a) shall be promptly published in the Gazette. The effective date of any change shall be two months after the date of publication of the change in the Gazette, or such later date as may be determined by the International Bureau.

(b) Any waivers of the requirement under Rule 90.5(a)(ii) that a copy of a general power of attorney be attached to the request, the demand or any separate notice, or any changes to the information, notified to the International Bureau under Sections 336(b), 517(b), or 617(b) shall be promptly published in the Gazette. The effective date of any change shall be two months after the date of publication of the change in the Gazette, or such later date as may be determined by the International Bureau.

**Section 503**  
**Method of Identifying Documents Cited in the International Search Report and the**  
**Written Opinion of the International Searching Authority**

Identification of any document cited in the international search report shall be as provided in WIPO Standard ST.14 (Recommendation for the Inclusion of References Cited in Patent Documents).<sup>1</sup> Any document cited in the international search report may be referred to in a shortened form in the written opinion of the International Searching Authority, provided that the reference to the document is unambiguous.

**Section 509**  
**International Search and Written Opinion of the International Searching Authority on**  
**the Basis of a Translation of the International Application**

Where the International Searching Authority has carried out the international search and established the written opinion on the basis of a translation of the international application transmitted to that Authority under Rule 23.1(b), the international search report and the written opinion of the International Searching Authority shall so indicate.

**Section 513**  
**Sequence Listings**

(a) [No change]

(b) Where the international search report and the written opinion of the International Searching Authority are based on a sequence listing that was not contained in the international application as filed but was furnished subsequently to the International Searching Authority, the international search report and the written opinion of the International Searching Authority shall so indicate.

(c) Where a meaningful international search cannot be carried out and a meaningful written opinion, as to whether the claimed invention appears to be novel, to involve an

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<sup>1</sup> *Editor's Note:* Published in the *WIPO Handbook on Industrial Property Information and Documentation*.

inventive step (to be non-obvious) and to be industrially applicable, cannot be established because a sequence listing is not available to the International Searching Authority in the required form, that Authority shall so state in the international search report or declaration referred to in Article 17(2)(a), and in the written opinion.

(d) and (e) [No change]

#### **Section 514 Authorized Officer**

The officer of the International Searching Authority responsible for the international search report, as referred to in Rule 43.8, and for the written opinion of the International Searching Authority, as referred to in Rule 43*bis*.1(b), means the person who actually performed the search work and prepared the search report and the written opinion of the International Searching Authority, or another person who was responsible for supervising the search and the establishment of the written opinion.

#### **Section 516 Notification to Applicant of Submission of Demand After the Expiration of 19 Months from the Priority Date**

Where the demand is submitted after the expiration of 19 months from the priority date to an International Searching Authority and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, that Authority shall:

- (i) promptly notify the applicant accordingly, directing attention to the fact that the time limit under Article 39(1)(a) does not apply, and that Article 22(1), as in force until March 31, 2002, continues to apply in respect of any such designated Office,
- (ii) proceed under Rule 59.3.

#### **Section 517 Waivers Under Rules 90.4(d) and 90.5(c)**

(a) Where, in accordance with Rule 90.4(d), an International Searching Authority waives the requirement under Rule 90.4(b) that a separate power of attorney be submitted to it, the International Searching Authority shall notify the International Bureau accordingly.

(b) Where, in accordance with Rule 90.5(c), an International Searching Authority waives the requirement under Rule 90.5(a)(ii) that a copy of a general power of attorney be attached to any separate notice, it shall notify the International Bureau accordingly.

(c) An International Searching Authority may require a separate power of attorney, or a copy of a general power of attorney, in particular instances even if the International Searching Authority has waived the requirement in general.

(d) An International Searching Authority which has notified the International Bureau under paragraph (a) or (b) shall notify the International Bureau of any change to the information notified under those paragraphs.

#### **Section 518 Guidelines for Explanations Contained in the Written Opinion of the International Searching Authority**

For the purposes of establishing the written opinion of the International Searching Authority, Section 604 shall apply *mutatis mutandis*.

### **Section 601**

#### **Notification to Applicant of Submission of Demand After the Expiration of 19 Months from the Priority Date**

(a) Where the demand is submitted after the expiration of 19 months from the priority date and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, the International Preliminary Examining Authority shall promptly notify the applicant accordingly, directing attention to the fact that the time limit under Article 39(1)(a) does not apply, and that Article 22(1), as in force until March 31, 2002, continues to apply in respect of any such designated Office.

(b) Where the demand is submitted after the expiration of 19 months from the priority date to an International Preliminary Examining Authority which is not competent for the international preliminary examination of the international application, and the time limit under Article 22(1), as in force from April 1, 2002, does not apply in respect of all designated Offices, that Authority shall:

(i) promptly notify the applicant accordingly, directing attention to the fact that the time limit under Article 39(1)(a) does not apply, and that Article 22(1), as in force until March 31, 2002, continues to apply in respect of any such designated Office,

(ii) proceed under Rule 59.3.

### **Section 602**

#### **Processing of Amendments by the International Preliminary Examining Authority**

(a) The International Preliminary Examining Authority shall:

(i) and (ii) [No change]

(iii) subject to item (iv), keep in its files any replaced sheet, the letter accompanying any replacement sheet, and any superseded replacement sheet or any letter referred to in the last sentence of Rule 66.8(b) as well as a copy of any replacement sheet which is annexed to the international preliminary examination report;

(iv) where any superseded replacement sheet referred to in item (iii) is to be annexed to the international preliminary examination report under Rule 70.16(b), indelibly mark, in addition to the markings referred to in items (i) and (ii), in the middle of the bottom margin of each superseded replacement sheet, without obscuring the marking made under item (ii), the words "SUPERSEDED REPLACEMENT SHEET (RULE 70.16(b))";

(v) annex to the copy of the international preliminary examination report which is transmitted to the International Bureau any replacement sheet as provided for under Rule 70.16;

(vi) annex to the copy of the international preliminary examination report which is transmitted to the applicant a copy of each replacement sheet as provided for under Rule 70.16.

(b) to (d) [No change]

### **Section 606**

#### **Cancellation of Elections**

(a) The International Preliminary Examining Authority shall cancel *ex officio*:

(i) the election of any State which is not a designated State;

(ii) the election of any State not bound by Chapter II of the Treaty.

(b) The International Preliminary Examining Authority shall enclose that election within square brackets, shall draw a line between the square brackets while still leaving the election legible and shall enter, in the margin, the words “CANCELLED EX OFFICIO BY IPEA” or their equivalent in the language of the demand, and shall notify the applicant accordingly.

### **Section 606bis**

*[Deleted]*

### **Section 617**

#### **Waivers Under Rules 90.4(d) and 90.5(c)**

(a) Where, in accordance with Rule 90.4(d), an International Preliminary Examining Authority waives the requirement under Rule 90.4(b) that a separate power of attorney be submitted to it, the International Preliminary Examining Authority shall notify the International Bureau accordingly.

(b) Where, in accordance with Rule 90.5(c), an International Preliminary Examining Authority waives the requirement under Rule 90.5(a)(ii) that a copy of a general power of attorney be attached to the demand or any separate notice, it shall notify the International Bureau accordingly.

(c) An International Preliminary Examining Authority may require a separate power of attorney, or a copy of a general power of attorney, in particular instances even if the International Preliminary Examining Authority has waived the requirement in general.

(d) An International Preliminary Examining Authority which has notified the International Bureau under paragraph (a) or (b) shall notify the International Bureau of any change to the information notified under those paragraphs.

### **Section 707**

#### **International filing fee; Fee Reduction**

(a) Subject to paragraph (a-bis), where an international application is filed in electronic form, the international filing fee shall be calculated on the basis of the number of sheets that the application would contain if presented as a print-out on paper complying with the physical requirements prescribed in Rule 11.

(a-bis) Where the international application is filed in electronic form and contains a sequence listing as referred to in Rule 5.2(a), the international filing fee shall comprise the following two components:

(i) a basic component calculated on the basis of the number of sheets that the international application would contain if presented as a print-out on paper complying with the physical requirements prescribed in Rule 11, excluding the sheets containing the sequence listing and/or any tables related to that sequence listing; and

(ii) an additional component, in respect of the sheets containing the sequence listing and/or any tables related to that sequence listing, calculated on the basis of the number of sheets of the sequence listing and/or any tables if presented as a print-out on paper complying with the physical requirements prescribed in Rule 11, provided that any sheet of the sequence listing and/or any tables in excess of 400 sheets shall not require the payment of a fee per sheet as referred to in item 1 of the Schedule of Fees.

(b) Item 3(b) and (c) of the Schedule of Fees annexed to the Regulations shall apply to reduce the fees payable in respect of an international application filed in electronic form with

a receiving Office which has notified the International Bureau under Section 710(a) that it is prepared to receive international applications in electronic form.

**Section 803**  
**Calculation of International Filing Fee for**  
**International Applications Containing Sequence Listings and/or Tables**

Where sequence listings and/or tables are filed in electronic form under Section 801(a), the international filing fee payable in respect of that application shall include the following two components:

(i) a basic component calculated as provided in the Schedule of Fees in respect of all pages filed on paper (that is, all pages of the request, description (excluding sequence listings and/or tables if also filed on paper), claims, abstract and drawings), and

(ii) an additional component, in respect of sequence listings and/or tables, equal to 400 times the fee per sheet as referred to in item 1 of the Schedule of Fees, regardless of the actual length of the sequence listings and/or tables filed in computer readable form and regardless of the fact that sequence listings and/or tables may have been filed both in written form and in computer readable form.

**ANNEX C**  
**STANDARD FOR THE PRESENTATION OF**  
**NUCLEOTIDE AND AMINO ACID SEQUENCE LISTINGS**  
**IN INTERNATIONAL PATENT APPLICATIONS UNDER THE PCT**

**Definitions**

2. For the purposes of this Standard:

(i) to (vii) [No change]

(viii) “competent Authority” is the International Searching Authority that is to carry out the international search and to establish the written opinion of the International Searching Authority on the international application, or the International Preliminary Examining Authority that is to carry out the international preliminary examination on the international application, or the designated/elected Office before which the processing of the international application has started.

**ANNEX D**  
**INFORMATION FROM PAMPHLET FRONT PAGE TO BE INCLUDED**  
**IN THE GAZETTE UNDER RULE 86.1(a)(i)**

1. to 12. [No change]

5. as to the designated States:

5.1 their names

5.2 the indication of any wish for a regional patent

5.3 the indication that every kind of protection available is sought, unless otherwise indicated

6. to 8. [No change]

**ANNEX E**

**INFORMATION TO BE PUBLISHED IN THE GAZETTE UNDER RULE 86.1(a)(v)**

1. to 12. [No change]

13. The dates defining the period referred to in Rule 32.1(b) during which the international application, whose effects may be extended to a successor State under Rule 32.1, must have been filed.

14. *[Deleted]*

[End of document]