



PCT/AI/16 ADD.
ORIGINAL: ENGLISH
DATE: JUNE 23, 2016

PATENT COOPERATION TREATY (PCT)

**ADMINISTRATIVE INSTRUCTIONS
UNDER THE PATENT COOPERATION TREATY**

as in force from July 1, 2016

1. This document contains an addendum to the Administrative Instructions under the Patent Cooperation Treaty (PCT), established under PCT Article 58(4) and Rule 89.2(a), and modified under PCT Rule 89.2(b), as in force from July 1, 2016.
2. This document may be downloaded from the WIPO website at:
www.wipo.int/pct/en/texts/index.html.

PART 1
INSTRUCTIONS RELATING TO GENERAL MATTERS

Section 104
Language of Correspondence

(a) The language of any letter from the applicant to the receiving Office shall be the same as the language of the international application to which such letter relates, provided that, where the international application is to be published in the language of a translation required under Rule 12.3(a) or 12.4(a), any letter shall be in such language. However, the receiving Office may expressly authorize the use of any other language.

(b) The language of any letter from an Office or Authority to the International Bureau shall be English where the language of the international application is English, and it shall be French where the language of the international application is French. Where the language of the international application is neither English nor French, the language of any letter to the International Bureau shall be English or French, provided that any copy, sent to the International Bureau as a notification addressed to it, of a Form sent to the applicant by the receiving Office, the International Searching Authority or the International Preliminary Examining Authority, does not require translation into English or French.

(c) Any communication from the applicant to the International Bureau using ePCT shall be in English, French or the language of publication. The Director General may determine that communications in such languages may also be submitted through other means of communication, and may additionally expand the languages permitted. Any such decisions by the Director General shall be published in the Gazette.

Section 111
**Procedure and Considerations in the Case of Excuse of the Delay in Meeting
Certain Time Limits under Rule 82^{quater}**

(a) Where the receiving Office, the International Searching Authority, the Authority specified for supplementary search, the International Preliminary Examining Authority, or the International Bureau receives a request under Rule 82^{quater} for the excuse of a delay in meeting a time limit, it shall promptly:

(i) communicate its decision whether or not to excuse such a delay to the interested party; and

(ii) where applicable, transmit a copy of such a request, a copy of any evidence furnished and of its decision to the International Bureau.

(b) An interested party desiring to have delays excused due to general unavailability of electronic communications services must establish that the outage of electronic communications services affected a widespread geographical area rather than being a localized problem, that it was unexpected or unforeseen, and that there was no alternative communication means available to him.

PART 2
INSTRUCTIONS RELATING TO THE INTERNATIONAL APPLICATION

Section 217
Corrections Concerning Expressions, Etc., Not to Be Used
in the International Application under Rule 9.2

(a) Where the receiving Office, the International Searching Authority or the Authority specified for supplementary search receives corrections aimed at complying with Rule 9.1, it shall:

(i) indelibly mark, in the upper right-hand corner of each replacement sheet, the international application number and the date on which that sheet was received;

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words "SUBSTITUTE SHEET (RULE 9.2)" or their equivalent in the language of publication of the international application;

(iii) indelibly mark on the letter containing the correction or accompanying any replacement sheet the date on which that letter was received;

(iv) keep in its files a copy of the letter containing the correction or, when the correction is contained in a replacement sheet, the replaced sheet, a copy of the letter accompanying the replacement sheet, and a copy of the replacement sheet;

(v) unless the circumstances in item (vi) apply, promptly transmit any letter and any replacement sheet to the International Bureau and a copy thereof to the receiving Office, the International Searching Authority and the Authority specified for supplementary search, as applicable;

(vi) where transmittals under Article 12(1) have not yet been made, the receiving Office shall transmit any letter and any replacement sheet to the International Bureau together with the record copy and, except where the international application is considered withdrawn and Rule 29.1(iii) applies, a copy of the said letter or replacement sheet to the International Searching Authority together with the search copy. The record copy and the search copy shall contain any replaced sheet.

(b) Where the International Bureau receives corrections under paragraph (a) from the receiving Office, the International Searching Authority or the Authority specified for supplementary search, the International Bureau shall transfer the correction to the record copy, together with the indication of the date on which the Office or Authority received the letter, or shall insert the replacement sheet in the record copy. Any letter and any replaced sheet shall be kept in the file of the international application. Where the International Bureau receives corrections under paragraph (a) from the receiving Office or the International Searching Authority, it shall, where applicable, promptly transmit a copy of any letter and replacement sheet to the Authority specified for supplementary search.

(c) Where the International Bureau receives from the applicant corrections aimed at complying with Rule 9.1, it shall:

(i) indelibly mark, in the upper right-hand corner of each replacement sheet, the international application number and the date on which that sheet was received;

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words "SUBSTITUTE SHEET (RULE 9.2)" or their equivalent in the language of publication of the international application;

(iii) indelibly mark on the letter containing the correction or accompanying any replacement sheet the date on which that letter was received;

(iv) keep in its files the letter containing the correction or, when the correction is contained in a replacement sheet, the replaced sheet, the letter accompanying the replacement sheet and, the replacement sheet;

(v) promptly transmit a copy of any letter and any replacement sheet to the receiving Office, the International Searching Authority and the Authority specified for supplementary search, as applicable.

PART 3
INSTRUCTIONS RELATING TO THE RECEIVING OFFICE

Section 325
Corrections of Defects under Rule 26.4 and
Rectifications of Obvious Mistakes under Rule 91

(a) Where the receiving Office receives a correction of defects under Rule 26.4 or authorizes a rectification of an obvious mistake under Rule 91, it shall:

(i) indelibly mark, in the upper right-hand corner of each replacement sheet, the international application number and the date on which that sheet was received;

(ii) indelibly mark, in the middle of the bottom margin of each replacement sheet, the words "SUBSTITUTE SHEET (RULE 26)" (where the replacement sheet contains a correction of defects under Rule 26) or "RECTIFIED SHEET (RULE 91)" (where the replacement sheet contains the rectification of an obvious mistake under Rule 91) or their equivalent in the language of publication of the international application;

(iii) indelibly mark on the letter containing the correction or rectification, or accompanying any replacement sheet, the date on which that letter was received;

(iv) keep in its files a copy of the letter containing the correction or rectification or, when the correction or rectification is contained in a replacement sheet, the replaced sheet, a copy of the letter accompanying the replacement sheet, and a copy of the replacement sheet;

(v) subject to item (vi), promptly transmit any letter and any replacement sheet to the International Bureau, and a copy thereof to the International Searching Authority;

(vi) where transmittals under Article 12(1) have not yet been made, transmit any letter and any replacement sheet to the International Bureau together with the record copy and, except where the international application is considered withdrawn and Rule 29.1(iii) applies, a copy of the said letter or replacement sheet to the International Searching Authority together with the search copy. The record copy and the search copy shall contain any replaced sheet.

(b) Where the receiving Office refuses to authorize the rectification of an obvious mistake under Rule 91, it shall proceed as indicated under paragraph (a)(i), (iii) and (iv) and promptly transmit any letter and any proposed replacement sheet to the International Bureau. If the record copy has not yet been sent to the International Bureau, any letter and any proposed replacement sheet shall be transmitted together with the record copy.

PART 4
INSTRUCTIONS RELATING TO THE INTERNATIONAL BUREAU

Section 413
Incorporations by Reference under Rule 20, Corrections of Defects under Rule 26.4 and
Rectifications of Obvious Mistakes under Rule 91

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

(b) Paragraph (a) shall apply *mutatis mutandis* to rectifications of obvious mistakes under Rule 91 authorized by the receiving Office, by the International Searching Authority or, where a demand has been made, by the International Preliminary Examining Authority.

(b-bis) Where the International Bureau receives from the receiving Office, under Sections 309(c)(iv), 310(b)(iv), or 310bis(b)(v), corrected sheets of the request or later submitted sheets, the International Bureau shall transfer any correction to the record copy and insert any later submitted sheets in the record copy.

(c) Where the International Bureau is notified by the International Searching Authority under Rule 43.6bis(b) that the rectification of an obvious mistake authorized under Rule 91 has not been taken into account for the purposes of the international search, the International Bureau shall notify the applicant, the designated Offices and, where a demand has been made, the International Preliminary Examining Authority accordingly.

(d) Where the International Bureau is notified by the International Preliminary Examining Authority under Rule 70.2(e) that the rectification of an obvious mistake authorized under Rule 91 has not been taken into account for the purposes of the international preliminary examination, the International Bureau shall notify the applicant and the elected Offices accordingly.

PART 5
INSTRUCTIONS RELATING TO THE INTERNATIONAL SEARCHING AUTHORITY

Section 501

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ANNEX D
INFORMATION FROM FRONT PAGE OF PUBLISHED INTERNATIONAL
APPLICATION TO BE INCLUDED IN THE GAZETTE UNDER RULE 86.1(i)

The following information shall be extracted from the front page of the publication of the international publication for each published international application and shall, in accordance with Rule 86.1(i), appear in the corresponding entry of the Gazette:

1. as to the international publication:
 - 1.1 the international publication number
 - 1.2 the date of the international publication
 - 1.3 an indication whether the following items were published in the published international application:
 - 1.31 international search report
 - 1.32 declaration under Article 17(2)
 - 1.33 claims amended under Article 19(1)
 - 1.34 statement under Article 19(1)
 - 1.35 *[Deleted]*
 - 1.36 request for rectification under the first sentence of Rule 91.3(d)
 - 1.37 information concerning the incorporation by reference of an element or part as referred to in Rule 48.2(b)(v)
 - 1.38 information concerning a priority claim under Rule 26*bis*.2(d)
 - 1.39 information concerning a request under Rule 26*bis*.3 for restoration of the right of priority
 - 1.4 the language in which the international application was filed
 - 1.5 the language of publication of the international application
2. as to the international application:
 - 2.1 the title of the invention
 - 2.2 the symbol(s) of the International Patent Classification (IPC)
 - 2.3 the international application number
 - 2.4 the international filing date
3. as to any priority claim:
 - 3.1 the application number of the earlier application
 - 3.2 the date on which the earlier application was filed
 - 3.3 where the earlier application is:
 - 3.31 a national application: the country in which the earlier application was filed
 - 3.32 a regional application: the authority entrusted with the granting of regional patents under the applicable regional patent treaty and, in the case referred to in Rule 4.10(b)(ii), a country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed
 - 3.33 an international application: the receiving Office with which it was filed
4. as to the applicant, inventor and agent:
 - 4.1 their name(s)
 - 4.2 their mailing address(es)

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