

NOTES TO THE MODEL INTERNATIONAL REQUEST FORM UNDER THE PLT

These Notes have been prepared by the International Bureau of the World Intellectual Property Organization (WIPO) for explanatory purposes only. They are intended to facilitate the filling in of the Model International Request form. Where a conflict exists between the Notes and the provisions of the Patent Law Treaty and its Regulations, the latter prevail. No Note has been provided where no explanation appears to be required. The request form and these Notes may be downloaded from WIPO's website at: <http://www.wipo.int/treaties/en/ip/plt/forms.html>.

TITLE OF THE FORM

The name of the national or regional patent Office which is requested to grant a patent should be indicated over the dots. The box "applicant's or representative's file reference", which provides a space for any reference indications relating to the application, is intended for the convenience of the applicant and/or representative. Such indication is not mandatory.

BOX No. I

Title of Invention: The title must be short and precise. It must be identical with the title heading the description.

BOX No. II

Names and Addresses: The family name (preferably in capital letters) must be indicated before the given name(s). Titles and academic degrees must be omitted. Names of legal entities must be indicated by their full official designations.

The address must be indicated in such a way that it allows prompt postal delivery; it must consist of all the relevant administrative units (up to and including the indication of the house number, if any), the postal code (if any), and the name of the country.

Only one address may be indicated per person. For the indication of a special "address for correspondence or legal service", see the notes to Box No. V.

Telephone/Facsimile Number and/or E-mail address should be indicated for the person named in Boxes Nos. II, IV and V in order to allow rapid communication with the applicant. Any such number should include the applicable country and area codes.

Unless the associated check-box is selected, any e-mail address supplied will be used only for the types of communication which might be made by telephone. If the associated check-box is checked, the Office may, if it so wishes send advance copies of notifications in respect of this application to the applicant via e-mail. 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. If the second check-box is marked, the applicant requests the discontinuation of the sending of paper copies of notifications.

With respect to the addressee of the e-mail communication where the e-mail addresses of the applicant (Box No. II) and the representative (Box No. IV) and/or the e-mail address for correspondence (Box No. V), are provided, see the Notes to Box No. V.

Registration Number or other indication

registered with the Office: Where the applicant is registered with the national or regional Office, the number or other indication under which the applicant is so registered should be indicated, where required under the applicable law, in this box.

Nationality: For each applicant, the nationality must be indicated by the name of the State (that is, country) of which the person is a national. The two-letter codes appearing in WIPO Standard ST.3 may be used for the indication of names of States. A legal entity constituted according to the national law of a State is considered a national of that State. The indication of the nationality is not required where a person is inventor only.

Residence: For each applicant, the residence must be indicated by the name or two-letter code of the State (that is, country) of which the person is a resident. If the State of residence is not indicated, it will be assumed to be the same as the State indicated in the address. Possession of a real and effective industrial or commercial establishment in a State is considered residence in that State. The indication of the residence is not required where a person is inventor only.

BOX No. III

Inventor: For the manner in which name(s) and address(es) must be indicated, see the notes to Box No. II. Where the applicant(s) indicated in Box No. II is(are) the sole inventor(s), the relevant check-box must be marked, and there is no need to fill in the name(s) and address(es) of the inventor(s) again in Box No. III.

BOX No. IV

Representative: For the manner in which name(s) and address(es) (including names of States) must be indicated, see the notes to Box No. II. Where several representatives are listed, the representative to whom correspondence should be addressed should be listed first.

Manner of Appointment of Representative: The appointment of a representative may be effected by designating the representative in Box No. IV in the Request Form duly signed by the applicant, or, at the applicant's option, by a separate power of attorney (see PLT Rule 7(2)(a)). Where there are two or more applicants, the appointment of a common representative must be effected by each applicant signing, at his option, the request or a separate power of attorney. A single power of attorney shall be sufficient even where it relates to more than one application. It shall also be sufficient even where it relates, subject to any exception indicated by the appointing person, to all existing and future applications or patents of that person (a general power of attorney)(see PLT Rule 7(2)(b)). Where such single

power of attorney is filed, the Office may require that a separate copy thereof be filed for each application and patent to which it relates (see PLT Rule 7(2)(b)).

No power of attorney is needed in cases where no formal appointment of the representative is required either in respect of any representative or in respect of certain categories of representative (for example, in some countries, the category of “*mandataire agréé*”, that is, a registered agent admitted to practice before the Office without a power of attorney having to be submitted).

Registration Number or other indication registered with the Office: Where the representative is registered with the national or regional Office, the number or other indication under which the representative is so registered should be indicated, where required under the applicable law, in this box.

Telephone/Facsimile Number and/or E-mail address: See notes to Box No. II.

BOX No. V

Address for Correspondence or Legal Service: Where a representative is appointed, any correspondence intended for the applicant will be sent to the address indicated for that representative, unless that applicant expressly indicates another address for correspondence or legal service in Box No. V (see PLT Rule 10(4)). Where no representative is appointed and an applicant has provided his address on a territory prescribed by the Contracting Party in Box No. II, any correspondence will be sent to such applicant's address, unless the applicant expressly indicates another address for correspondence or legal service in Box No. V (see PLT Rule 10(3)). The same applies to e-mail correspondences sending advance copies of notifications.

Telephone/Facsimile Number and/or E-mail address: See notes to Box No. II.

BOX No. VI

Regional Patent Application: Where the application is filed under a treaty providing for the grant of regional patents, the Member States of the regional organization in which protection for the invention is sought must, where required, be indicated in Box No. VI.

Where it is requested that the patent shall be granted to different applicants in different Contracting States of the regional organization, the check-box in the right column shall be marked, and it shall be specified which applicants request the grant of the patent in which countries.

BOX No. VII

Divisional Application; application for a patent of addition or application otherwise associated with one or more other applications: In the right column of Box No. VII, the filing date of the other application, or of the application for the other patent, associated with the present application as well as the application/patent number of such other application or patent must be indicated. The other application with which the present application associated may be, for example, the application from which a divisional application is divided

or the earlier application on which an application for continuation or continuation-in-part is based.

Where the application number of the other application has not been issued or is not known to the applicant, that application should be identified by furnishing, at the applicant's option, (i) the provisional application number (if any) given by the Office, (ii) a copy of the request part of the application along with the date on which the application was sent to the Office, or (iii) a reference number given to the application by the applicant or his representative along with the name and address of the applicant, the title of the invention and the date on which the application was sent to the Office. As regards the identification of the patents, reference is made to WIPO Standard ST.1.

BOX No. VIII

Priority Claim(s): If the priority of an earlier application is claimed, the declaration containing the priority claim should be made in the request, subject to the condition that the applicant retains the opportunity to add or correct the priority claim as set out in PLT Article 13(1). The request must indicate the *date* on which the earlier application from which priority is claimed was filed and the *number* it was assigned. Concerning the presentation of the numbers of the applications on which the priority is based, reference is made to paragraph 12(a) of WIPO Standard ST.10/C. For the manner of identifying the earlier application, where the application number of the earlier application has not been issued or is not known to the applicant, see the notes to Box No. VII.

Where the earlier application is a national application, the *country* party to the Paris Convention for the Protection of Industrial Property, or the *Member* of the World Trade Organization that is not a party to that Convention, in which that earlier application was filed must be indicated. Where the earlier national application was filed in a country which is neither a party to the Paris Convention nor a Member of the World Trade Organization, but which is a party to an agreement that recognizes the right of priority on the basis of reciprocity, the name of that country must be indicated. Where the earlier application is a regional application, the *regional Office* concerned must be indicated. Where the earlier application is an international application under the PCT, the *receiving Office* with which that earlier application was filed must be indicated.

Where the earlier application is a regional application (see however below), or an international application, the priority claim may also, if the applicant so wishes, indicate one or more countries party to the Paris Convention for which that earlier application was filed; such an indication is, however, not mandatory. Where the earlier application is a regional application and at least one of the countries party to the regional treaty is neither party to the Paris Convention nor a Member of the World Trade Organization, at least one country party to the Paris Convention or one Member of the World Trade Organization for which that earlier application was filed must be indicated.

Certified Copy of Earlier Application: The Office may require that a certified copy of each earlier application the priority of which is claimed (priority document) be submitted by the applicant, irrespective of

whether that earlier application is a national, regional or international application, unless the earlier application was filed with the same Office, or is available to that Office from a digital library which is accepted by the Office for that purpose (PLT Rule 4).

Request for Restoration of the Right of Priority:

Where the application is filed on a date which is later than the date on which the priority period expired but within the time limit prescribed in the applicable law (minimum two months), the applicant may request the Office to restore the right of priority. Such a request may be made in the Request Form or it may be filed within the time limit prescribed in the applicable law (minimum two months from the date on which the priority period expired, or the time that any technical preparations for publication of the subsequent application have been completed, whichever expires earlier).

If the request for restoration of the right of priority is made in the Request Form, the reasons for the failure to comply with the priority period shall be indicated on an additional sheet. A Contracting Party may require that the request be signed by the applicant (see PLT Rule 14(5)(i)).

Incorporation by Reference of Missing Parts:

Under certain conditions, where a part of the description or a drawing is missing from the application on the filing date but is contained completely in an earlier application, an applicant may later include such missing part of the description or the missing drawing in the application without loss of the filing date (see PLT Article 5(6)(b) and Rule 2(3) and (4)). As one of those conditions to be complied with, a Contracting Party may require that the application contain an indication that the contents of the earlier application were incorporated by reference in the application at the date on which one or more elements referred to in PLT Article 5(1)(a) were first received by the Office (see PLT Rule 2(4)(v)).

BOX No. IX

Filing by Reference: For the purposes of the filing date, the applicant may, at the time of filing, replace the description and any drawings in an application by a reference to a previously filed application, subject to the compliance with the requirements under PLT Rule 2(5) (see PLT Article 5(7)(a)).

BOX No. X

Declarations: The request may contain one or more of the following declarations:

- (i) declaration as to the identity of the inventor;
- (ii) declaration as to the applicant's entitlement, as at the filing date, to apply for and be granted a patent;
- (iii) declaration as to the applicant's entitlement, as at the filing date, to claim the priority of the earlier application;
- (iv) declaration of inventorship;
- (v) declaration as to non-prejudicial disclosures or exceptions to lack of novelty.

Where any such declarations are included, the appropriate check-boxes in Box No. X should be marked and the number of each type of declaration should be indicated in the right-hand column. The declarations may

be worded in a way that corresponds to the standardized wording provided for in Boxes Nos. X(i) to (v), as detailed below. Those standardized texts are meant to be guidelines for the drafting of the declarations. If the circumstances of a particular case are such that the standardized wordings are not applicable, the declarations may need to be adapted in the specific case, but nevertheless need to correspond to the contents of the applicable elements in the standardized declarations.

**BOXES Nos. X(i) to (v)
(IN GENERAL)**

Different Declaration Boxes: There are six different declaration boxes in the request form—one box for each of the five different types of declarations (Boxes Nos. X(i) to Box No. X(v)) and a continuation sheet (Continuation of Boxes Nos. X(i) to (v)) to be used in case any single declaration does not fit in the corresponding box.

Titles, Items, Item Numbers, Dotted Lines, Words in Parentheses and Words in Brackets: The prescribed standardized wording of the declarations includes titles, various items, item numbers, dotted lines, words in parentheses and words in brackets. Except for Box No. X(iv), only those items which are applicable may be included in a declaration where necessary to support the statements in that declaration (that is, omit those items which do not apply) and item numbers need not be included. Dotted lines indicate where information is required to be inserted. Words in parentheses are instructions to applicants as to the information which may be included in the declaration depending upon the factual circumstances. Words in brackets are optional and should appear in the declaration without the brackets if they apply; if they do not apply, they should be omitted together with the corresponding brackets.

Naming of Several Persons: More than one person may be named in a single declaration. In the alternative, with one exception, a separate declaration may be made for each person. With respect to the declaration of inventorship set forth in Box No. X(iv), all inventors must be indicated in a single declaration (see Notes to Box No. X(iv), below). The wording of declarations to be set forth in Boxes Nos. X(i), (ii), (iii) and (v) may be adapted from the singular to the plural as necessary.

BOX No. X(i)

Declaration as to the Identity of the Inventor: The declaration may be worded in a way that corresponds to the following:

“Declaration as to the identity of the inventor:

in relation to [this] application [No. ...], (*name*) ... of (*address*) ... is the inventor of the subject matter for which protection is sought by way of [the] [this] application.”

A declaration in Box No. X(i) is not necessary in respect of any inventor who is indicated as such (either as inventor only or as applicant and inventor) in Box No. II and/or No. III. However, where the inventor is not indicated in Box No. III, but is indicated as applicant in Box No. II, a declaration as to the applicant's entitlement to apply for and be granted a patent in Box No. X(ii) may

be appropriate (where the applicable national law requires that an application be filed by the inventor, however, declaration of inventorship in Box No. X(iv) shall be made). Where indications regarding the inventor are not included in Box No. II and/or No. III, this declaration may be combined with the prescribed wording of the declaration as to the applicant's entitlement to apply for and be granted a patent (Box No. X(ii)). For details on such a combined declaration, see Notes to Box No. X(ii), below. For details as to the declaration of inventorship where the applicable national law requires that an application be filed by the inventor, see Notes to Box No. X(iv), below.

BOX No. X(ii)

Declaration as to the Applicant's Entitlement to Apply for and Be Granted a Patent: The declaration may be worded in a way that corresponds to the following:

"Declaration as to the applicant's entitlement, as at the filing date, to apply for and be granted a patent:

in relation to [this] application [No. ...], (*Name*) ... is entitled to apply for and be granted a patent by virtue of the following:

- (i) (*name*) ... of (*address*) ... is the inventor of the subject matter for which protection is sought by way of [the] [this] application
- (ii) (*name*) ... [is][was] entitled as employer of the inventor, (*inventor's name*) ...
- (iii) an agreement between (*name*) ... and (*name*) ... dated ...
- (iv) an assignment from (*name*) ... to (*name*) ... dated ...
- (v) consent from (*name*) ... in favor of (*name*) ... dated ...
- (vi) a court order issued by (*name of court*) ... effecting a transfer from (*name*) ... to (*name*) ... dated ...
- (vii) transfer of entitlement from (*name*) ... to (*name*) ... by way of (*specify kind of transfer*) ... dated ...
- (viii) the applicant's name ... changed from (*name*) ... to (*name*) ... on (*date*) ..."

This declaration is only applicable to those events which have occurred prior to the filing date. The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the inventor, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement. Where the inventor is not indicated in Box No. II and/or No. III, this declaration may be presented as a combined declaration explaining the applicant's entitlement to apply for and be granted a patent and identifying the inventor. In such a case, the introductory phrase of the declaration must be replaced by the following words: "Combined declaration as to the applicant's entitlement, as at the filing date, to apply for and be granted a patent and as to the identity of the inventor, in a case where the declaration of inventorship (Box. No. X(iv) is not appropriate:". The remainder of the combined declaration must be worded as indicated in Box. No. X(ii).

BOX. No. X(iii)

Declaration as to the Applicant's Entitlement to Claim Priority of the Earlier Application: The declaration may be worded in a way that corresponds to the following:

"Declaration as to the applicant's entitlement, as at the filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application:

in relation to [this] application [No. ...] (*Name*) ... is entitled to claim priority of earlier application No. ... by virtue of the following:

- (i) the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application;
- (ii) (*name*) ... [is][was] entitled as employer of the inventor, (*inventor's name*) ...
- (iii) an agreement between (*name*) ... and (*name*) ... dated ...
- (iv) an assignment from (*name*) ... to (*name*) ... dated ...
- (v) consent from (*name*) ... in favor of (*name*) ... dated ...
- (vi) a court order issued by (*name of court*) ... effecting a transfer from (*name*) ... to (*name*) ... dated ...
- (vii) transfer of entitlement from (*name*) ... to (*name*) ... by way of (*specify kind of transfer*) ... dated ...
- (viii) the applicant's name changed from (*name*) ... to (*name*) ... on (*date*) ..."

This declaration is only applicable to those events which have occurred prior to the filing date. In addition, this declaration is only applicable where the person or name of the applicant is different from that of the applicant who filed the earlier application from which priority is claimed. For example, this declaration may be applicable where only one applicant out of several is different from the applicants indicated in respect of an earlier application. The possible kinds of transfer of entitlement in item (vii) include merger, acquisition, inheritance, donation, etc. Where there has been a succession of transfers from the applicant in respect of the earlier application, the order in which transfers are listed should follow the actual succession of transfers, and items may be included more than once, as necessary to explain the applicant's entitlement.

BOX. No. IX(iv)

Declaration of Inventorship: This declaration is applicable only in the United States of America. The declaration shall be worded as:

"Declaration of Inventorship:

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention titled:
the application of which is attached hereto

or
was filed on..... as United States Application Number or
PCT International Application Number..... and was
amended on.....(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims of said application, as amended by any amendment specifically referred to above. I have identified in the request of said application, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

Prior Applications:

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name: ...

Residence: ... (city, state, country)

Mailing Address: ... (city, state, zip, country)

Citizenship: ...

Inventor's Signature: ... Date: ...

(The signature must be that of the inventor, not that of the representative)"

The name, residence, address and citizenship must be included for each inventor. If the name and address of an inventor is not written in the Latin alphabet, the name and address must be indicated in the Latin alphabet. All inventors must sign and date the declaration even if they do not all sign the same copy of the declaration. If there are more than two inventors, those other inventors must be indicated on the "Continuation of Boxes Nos. X(i) to (v)" sheet. The continuation sheet should be entitled "Continuation of Box No. X(iv)," and must indicate the name, residence, address and citizenship for those other inventors, and at least the name and address in the Latin alphabet. In such a case, the "complete declaration" includes Box No. X(iv) and the continuation sheet. All inventors must sign and date a complete declaration even if they do not all sign the same copy of the complete declaration, and a copy of each separately signed complete declaration must be submitted.

BOX No. X(v)

Declaration as to Non-prejudicial Disclosures or Exceptions to Lack of Novelty: The declaration may be worded in a way that corresponds to the following:

"Declaration as to non-prejudicial disclosures or exceptions to lack of novelty:

in relation to [this] application [No. ...] (*Name*) declares that the subject matter claimed in [the] [this] application was disclosed as follows:

- (i) kind of disclosure (*include as applicable*):
 - (a) international exhibition: ...
 - (b) publication: ...
 - (c) abuse: ...
 - (d) other (*specify*): ...
- (ii) date of disclosure: ...
- (iii) title of disclosure (*if applicable*): ...
- (iv) place of disclosure (*if applicable*): ..."

Either (a), (b), (c) or (d) of item (i) should always be included in the declaration. Item (ii) should also always be included in the declaration. Items (iii) and (iv) may be incorporated depending upon the circumstances.

BOX No. XI

Items Constituting the Application: The number of sheets of the various parts of the application must be given in the check list. Sheets containing any of Boxes Nos. X(i) to (v) must be counted as part of the request. Where the application discloses one or more *nucleotide and/or amino acid sequences*, the number of pages of the sequence listing must be indicated under item (f) in Box No. XI and included in the total number of sheets.

According to PLT Article 6(1), the sequence listing must be presented as a separate part of the description ("sequence listing part of description") in accordance with the standard contained in Annex C of the Administrative Instructions under the PCT.

Items Accompanying the Application: Where the application is accompanied by certain items, the applicable check-boxes must be marked, any applicable indication must be made on the dotted line after the applicable item, and the number of such items should be indicated at the end of the relevant line; detailed explanations are provided below only in respect of those items which so require.

Check-box No. 2: Mark this check-box where the general power of attorney or a single power of attorney that covers this application has been deposited with the Office and a copy of such a power is filed with the application; if a reference number has been accorded, that number may be indicated.

Check-box No. 4: Mark this check-box where a separate sheet containing indications concerning deposited microorganisms and/or other biological material is filed with the application. If the applicable national/regional law requires that any sheet containing the said indications be included as one of the sheets of the description, do not mark this check-box.

Check-box No. 5: Where the application is accompanied by an item other than those referred to in items 1 to 4 in accordance with the applicable national/regional law, check-box No. 5 must be marked and subject matter of such an item must be specified. For instance, where a copy of the previously filed application and/or a translation of the previously filed application are attached to the application, they shall be indicated in this check-box.

Another example is evidence concerning non-prejudicial disclosures or exceptions to lack of novelty.

BOX No. XII

Signature: The signature or seal must be that of the applicant, and if there are several applicants, all must sign or use their seals in accordance with the applicable

national/regional law. Where the signature on the request is not that of the applicant but that of the representative, separate power of attorney appointing the representative, or a copy of a general power of attorney, or a single power of attorney that covers this application, which is already in the possession of the Office, must be furnished unless submission of a power of attorney is not required under the applicable law.

Date: Where the indication of the date of the signature or seal is required by the applicable law, but is not supplied, the date on which the signing is deemed to have been effected shall be the date on which the application was received by the Office or, if the applicable law so permits, a date earlier than the latter date (see PLT Rule 9(2)).