

C. PCT 1567

April 10, 2019

Madam,
Sir,

Proposed modifications of the Administrative Instructions under the PCT (“the Administrative Instructions”), certain Forms annexed to the Administrative Instructions and the PCT International Search and Preliminary Examination Guidelines (“the ISPE Guidelines”)

This Circular is addressed to your Office in its capacity as a receiving Office, an International Searching Authority, an International Preliminary Examining Authority and/or a 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 representing users of the PCT System.

The main purpose of this Circular is to consult on the implementation of amendments to the Regulations under the PCT, adopted by the PCT Assembly at its fiftieth session in September/October 2018 (see document PCT/A/50/2 and PCT/A/50/5), which will enter into force on July 1, 2019.

The amendments to the Regulations concern Rule 69.1(a), allowing the International Preliminary Examining Authority (IPEA) to start international preliminary examination once it is in possession of the demand, the relevant fees, the international search report or the declaration by the International Searching Authority under Article 17(2)(a) and the written opinion established under Rule 43bis.1, unless the applicant expressly requests to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54bis.1(a).

In addition, this Circular also consults on the proposed introduction of document category “D” as one of the symbols for indicating citations in the international search report, in order to better align PCT practice with WIPO Standard ST.14 in this regard.

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The occasion of this Circular is also used to propose modifications to the ISPE Guidelines for reasons which will be further explained below.

I. *Proposed modifications of the Administrative Instructions*

Section 507 is proposed to be modified for the introduction of document category “D” in line with WIPO Standard ST.14 and to provide further guidance on the manner of indicating document categories in the international search report.

- ./. The proposed modifications of the Administrative Instructions are set out in Annex I to this Circular. Certain paragraphs that are not proposed to be modified have been included for ease of reference.

II. *Proposed modifications of certain Forms annexed to the Administrative Instructions*

Form PCT/IPEA/401 (Demand) is proposed to be modified as a result of the amendments to Rule 69.1(a).

Forms PCT/ISA/201, PCT/ISA/206, PCT/ISA/210 and PCT/SISA/501 are proposed to be modified for the introduction of document category “D” in line with WIPO Standard ST.14.

- ./. The PCT Forms which are proposed to be modified are set out in Annex II to this Circular. The proposed modifications of the Forms are shown in a marked-up way which indicates deleted and new text on separate pages. Thus, on the first marked up page, the deleted text appears in red with the text struck out. This is followed by the second marked-up page of the same page where new text is underlined in blue. Each page indicates clearly whether the modifications concern deleted or new text.

III. *Proposed modifications of the ISPE Guidelines*

The proposed modifications of paragraph 2.03 relate to a proposal made by the Japan Patent Office which has been a subject of previous consultations (see Circular C.PCT 1535, dated March 9, 2018). The matter was further discussed at the twenty-sixth session of the Meeting of International Authorities under the PCT (MIA), which took place on February 13 to 14, 2019. Following the recommendation of MIA, it is proposed to modify the paragraph accordingly (see paragraphs 37 and 39 of document PCT/MIA/26/13).

The proposed modifications of paragraphs 3.13, 3.14, 18.06A, 19.07, and 19.08 are consequential to the amendments of Rule 69.1(a). It is further proposed to add a new paragraph 22.26A allowing the IPEA to make *ex officio* corrections to any erroneous indications regarding the postponement of the start of the international preliminary examination in case of a misunderstanding of the applicable rules by the applicant.

The proposed modifications of paragraph 16.74 relate to the introduction of document category “D” in line with WIPO Standard ST.14.

The proposed modifications of paragraphs 17.18 and 17.19 are to align the references to claims with those used in the corresponding Forms.

The proposed modifications of Chapter 21 follow a recommendation made by the Quality Subgroup of MIA at its ninth informal meeting (see paragraph 16 of Annex II of document PCT/MIA/26/13). Since paragraphs of Chapter 21 are not referred to in other Chapters, it is proposed to renumber all the subsequent paragraphs of this Chapter and some editorial changes are also made.

Following a suggestion received by the International Bureau, it is proposed to modify paragraph 22.02 to provide clearer guidance to the IPEA on checking whether it is competent to receive a demand.

./ The paragraphs of the ISPE Guidelines which are proposed to be modified or added are set out in Annex III to this Circular. Certain paragraphs that are not proposed to be modified have been included for ease of reference.

IV. Comments on the proposed modifications of the Administrative Instructions, certain PCT Forms and the ISPE Guidelines

Your Office is invited to provide comments, if any, by May 10, 2019, by e-mail to: pct.legal@wipo.int.

Yours sincerely,



John Sandage
Deputy Director General

Enclosures: Annex I — Proposed modifications of the Administrative Instructions

Annex II — Proposed modified PCT Forms PCT/ISA/201, PCT/ISA/206, PCT/ISA/210, PCT/IPEA/401 (Demand) and PCT/SISA/501 (modified pages only)

Annex III — Proposed modifications of the International Search and Preliminary Examination Guidelines

PROPOSED MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS

Section 507

Manner of Indicating Certain Special Categories of Documents Cited in the International Search Report

(a) Where any document cited in the international search report refers to an oral disclosure, use, exhibition, or other means referred to in Rule 33.1(b), the separate indication required by that Rule shall consist of the letter "O" placed next to the citation of the said document. Category "O" should always be accompanied by one of the categories "X", "Y" or "A".

(b) Where any document cited in the international search report is a published application or patent as defined in Rule 33.1(c), the special mention required by that Rule shall consist of the letter "E" placed next to the citation of the said document.

(c) Where any document cited in the international search report is not considered to be of particular relevance requiring the use of categories "X" and/or "Y" as provided in Section 505 but defines the general state of the art, it shall be indicated by the letter "A" placed next to the citation of the said document.

(d) Where any document cited in the international search report is a document whose publication date occurred earlier than the international filing date of the international application, but later than the priority date claimed in that application, it shall be indicated by the letter "P" next to the citation of the said document. Category "P" should always be accompanied by one of the categories "X", "Y" or "A".

(e) Where any document cited in the international search report is a document whose publication date occurred after the filing date or the priority date of the international application and is not in conflict with the said application, but is cited for the principle or theory underlying the invention, which may be useful for a better understanding of the invention, or is cited to show that the reasoning or the facts underlying the invention are incorrect, it shall be indicated by the letter "T" next to the citation of the document.

(e-bis) Where any document cited in the international search report is a document cited by the applicant in the international application, it shall be indicated by the letter "D" next to the citation of the document. Category "D" should always be accompanied by one of the categories indicating the relevance of the cited document.

(f) Where in the international search report any document is cited for reasons other than those referred to in paragraphs (a) to (e-bis), for example:— a document which may throw doubt on a priority claim,— a document cited to establish the publication date of another citation, such document shall be indicated by the letter "L" next to the citation of the document and the reason for citing the document shall be given.

(g) Where a document is a member of a patent family, it shall, whenever feasible, be mentioned in the international search report in addition to the one cited belonging as well to this family and should be preceded by the sign ampersand (&). Members of a patent family may also be mentioned on a separate sheet, provided that the family to which they belong shall be clearly identified and that any text matter on that sheet, if not in the English language, shall also be furnished to the International Bureau in English translation.

(h) A document whose contents have not been verified by the search examiner but are believed to be substantially identical with those of another document which the search examiner has inspected, may be cited in the international search report in the manner indicated for patent family members in the first sentence of paragraph (g).

[End of Annex I]

PATENT COOPERATION TREATY

PCT

INTERNATIONAL-TYPE SEARCH REPORT

(PCT Article 15(5))

National application No.	Country or Office of filing	Filing date (<i>day/month/year</i>)
Applicant's or agent's file reference		(Earliest) Priority date (<i>day/month/year</i>)
Applicant		

Date of request for international-type search	International-type search request No.
---	---------------------------------------

This international-type search report has been prepared by this International Searching Authority and is transmitted to the applicant.

This international-type search report consists of a total of _____ sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the international-type search was carried out on the basis of:

the application in the language in which it was filed.

a translation of the application into _____ which is the language of a translation furnished for the purposes of the international-type search.

b. This international-type search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91.

c. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. **Certain claims were found unsearchable** (See Box No. II).

3. **Unity of invention is lacking** (See Box No. III).

PATENT COOPERATION TREATY

PCT

INTERNATIONAL-TYPE SEARCH REPORT

(PCT Article 15(5))

National application No.	Country or Office of filing	Filing date (<i>day/month/year</i>)
Applicant's or agent's file reference		(Earliest) Priority date (<i>day/month/year</i>)
Applicant		

Date of request for international-type search	International-type search request No.
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It is also accompanied by a copy of each prior art document cited in this report.

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3. **Unity of invention is lacking** (See Box No. III).

INTERNATIONAL-TYPE SEARCH REPORT

Search request No.

A. CLASSIFICATION OF SUBJECT MATTER

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base, and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.

Further documents are listed in the continuation of Box C. Patent family members are listed in annex.

* Special categories of cited documents:

“A” document defining the general state of the art which is not considered to be of particular relevance	“T” later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
“E” earlier application or patent but published on or after the international filing date	“X” document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
“L” document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	“Y” document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
“O” document referring to an oral disclosure, use, exhibition or other means	“&” document member of the same patent family
“P” document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international-type search	Date of mailing of the international-type search report
Name and mailing address of the ISA/	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL-TYPE SEARCH REPORT

Search request No.

<p>A. CLASSIFICATION OF SUBJECT MATTER</p> <p>According to International Patent Classification (IPC) or to both national classification and IPC</p>
<p>B. FIELDS SEARCHED</p> <p>Minimum documentation searched (classification system followed by classification symbols)</p>
<p>Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched</p>
<p>Electronic data base consulted during the international search (name of data base, and, where practicable, search terms used)</p>

C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.

Further documents are listed in the continuation of Box C.
 Patent family members are listed in annex.

- | | |
|--|---|
| <p>* Special categories of cited documents:</p> <p>“A” document defining the general state of the art which is not considered to be of particular relevance</p> <p>“D” <u>document cited by the applicant in the international application</u></p> <p>“E” earlier application or patent but published on or after the international filing date</p> <p>“L” document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>“O” document referring to an oral disclosure, use, exhibition or other means</p> <p>“P” document published prior to the international filing date but later than the priority date claimed</p> | <p>“T” later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>“X” document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>“Y” document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>“&” document member of the same patent family</p> |
|--|---|

Date of the actual completion of the international-type search	Date of mailing of the international-type search report
Name and mailing address of the ISA/	Authorized officer
Facsimile No.	Telephone No.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

INVITATION TO PAY ADDITIONAL FEES
AND, WHERE APPLICABLE, PROTEST FEE

(PCT Article 17(3)(a) and Rules 40.1 and 40.2(e))

To:

Date of mailing (day/month/year)	
Applicant's or agent's file reference	PAYMENT DUE within ONE MONTH from the above date of mailing
International application No.	International filing date (day/month/year)
Applicant	

1. This International Searching Authority

(i) considers that there are _____ (number of) inventions claimed in the international application covered by the claims indicated below/on an extra sheet:

(ii) therefore considers that **the international application does not comply with the requirement of unity of invention** (Rules 13.1, 13.2 and 13.3) for the reasons indicated below/on an extra sheet:

(iii) has carried out a partial international search (see Annex) will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:

(iv) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid.

2. Consequently, the applicant is hereby **invited to pay**, within the time limit indicated above, additional fees in the amount indicated below:

_____ x _____ = _____
Fee per additional invention number of additional inventions total amount of additional fees/currency

3. The applicant is informed that, according to Rule 40.2(c), **the payment of any additional fees may be made under protest**, that is, a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive, where applicable, subject to the payment of a protest fee.

Where the applicant pays additional fees under protest, the applicant is hereby invited, within the time limit indicated above, to pay a protest fee (Rule 40.2(e)) in the amount of _____ (amount/currency)

Where the applicant has not, within the time limit indicated above, paid the required protest fee, the protest will be considered not to have been made and the International Searching Authority will so declare.

4. Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

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

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

INVITATION TO PAY ADDITIONAL FEES
AND, WHERE APPLICABLE, PROTEST FEE

(PCT Article 17(3)(a) and Rules 40.1 and 40.2(e))

	Date of mailing (day/month/year)
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International application No.	International filing date (day/month/year)
Applicant	

1. This International Searching Authority

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2. Consequently, the applicant is hereby **invited to pay**, within the time limit indicated above, additional fees in the amount indicated below:

$$\frac{\text{Fee per additional invention}}{\text{number of additional inventions}} \times \text{number of additional inventions} = \text{total amount of additional fees/currency}$$

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Name and mailing address of the ISA/ Facsimile No.	Authorized officer Telephone No.
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Form PCT/ISA/206 (Draft for consultation)

ANNEX TO FORM PCT/ISA/206

COMMUNICATION RELATING TO THE RESULTS OF THE PARTIAL INTERNATIONAL SEARCH

International application No.

1. The present communication is an Annex to the invitation to pay additional fees and, where applicable, protest fee (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on the other parts of the international application for which such fees will have been paid.

DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.

Further documents are listed in a continuation Box.
 See patent family annex.

- | | |
|--|---|
| <p>* Special categories of cited documents:</p> <p>“A” document defining the general state of the art which is not considered to be of particular relevance</p> <p>“E” earlier document but published on or after the international filing date</p> <p>“L” document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>“O” document referring to an oral disclosure, use, exhibition or other means</p> <p>“P” document published prior to the international filing date but later than the priority date claimed</p> | <p>“T” later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>“X” document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>“Y” document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>“&” document member of the same patent family</p> |
|--|---|

ANNEX TO FORM PCT/ISA/206

COMMUNICATION RELATING TO THE RESULTS OF THE
PARTIAL INTERNATIONAL SEARCH

International application No.

1. The present communication is an Annex to the invitation to pay additional fees and, where applicable, protest fee (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
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4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on the other parts of the international application for which such fees will have been paid.

DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.

 Further documents are listed in a continuation Box.

 See patent family annex.

* Special categories of cited documents:

“A” document defining the general state of the art which is not considered to be of particular relevance

“D” document cited by the applicant in the international application

“E” earlier document but published on or after the international filing date

“L” document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

“O” document referring to an oral disclosure, use, exhibition or other means

“P” document published prior to the international filing date but later than the priority date claimed

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“&” document member of the same patent family

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference		FOR FURTHER ACTION	
		see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No.	International filing date (<i>day/month/year</i>)	(Earliest) Priority Date (<i>day/month/year</i>)	
Applicant			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of _____ sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

the international application in the language in which it was filed.

a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. **Certain claims were found unsearchable** (see Box No. II).

3. **Unity of invention is lacking** (see Box No. III).

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. _____

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, because this figure better characterizes the invention.

b. none of the figures is to be published with the abstract.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference		FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No.	International filing date (<i>day/month/year</i>)	(Earliest) Priority Date (<i>day/month/year</i>)	
Applicant			

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of _____ sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

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as selected by this Authority, because this figure better characterizes the invention.

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INTERNATIONAL SEARCH REPORT

International application No.

A. CLASSIFICATION OF SUBJECT MATTER

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.

Further documents are listed in the continuation of Box C. See patent family annex.

<p>* Special categories of cited documents:</p> <p>“A” document defining the general state of the art which is not considered to be of particular relevance</p> <p>“E” earlier application or patent but published on or after the international filing date</p> <p>“L” document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>“O” document referring to an oral disclosure, use, exhibition or other means</p> <p>“P” document published prior to the international filing date but later than the priority date claimed</p>	<p>“T” later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>“X” document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>“Y” document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>“&” document member of the same patent family</p>
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Date of the actual completion of the international search	Date of mailing of the international search report
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Name and mailing address of the ISA/	Authorized officer
--------------------------------------	--------------------

Facsimile No.	Telephone No.
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INTERNATIONAL SEARCH REPORT

International application No.

A. CLASSIFICATION OF SUBJECT MATTER		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED		
Minimum documentation searched (classification system followed by classification symbols)		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/> See patent family annex.		
<p>* Special categories of cited documents:</p> <p>“A” document defining the general state of the art which is not considered to be of particular relevance</p> <p>“D” <u>document cited by the applicant in the international application</u></p> <p>“E” earlier application or patent but published on or after the international filing date</p> <p>“L” document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>“O” document referring to an oral disclosure, use, exhibition or other means</p> <p>“P” document published prior to the international filing date but later than the priority date claimed</p> <p>“T” later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>“X” document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>“Y” document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>“&” document member of the same patent family</p>		
Date of the actual completion of the international search	Date of mailing of the international search report	
Name and mailing address of the ISA/	Authorized officer	
Facsimile No.	Telephone No.	

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ _____

PCT

DEMAND

CHAPTER II

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only

Identification of IPEA	Date of receipt of DEMAND
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION	
Applicant's or agent's file reference	International application No.
International filing date (<i>day/month/year</i>)	(Earliest) Priority date (<i>day/month/year</i>)
Title of invention	
Box No. II APPLICANT(S)	
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>)	Telephone No.
	Facsimile No.
	Applicant's registration No. with the Office
<p>E-mail authorization: Marking one of the check-boxes below authorizes the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application if those offices are willing to do so.</p> <p><input type="checkbox"/> as advance copies followed by paper notifications; or <input type="checkbox"/> exclusively in electronic form (no paper notifications will be sent).</p> <p>E-mail address: _____</p>	
State (<i>that is, country</i>) of nationality:	State (<i>that is, country</i>) of residence:
Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>)	
State (<i>that is, country</i>) of nationality:	State (<i>that is, country</i>) of residence:
<input type="checkbox"/> Further applicants are indicated on a continuation sheet.	

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ _____

PCT

DEMAND

CHAPTER II

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only

Identification of IPEA	Date of receipt of DEMAND
------------------------	---------------------------

Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION

Applicant's or agent's file reference	International application No.
International filing date (<i>day/month/year</i>)	(Earliest) Priority date (<i>day/month/year</i>)
Title of invention	

Box No. II APPLICANT(S)

Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>)	Telephone No.
	Facsimile No.
	Applicant's registration No. with the Office

E-mail authorization: Marking one of the check-boxes below authorizes the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application if those offices are willing to do so.

as advance copies followed by paper notifications; or exclusively in electronic form (no paper notifications will be sent).
E-mail address: _____

State (<i>that is, country</i>) of nationality:	State (<i>that is, country</i>) of residence:
---	---

Name and address: (*Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.*)

Name and address: (<i>Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.</i>)	
State (<i>that is, country</i>) of nationality:	State (<i>that is, country</i>) of residence:

Further applicants are indicated on a continuation sheet.

Sheet No. . . .

International application No.

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is agent common representative
 and has been appointed earlier and represents the applicant(s) also for international preliminary examination.
 is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.
 is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: *(Family name followed by given name; for a legal entity, full official designation.
The address must include postal code and name of country.)*

Telephone No.

Facsimile No.

Agent's registration No. with the Office
--

E-mail authorization: Marking one of the check-boxes below authorizes the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application if those offices are willing to do so.

as advance copies followed by paper notifications; or exclusively in electronic form (no paper notifications will be sent).
 E-mail address: _____

Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION

Statement concerning amendments:*

1. The applicant wishes the international preliminary examination **to start on the basis of:**

- the description as originally filed, or
 as amended under Article 34
- the sequence listing (if any) as originally filed, or
 as amended under Article 34:
 in the form of an Annex C/ST.25 text file
 on paper or in the form of an image file
- the claims as originally filed, or
 as amended under Article 19, and/or
 as amended under Article 34
- the drawings (if any) as originally filed, or
 as amended under Article 34

- 2. The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.
- 3. Where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant requests the IPEA **to postpone** the start of the international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d).
- 4. The applicant expressly ~~wishes~~ the international preliminary examination ~~to start earlier than at~~ the expiration of the applicable time limit under Rule 54bis.1(a).

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: _____

- which is the language in which the international application was filed.
- which is the language of a translation furnished for the purposes of international search.
- which is the language of publication of the international application.
- which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The filing of this demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the PCT.

Sheet No. . . .

International application No.

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is agent common representative
and has been appointed earlier and represents the applicant(s) also for international preliminary examination.
 is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.
 is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: *(Family name followed by given name; for a legal entity, full official designation.
The address must include postal code and name of country.)*

Telephone No.

Facsimile No.

Agent's registration No. with the Office
--

E-mail authorization: Marking one of the check-boxes below authorizes the International Bureau and the International Preliminary Examining Authority to use the e-mail address indicated in this Box to send notifications issued in respect of this international application if those offices are willing to do so.

as advance copies followed by paper notifications; or exclusively in electronic form (no paper notifications will be sent).
E-mail address: _____

Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION

Statement concerning amendments:*

1. The applicant wishes the international preliminary examination **to start on the basis of:**

- the description as originally filed, or
 as amended under Article 34
- the sequence listing (if any) as originally filed, or
 as amended under Article 34:
 in the form of an Annex C/ST.25 text file
 on paper or in the form of an image file
- the claims as originally filed, or
 as amended under Article 19, and/or
 as amended under Article 34
- the drawings (if any) as originally filed, or
 as amended under Article 34

- 2. The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.
- 3. Where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant requests the IPEA **to postpone** the start of the international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d).
- 4. The applicant expressly requests to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 54bis.1(a).

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: _____

- which is the language in which the international application was filed.
- which is the language of a translation furnished for the purposes of international search.
- which is the language of publication of the international application.
- which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The filing of this demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the PCT.

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/. 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.

The demand form shall be typed or printed; 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.

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*, 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) and Rule 54bis.1): As long as certain designated Offices are still not bound by the 30-month time limit under Article 22 for entry into the national phase, the demand – because it contains the required election of designated States – must be filed within 19 months from the priority date if the applicant wishes to postpone entry into the national phase from 20 to 30 months from the priority date in respect of those designated Offices. For updated information about those Offices, see the *PCT Applicant's Guide*, National Chapters, Summaries, available on the WIPO website at the address indicated above. It is recalled that the time limit of 30 months from the priority date applies to all other designated Offices regardless of whether or not a demand is filed.

If the applicant wishes to file a demand, but not because of the reason explained above, the applicable time limit for filing such demand is three months from the date of transmittal of the international search report or of the declaration referred to in Article 17(2)(a), and the written opinion established by the International Searching Authority or 22 months from the priority date, whichever expires later (see Rule 54bis.1(a)).

Any demand made after the expiration of the applicable time limit will be considered as if it had not been submitted and the IPEA shall so declare.

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 55.3 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.

BOX No. I

Applicant's or Agent's File Reference: A file reference may be indicated, if desired. It should not exceed 25 characters. Characters in excess of 25 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 each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order, and separated by periods, slants or hyphens, for example, "26 October 2018 (26.10.2018)", "26 October 2018 (26/10/2018)" or "26 October 2018 (26-10-2018)". 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. It should be noted that those persons named as "inventor only" in the request need not be named in the demand.

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

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If the applicant wishes to file a demand, but not because of the reason explained above, the applicable time limit for filing such demand is three months from the date of transmittal of the international search report or of the declaration referred to in Article 17(2)(a), and the written opinion established by the International Searching Authority or 22 months from the priority date, whichever expires later (see Rule 54*bis*.1(a)).

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BOX No. I

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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. It should be noted that those persons named as "inventor only" in the request need not be named in the demand.

Insert in Box No. II of the demand the required indications as 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 three applicants, make the required indications on the “Continuation Sheet”.

If different applicants were indicated in the request for different designated States, there is no need to again indicate in the demand the States for which a person is applicant, because those indications have been made in the request.

Applicant’s registration number with the Office (Rule 53.4): Where the applicant is registered with the national or regional Office that is acting as International Preliminary Examining Authority, the demand may indicate the number or other indication under which the applicant is so registered.

An E-mail address should be indicated for the person named in Box No. II in order to allow rapid communication with the applicant (see Rule 4.4(c)). Any telephone or facsimile number should include the applicable country and area codes. A single e-mail address only should be indicated.

Unless one of the applicable check-boxes is marked, any e-mail address supplied will be used only for the types of communication which might be made by telephone. If one of the applicable check-boxes is marked, the International Bureau and the International Preliminary Examining Authority may, if they wish to do so, send notifications in respect of the international application to the applicant by e-mail, thus avoiding processing or postal delays. Note that not all Offices will send such notifications by e-mail, (for details about each Office’s procedure see the *PCT Applicant’s Guide*, Annex B). If the first check-box is marked, any such e-mail notification will always be followed by the official notification on paper. Only that paper copy of the notification is considered the legal copy of the notification and only the date of mailing of that paper copy will commence any time limit within the meaning of Rule 80. If the second check-box is marked, the applicant requests the discontinuation of the sending of paper copies of notifications and acknowledges that the date of mailing indicated on the electronic copy will commence any time limit within the meaning of Rule 80.

Note that it is the applicant’s responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked, for any reason, on the recipient’s side. Changes to the e-mail address indicated should be requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis*. Where the e-mail authorization is given both in respect of the applicant and in respect of an agent or common representative, the International Bureau and the International Preliminary Examining Authority will send e-mail communications only to the appointed agent or common representative.

BOX No. III

Agent or Common Representative (Rules 53.5, 90.1 and 90.2): Mark the applicable check-boxes to indicate *first* whether the person named in this Box is agent or common representative, *then* whether that person *has been appointed earlier* (i.e., during the procedure under Chapter I), or *is appointed in the demand* and any earlier appointment of another person is revoked, or *is appointed specifically for the procedure before the IPEA* (without revocation of any earlier appointment), in addition to the person(s) appointed earlier.

Where an additional person is appointed specifically for the procedure before the IPEA, all notifications issued by the IPEA will be addressed only to that additional person.

A separate power of attorney must be filed with the IPEA, the International Bureau or the receiving Office, if the person appointed at the time the demand is filed (i.e., was not appointed earlier) signs the demand on behalf of the applicant (Rule 90.4). However, the receiving Office, the International Bureau or the IPEA may waive the requirement that a separate power of attorney be filed. For details, see the *PCT Applicant’s Guide*, Annex B(1B), Annex C and Annex E.

Agent’s registration number with the Office (Rule 53.5): Where the agent is registered with the national or regional Office that is acting as International Preliminary Examining Authority, the demand may indicate the number or other indication under which the agent is so registered.

E-mail address (see Notes to Box. No. II).

Address for Correspondence (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. III will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address may be indicated in Box No. III instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. III must be marked (that is, the last check-box must not be marked if either of the check-boxes “agent” or “common representative” in Box No. III has been marked).

BOX No. IV

Statement Concerning Amendments (Rules 53.2(a)(iv), 53.9, 62, 66.1 and 69.1): The international preliminary examination will start on the basis of the international application as filed or, if amendments have been filed, as amended. Mark the appropriate check-box(es) to enable the IPEA to determine when and on what basis it can start international preliminary examination.

Mark the corresponding check-box(es) under No. 1 where the international preliminary examination should start on the basis of the international application as originally filed or where amendments are to be taken into account, as the case may be. Where amendments under Article 19 are to be taken into account, the applicant should preferably submit a copy of the amendments made under Article 19, the letter accompanying the amendments (Rules 62.1(ii) and 46.5(b)) and any statement (Rule 62.1(ii)). Where amendments under Article 34 are to be taken into account, the applicant must submit *with the Demand* the amendments of the international application under Article 34, together with a letter which must draw attention to the differences caused by the amendments and indicate the basis for the amendments in the application as filed and shall also explain the reasons for the amendments (Rule 66.8). If a

Insert in Box No. II of the demand the required indications as 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 three applicants, make the required indications on the “Continuation Sheet”.

If different applicants were indicated in the request for different designated States, there is no need to again indicate in the demand the States for which a person is applicant, because those indications have been made in the request.

Applicant’s registration number with the Office (Rule 53.4): Where the applicant is registered with the national or regional Office that is acting as International Preliminary Examining Authority, the demand may indicate the number or other indication under which the applicant is so registered.

An E-mail address should be indicated for the person named in Box No. II in order to allow rapid communication with the applicant (see Rule 4.4(c)). Any telephone or facsimile number should include the applicable country and area codes. A single e-mail address only should be indicated.

Unless one of the applicable check-boxes is marked, any e-mail address supplied will be used only for the types of communication which might be made by telephone. If one of the applicable check-boxes is marked, the International Bureau and the International Preliminary Examining Authority may, if they wish to do so, send notifications in respect of the international application to the applicant by e-mail, thus avoiding processing or postal delays. Note that not all Offices will send such notifications by e-mail, (for details about each Office’s procedure see the *PCT Applicant’s Guide*, Annex B). If the first check-box is marked, any such e-mail notification will always be followed by the official notification on paper. Only that paper copy of the notification is considered the legal copy of the notification and only the date of mailing of that paper copy will commence any time limit within the meaning of Rule 80. If the second check-box is marked, the applicant requests the discontinuation of the sending of paper copies of notifications and acknowledges that the date of mailing indicated on the electronic copy will commence any time limit within the meaning of Rule 80.

Note that it is the applicant’s responsibility to keep any e-mail address details up-to-date and to ensure that incoming e-mails are not blocked, for any reason, on the recipient’s side. Changes to the e-mail address indicated should be requested to be recorded, preferably directly at the International Bureau, under Rule 92*bis*. Where the e-mail authorization is given both in respect of the applicant and in respect of an agent or common representative, the International Bureau and the International Preliminary Examining Authority will send e-mail communications only to the appointed agent or common representative.

BOX No. III

Agent or Common Representative (Rules 53.5, 90.1 and 90.2): Mark the applicable check-boxes to indicate *first* whether the person named in this Box is agent or common representative, *then* whether that person *has been appointed earlier* (i.e., during the procedure under Chapter I), or *is appointed in the demand* and any earlier appointment of another person is revoked, or *is appointed specifically for the procedure before the IPEA* (without revocation of any earlier appointment), in addition to the person(s) appointed earlier.

Where an additional person is appointed specifically for the procedure before the IPEA, all notifications issued by the IPEA will be addressed only to that additional person.

A separate power of attorney must be filed with the IPEA, the International Bureau or the receiving Office, if the person appointed at the time the demand is filed (i.e., was not appointed earlier) signs the demand on behalf of the applicant (Rule 90.4). However, the receiving Office, the International Bureau or the IPEA may waive the requirement that a separate power of attorney be filed. For details, see the *PCT Applicant’s Guide*, Annex B(1B), Annex C and Annex E.

Agent’s registration number with the Office (Rule 53.5): Where the agent is registered with the national or regional Office that is acting as International Preliminary Examining Authority, the demand may indicate the number or other indication under which the agent is so registered.

E-mail address (see Notes to Box. No. II).

Address for Correspondence (Rule 4.4(d) and Section 108): Where an agent is appointed, any correspondence intended for the applicant will be sent to the address indicated for that agent (or for the first-mentioned agent, if more than one is appointed). Where one of two or more applicants is appointed as common representative, the address indicated for that applicant in Box No. III will be used.

Where no agent or common representative is appointed, any correspondence will be sent to the address, indicated in Box No. II, of the applicant (if only one person is named as applicant) or of the applicant who is considered to be common representative (if there are two or more persons named as applicants). However, if the applicant wishes correspondence to be sent to a different address in such a case, that address may be indicated in Box No. III instead of the designation of an agent or common representative. In this case, and only in this case, the last check-box of Box No. III must be marked (that is, the last check-box must not be marked if either of the check-boxes “agent” or “common representative” in Box No. III has been marked).

BOX No. IV

Statement Concerning Amendments (Rules 53.2(a)(iv), 53.9, 62, 66.1 and 69.1): The international preliminary examination will start on the basis of the international application as filed or, if amendments have been filed, as amended. Mark the appropriate check-box(es) to enable the IPEA to determine when and on what basis it can start international preliminary examination.

Mark the corresponding check-box(es) under No. 1 where the international preliminary examination should start on the basis of the international application as originally filed or where amendments are to be taken into account, as the case may be. Where amendments under Article 19 are to be taken into account, the applicant should preferably submit a copy of the amendments made under Article 19, the letter accompanying the amendments (Rules 62.1(ii) and 46.5(b)) and any statement (Rule 62.1(ii)). Where amendments under Article 34 are to be taken into account, the applicant must submit *with the Demand* the amendments of the international application under Article 34, together with a letter which must draw attention to the differences caused by the amendments and indicate the basis for the amendments in the application as filed and shall also explain the reasons for the amendments (Rule 66.8). If a

check-box is marked but the demand is not accompanied by the documents referred to, the start of international preliminary examination will be delayed until the IPEA receives them.

Mark check-box No. 2 if amendments of the claims under Article 19 have been filed with the International Bureau during the Chapter I procedure, but the applicant wishes those amendments to be considered reversed by an amendment under Article 34 (Rule 53.9(a)(ii)).

Mark check-box No. 3 ~~where~~ the applicant wants to keep the option for the filing of amendments of the claims under Article 19 open ~~and~~ where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b). The applicant may request the IPEA to **postpone** the start of international preliminary examination until the expiration of the applicable time limit (Rules ~~46.1~~, 53.9(b) ~~and 69.1(d)~~).

Mark check-box No. 4 if the applicant wishes ~~that~~ the international preliminary examination ~~start earlier than at~~ the expiration of the applicable time limit under Rule 54bis.1(a).

~~Where the ISA and IPEA are not the same Authority, examination will not commence until the IPEA is in possession of the international search report; or a notice of the declaration under Article 17(2)(a) and the written opinion established by the ISA.~~

The applicable time limit under Rule 54bis.1(a) is three months from the date of transmittal of the international search report or of the declaration referred to in Article 17(2)(a), and the written opinion established by the International Searching Authority, or 22 months from the priority date, whichever expires later.

If no check-box is marked, refer to the footnote at the bottom of the Box.

Language for the Purposes of International Preliminary Examination (Rule 55.2): Where neither the language in which the international application is filed nor the language in which the international application is published is accepted by the IPEA that is to carry out the international preliminary examination, the applicant must furnish with the demand a translation of the international application into a language which is both a language accepted by that Authority and a language of publication.

Where such translation has already been furnished to the International Searching Authority for the purposes of carrying out international search and the IPEA is part of the same Office or intergovernmental organization as the International Searching Authority, the applicant need not furnish another translation. In such a case the international preliminary examination is carried out on the basis of the translation furnished for the purposes of international search.

The language for the purposes of international preliminary examination should be indicated in Box No. IV and the corresponding check-box should be marked.

Language of Amendments (Rule 55.3): Amendments, letters and statements relating thereto must be in the same language as that in which the international preliminary examination is carried out, as explained in the preceding paragraphs.

Time Limit for Furnishing Translation of the International Application (Rule 55.2): Any required translation of the international application should be furnished (by the applicant) together with the demand. If it is not so furnished, the IPEA will invite the applicant to furnish it within a time limit which shall not be less than one month from the date of the invitation. That time limit may be extended by the IPEA.

BOX No. V

Election of States (Rule 53.7): The making of a demand shall constitute the election of all States which have been designated and which are bound by Chapter II of the PCT.

BOX No. VI

Check List: It is recommended that this Box be filled in carefully in order for the IPEA to determine as soon as possible whether it is in possession of the documents on the basis of which the applicant wishes international preliminary examination to start.

Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences, and a copy of the sequence listing in the form of an Annex C/ST.25 text file is required by the IPEA, the applicant may furnish the listing in that form to the IPEA with the demand. If this is the case, check-box No. 5 must be marked.

BOX No. VII

Signature (Rules 53.8, 60.1(a-ter) and 90): The demand must be signed by the applicant or by his agent; if there are several applicants, the demand must be signed by all of them, or by the common agent or the common representative of all of them. However, if the signature(s) of one or more applicants is missing, the IPEA will not invite the applicants to furnish the missing signature(s) provided that at least one of the applicants has signed the demand.

Where the signature on the demand is not that of the applicant, but that of the agent or the common representative, a separate power of attorney appointing the agent or the common representative, respectively, or a copy of a general power of attorney the original of which has already been deposited with the receiving Office or the competent Authority, must be furnished. The power of attorney must be signed by the applicant or, if there is more than one applicant, by at least one of them. If the power is not filed with the demand, the IPEA will invite the applicant to furnish it, unless it has waived the requirement for a separate power of attorney (for details about each IPEA, see the *PCT Applicant's Guide*, Annex E).

Important: Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicant's by all of them (Rule 90bis.5), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand, a separate power of attorney (Rule 90.4(a)) or a general power of attorney (Rule 90.5(a)).

check-box is marked but the demand is not accompanied by the documents referred to, the start of international preliminary examination will be delayed until the IPEA receives them.

Mark check-box No. 2 if amendments of the claims under Article 19 have been filed with the International Bureau during the Chapter I procedure, but the applicant wishes those amendments to be considered reversed by an amendment under Article 34 (Rule 53.9(a)(ii)).

Mark check-box No. 3 if the applicant wants to keep the option for the filing of amendments of the claims under Article 19 open where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b). The applicant may request the IPEA **to postpone** the start of international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d) (Rule 53.9(b)).

Mark check-box No. 4 if the applicant wishes **to postpone the start of** the international preliminary examination until the expiration of the applicable time limit under Rule 54bis.1(a). Otherwise, and unless Rule 69.1(b) applies (see above), the IPEA will start the international preliminary examination once it is in possession of the required fees, the international search report (or the declaration under Article 17(2)(a)) and the written opinion established by the ISA (Rule 69.1(a)).

The applicable time limit under Rule 54bis.1(a) is three months from the date of transmittal of the international search report or of the declaration referred to in Article 17(2)(a), and the written opinion established by the International Searching Authority, or 22 months from the priority date, whichever expires later.

If no check-box is marked, refer to the footnote at the bottom of the Box.

Language for the Purposes of International Preliminary Examination (Rule 55.2): Where neither the language in which the international application is filed nor the language in which the international application is published is accepted by the IPEA that is to carry out the international preliminary examination, the applicant must furnish with the demand a translation of the international application into a language which is both a language accepted by that Authority and a language of publication.

Where such translation has already been furnished to the International Searching Authority for the purposes of carrying out international search and the IPEA is part of the same Office or intergovernmental organization as the International Searching Authority, the applicant need not furnish another translation. In such a case the international preliminary examination is carried out on the basis of the translation furnished for the purposes of international search.

The language for the purposes of international preliminary examination should be indicated in Box No. IV and the corresponding check-box should be marked.

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Where the signature on the demand is not that of the applicant, but that of the agent or the common representative, a separate power of attorney appointing the agent or the common representative, respectively, or a copy of a general power of attorney the original of which has already been deposited with the receiving Office or the competent Authority, must be furnished. The power of attorney must be signed by the applicant or, if there is more than one applicant, by at least one of them. If the power is not filed with the demand, the IPEA will invite the applicant to furnish it, unless it has waived the requirement for a separate power of attorney (for details about each IPEA, see the *PCT Applicant's Guide*, Annex E).

Important: Should a notice of withdrawal be filed at any time during the international phase, that notice will have to be signed by the applicant or, if there are two or more applicant's by all of them (Rule 90bis.5), or by an agent or a common representative whose appointment has been effected by each applicant signing, at his choice, the request, the demand, a separate power of attorney (Rule 90.4(a)) or a general power of attorney (Rule 90.5(a)).

PATENT COOPERATION TREATY

PCT

SUPPLEMENTARY INTERNATIONAL SEARCH REPORT

(PCT Rule 45bis)

Applicant's or agent's file reference	International application No.
International filing date (day/month/year)	(Earliest) Priority Date (day/month/year)
Applicant	

This supplementary international search report has been prepared by this Authority specified for supplementary search and it is transmitted to the applicant in accordance with Rule 45bis.8(a). A copy is being transmitted to the International Bureau.

This report is a revised version of a previously issued supplementary international search report

This supplementary international search report consists of a total of _____ sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the supplementary international search was carried out on the basis of:

the international application in the language in which it was filed.

a translation of the international application into _____ which is the language of a translation furnished for the purposes of:

the international search (Rules 12.3(a) and 23.1(b)).

the international publication (Rule 12.4)

the supplementary international search (Rule 45bis.1(c)(i))

b. This supplementary international search report has been established taking into account the **rectification of an obvious mistake** notified to this Authority under Rule 91 (Rules 43.6bis(a) and 45bis.7(c)).

c. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

d. This supplementary international search report has been established taking due account of the international search report, or the declaration under Article 17(2)(a) that no international search report will be established, and the written opinion established under Rule 43bis.1.

2. **Certain claims were found unsearchable** (see Box No. II).

3. **Unity of invention is lacking** (see Box No. III).

PATENT COOPERATION TREATY

PCT

SUPPLEMENTARY INTERNATIONAL SEARCH REPORT

(PCT Rule 45bis)

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

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the international application in the language in which it was filed.

a translation of the international application into _____ which is the language of a translation furnished for the purposes of:

the international search (Rules 12.3(a) and 23.1(b)).

the international publication (Rule 12.4)

the supplementary international search (Rule 45bis.1(c)(i))

b. This supplementary international search report has been established taking into account the **rectification of an obvious mistake** notified to this Authority under Rule 91 (Rules 43.6bis(a) and 45bis.7(c)).

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d. This supplementary international search report has been established taking due account of the international search report, or the declaration under Article 17(2)(a) that no international search report will be established, and the written opinion established under Rule 43bis.1.

2. **Certain claims were found unsearchable** (see Box No. II).

3. **Unity of invention is lacking** (see Box No. III).

SUPPLEMENTARY INTERNATIONAL SEARCH REPORT

International application No.

A. FIELDS SEARCHED
Minimum documentation searched (classification system followed by classification symbols)
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Electronic database consulted during the supplementary international search (name of database and, where practicable, search terms used)

B. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.

Further documents are listed on the continuation of second sheet B. See Patent Family Annex.

See Scope Annex for details of the scope of the supplementary international search.

<p>* Special categories of cited documents:</p> <p>“A” document defining the general state of the art which is not considered to be of particular relevance</p> <p>“E” earlier application or patent but published on or after the international filing date</p> <p>“L” document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>“O” document referring to an oral disclosure, use, exhibition or other means</p> <p>“P” document published prior to the international filing date but later than the priority date claimed</p>	<p>“T” later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>“X” document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>“Y” document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>“&” document member of the same patent family</p>
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Date of the actual completion of the supplementary international search	Date of mailing of the supplementary international search report
Name and mailing address of the Authority/	Authorized officer
Facsimile No.	Telephone No.

SUPPLEMENTARY INTERNATIONAL SEARCH REPORT

International application No.

A. FIELDS SEARCHED		
Minimum documentation searched (classification system followed by classification symbols)		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic database consulted during the supplementary international search (name of database and, where practicable, search terms used)		
B. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
<input type="checkbox"/> Further documents are listed on the continuation of second sheet B. <input type="checkbox"/> See Patent Family Annex.		
<input type="checkbox"/> See Scope Annex for details of the scope of the supplementary international search.		
<p>* Special categories of cited documents:</p> <p>“A” document defining the general state of the art which is not considered to be of particular relevance</p> <p>“D” <u>document cited by the applicant in the international application</u></p> <p>“E” earlier application or patent but published on or after the international filing date</p> <p>“L” document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>“O” document referring to an oral disclosure, use, exhibition or other means</p> <p>“P” document published prior to the international filing date but later than the priority date claimed</p> <p>“T” later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>“X” document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>“Y” document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</p> <p>“&” document member of the same patent family</p>		
Date of the actual completion of the supplementary international search	Date of mailing of the supplementary international search report	
Name and mailing address of the Authority/	Authorized officer	
Facsimile No.	Telephone No.	

PROPOSED MODIFICATIONS
OF THE INTERNATIONAL SEARCH AND PRELIMINARY EXAMINATION GUIDELINES

Chapter 2
Overview of the International Search Stage

2.01 to 2.02 [No change]

Rule 43bis

2.03 At the same time as establishing the international search report, the search examiner establishes a written opinion. The written opinion has the primary objective of formulating a preliminary and non-binding opinion on the questions of whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious) and to be industrially applicable. A secondary objective is to identify whether there appear to be any defects in the form or contents of the international application, ~~for example with regard to the clarity of the claims, the description, and the drawings, or whether the claims are fully supported by the description.~~ or any significant and pertinent issues as to the clarity of the claims, the description, and the drawings, or the question whether the claims are fully supported by the description.

2.04 to 2.22 [No change]

Chapter 3
Overview of the International Preliminary Examination Stage

3.01 to 3.12 [No change]

Commencement of International Preliminary Examination

Rule 69.1

3.13 The International Preliminary Examining Authority normally starts the international preliminary examination (see Chapter 19) when:

~~(a)~~ it is in possession of:

- (i) the demand;
- (ii) the amount due (in full) for the handling fee and the preliminary examination fee, including, where applicable, the late payment fee under Rule 58bis.2;
- (iii) if the applicant is required to furnish a translation under Rule 55.2, that translation; and

(iv) either the international search report or the declaration by the International Searching Authority under Article 17(2)(a) that no international search report will be established, and the written opinion established under Rule 43bis.1;

and

~~(b) the time limit within which the applicant was permitted to file the demand (see paragraph 3.07) has expired, or earlier if the applicant has expressly requested an earlier start.~~

3.14 The exceptions to the above are as follows:

Rule 69.1(c)

(a) Where the statement concerning amendments contains an indication that amendments under Article 19 are to be taken into account (Rule 53.9(a)(i)), the International Preliminary Examining Authority does not start the international preliminary examination before it has received a copy of the amendments concerned.

Rule 69.1(e)

(b) Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (Rule 53.9(c)) but no such amendments are, in fact, submitted, the International Preliminary Examining Authority does not start the international preliminary examination before it has received the amendments or before the time limit fixed in the invitation referred to in Rule 60.1(g) (see paragraph 18.04) has expired, whichever occurs first.

Rule 69.1(b), (d)

(c) If the national Office or intergovernmental organization that acts as International Searching Authority also acts as International Preliminary Examining Authority in respect of an application, the international preliminary examination may, if that national Office or intergovernmental organization so wishes, start at the same time as the international search (subject to the possible need to invite the applicant to provide copies of amendments under Article 34, as noted in paragraph (b), above), provided that applicant has not indicated (under Rule 53.9(b)) in the statement of amendments that the examination is to be postponed until after the expiry of the time limit for filing amendments under Article 19 (such amendments only being permitted after the international search report has been received).

(d) Where the statement concerning amendments contains such an indication that the start of the international preliminary examination is to be postponed, the International Preliminary Examining Authority does not start the international preliminary examination until whichever of the following occurs first:

- (i) it receives a copy of any amendments made under Article 19;
- (ii) it receives a notice from the applicant that he does not wish to make amendments under Article 19; or
- (iii) the time limit under Rule 46.1 for filing Article 19 amendments expires.

Rule 69.1(a)

(e) Where the statement concerning amendments contains an indication that the start of the international preliminary examination is to be postponed until the expiration of the applicable time limit under Rule 54bis.1(a) (namely, until the expiration of the time limit for making a demand), unless Rule 69.1(b) applies, the International Preliminary Examining Authority does not start the international preliminary examination until the expiration of the said time limit.

3.15 to 3.30 [No change]

Chapter 16 International Search Report

16.01 to 16.64 [No change]

Citation Category

Sections 505, 507

16.65 Documents which are cited are given a category indication by way of an alphabetic character, details of which are given in Administrative Instructions 505 and 507 and below. The categories for citations are also explained under the "Documents considered to be relevant" section of the report. A category should always be indicated for each document cited. Where needed, combinations of different categories are possible.

– *Particularly relevant documents*

Section 505

16.66 Where a document cited in the international search report is particularly relevant, it is indicated by the letters "X" or "Y".

16.67 Category "X" is applicable where a document is such that when taken alone, a claimed invention cannot be considered novel or where a document is such that when considered in light of common general knowledge, a claimed invention cannot be considered to involve an inventive step.

16.68 Category "Y" is applicable where a document is such that a claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other documents of the same category, such combination being obvious to a person skilled in the art.

– *Documents defining the state of the art not prejudicing novelty or inventive step*

Section 507(c)

16.69 Where a document cited in the International search report represents state of the art not prejudicial to the novelty or inventive step of the claimed invention, it is indicated by the letter "A".

– *Documents which refer to a non-written disclosure*

Section 507(a)

16.70 Where a document cited in the International search report refers to a non-written disclosure, the letter "O" is entered. Examples of such disclosures include conference proceedings. The document category "O" is always accompanied by a symbol indicating the relevance of the document according to paragraphs 16.67 to 16.69, for example O,X, O,Y or O,A.

– *Intermediate documents*

Section 507(d)

16.71 Documents published on dates falling between the date of filing of the application being examined and the date of priority claimed, or the earliest priority if there is more than one (see Article 2(xi)(b)), are denoted by the letter "P". The letter "P" is also given to a document published on the very day of the earliest date of priority of the patent application under consideration. The document category "P" is always accompanied by a symbol indicating the relevance of the document, for example P,X, P,Y or P,A.

– *Documents relating to the theory or principle underlying the invention*

Section 507(e)

16.72 Where any document cited in the search report is a document whose publication date occurred after the filing date or the priority date of the international application and is not in conflict with the said application, but which may be useful for a better understanding of the principle or theory underlying the invention, or is cited to show that the reasoning or the facts underlying the invention are incorrect, it is indicated by the letter “T”.

– *Potentially conflicting patent documents*

Section 507(b)

16.73 Any patent document bearing a filing or priority date earlier than the filing date of the application searched but published on or after the international filing date and the content of which would constitute prior art relevant to novelty (Article 33(2)) is indicated by the letter “E” (see Section 507(b) and Rule 33.1(c)). An exception is made for patent documents based on the priority under consideration. For the benefit of Contracting States whose national laws allow the combination of documents that are indicated by the letter “E” to be cited for inventive step purposes, category “E” may be accompanied by one of the categories “X”, “Y”, or “A”.

– *Documents cited in the application*

16.74 When the search report cites documents already mentioned in the description of the patent application for which the search is carried out, such documents ~~may be identified on the search report by the wording “cited in the application”, which appears under the cited document.~~ are denoted by the letter “D”. The document category “D” is always accompanied by a symbol indicating the relevance of the document, for example D,X, D,Y or D,A.

– *Documents cited for other reasons*

Section 507(f)

16.75 Where in the search report any document is cited for reasons other than those referred to in the foregoing paragraphs (in particular as evidence), for example:

(a) a document which may throw doubt on a priority claim (Article 4(C)(4) of the Paris Convention), or

(b) a document cited to establish the publication date of another citation

the document is indicated by the letter “L”. Brief reasons for citing the document should be given. Documents of this type need not be indicated as relevant to any particular claims. However, where the evidence which they provide relates only to certain claims (for example the “L” document cited in the search report may invalidate the priority in respect of certain claims and not others), then the citation of the document should refer to those claims.

– *Non-prejudicial disclosures*

16.76 In certain cases the invention may have been disclosed, before the relevant date for the purposes of the PCT, in such a way that it is not considered to form part of the state of the art in accordance with the national law of one or more designated Offices. The applicant may make a declaration of the existence of such excluded state of the art in the request Form according to Rule 4.17(v). However these exemptions do not necessarily apply in all designated Contracting States and additionally, according to Rule 51bis.1(a)(v), the applicant may still have to file the correct documents in the national/regional phase at the designated Office in question in order to qualify for the exemption. Consequently such documents must be cited on the international search report with the appropriate category indicated above and may also be considered in the written opinion of the International Searching Authority and during international preliminary examination.

16.77 to 16.87 [No change]

Chapter 17

Content of Written Opinions and the International Preliminary Examination Report

17.01 to 17.16 [No change]

– *Examination on Basis of Amended International Application*

17.17 Where a written opinion of the International Preliminary Examining Authority or international preliminary examination report is based on the international application as originally filed or furnished, this is noted by checking the first box under item 2 of Box No. I of the relevant Form. Where amendments have been filed, the report indicates the version of each page on which the opinion or report is based.

17.18 Where amendments under Article 19 have been made by the applicant, they should be referred to in Box No. I, item 2 as “claims: ~~pages~~ Nos.... as amended under [Article 19](#)”. Note that under Article 19 only claims may be amended. These sheets are usually identified by “AMENDED SHEET (ARTICLE 19)”.

17.19 Where amendments under Article 34 have been made by the applicant, these should also be referred to in Box No. I, item 2 as “[claims: pages](#) Nos....received by this Authority on.....”.

17.20 to 17.73 [No change]

Chapter 18

Preliminary Procedure on Receipt of the Demand

18.01 to 18.02 [No change]

Statement Concerning Amendments

Rules 53.9, 60.1(f)

18.03 The first part of Box No. IV of the demand Form provides check boxes for the applicant to indicate the basis on which international preliminary examination should start. Where none of the boxes are marked or where the applicant has indicated that the international preliminary examination is to start on the basis of the international application as originally filed, the file is forwarded to the examiner as soon as all formal (including any required translation of the international application and/or of amendments, see paragraphs 22.12 to 22.14) and fee matters are resolved.

Article 34; Rules 60.1(g), 69.1(e); Section 602(a)(i) to (iii), (b)

18.04 Where the international preliminary examination is to take into account amendments under Article 34, but the applicant failed to submit them with the demand, the International Preliminary Examining Authority invites the applicant (Form PCT/IPEA/431) within a reasonable time limit fixed in the invitation to submit the amendments. Whether the amendments are submitted with the demand or subsequently, they are marked in accordance with Section 602(a)(i) to (iii) and (b) of the Administrative Instructions before the file is forwarded to the examiner.

Article 19; Rule 62.1; Section 602

18.05 Where the applicant has marked the appropriate check box in Box No. IV of the demand that amendments under Article 19 and any accompanying statement are to be taken into account, the International Preliminary Examining Authority indicates on the last sheet of the demand whether a copy of such amendments and any accompanying statement was actually submitted with the demand. Where no copy of the amendments under Article 19 was submitted with the demand, examination does not start until a copy of such amendment and any accompanying statement are received from the International Bureau. After the International Bureau receives the demand, it promptly transmits to the International Preliminary Examining Authority the copy of the amendments under Article 19 and any accompanying statement submitted as well as the letter required under Rule 46.5(b). The International Preliminary Examining Authority marks the copy of the amendments submitted with the demand or received later, in accordance with Section 602(a)(i) to (iii) and (b) of the Administrative Instructions before the file is forwarded to the examiner. If no amendments under Article 19 have been made at the time when the demand is received by the International Bureau, the International Preliminary Examining Authority is so informed by the International Bureau. However, any International Preliminary Examining Authority can waive the sending by mail of the information that no Article 19 amendments were received by the International Bureau (Form PCT/IB/337), but instead may opt to receive such information in electronic form.

Article 19; Rules 46.1, 53.9(b), 69.1(d)

18.06 If the same national Office or intergovernmental organization which acts as International Searching Authority is also to act as International Preliminary Examining Authority and wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), but the demand includes a statement that the start of the international preliminary examination is to be postponed under Rule 53.9(b), the International Preliminary Examining Authority waits until it receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make amendments under Article 19 before beginning the international preliminary examination. Where neither a copy of the amendments nor a notice has reached the International Preliminary Examining Authority by the expiration of 16 months from the priority date or two months from the date of transmittal of the international search report, whichever expires later (the time limit in accordance with Rule 46.1 for filing amendments under Article 19), examination starts on the basis of the documents in the file.

[18.06A Where the applicant has marked the check box in Box No. IV, item 4 of the demand requesting that the start of the international preliminary examination be postponed until the expiration of the time limit for making a demand, unless Rule 69.1\(b\) applies, the International Preliminary Examining Authority waits until the expiration of the time limit before beginning the international preliminary examination.](#)

18.07 to 18.18 [No change]

Chapter 19 Examination Procedure Before The International Preliminary Examining Authority

19.01 to 19.06 [No change]

Start of Examination

Rule 69.1

19.07 The International Preliminary Examining Authority normally starts the international preliminary examination ~~when:~~

~~(a)~~ it is in possession of:

- (i) the demand;
- (ii) the amount due (in full) for the handling fee and the preliminary examination fee, including, where applicable, the late payment fee under Rule 58*bis*.2;
- (iii) if the applicant is required to furnish a translation under Rule 55.2, that translation; and
- (iv) either the international search report or the declaration by the International Searching Authority under Article 17(2)(a) that no international search report will be established, and the written opinion established under Rule 43*bis*.1.

~~and~~

~~(b) the time limit within which the applicant was permitted to file the demand (see paragraph 3.07) has expired, or earlier if the applicant has expressly requested an earlier start.~~

19.08 The exceptions to the above are as follows:

Rule 69.1(c)

(a) Where the statement concerning amendments contains an indication that amendments under Article 19 are to be taken into account (Rule 53.9(a)(i)), the International Preliminary Examining Authority does not start the international preliminary examination until it receives a copy of the amendments concerned.

Rule 69.1(e)

(b) Where the statement concerning amendments contains an indication that amendments under Article 34 are submitted with the demand (Rule 53.9(c)) but no such amendments are, in fact, submitted, the International Preliminary Examining Authority does not start the international preliminary examination until it receives the amendments or the time limit fixed in the invitation referred to in Rule 60.1(g) expires (see paragraph 18.04), whichever occurs first.

Rule 69.1(b) and (d)

(c) If the national Office or intergovernmental organization that acts as International Searching Authority also acts as International Preliminary Examining Authority, the international preliminary examination may, if that Office or organization so wishes, start at the same time as the international search (subject to the possible need to invite the applicant to provide copies of amendments under Article 34, as noted in paragraph (b), above), provided that the applicant has not indicated (under Rule 53.9(b)) in the statement of amendments that examination is to be postponed until after the expiry of the time limit for filing amendments under Article 19 (such amendments only being permitted after the international search report has been received). Where the statement concerning

amendments contains such an indication, the International Preliminary Examining Authority does not start the international preliminary examination until it receives a copy of any amendments made under Article 19, or a subsequent notice from the applicant that he does not wish to make amendments under Article 19, or the time limit under Rule 46.1 for filing Article 19 amendments expires, whichever occurs first.

Rule 69.1(a)

(d) Where the statement concerning amendments contains an indication that the start of the international preliminary examination is to be postponed until the expiration of the time limit for making a demand, unless Rule 69.1(b) applies (see subparagraph (c)), the International Preliminary Examining Authority does not start the international preliminary examination until the expiration of the said time limit. The applicant's purpose of making such an indication may be to ask the International Preliminary Examining Authority to wait for the filing of amendments. Nevertheless, if such an indication has been made, the International Preliminary Examining Authority should not start the international preliminary examination before the expiration of the said time limit regardless of whether it receives any amendments under Article 19 and/or under Article 34 before the expiration of the said time limit.

19.09 to 19.52 [No change]

Chapter 21 Common Quality Framework for International Search and Preliminary Examination

Introduction

21.01 to 21.02 [No change]

Rule 36.1(iv) and 63.1(v)

21.03 Each Authority shall establish and maintain a quality management system (QMS) which complies with the following requirements with regard to:

1. Leadership and policy
2. Risk-based practices
- ~~3.~~ Resources
- ~~4.~~ Management of administrative workload
- ~~5.~~ Quality assurance
- ~~6.~~ Communication
- ~~7.~~ Documentation
- ~~8.~~ Search process documentation

Additional Provisions:

- ~~8.~~ Internal review
- ~~9.~~ Reporting arrangements

1. Leadership and Policy

21.04 to 21.09 [No change]

21.10 Top Management should promote practices to ensure that risks and opportunities that can affect its QMS and the conformity of international search and examination are addressed.

2. Risk-based Practices

21.11 Each Authority should establish its own risk-based practices to enable the Authority to determine the factors that could cause its operational processes and its quality management system to deviate from requirements or planned results, to put in place preventive controls to minimize negative effects, and to make use of opportunities as they arise.

21.12 It is open to each Authority to set up its own arrangements to determine the effect of uncertainty on objectives, but the following is proposed as a guide to the basic components of risk based practices as an element of the QMS. There is no requirement for formal methods of risk management or a documented risk management process.

21.13 The arrangements for establishing risk based practices should include:

- (i) understanding the Authority's context (external and internal issues that affect its ability to achieve the intended results of the QMS) and understanding the needs and expectations of interested parties.
- (ii) identification of risks and opportunities related to the performance of the QMS, as a basis for planning;
- (iii) planning and implementation of actions to address risks and opportunities;
- (iv) checking the effectiveness of the actions taken; and
- (v) continuously updating risks and opportunities.

21.14 All processes of the QMS present differing levels of risk in terms of the Authority's ability to meet its objectives, and the effects of uncertainty are not the same for all authorities. Each Authority is responsible for the actions it decides to take to address risks and opportunities."

23. Resources

~~21.10~~21.15 Each Authority should be able to accommodate changes in workload and should have an appropriate infrastructure to support the search and examination process and comply with the QMS requirements and these Guidelines. To those ends, the Authority should have:

–Sufficient Human Resources:

- (i) a quantity of staff sufficient to deal with the inflow of work and which maintains the technical qualifications to search and examine in the required technical fields and the language facilities to understand at least those languages in which the minimum documentation referred to in Rule 34 is written or is translated;
- (ii) appropriately trained/skilled administrative staff at a level to support the technically qualified staff and facilitate the search and examination process, and for the documentation of records;

–Sufficient Material Resources:

- (iii) appropriate equipment and facilities, such as IT hardware and software, to support the search and examination process;

(iv) possession of, or access to, at least the minimum documentation referred to in Rule 34, properly arranged for search and examination purposes, on paper, in microform or stored on electronic media;

(v) comprehensive and up-to-date instructions to help staff understand and adhere to the quality criteria and standards and follow work procedures accurately and consistently;

–Sufficient Training Resources:

(vi) an effective training and development program for all staff involved in the search and examination process to ensure they acquire and maintain the necessary experience and skills and are fully aware of the importance of complying with the quality criteria and standards; and

–Sufficient Training Resources:

(vii) a system for continuously monitoring and identifying the resources required to deal with demand and comply with the quality standards for search and examination.

34. Management of Administrative Workload

~~21.14~~[21.16](#) Each Authority should have in place the following minimum practices and procedures for handling search and examination requests and performing related functions such as data-entry and classification:

(i) effective control mechanisms regarding timely issue of search and examination reports to a quality standard as set by the Authority; and

(ii) appropriate control mechanisms regarding fluctuations in demand and backlog management.

45. Quality Assurance

~~21.12~~[21.17](#) In accordance with these Guidelines, each Authority shall have procedures regarding timely issue of search and examination reports of a high quality. Such procedures shall include:

(i) an effective internal quality assurance system for self-assessment, involving verification and validation and monitoring of searches and examination work for compliance with these Search and Examination Guidelines and channeling feedback to staff;

(ii) an effective system of measurement and collection of data and reporting, and commitment to using it to ensure the continuous improvement of the established processes: and

(iii) a system for verifying the effectiveness of actions taken to address deficiencies and to prevent issues from recurring.

Such procedures may also include the use of checklists, either to verify the quality of search and examination reports in accordance with these Guidelines before those reports are issued and/or to monitor the quality as part of a post-issue review process.

56. Communication

Inter-Authority Communication

~~21.43~~[21.18](#) To help identify and disseminate best practice among Authorities and foster continual improvement, each Authority shall provide for effective communication with other Authorities to allow for prompt feedback from them so that potential systemic issues can be evaluated and addressed.

~~21.14~~[21.19](#) Each Authority should nominate and make known to other Authorities the name of a quality contact person.

Communication and guidance to users:

~~21.15~~21.20 Each Authority shall have in place a system for monitoring and using customer feedback including at least the following elements:

- (i) an appropriate system for handling complaints and making corrections, and taking corrective and/or preventative action where appropriate and offering feedback to users.
- (ii) a procedure for monitoring user satisfaction and perception and for ensuring their legitimate needs and expectations are met.
- (iii) clear, concise and comprehensive guidance and information to users (particularly unrepresented applicants) on the search and examination process which could be included on each Authority's web site as well as in guidance literature.

The Authority should make its goals in terms of quality publicly available for the users.

Communication with WIPO and designated and elected Offices

~~21.16~~21.21 To help improve performance and foster continual improvement, each Authority shall provide for effective communication with the International Bureau and designated and elected Offices to allow for prompt feedback from them so that potential systemic issues can be evaluated and addressed.

67. Documentation

~~21.17~~21.22 The QMS of each Authority needs to be clearly described and implemented so that all processes in the Authority and the resulting products and services can be monitored, controlled, and checked for conformity.

~~21.18~~21.23 Therefore the Authority shall provide a reference for its staff and management, which documents all the procedures and processes affecting the quality of work, such as classification, search, examination and related administrative work. In the reference it is to be indicated where instructions on the procedures to be followed may be found.

~~21.19~~21.24 The following list indicates the items which are considered to be the type of content which should be documented:

- (i) the quality policy of the Authority including a clear statement of commitment to the QMS from top management;
- (ii) the scope of the QMS, including details of and justification for any exclusions;
- (iii) the organizational structure of the Authority and the responsibilities of each of its departments;
- (iv) the documented processes carried out in the Authority such as receipt of incoming applications, classification, distribution, search, examination, publication and support processes, and procedures established for the QMS, or references to them;
- (v) the resources available for carrying out the processes and implementing the procedures; and
- (vi) a description of the interaction between the processes and the procedures of the QMS.

~~21.20~~21.25 The following list indicates the types of records that each Authority should maintain:

- (i) a definition of which documents are kept and where they are kept

- (ii) results of management review;
- (iii) training, skills and experience of personnel;
- (iv) evidence of conformity of processes, resulting products and services in terms of quality standards;
- (v) results of reviews of requirements relating to products;
- (vi) the search and examination processes carried out on each application;
- (vii) data allowing individual work to be tracked and traced;
- (viii) records of QMS audits;
- (ix) actions taken re. non-conforming product, e.g. examples of corrections;
- (x) actions taken re. corrective action;
- (xi) actions taken re. preventative action; and
- (xii) search process documentation as set out in Section 7.

78. Search pProcess eDdocumentation

21.2421.26 For internal purposes each Authority should document its search process which may include *inter alia*:

- (i) the databases consulted (patent and non-patent literature);
 - (ii) the keywords, combinations of words and truncations used;
 - (iii) the language(s) in which the search was carried out;
 - (iv) the classes and class combinations searched, at least according to the IPC or equivalent; and
 - (v) a listing of all search statements used in the databases consulted.
- (vi) each Authority should further document at least for internal purposes special cases such as:
- (vii) limitation of search and its justification;
 - (viii) lack of clarity of the claims; and
 - (ix) lack of unity.

89. Internal Review

21.2221.27 In addition to establishing a quality assurance system for checking and ensuring compliance with the requirements set out in its QMS, each Authority shall establish its own internal review arrangements to determine the extent to which it has established a QMS aligned with the above model and the extent to which it is complying with the QMS requirements and these Guidelines. The reviews shall be objective and as transparent as possible so as to demonstrate whether or not those requirements and guidelines are being applied consistently and effectively and shall be undertaken at least once a year.

21.2321.28 It is open to each Authority to set up its own arrangements but the following is proposed as a guide to the basic components of an internal review mechanism and reporting system.

21.2421.29 The input to each review should include information on:

- (i) conformity with the QMS requirements and these Guidelines;
- (ii) any corrective and preventative action taken to eliminate the cause of non-compliance;

- (iii) any follow-up action from previous reviews;
- (iv) the effectiveness of the QMS itself and its processes;
- (v) feedback from customers, including designated and elected Offices as well as applicants; and
- (vi) recommendations for improvement.

~~21.25~~[21.30](#) Each Authority shall establish a process for monitoring, recording and measuring compliance with the QMS requirements and these Guidelines.

910. ~~Arrangements for authorities to report to MIA~~ Reporting Arrangements

~~21.26~~[21.31](#) There are two stages in the reporting arrangements.

(a) *Initial reports:* Each Authority shall submit an initial report to the Meeting of International Authorities under the PCT (MIA) describing what it has done to implement a QMS based on the broad requirements set out in the present document. This would help identify and disseminate best practice among Authorities.

(b) *Annual reports:* Following the initial reporting in stage 1, annual reports shall be prepared by each Authority, identifying the lessons learned and actions taken and making recommendations in light of the review.

~~21.27~~[21.32](#) The reports submitted by Authorities shall be made available by the International Bureau on WIPO's website.

10. ~~Future d~~ Developments

~~21.28~~[21.33](#) Proposals for future changes to the framework set out in this chapter shall be made available by the International Bureau for comment by interested parties prior to adoption.

Chapter 22 Clerical and Administrative Procedures

22.01 [No change]

Articles 31(6)(a), 32; Rule 59.3

22.02 Where the demand is filed with an International Preliminary Examining Authority, it checks the demand to establish whether or not it is a competent Authority to receive the demand ~~according to the agreement established between the Authority and the International Bureau.~~ The International Preliminary Examining Authority or Authorities that are competent for the international preliminary examination of international applications filed with a receiving Office are specified by the receiving Office in accordance with the applicable agreements between the relevant Authorities and the International Bureau and are published in the Gazette. The detailed list can be found in Annex C of the PCT Applicant's Guide. If the determination is positive, the International Preliminary Examining Authority proceeds with the review of the demand as set forth in paragraphs 22.06 *et seq.* If the determination is negative, the non-competent International Preliminary Examining Authority indelibly marks the date of actual receipt of the demand in the space provided on the last sheet of the demand and transmits the demand, together with any accompanying documents or items, to the International Bureau for further handling and notifies the applicant of that fact. Form PCT/IPEA/436 is used for this purpose. Where the demand is filed with a receiving Office or an International Searching Authority, the Office or Authority follows the same procedure (but using Form PCT/RO/153 or PCT/ISA/234). Where the demand Form or a computer print-out

used by the applicant does not comply with Section 102(h) or (i) of the Administrative Instructions, the procedure for correcting defects under paragraphs 22.24 *et seq.* applies.

22.03 to 22.24 [No change]

22.25 For corrections of certain defects in the demand, *ex officio* or upon invitation, see paragraphs 22.26 (*ex officio* corrections), 22.35 (indications concerning the agent) and 22.37 (invitation to correct defects).

22.26 Many kinds of errors in the demand can be corrected by the International Preliminary Examining Authority *ex officio*, which means that the applicant need not and is not formally invited to make the correction himself. Where a correction is made *ex officio*, the International Preliminary Examining Authority makes the correction and enters in the margin the letters "IPEA." Where any matter is to be deleted, the International Preliminary Examining Authority encloses such matter within square brackets and draws a line between the square brackets, while still leaving the deleted matter legible. The International Preliminary Examining Authority informs the applicant of the correction made by sending him either a copy of the corrected sheet of the demand or by a separate notification (there is no special Form, but Form PCT/IPEA/424, which is for use where no other Form is applicable, could be used). Errors which may be corrected *ex officio* include, in particular, indications concerning the applicant and the agent designated in the demand. If the error is corrected by the International Preliminary Examining Authority after the original demand has been transmitted to the International Bureau, the International Preliminary Examining Authority notifies the International Bureau by sending it a copy of the corrected sheet of the demand.

22.26A Errors may also be made in marking the check boxes in Box No. IV of the demand concerning the postponement of the start of the international preliminary examination. If the check box in item 3 of Box No. IV is marked but Rule 69.1(b) is not applicable, or if the check box in item 4 of Box No. IV is marked but Rule 69.1(b) is applicable, the International Preliminary Examining Authority deletes the corresponding marking *ex officio*.

22.27 to 22.59 [No change]

[End of Annex III and of Circular]