
OFFICIAL NOTICES (PCT GAZETTE)

10 January 2019

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INTERNATIONAL SEARCHING AUTHORITIES INTERNATIONAL PRELIMINARY EXAMINING AUTHORITIES

CA Canada

Agreement between the Canadian Commissioner of Patents and the International Bureau of the World Intellectual Property Organization¹

Following the publication in the Official Notices (PCT Gazette) of 15 November 2018 (pages 331 and 332) of the text of an Amendment to the Agreement concluded between the **Canadian Commissioner of Patents** and the International Bureau extending the appointment of the Canadian Commissioner of Patents as International Searching and Preliminary Examining Authority under the PCT until 31 December 2019, or until the day before the entry into force of a new Agreement on the same subject matter (in accordance with PCT Articles 16(3)(b) and 32(3) and the domestic legal and constitutional procedures of Canada), the parties have concluded a new Agreement, which entered into force on 28 December 2018.

The new Agreement is effective until 31 December 2027, and is set out at the end of the present issue of the Official Notices (PCT Gazette).

RECEIVING OFFICES

BH Bahrain

The **National Patent Office (Bahrain)** has notified the International Bureau of a change in the requirements concerning who can act as agent — since 9 November 2018, any attorney or lawyer registered to practice before the Office can act as such.

[Updating of Annex C(BH) of the *PCT Applicant's Guide*]

¹ Available on the WIPO website at: www.wipo.int/pct/en/texts/agreements/ag_ca.pdf.

DESIGNATED (OR ELECTED) OFFICES

BH Bahrain

On 12 November 2018, the **National Patent Office (Bahrain)** notified the International Bureau that a copy of the international application is no longer required by the Office.

In addition, the Office notified the International Bureau of a change concerning one of its special requirements under PCT Rule 51*bis*.1 — the Office no longer requires applicants to furnish two copies of the translation of the international application.

The Office also notified the International Bureau of a change in the requirements concerning who can act as agent — since 9 November 2018, any attorney or lawyer registered to practice before the Office can act as such.

[Updating of the National Chapter, Summary (BH), of the *PCT Applicant's Guide*]

FEES PAYABLE UNDER THE PCT

CO Colombia

The **Superintendence of Industry and Commerce (Colombia)** has notified the International Bureau of new amounts of several components of the national fee², in **Colombian pesos (COP)**, payable to it as designated (or elected) Office. These amounts, applicable since 1 January 2019, are as follows:

For a patent:	Online	On paper
Filing fee:	COP 76,000	COP 95,000
Annual fee:		
– for the 1 st to the 4 th year, per year:	COP 266,500 (396,000) ³	COP 320,000 (475,000) ³
For a utility model:		
– Filing fee:	COP 66,500	COP 83,000

[Updating of the National Chapter, Summary (CO), of the *PCT Applicant's Guide*]

² Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1). The Office or the agent should be consulted for the latest applicable fee amount.

³ The amount in parentheses is applicable in case of late payment within a grace period of six months from the due date.

IL Israel

The **Israel Patent Office** has notified the International Bureau of new amounts, in **new Israel shekels (ILS)**, of the transmittal fee and the fee for priority document, applicable since 1 January 2019 and payable to it as receiving Office, as follows:

Transmittal fee (PCT Rule 14):	ILS 557
Fee for priority document:	ILS 88

[Updating of Annex C(IL) of the *PCT Applicant's Guide*]

**DEPOSITS OF MICROORGANISMS AND OTHER BIOLOGICAL MATERIAL:
REQUIREMENTS OF DESIGNATED AND ELECTED OFFICES**

IL Israel

The **Israel Patent Office** has notified the International Bureau of changes in its requirements concerning the deposit of microorganisms and other biological material, with effect since 1 January 2019. The requirements are now as follows:

Designated (or elected) Office	Time (if any) earlier than 16 months from priority date by which applicant must furnish:		Additional indications (if any) which must be given besides those prescribed in Rule 13bis.3(a)(i) to (iii) pursuant to notifications from the Offices concerned
	the indications prescribed in Rule 13bis.3(a)(i) to (iii)	any additional matter specified in the adjacent right-hand column	
Israel Israel Patent Office	The name of the depository institution, the date of the deposit and the accession number at the time of filing (must be in the description)	None	To the extent available to the applicant, relevant information on the characteristics of the microorganism

[Updating of Annex L of the *PCT Applicant's Guide*]

AGREEMENT

between the Government of Canada
and the International Bureau of the World Intellectual Property Organization

in relation to the functioning of the Canadian Commissioner of Patents
as an International Searching Authority
and International Preliminary Examining Authority
under the Patent Cooperation Treaty

Preamble

The Government of Canada and the International Bureau of the World Intellectual Property Organization, hereinafter referred to as the “Parties”,

Considering that the Patent Cooperation Treaty Assembly, having heard the advice of the PCT Committee for Technical Cooperation, has appointed the Canadian Commissioner of Patents as an International Searching and Preliminary Examining Authority under the Patent Cooperation Treaty, done at Washington, on June 19, 1970, and approved this Agreement in accordance with Articles 16(3) and 32(3),

Hereby agree as follows:

Article 1 Terms and Expressions

- (1) For the purposes of this Agreement:
 - (a) “Treaty” means the Patent Cooperation Treaty (PCT);
 - (b) “Regulations” means the Regulations under the Treaty;
 - (c) “Administrative Instructions” means the Administrative Instructions under the Treaty;
 - (d) “Article” (except where a specific reference is made to an Article of this Agreement) means an Article of the Treaty;
 - (e) “Rule” means a Rule of the Regulations;
 - (f) “Contracting State” means a State party to the Treaty;
 - (g) “the Authority” means the Canadian Commissioner of Patents;
 - (h) “the International Bureau” means the International Bureau of the World Intellectual Property Organization.

(2) All other terms and expressions used in this Agreement which are also used in the Treaty, the Regulations or the Administrative Instructions have, for the purposes of this Agreement, the same meaning as in the Treaty, the Regulations and the Administrative Instructions.

Article 2 Basic Obligations

(1) The Authority shall carry out international search and international preliminary examination in accordance with, and perform such other functions of an International Searching Authority and International Preliminary Examining Authority as are provided under, the Treaty, the Regulations, the Administrative Instructions and this Agreement.

(2) In carrying out international search and international preliminary examination, the Authority shall apply and observe all the common rules of international search and of international preliminary examination and, in particular, shall be guided by the PCT International Search and Preliminary Examination Guidelines.

(3) The Authority shall maintain a quality management system in compliance with the requirements set out in the PCT International Search and Preliminary Examination Guidelines.

(4) The Authority and the International Bureau shall, having regard to their respective functions under the Treaty, the Regulations, the Administrative Instructions and this Agreement, render, to the extent considered to be appropriate by both the Authority and the International Bureau, mutual assistance in the performance of their functions thereunder.

Article 3 Competence of Authority

(1) The Authority shall act as International Searching Authority for any international application filed with the receiving Office of, or acting for, any Contracting State specified in Annex A to this Agreement, provided that the receiving Office specifies the Authority for that purpose, that such application, or a translation thereof furnished for the purposes of international search, is in the language or one of the languages specified in Annex A to this Agreement and, where applicable, that the Authority has been chosen by the applicant and that any other requirements regarding such application as specified in Annex A to this Agreement have been met.

(2) The Authority shall act as International Preliminary Examining Authority for any international application filed with the receiving Office of, or acting for, any Contracting State specified in Annex A to this Agreement, provided that the receiving Office specifies the Authority for that purpose, that such application, or a translation thereof furnished for the purposes of international preliminary examination, is in the language or one of the languages specified in Annex A to this Agreement and, where applicable, that the Authority has been chosen by the applicant and that any other requirements regarding such application as specified in Annex A to this Agreement have been met.

(3) Where an international application is filed with the International Bureau as receiving Office under Rule 19.1(a)(iii), paragraphs (1) and (2) apply as if that application had been filed with a receiving Office which would have been competent under Rule 19.1(a)(i) or (ii), (b) or (c) or Rule 19.2(i).

(4) The Authority shall conduct supplementary international searches in accordance with Rule 45*bis* to the extent decided by it, as set out in Annex B to this Agreement.

Article 4 **Subject Matter Not Required to Be Searched or Examined**

The Authority shall not be obliged to search, by virtue of Article 17(2)(a)(i), or examine, by virtue of Article 34(4)(a)(i), any international application to the extent that it considers that such application relates to subject matter set forth in Rule 39.1 or 67.1, as the case may be, with the exception of the subject matter specified in Annex C to this Agreement.

Article 5 **Fees and Charges**

(1) A schedule of all fees of the Authority, and all other charges which the Authority is entitled to make, in relation to its functions as an International Searching Authority and International Preliminary Examining Authority, is set out in Annex D to this Agreement.

(2) The Authority shall, under the conditions and to the extent set out in Annex D to this Agreement:

- (i) refund the whole or part of the search fee paid, or waive or reduce the search fee, where the international search report can be wholly or partly based on the results of an earlier search (Rules 16.3 and 41.1);
- (ii) refund the search fee where the international application is withdrawn or considered withdrawn before the start of the international search.

(3) The Authority shall, under the conditions and to the extent set out in Annex D to this Agreement, refund the whole or part of the preliminary examination fee paid where the demand is considered as if it had not been submitted (Rule 58.3) or where the demand or the international application is withdrawn by the applicant before the start of the international preliminary examination.

**Article 6
Classification**

For the purposes of Rules 43.3(a) and 70.5(b), the Authority shall indicate the classification of the subject matter according to the International Patent Classification. The Authority may, in addition, in accordance with Rules 43.3 and 70.5, indicate the classification of the subject matter according to any other patent classification specified in Annex E to this Agreement to the extent decided by it as set out in that Annex.

**Article 7
Languages of Correspondence Used by the Authority**

For the purposes of correspondence, including forms, other than with the International Bureau, the Authority shall use the language or one of the languages indicated, having regard to the language or languages indicated in Annex A and to the language or languages whose use is authorized by the Authority under Rule 92.2(b), in Annex F.

**Article 8
International-Type Search**

The Authority shall carry out international-type searches to the extent decided by it as set out in Annex G to this Agreement.

**Article 9
Entry into Force**

This Agreement shall enter into force on the date specified in the written notification from the Government of Canada to the International Bureau of the World Intellectual Property Organization informing that it has completed its internal procedures necessary for the entry into force of this Agreement.

**Article 10
Duration and Renewability**

This Agreement shall remain in force until December 31, 2027. The Parties shall, no later than July 2026, start negotiations for its renewal.

**Article 11
Amendment**

(1) Without prejudice to paragraphs (2) and (3), amendments may, subject to approval by the Assembly of the International Patent Cooperation Union, be made to this Agreement by agreement between the Parties; they shall take effect in accordance with the process set out in Article 9 of this Agreement.

(2) Without prejudice to paragraph (3), amendments may be made to the Annexes to this Agreement by agreement between the Director General of the World Intellectual Property Organization and the Government of Canada; and, notwithstanding paragraph (4), they shall take effect in accordance with the process set out in Article 9 of this Agreement.

(3) The Government of Canada may, by a notification to the Director General of the World Intellectual Property Organization:

- (i) add to the indications of States and languages contained in Annex A to this Agreement;
- (ii) amend the indications on supplementary international searches contained in Annex B to this Agreement;
- (iii) amend the schedule of fees and charges contained in Annex D to this Agreement;
- (iv) amend the indications on patent classification systems contained in Annex E to this Agreement;
- (v) amend the indications on languages of correspondence contained in Annex F to this Agreement;
- (vi) amend the indications on international-type searches contained in Annex G to this Agreement.

(4) Any amendment notified under paragraph (3) shall take effect on the date specified in the notification, provided that:

- (i) for an amendment to Annex B to the effect that the Authority shall no longer conduct supplementary international searches, that date is at least six months later than the date on which the notification is received by the International Bureau, and
- (ii) for any change in the currency or amount of fees or charges contained in Annex D, for any addition of new fees or charges, and for any change in the conditions for and the extent of refunds or reductions of fees contained in Annex D, that date is at least two months later than the date on which the notification is received by the International Bureau.

**Article 12
Termination**

- (1) This Agreement shall terminate before December 31, 2027:
- (i) if the Government of Canada gives the Director General of the World Intellectual Property Organization written notice to terminate this Agreement; or
 - (ii) if the Director General of the World Intellectual Property Organization gives the Government of Canada written notice to terminate this Agreement.

(2) The termination of this Agreement under paragraph (1) shall take effect one year after receipt of the notice by the other Party, unless a longer period is specified in such notice or unless both Parties agree on a shorter period.

In witness whereof the Parties hereto have executed this Agreement.

Done at Geneva, this 28th day of September 2018, in two originals in the English and French languages, each text being equally authentic.

For the Government of Canada by:
by:

Johanne BÉLISLE
Commissioner of Patents
Government of Canada

For the International Bureau of the
World Intellectual Property Organization
by:

Francis GURRY
Director General
World Intellectual Property Organization

**Annex A
States and Languages**

Under Article 3 of the Agreement, the Authority specifies:

- (i) the following States for which it will act:

so far as Article 3(1) is concerned:

Canada, and the States regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations;

so far as Article 3(2) is concerned:

where the Authority has prepared the international search report, Canada, and the States regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations.

Where a receiving Office specifies the International Authority under Articles 3(1) and (2), the International Authority shall become competent for international applications filed at that receiving Office from a date to be agreed by the receiving Office and International Authority and to be notified to the International Bureau.

- (ii) the following languages which it will accept:

English, French.

**Annex B
Supplementary International Search:
Documentation Covered; Limitations and Conditions**

The Authority does not conduct supplementary international searches.

**Annex C
Subject Matter Not Excluded from Search or Examination**

The subject matter set forth in Rule 39.1 or 67.1 which, under Article 4 of the Agreement, is not excluded from search or examination.

any subject matter which is searched or examined under the patent grant procedure in accordance with the provisions of Canadian patent law.

**Annex D
Fees and Charges**

Part I. Schedule of Fees and Charges

Kind of fee or charge	Amount (Canadian dollars)
Search fee (Rule 16.1(a))	1,600
Additional fee (Rule 40.2(a))	1,600
Preliminary examination fee (Rule 58.1(b))	800
Additional fee (Rule 68.3(a))	800
Cost of copies (Rules 44.3(b), 71.2(b), 94.1 <i>ter</i> and 94.2) in electronic form	
(a) for the first 7 megabytes, plus	10 ⁴
(b) for each additional 10 megabytes or part thereof exceeding the first 7 megabytes	10 ⁴
Cost of copies (Rules 44.3(b), 71.2(b) 94.1 <i>ter</i> and 94.2), per page (paper)	1 ⁴

Part II. Conditions for and Extent of Refunds or Reductions of Fees

(1) Any amount paid by mistake, without cause, or in excess of the amount due, for fees indicated in Part I shall be refunded.

(2) Where the international application is withdrawn or considered withdrawn, under Article 14(1), (3) or (4), before the start of the international search, the amount of the search fee paid shall be fully refunded.

(3) Where the Authority benefits from the results of an earlier search, up to 25% of the amount of the search fee paid shall be refunded, depending on the extent to which an Authority benefits from that earlier search.

(4) In the cases provided for under Rule 58.3, the amount of the preliminary examination fee paid shall be fully refunded.

(5) Where the international application or the demand is withdrawn before the start of the international preliminary examination, the amount of the preliminary examination fee paid shall be fully refunded.

⁴ With respect to Rules 44.3(b) and 71.2(b), in its capacity as an International Searching Authority, the Authority provides applicants with a first copy of all non-patent literature documents cited in the international search report, free of charge. A first copy of each non-patent literature document cited is made available to designated or elected Offices upon request, free of charge. In its capacity as an International Preliminary Examining Authority, the Authority makes a first copy of all additional non-patent literature documents cited in the international preliminary examination report but not cited in the international search report available to applicants and elected Offices upon request, free of charge.

Annex E
Classification

Under Article 6 of the Agreement, the Authority specifies the following classification systems in addition to the International Patent Classification: none.

Annex F
Languages of Correspondence

Under Article 7 of the Agreement, the Authority specifies the following languages:
English, French.

Annex G
International-Type Search

Under Article 8 of the Agreement, the Authority specifies the following extent of international-type searches:

The Authority does not conduct international-type searches.

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17 January 2019

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The publication Official Notices (PCT Gazette) is part of the Gazette published by the International Bureau of the World Intellectual Property Organization in accordance with Article 55(4) of the Patent Cooperation Treaty (PCT) and Rule 86 of the Regulations under the PCT.

**INTERNATIONAL SEARCHING AUTHORITIES
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITIES**

IL Israel

Agreement between the Government of Israel and the International Bureau of the World Intellectual Property Organization¹ - Amendment to Annex D

The **Israel Patent Office** has notified the International Bureau, in accordance with Article 11(3)(iii) of the above-mentioned Agreement, of amendments to Part I of Annex D thereof. These amendments will enter into force on 1 March 2019. The amended Annex D will read as follows:

**“Annex D
Fees and Charges**

Part I. Schedule of Fees and Charges

Kind of fee or charge	Amount (Israel new shekel)
Search fee (Rule 16.1(a))	3,567
Additional fee (Rule 40.2(a))	3,567
Preliminary examination fee (Rule 58.1(b))	1,529
Additional fee (Rule 68.3(a))	1,529
Late furnishing fee (Rules 13 <i>ter</i> .1(c) and 13 <i>ter</i> .2)	458
Cost of copies (Rules 44.3(b), 71.2(b), 94.1 <i>ter</i> and 94.2), per document	44

Part II. [No change]”

¹ Available on the WIPO website at: www.wipo.int/pct/en/texts/agreements/ag_il.pdf.

MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

NOTE PREPARED BY THE INTERNATIONAL BUREAU

Following consultation with Offices, Authorities, and certain non-governmental organizations representing users of the PCT system pursuant to PCT Rule 89.2(b), modifications to Sections 102, 109, 705*bis* and 713 of the Administrative Instructions under the PCT, as well as new Section 406*bis*, were promulgated with effect from 1 January 2019.

The main purpose of these modifications is to:

- (i) facilitate electronic processing of international applications and other related documents (Section 102);
- (ii) extend the permitted length of file references (Section 109);
- (iii) provide a specific basis for an applicant to voluntarily submit a suggested English translation of the title of the invention to the International Bureau, where the application is not filed in English and no translation of the application into English is required by the receiving Office (Section 406*bis*); and
- (iv) shorten the retention time for paper originals by Offices (Sections 705*bis* and 713).

The full text of the Administrative Instructions as in force since 1 January 2019 (PCT/AI/19) is available on the WIPO website at: www.wipo.int/pct/en/texts/pdf/ai.pdf.

TEXT OF THE MODIFICATIONS OF THE ADMINISTRATIVE INSTRUCTIONS *(as in force from 1 January 2019)*

Section 102 **Use of the Forms**

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

[List of forms omitted]

(b) Slight variations in layout necessary in view of the printing of the Forms referred to in paragraph (a) in various languages are permitted.

(c) Slight variations in layout in the Forms referred to in paragraph (a)(ii) to (v) are permitted to the extent necessary to meet the particular office requirements of the International Authorities, in particular in view of the production of the Forms by computer or of the use of window envelopes.

(d) Where the receiving Office, the International Searching Authority and/or the International Preliminary Examining Authority are each part of the same Office, the obligation to use the Forms referred to in paragraph (a) does not extend to communications within that same Office.

(e) The annexes to Forms PCT/RO/106, PCT/RO/118, PCT/ISA/201, PCT/ISA/205, PCT/ISA/206, PCT/ISA/210, PCT/ISA/219, PCT/IB/313, PCT/IB/336, PCT/IPEA/404, PCT/IPEA/405 and PCT/IPEA/415 may be omitted in cases where they are not used.

(f) The notes attached to Forms PCT/RO/101 (request Form), PCT/IB/375 (supplementary search request Form) and PCT/IPEA/401 (demand Form) shall be distributed by the International Authorities concerned together with the printed versions of those Forms. The notes attached to Form PCT/ISA/220 shall accompany the Form when sent to the applicant.

(g) The use of Forms other than those referred to in paragraph (a) is optional.

(h) Where the request or the demand is presented as a computer print-out, such print-out shall be prepared as follows:

(i) the layout and contents of the request and the demand when presented as computer print-outs shall correspond to the format of Forms PCT/RO/101 (request Form) and PCT/IPEA/401 (demand Form) (“the printed Forms”), with the same information being presented on the corresponding pages;

(ii) all boxes shall be drawn by solid lines; double lines may be presented as single lines;

(iii) the box numbers and box titles shall be included even where no information is supplied therein;

(iv) the boxes for use by the International Authorities shall be at least as large as those on the printed Forms;

(v) all other boxes shall be within one cm in size of those on the printed Forms;

(vi) all text shall be 9 points or larger in size;

(vii) titles and other information shall be clearly distinguished;

(viii) explanatory notes presented in italics on the printed Forms may be omitted.

(i) Other formats permitted for the presentation of the request and the demand as computer print-outs may be determined by the Director General. Any such format shall be published in the Gazette.

(j) The page-based layout of a Form generated from a character-coded format shall be permitted if it is generated using a stylesheet provided by the International Bureau.²

(k) A Form may be transmitted by one Office, International Authority or the International Bureau to another in character-coded format only, without its page-based layout, if the recipient Office, Authority or Bureau has agreed to receive the information in such format and has agreed to generate any page-based layout which may be required for the recipient Office's file records.

Section 109 File Reference

(a) Where any document submitted by the applicant contains an indication of a file reference, that reference shall not exceed 25 characters in length and may be composed of either letters of the Latin alphabet, or Arabic numerals, or both. The hyphen character ("-") may also be used as a separator between alphanumeric characters.

(b) Correspondence from International Authorities intended for the applicant shall indicate any such file reference.

Section 406bis Suggested English Translation of the Title of the Invention

(a) Where the international application is to be published in a language other than English and a translation of the application into English is not required under Rule 12.3(a), the applicant may furnish a suggested translation of the title of the invention into English to the International Bureau before the expiration of 14 months from the priority date.

(b) The International Bureau shall, to the extent possible, take the suggested translation into account in the preparation of the translation referred to in Rule 48.3(c) if it is received within the time limit specified in paragraph (a).

Section 705bis Processing in Electronic Form of International Applications Filed on Paper; Home Copy, Record Copy and Search Copy

(a) Where an international application is filed on paper, it may, subject to this Part, be processed and kept as a complete and accurate copy in electronic form prepared by the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or the International Bureau.³

² *Editor's Note:* Available from the WIPO website at: www.wipo.int/pct/en/epct/resources.

³ *Editor's Note:* Notifications under Section 705bis(a) should contain information as to the types of electronic document formats and electronic packages that are used by the Office as well as to the means of transmission and any other appropriate information aiming at facilitating the exchange of documents.

(b) Pursuant to paragraph (a) and for the purposes of Article 12, where an international application is filed on paper:

(i) the receiving Office may keep a copy in electronic form referred to in that paragraph as the home copy;

(ii) the International Bureau may keep a copy in electronic form referred to in that paragraph as the record copy;

(iii) the International Searching Authority may keep a copy in electronic form referred to in that paragraph as the search copy.

(c) Where a copy in electronic form is kept as the record copy under paragraph (b)(ii), the original of the international application as filed on paper shall be kept, for a period of at least 5 years from the international filing date, by the International Bureau or, where so agreed by the receiving Office and the International Bureau, by the receiving Office on behalf of the International Bureau. The original shall be marked with the words “INTERNATIONAL APPLICATION – ORIGINAL AS FILED ON PAPER (SECTION 705*bis*)” or their equivalent in the language of publication of the international application on the bottom of the first page of the request and of the first page of the description.⁴

(d) Where, before the expiration of the period referred to in paragraph (c), the International Bureau finds, upon request for correction made by the applicant or otherwise, that a copy in electronic form kept as the record copy under paragraph (b)(ii) is not in fact a complete and accurate copy of the original kept under paragraph (c), it shall correct the record copy so as to bring it into conformity with the original. If the receiving Office, the International Searching Authority, the International Preliminary Examining Authority or a designated or elected Office considers that the International Bureau should make a finding under the first sentence of this paragraph, it shall call the relevant facts to the attention of the International Bureau.

(e) Where the International Bureau has corrected the record copy in accordance with paragraph (d), it shall promptly notify the applicant, publish the corrected international application together with a revised front page, and publish a notice of this fact in the Gazette. Section 422(a)(i) to (v) shall apply *mutatis mutandis* with regard to the notification of the receiving Office, the International Searching Authority, the International Preliminary Examining Authority and the designated and elected Offices.

⁴ *Editor’s Note:* In principle, receiving Offices should mark the original at the time of its receipt but they could also mark the original when it is relied upon for the purposes of the correction of the record copy under Section 705*bis*(d).

Section 713
Application of Provisions to International Authorities and the International Bureau, and to Notifications, Communications, Correspondence and Other Documents⁵

(a) The provisions of this Part, other than Sections 703(c), 704(c) to (g), 707, 708(b)(iii) to (v), 710(a)(iv) and 714(b), shall, if they are capable of applying but do not expressly apply to the International Searching Authorities, the International Preliminary Examining Authorities and the International Bureau, apply *mutatis mutandis* to those Authorities and that Bureau.⁶

(b) The provisions of this Part, other than Sections 703(c), 704(c) to (f), 705, 705bis(b) to (e), 707, 708(b)(iii) to (v) and 710(a)(iv), shall, if they are capable of applying but do not expressly apply to notifications, communications, correspondence or other documents relating to international applications that are filed, processed or communicated in electronic form, apply *mutatis mutandis* to such notifications, communications, correspondence or other documents relating to international applications.

FEES PAYABLE UNDER THE PCT

BR Brazil

Pursuant to PCT Rule 16.1(d), new equivalent amounts in **Swiss francs (CHF)** have been established for the search fee for an international search carried out by the **National Institute of Industrial Property (Brazil)**. These amounts, applicable from 1 March 2019, are CHF 427 when filing online, and CHF 640 when filing on paper.

[Updating of Annex D(BR) of the *PCT Applicant's Guide*]

IL Israel

The **Israel Patent Office** has notified the International Bureau of a change in the filing fee component of the national fee, payable to it as designated (or elected) Office since 1 January 2019. This amount, payable in **new Israeli shekels (ILS)**, is ILS 2,038.

[Updating of National Chapter, Summary (IL) of the *PCT Applicant's Guide*]

⁵ *Editor's Note:* Provisions of Part 7 and Annex F relating to the form or contents of the international application would automatically, by virtue of Article 27(1), be applicable to designated Offices. Communications between applicants and designated Offices would not, however, be governed in general by Annex F.

⁶ *Editor's Note:* In relation to Sections 703(a) and 710, an Office acting in more than one capacity (receiving Office, International Searching Authority and/or International Preliminary Examining Authority) would give separate notices to the International Bureau, in each capacity, as to its readiness to receive and process international applications in electronic form.

The Office also notified the International Bureau of new amounts of fees, in **new Israeli shekels (ILS)**, payable to it as International Searching Authority and applicable from 1 March 2019, as follows:

Search fee (PCT Rule 16):	ILS	3,567
Additional search fee (PCT Rule 40.2):	ILS	3,567
Late furnishing fee (PCT Rule 13 <i>ter</i> .1(c)):	ILS	458
Fee for copies of documents (PCT Rules 44.3(b) and 94.1 <i>ter</i>)	ILS	44

Furthermore, in accordance with PCT Rule 16.1(d), new equivalent amounts in **Swiss francs (CHF)**, **euro (EUR)** and **US dollars (USD)** have been established for the search fee for an international search carried out by the Office. These amounts, also applicable from 1 March 2019, are CHF 948, EUR 842 and USD 963, respectively.

[Updating of Annex D(IL) of the *PCT Applicant's Guide*]

In addition, the Office notified the International Bureau of new amounts of fees, in **new Israeli shekels (ILS)**, payable to it as International Preliminary Examining Authority and also applicable from 1 March 2019, as follows:

Preliminary examination fee (PCT Rule 58.1(b)):	ILS	1,529
Additional preliminary examination fee (PCT Rule 68.3(a)):	ILS	1,529
Late furnishing fee (PCT Rule 13 <i>ter</i> .2):	ILS	458
Fee for copies of documents (PCT Rules 71.2(b) and 94.2)	ILS	44

[Updating of Annex E(IL) of the *PCT Applicant's Guide*]

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24 January 2019

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INFORMATION ON CONTRACTING STATES

US United States of America

Due to the official closing of Federal Government offices in the Washington, D.C. metropolitan area, the **United States Patent and Trademark Office (USPTO)** was not open to the public for the purposes of the transaction of official business on the following days:

- Wednesday, 5 December 2018; and
- Monday, 14 January 2019.

Consequently, pursuant to PCT Rule 80.5, if the expiration of any period during which any document or fee in connection with an international application was required to reach the Office fell on the aforementioned days, that period was extended so as to expire on Thursday, 6 December 2018 and Tuesday, 15 January 2019, respectively.

As regards the delay or loss in the mail of documents or letters addressed to the Office, or other possible reasons for delay in meeting time limits, due to the above closures, see PCT Rules 82.1 and 82*quater*, respectively.

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31 January 2019

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INFORMATION ON CONTRACTING STATES

SE Sweden

On 28 January 2019, the **Swedish Patent and Registration Office** notified the International Bureau of a change in its telephone number, which is now as follows:

Telephone: (46-8) 782 28 00

[Updating of Annex B1(SE) of the *PCT Applicant's Guide*]

FEES PAYABLE UNDER THE PCT

RO Romania

The **State Office for Inventions and Trademarks (Romania)** has notified the International Bureau of new amounts, in **new lei (RON)**, of the transmittal fee and the fee for priority document, applicable since 1 January 2019, and payable to it as receiving Office, as follows:

Transmittal fee (PCT Rule 14): RON 466

Fee for priority document: RON 93 plus copying costs

[Updating of Annex C(RO) of the *PCT Applicant's Guide*]

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The publication Official Notices (PCT Gazette) is part of the Gazette published by the International Bureau of the World Intellectual Property Organization in accordance with Article 55(4) of the Patent Cooperation Treaty (PCT) and Rule 86 of the Regulations under the PCT.

FEES PAYABLE UNDER THE PCT

AT Austria

The **Austrian Patent Office** has notified the International Bureau of a change in the amount of the fee for the priority document (PCT Rule 17.1(b)), in **euro (EUR)**, payable to it as receiving Office. This amount, applicable since 1 January 2019, is EUR 75.

[Updating of Annex C(AT) of the *PCT Applicant's Guide*]

JP Japan

Pursuant to PCT Rule 16.1(d), new equivalent amounts in **euro (EUR)** have been established for the search fee for an international search carried out by the **Japan Patent Office**. These amounts, applicable from 1 April 2019, are EUR 560 for searches carried out in Japanese and EUR 1,249 for searches carried out in English.

[Updating of Annex D(JP) of the *PCT Applicant's Guide*]

DESIGNATED (OR ELECTED) OFFICES

EP European Patent Organisation

On 4 January 2019, the **European Patent Office (EPO)** notified the International Bureau of a clarification concerning the required contents of the translation for entry into the national phase. Specifically, if the translation of the claims amended under PCT Article 19(1) is not furnished in due time, only those claims will be disregarded (PCT Rule 49.5(c-bis)) and the international application will not be considered withdrawn.

The Office also clarified that the designation, extension and validation fees are payable within 31 months from the priority date, or six months after the date of publication of the international search report, whichever expires later.

In addition, the Office clarified the conditions of the examination-fee component of its national fee—a request for examination must be made, and the examination fee must be paid within the time limit applicable under PCT Article 22 or 39(1) and EPC Rule 159(1), or within six months after the date of publication of the international search report, whichever expires later.

Furthermore, the Office clarified one of its special requirements under PCT Rule 51**bis**—applicants must furnish any nucleotide and/or amino acid sequence listing in electronic form, if it is not otherwise available to the EPO.

[Updating of the National Chapter, Summary (EP) of the *PCT Applicant's Guide*]

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INFORMATION ON CONTRACTING STATES

ZA South Africa

The **Companies and Intellectual Property Commission (CIPC) (South Africa)** has notified the International Bureau of the deletion of one of its telephone numbers. Its telephone numbers are now as follows:

Telephone: (27-12) 394 50 01
(27-12) 394 50 84

[Updating of Annex B1(ZA) of the *PCT Applicant's Guide*]

FEES PAYABLE UNDER THE PCT

EP European Patent Organisation

Pursuant to PCT Rule 16.1(d), a new equivalent amount in **Japanese yen (JPY)** has been established for the search fee for an international search carried out by the **European Patent Office (EPO)**. This amount, applicable from 1 April 2019, is JPY 221,700.

[Updating of Annex D(EP) of the *PCT Applicant's Guide*]

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FILING AND PROCESSING IN ELECTRONIC FORM OF INTERNATIONAL APPLICATIONS: NOTIFICATION BY RECEIVING OFFICES

KE Kenya

Since 7 January 2002, any receiving Office having the adequate technical systems in place is able to accept the filing of international applications in electronic form in accordance with Part 7 and Annex F of the Administrative Instructions under the PCT, which contain, respectively, the legal framework and technical standard necessary to enable the implementation of filing and processing in electronic form of international applications, as provided for under PCT Rule 89*bis*.1.

On 28 November 2018, the **Kenya Industrial Property Institute**, in its capacity as receiving Office, notified the International Bureau under PCT Rules 89*bis*.1(d) and 89*bis*.2 and pursuant to Sections 710(a) and 713(b) of the Administrative Instructions under the PCT, that it is prepared to receive and process international applications in electronic form with effect from 1 April 2019, as follows:

“As to electronic document formats (Section 710(a)(i)):

- XML (in general; see Annex F, section 3.1.1.1)
- WIPO Standard ST.25 (for sequence listings; see Annex F, section 3.1.1.2, and Annex C)
- PDF (for files that are referenced by XML files within the international application; see Annex F, section 3.1.2)
- TIFF (for files that are referenced by XML files within the international application; see Annex F, section 3.1.3.1)
- JPEG (for files that are referenced by XML files within the international application; see Annex F, section 3.1.3.2)

As to means of transmittal (Section 710(a)(i)):

- online filing (see Annex F, section 5 and Appendix III, section 2(d))

As to electronic document packaging (Section 710(a)(i)):

- WASP (Wrapped and Signed Package; see Annex F, section 4.2.1)

As to electronic filing software (Section 710(a)(i)):

- ePCT-Filing

As to types of electronic signature (Section 710(a)(i)):

- facsimile and text string types of signatures (see Annex F, sections 3.3.1 to 3.3.2)
- enhanced electronic signature (see Annex F, section 3.3.4)

As to conditions, rules and procedures relating to electronic receipt (Section 710(a)(ii)):

The acknowledgement of receipt of any purported international application filed in electronic form with the Office will contain, in addition to the mandatory information required under Section 704(a)(i) to (iv), the names of the electronic files received (see Section 704(a)(v)).

The Office will make every effort to accept an international application in electronic form. It is only if the application is not sent in accordance with the E-filing interoperability protocol (see Annex F, section 5.1) that no acknowledgement of receipt will be generated. Other errors, such as the use of outdated certificates (see Annex F, Appendix II, section 4.4.7), applications infected by viruses or other forms of malicious logic (see Section 708(b)) or certain missing files, are notified to the applicant by inclusion in the notification of receipt.

Where it appears that the notification of receipt sent to the applicant by electronic means of transmittal was not successfully transmitted, the Office will promptly retransmit the notification of receipt by the same or another means (see Section 709(b)).

As to methods of online payment (Section 710(a)(ii)):

Online payment is not available.

As to details concerning help desks (Section 710(a)(ii)):

The Office has put in place a help desk to answer questions from users of the service. The help desk may be contacted:

- by telephone at: (254-2) 600 22 10, 600 22 11
- by e-mail at: info@kipi.go.ke, pct@kipi.go.ke

As to the kinds of documents which may be transmitted to the Office in electronic form (Section 710(a)(iii)):

- international applications
- subsequently filed documents for international applications, to the extent supported by the relevant software

As to the filing of documents in pre-conversion format (Section 710(a)(iv)):

The Office will accept the filing of documents in any pre-conversion format together with the international application.

As to procedures for notification of applicants and procedures which applicants may follow as alternatives when the electronic systems of the Office are not available (Section 710(a)(v)):

In case of failure of the electronic systems when an international application is filed with it, the Office will use all means available, such as fax or e-mail, to inform the applicant about procedures to follow as alternatives.

The Office will provide information concerning the availability of the online filing system on its website (www.kipi.go.ke).

As to the certification authorities that are accepted by the Office and the electronic addresses of the certificate policies under which certificates are issued (Section 710(a)(vi)):

- WIPO customer CA (www.wipo.int/pct-safe/en/certificates.htm)
- Certification Authority (CA) for the European Patent Office (www.epoline.org/security/EPO_PKI_CPS.pdf)

As to the procedures relating to access to the files of international applications filed or stored in electronic form (Section 710(a)(vii)):

Applications filed via ePCT-Filing can be accessed by the applicant using ePCT”