

## Amendments to the Regulations under the Patent Cooperation Treaty (PCT)

### Rule 3 The Request (Form)

3.1 and 3.2 [No change]

3.3 Check List

- (a) The request shall contain a list indicating:
- (i) the total number of sheets constituting the international application and the number of the sheets of each element of the international application: request, description (separately indicating the number of sheets of any sequence listing part of the description), claims, drawings, abstract;
  - (ii) where applicable, that the international application as filed is accompanied by a power of attorney (i.e., a document appointing an agent or a common representative), a copy of a general power of attorney, a priority document, a sequence listing in computer readable form, a document relating to the payment of fees, or any other document (to be specified in the check list);
  - (iii) [No change]
- (b) [No change]

3.4 [No change]

### Rule 4 The Request (Contents)

4.1 to 4.9 [No change]

4.10 Priority Claim

- (a) Any declaration referred to in Article 8(1) ("priority claim") shall, subject to Rule 26bis.1, be made in the request; it shall consist of a statement to the effect that the priority of an earlier application is claimed and shall indicate:
- (i) the date on which the earlier application was filed, being a date falling within the period of 12 months preceding the international filing date;
  - (ii) the number of the earlier application;
  - (iii) where the earlier application is a national application, the country party to the Paris

- Convention for the Protection of Industrial Property in which it was filed;
- (iv) where the earlier application is a regional application, the authority entrusted with the granting of regional patents under the applicable regional patent treaty;
  - (v) where the earlier application is an international application, the receiving Office with which it was filed.
- (b) In addition to any indication required under paragraph (a)(iv) or (v):
- (i) where the earlier application is a regional application or an international application, the priority claim may indicate one or more countries party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed;
  - (ii) where the earlier application is a regional application and the countries party to the regional patent treaty are not all party to the Paris Convention for the Protection of Industrial Property, the priority claim shall indicate at least one country party to that Convention for which that earlier application was filed.
- (c) For the purposes of paragraphs (a) and (b), Article 2(vi) shall not apply.
- (d) [Deleted]
- (e) [Deleted]
- 4.11 to 4.17 [No change]

### Rule 5 The Description

5.1 [No change]

5.2 Nucleotide and/or Amino Acid Sequence Disclosure

- (a) Where the international application contains disclosure of one or more nucleotide and/or amino acid sequences, the description shall contain a sequence listing complying with the standard provided for in the Administrative Instructions and presented as a separate part of the description in accordance with that standard.

<sup>1</sup> The following reproduces the text as amended of each Rule that was amended. Where a paragraph or item of any such Rule has not been amended or remains deleted, the indication "[No change]" or "[Remains deleted]" appears.

- (b) Where the sequence listing part of the description contains any free text as defined in the standard provided for in the Administrative Instructions, that free text shall also appear in the main part of the description in the language thereof.

### **Rule 11**

#### **Physical Requirements of the International Application**

11.1 to 11.13 [No change]

11.14 Later Documents

Rules 10, and 11.1 to 11.13, also apply to any document – for example, corrected pages, amended claims, translations-submitted after the filing of the international application.

### **Rule 12**

#### **Language of the International Application and Translation for the Purposes of International Search**

12.1 Languages Accepted for the Filing of International Applications

- (a) An international application shall be filed in any language which the receiving Office accepts for that purpose.
- (b) Each receiving Office shall, for the filing of international applications, accept at least one language which is both:
- (i) a language accepted by the International Searching Authority, or, if applicable, by at least one of the International Searching Authorities, competent for the international searching of international applications filed with that receiving Office, and
  - (ii) a language of publication.
  - (iii) [Deleted]
- (c) Notwithstanding paragraph (a), the request shall be filed in a language which is both a language accepted by the receiving Office under that paragraph and a language of publication.
- (d) Notwithstanding paragraph (a), any text matter contained in the sequence listing part of the description referred to in Rule 5.2(a) shall be presented in accordance with the standard provided for in the Administrative Instructions.
- 12.2 Language of Changes in the International Application
- (a) Any amendment of the international application shall, subject to Rules 46.3, 55.3 and 66.9, be in the language in which the application is filed.
- (b) Any rectification under Rule 91.1 of an obvious error in the international application shall be in the language in which the application is filed, provided that:
- (i) where a translation of the international application is required under Rule 12.3(a), 48.3(b) or 55.2(a), rectifications referred to in

Rule 91.1 (e)(ii) and (iii) shall be filed in both the language of the application and the language of that translation;

- (ii) where a translation of the request is required under Rule 26.3ter(c), rectifications referred to in Rule 91.1 (e)(i) need only be filed in the language of that translation.

- (c) Any correction under Rule 26 of a defect in the international application shall be in the language in which the international application is filed. Any correction under Rule 26 of a defect in a translation of the international application furnished under Rule 12.3 or 55.2(a), or in a translation of the request furnished under Rule 26.3ter(c), shall be in the language of the translation.

12.3 Translation for the Purposes of International Search

- (a) Where the language in which the international application is filed is not accepted by the International Searching Authority that is to carry out the international search, the applicant shall, within one month from the date of receipt of the international application by the receiving Office, furnish to that Office a translation of the international application into a language which is all of the following:
- (i) a language accepted by that Authority, and
  - (ii) a language of publication, and
  - (iii) a language accepted by the receiving Office under Rule 12.1(a), unless the international application is filed in a language of publication.
- (b) Paragraph (a) shall not apply to the request nor to any sequence listing part of the description.
- (c) Where, by the time the receiving Office sends to the applicant the notification under Rule 20.5(c), the applicant has not furnished a translation required under paragraph (a), the receiving Office shall, preferably together with that notification, invite the applicant:
- (i) to furnish the required translation within the time limit under paragraph (a);
  - (ii) in the event that the required translation is not furnished within the time limit under paragraph (a), to furnish it and to pay, where applicable, the late furnishing fee referred to in paragraph (e), within one month from the date of the invitation or two months from the date of receipt of the international application by the receiving Office, whichever expires later.
- (d) Where the receiving Office has sent to the applicant an invitation under paragraph (c) and the applicant has not, within the applicable time limit under paragraph (c)(ii), furnished the required translation and paid any required late furnishing fee, the international application shall be considered withdrawn and the receiving Office shall so declare. Any translation and any payment received by the receiving Office before that Office makes the declaration under the previous sentence and before the expiration of 15 months from the

priority date shall be considered to have been received before the expiration of that time limit.

- (e) The furnishing of a translation after the expiration of the time limit under paragraph (a) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late furnishing fee equal to 50% of the basic fee.

### **Rule 13bis**

#### **Inventions Relating to Biological Material**

##### 13bis.1 Definition

For the purposes of this Rule, "reference to deposited biological material" means particulars given in an international application with respect to the deposit of biological material with a depositary institution or to the biological material so deposited.

##### 13bis.2 References (General)

Any reference to deposited biological material shall be made in accordance with this Rule and, if so made, shall be considered as satisfying the requirements of the national law of each designated State.

##### 13bis.3 References: Contents; Failure to Include Reference or Indication

- (a) A reference to deposited biological material shall indicate:
- (i) [No change]
  - (ii) the date of deposit of the biological material with that institution;
  - (iii) and (iv) [No change]
- (b) Failure to include a reference to deposited biological material or failure to include, in a reference to deposited biological material, an indication in accordance with paragraph (a), shall have no consequence in any designated State whose national law does not require such reference or such indication in a national application.

##### 13bis.4 References: Time Limit for Furnishing Indications

- (a) Subject to paragraphs (b) and (c), if any of the indications referred to in Rule 13bis.3(a) is not included in a reference to deposited biological material in the international application as filed but is furnished to the International Bureau:
- (i) within 16 months from the priority date, the indication shall be considered by any designated Office to have been furnished in time;
  - (ii) after the expiration of 16 months from the priority date, the indication shall be considered by any designated Office to have been furnished on the last day of that time limit if it reaches the International Bureau before the technical preparations for international publication have been completed.
- (b) If the national law applicable by a designated Office so requires in respect of national applications, that Office may require that any of the indications referred to in Rule 13bis.3(a) be furnished earlier

than 16 months from the priority date, provided that the International Bureau has been notified of such requirement pursuant to Rule 13bis.7(a)(ii) and has published such requirement in the Gazette in accordance with Rule 13bis.7(c) at least two months before the filing of the international application.

- (c) Where the applicant makes a request for early publication under Article 21(2)(b), any designated Office may consider any indication not furnished before the technical preparations for international publication have been completed as not having been furnished in time.
- (d) The International Bureau shall notify the applicant of the date on which it received any indication furnished under paragraph (a), and
- (i) if the indication was received before the technical preparations for international publication have been completed, indicate that date, and include the relevant data from the indication, in the pamphlet published under Rule 48;
  - (ii) if the indication was received after the technical preparations for international publication have been completed, notify that date and the relevant data from the indication to the designated Offices.

##### 13bis.5 References and Indications for the Purposes of One or More Designated States; Different Deposits for Different Designated States; Deposits with Depositary Institutions Other than Those Notified

- (a) A reference to deposited biological material shall be considered to be made for the purposes of all designated States, unless it is expressly made for the purposes of certain of the designated States only; the same applies to the indications included in the reference.
- (b) References to different deposits of the biological material may be made for different designated States.
- (c) Any designated Office may disregard a deposit made with a depositary institution other than one notified by it under Rule 13bis.7(b).

##### 13bis.6 Furnishing of Samples

- (a) [Deleted]
- (b) Pursuant to Articles 23 and 40, no furnishing of samples of the deposited biological material to which a reference is made in an international application shall, except with the authorization of the applicant, take place before the expiration of the applicable time limits after which national processing may start under the said Articles. However, where the applicant performs the acts referred to in Articles 22 or 39 after international publication but before the expiration of the said time limits, the furnishing of samples of the deposited biological material may take place, once the said acts have been performed. Notwithstanding the previous provision, the

furnishing of samples of the deposited biological material may take place under the national law applicable by any designated Office as soon as, under that law, the international publication has the effects of the compulsory national publication of an unexamined national application.

#### 13bis.7 National Requirements: Notification and Publication

- (a) Any national Office may notify the International Bureau of any requirement of the national law:
- (i) that any matter specified in the notification, in addition to those referred to in Rule 13bis.3(a)(i), (ii) and (iii), is required to be included in a reference to deposited biological material in a national application;
  - (ii) that one or more of the indications referred to in Rule 13bis.3(a) are required to be included in a national application as filed or are required to be furnished at a time specified in the notification which is earlier than 16 months from the priority date.
- (b) Each national Office shall notify the International Bureau of the depositary institutions with which the national law permits deposits of biological materials to be made for the purposes of patent procedure before that Office or, if the national law does not provide for or permit such deposits, of that fact.
- (c) [No change]

#### **Rule 13ter**

##### **Nucleotide and/or Amino Acid Sequence Listings**

#### 13ter.1 Sequence Listing for International Authorities

- (a) Where the International Searching Authority finds that the international application contains disclosure of one or more nucleotide and/or amino acid sequences but:
- (i) the international application does not contain a sequence listing complying with the standard provided for in the Administrative Instructions, that Authority may invite the applicant to furnish to it, within a time limit fixed in the invitation, a sequence listing complying with that standard;
  - (ii) the applicant has not already furnished a sequence listing in computer readable form complying with the standard provided for in the Administrative Instructions, that Authority may invite the applicant to furnish to it, within a time limit fixed in the invitation, a sequence listing in such a form complying with that standard.
- (b) [Deleted]
- (c) If the applicant does not comply with an invitation under paragraph (a) within the time limit fixed in the invitation, the International Searching Authority shall not be required to search the international application to the extent that such non-compliance has the result that a meaningful search cannot be carried out.
- (d) Where the International Searching Authority

FINDS that the description does not comply with Rule 5.2(b), it shall invite the applicant to file the required correction. Rule 26.4 shall apply mutatis mutandis to any correction offered by the applicant. The International Searching Authority shall transmit the correction to the receiving Office and to the International Bureau.

- (e) Paragraphs (a) and (c) shall apply mutatis mutandis to the procedure before the International Preliminary Examining Authority.
- (f) Any sequence listing not contained in the international application as filed shall not, subject to Article 34, form part of the international application.

#### 13ter.2 Sequence Listing for Designated Office

Once the processing of the international application has started before a designated Office, Rule 13ter.1(a) shall apply mutatis mutandis to the procedure before that Office. No designated Office shall require the applicant to furnish to it a sequence listing other than a sequence listing complying with the standard provided for in the Administrative Instructions.

- (b) [Deleted]

#### **Rule 14**

##### **The Transmittal Fee**

#### 14.1 The Transmittal Fee

- (a) [No change]
- (b) The amount of the transmittal fee, if any, shall be fixed by the receiving Office.
- (c) The transmittal fee shall be paid within one month from the date of receipt of the international application. The amount payable shall be the amount applicable on that date of receipt.

#### **Rule 15**

##### **The International Fee**

#### 15.1 Basic Fee and Designation Fee

Each international application shall be subject to the payment of a fee for the benefit of the International Bureau ("international fee") to be collected by the receiving Office and consisting of,

- (i) [No change]
- (ii) as many "designation fees" as there are national patents and regional patents sought under Rule 4.9(a), except that, where Article 44 applies in respect of a designation, only one designation fee shall be due for that designation, and that the Schedule of Fees may indicate a maximum number of designation fees payable.

#### 15.2 Amounts

- (a) [No change]
- (b) The basic fee and the designation fee shall be payable in the currency or one of the currencies prescribed by the receiving Office ("prescribed

currency"), it being understood that, when transferred by the receiving Office to the International Bureau, they shall be freely convertible into Swiss currency. The amounts of the basic fee and of the designation fee shall be established, for each receiving Office which prescribes the payment of those fees in any currency other than Swiss currency, by the Director General after consultation with the receiving Office of, or acting under Rule 19.1(b) for, the State whose official currency is the same as the prescribed currency. The amounts so established shall be the equivalents, in round figures, of the amounts in Swiss currency set out in the Schedule of Fees. They shall be notified by the International Bureau to each receiving Office prescribing payment in that prescribed currency and shall be published in the Gazette.

(c) [No change]

(d) Where the exchange rate between Swiss currency and any prescribed currency becomes different from the exchange rate last applied, the Director General shall establish new amounts in the prescribed currency according to directives given by the Assembly. The newly established amounts shall become applicable two months after the date of their publication in the Gazette, provided that the receiving Office referred to in the second sentence of paragraph (b) and the Director General may agree on a date falling during the said two-month period, in which case the said amounts shall become applicable from that date.

15.3 [Deleted]

15.4 Time Limit for Payment; Amount Payable

(a) The basic fee shall be paid within one month from the date of receipt of the international application. The amount payable shall be the amount applicable on that date of receipt.

(b) The designation fee shall be paid within a time limit of

- (i) one year from the priority date, or
- (ii) one month from the date of receipt of the international application if that one-month period expires later than one year from the priority date.

(c) Where the designation fee is paid before the expiration of one month from the date of receipt of the international application, the amount payable shall be the amount applicable on that date of receipt. Where the time limit under paragraph (b)(i) applies and the designation fee is paid before the expiration of that time limit but later than one month from the date of receipt of the international application, the amount payable shall be the amount applicable on the date of payment.

(i) and (ii) [Deleted]

15.5 Fees Under Rule 4.9(c)

(a) Notwithstanding Rule 15.4(b), the confirmation under Rule 4.9(c) of any designations made under

Rule 4.9(b) shall be subject to the payment to the receiving Office of as many designation fees (for the benefit of the International Bureau) as there are national patents and regional patents sought by the applicant by virtue of the confirmation, together with a confirmation fee (for the benefit of the receiving Office) equal to 50% of the sum of the designation fees payable under this paragraph. Such fees shall be payable in respect of each designation so confirmed, even if the maximum number of designation fees referred to in item 2(a) of the Schedule of Fees is already payable or if a designation fee is already payable in respect of the designation under Rule 4.9(a) of the same State for a different purpose.

(b) [No change]

15.6 Refund

The receiving Office shall refund the international fee to the applicant:

- (i) if the determination under Article 11(1) is negative;
- (ii) if, before the transmittal of the record copy to the International Bureau, the international application is withdrawn or considered withdrawn, or
- (iii) if, due to prescriptions concerning national security, the international application is not treated as such.

## Rule 16

### The Search Fee

16.1 Right to Ask for a Fee

(a) [No change]

(b) The search fee shall be collected by the receiving Office. The said fee shall be payable in the currency or one of the currencies prescribed by that Office ("receiving Office currency"), it being understood that, if any receiving Office currency is not that, or one of those, in which the International Searching Authority has fixed the said fee ("fixed currency"), it shall, when transferred by the receiving Office to the International Searching Authority, be freely convertible into the currency of the State in which the International Searching Authority has its headquarters ("headquarters currency"). The amount of the search fee in any receiving Office currency, other than the fixed currency, shall be established by the Director General after consultation with the receiving Office of, or acting under Rule 19.1(b) for, the State whose official currency is the same as the receiving Office currency. The amounts so established shall be the equivalents, in round figures, of the amount established by the International Searching Authority in the headquarters currency. They shall be notified by the International Bureau to each receiving Office prescribing payment in that receiving Office currency and shall be published in the Gazette.

- (c) [No change]
- (d) Where the exchange rate between the headquarters currency and any receiving Office currency, other than the fixed currency or currencies, becomes different from the exchange rate last applied, the Director General shall establish the new amount in the said receiving Office currency according to directives given by the Assembly. The newly established amount shall become applicable two months after its publication in the Gazette, provided that any receiving Office referred to in the third sentence of paragraph (b) and the Director General may agree on a date falling during the said two-month period, in which case the said amount shall become applicable for that Office from that date.
- (e) [No change]
- (f) As to the time limit for payment of the search fee and the amount payable, the provisions of Rule 15.4(a) relating to the basic fee shall apply mutatis mutandis.

#### 16.2 Refund

The receiving Office shall refund the search fee to the applicant:

- (i) if the determination under Article 11(1) is negative;
- (ii) if, before the transmittal of the search copy to the International Searching Authority, the international application is withdrawn or considered withdrawn, or
- (iii) if, due to prescriptions concerning national security, the international application is not treated as such.

#### 16.3 [No change]

### **Rule 16bis**

#### **Extension of Time Limits for Payment of Fees**

##### 16bis.1 Invitation by the Receiving Office

- (a) Where, by the time they are due under Rules 14.1(c), 15.4(a) and 16.1(f), the receiving Office finds that no fees were paid to it, or that the amount paid to it is insufficient to cover the transmittal fee, the basic fee and the search fee, the receiving Office shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 16bis.2, within a time limit of one month from the date of the invitation.
- (b) Where, by the time they are due under Rule 15.4(b), the receiving Office finds that no fees were paid to it, or that the amount paid to it is insufficient to cover the designation fees necessary to cover all the designations under Rule 4.9(a), the receiving Office shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 16bis.2, within a time limit of one month from the date of the invitation. The amount payable in

respect of any designation fee shall be the amount applicable on the last day of the one-year period from the priority date if the time limit under Rule 15.4(b)(i) applies or the amount applicable on the date of receipt of the international application if the time limit under Rule 15.4(b)(ii) applies.

- (c) Where the receiving Office has sent to the applicant an invitation under paragraph (a) or (b) and the applicant has not, within the time limit referred to in that paragraph, paid in full the amount due, including, where applicable, the late payment fee under Rule 16bis.2, the receiving Office shall, subject to paragraph (d):
- (i) to (iii) [No change]
- (d) Any payment received by the receiving Office before that Office sends the invitation under paragraph (a) or (b) shall be considered to have been received before the expiration of the time limit under Rule 14.1(c), 15.4(a) or (b) or 16.1(f), as the case may be.
- (e) Any payment received by the receiving Office before that Office makes the applicable declaration under Article 14(3) shall be considered to have been received before the expiration of the time limit referred to in paragraph (a) or (b).

##### 16bis.2 Late Payment Fee

- (a) The payment of fees in response to an invitation under Rule 16bis.1(a) or (b) may be subjected by the receiving Office to the payment to it, for its own benefit, of a late payment fee. The amount of that fee shall be:
- (i) and (ii) [No change]
- (b) The amount of the late payment fee shall not, however, exceed the amount of the basic fee referred to in item 1(a) of the Schedule of Fees.

### **Rule 17**

#### **The Priority Document**

##### 17.1 Obligation to Submit Copy of Earlier National or International Application

- (a) Where the priority of an earlier national or international application is claimed under Article 8, a copy of that earlier application, certified by the authority with which it was filed ("the priority document"), shall, unless already filed with the receiving Office together with the international application in which the priority claim is made, and subject to paragraph (b), be submitted by the applicant to the International Bureau or to the receiving Office not later than 16 months after the priority date, provided that any copy of the said earlier application which is received by the International Bureau after the expiration of that time limit shall be considered to have been received by that Bureau on the last day of that time limit if it reaches it before the date of international publication of the international application.
- (b) Where the priority document is issued by the receiving Office, the applicant may, instead of

submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request shall be made not later than 16 months after the priority date and may be subjected by the receiving Office to the payment of a fee.

- (c) If the requirements of neither of the two preceding paragraphs are complied with, any designated State may disregard the priority claim, provided that no designated Office shall disregard the priority claim before giving the applicant an opportunity to furnish the priority document within a time limit which shall be reasonable under the circumstances.

#### 17.2 Availability of Copies

(a) Where the applicant has complied with Rule 17.1(a) or (b), the International Bureau shall, at the specific request of the designated Office, promptly but not prior to the international publication of the international application, furnish a copy of the priority document to that Office. No such Office shall ask the applicant himself to furnish it with a copy. The applicant shall not be required to furnish a translation to the designated Office before the expiration of the applicable time limit under Article 22. Where the applicant makes an express request to the designated Office under Article 23(2) prior to the international publication of the international application, the International Bureau shall, at the specific request of the designated Office, furnish a copy of the priority document to that Office promptly after receiving it.

(b) [No change]

(c) Where the international application has been published under Article 21, the International Bureau shall furnish a copy of the priority document to any person upon request and subject to reimbursement of the cost unless, prior to that publication:

(i) [No change]

(ii) the relevant priority claim was withdrawn or considered, under Rule 26bis.2(b), not to have been made.

(iii) [Deleted]

(d) [Deleted]

### Rule 19

#### The Competent Receiving Office

19.1 to 19.3 [No change]

19.4 Transmittal to the International Bureau as Receiving Office

- (a) Where an international application is filed with a national Office which acts as a receiving Office under the Treaty but
- (i) that national Office is not competent under Rule

19.1 or 19.2 to receive that international application, or

- (ii) that international application is not in a language accepted under Rule 12.1(a) by that national Office but is in a language accepted under that Rule by the International Bureau as receiving Office, or
- (iii) that national Office and the International Bureau agree, for any reason other than those specified under items (i) and (ii), and with the authorization of the applicant, that the procedure under this Rule should apply,

that international application shall, subject to paragraph (b), be considered to have been received by that Office on behalf of the International Bureau as receiving Office under Rule 19.1 (a)(iii).

(b) [No change]

- (c) For the purposes of Rules 14.1(c), 15.4(a) to (c) and 16.1(f), where the international application was transmitted to the International Bureau under paragraph (b), the date of receipt of the international application shall be considered to be the date on which the international application was actually received by the International Bureau. For the purposes of this paragraph, the last sentence of paragraph (b) shall not apply.

### Rule 20

#### Receipt of the International Application

20.1 to 20.3 [No change]

20.4 Determination Under Article 11(1)

(a) and (b) [No change]

(c) For the purposes of Article 11(1)(ii), it shall be sufficient that the part which appears to be a description (other than any sequence listing part thereof) and the part which appears to be a claim or claims be in a language accepted by the receiving Office under Rule 12.1(a).

(d) If, on October 1, 1997, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.

20.5 to 20.9 [No change]

### Rule 22

#### Transmittal of the Record Copy and Translation

22.1 Procedure

(a) to (g) [No change]

(h) Where the international application is to be published in the language of a translation furnished under Rule 12.3, that translation shall be transmitted

by the receiving Office to the International Bureau together with the record copy under paragraph (a) or, if the receiving Office has already transmitted the record copy to the International Bureau under that paragraph, promptly after receipt of the translation.

22.2 [Remains deleted]

22.3 [No change]

### **Rule 23**

#### **Transmittal of the Search Copy, Translation and Sequence Listing**

##### 23.1 Procedure

- (a) Where no translation of the international application is required under Rule 12.3(a), the search copy shall be transmitted by the receiving Office to the International Searching Authority at the latest on the same day as the record copy is transmitted to the International Bureau unless no search fee has been paid. In the latter case, it shall be transmitted promptly after payment of the search fee.
- (b) Where a translation of the international application is furnished under Rule 12.3, a copy of that translation and of the request, which together shall be considered to be the search copy under Article 12(1), shall be transmitted by the receiving Office to the International Searching Authority, unless no search fee has been paid. In the latter case, a copy of the said translation and of the request shall be transmitted promptly after payment of the search fee.
- (c) Any sequence listing in computer readable form which is furnished to the receiving Office shall be transmitted by that Office to the International Searching Authority.

### **Rule 26**

#### **Checking by, and Correcting Before, the Receiving Office of Certain Elements of the International Application**

26.1 and 26.2 [No change]

##### 26.3 Checking of Physical Requirements Under Article 14(1)(a)(v)

- (a) Where the international application is filed in a language of publication, the receiving Office shall check:
- (i) the international application for compliance with the physical requirements referred to in Rule 11 only to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication;
  - (ii) any translation furnished under Rule 12.3 for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of satisfactory reproduction.
- (b) Where the international application is filed in

a language which is not a language of publication, the receiving Office shall check:

- (i) the international application for compliance with the physical requirements referred to in Rule 11 only to the extent that compliance therewith is necessary for the purpose of satisfactory reproduction;
- (ii) any translation furnished under Rule 12.3 and the drawings for compliance with the physical requirements referred to in Rule 11 to the extent that compliance therewith is necessary for the purpose of reasonably uniform international publication.

##### 26.3bis Invitation Under Article 14(l)(b) to Correct Defects Under Rule 11

The receiving Office shall not be required to issue the invitation under Article 14(1)(b) to correct a defect under Rule 11 where the physical requirements referred to in that Rule are complied with to the extent required under Rule 26.3.

##### 26.3ter Invitation to Correct Defects Under Article 3(4)(i)

- (a) Where the abstract or any text matter of the drawings is filed in a language which is different from the language of the description and the claims, the receiving Office shall, unless
- (i) a translation of the international application is required under Rule 12.3(a) or
  - (ii) the abstract or the text matter of the drawings is in the language in which the international application is to be published,

invite the applicant to furnish a translation of the abstract or the text matter of the drawings into the language in which the international application is to be published. Rules 26.1(a), 26.2, 26.3, 26.3bis, 26.5 and 29.1 shall apply mutatis mutandis.

- (b) If, on October 1, 1997, paragraph (a) is not compatible with the national law applied by the receiving Office, paragraph (a) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.
- (c) Where the request does not comply with Rule 12.1(c), the receiving Office shall invite the applicant to file a translation so as to comply with that Rule. Rules 3, 26.1(a), 26.2, 26.5 and 29.1 shall apply mutatis mutandis.
- (d) If, on October 1, 1997, paragraph (c) is not compatible with the national law applied by the receiving Office, paragraph (c) shall not apply to that receiving Office for as long as it continues not to be compatible with that law, provided that the said Office informs the International Bureau accordingly by December 31, 1997. The information received shall be promptly published by the International Bureau in the Gazette.



26.4 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

26.5 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

26.6 [No change]

### **Rule 26bis**

#### **Correction or Addition of Priority Claim**

##### 26bis.1 Correction or Addition of Priority Claim

- (a) The applicant may correct or add a priority claim by a notice submitted to the receiving Office or the International Bureau within a time limit of 16 months from the priority date or, where the correction or addition would cause a change in the priority date, 16 months from the priority date as so changed, whichever 16-month period expires first, provided that such a notice may be submitted until the expiration of four months from the international filing date. The correction of a priority claim may include the addition of any indication referred to in Rule 4.10.
- (b) Any notice referred to in paragraph (a) received by the receiving Office or the International Bureau after the applicant has made a request for early publication under Article 21(2)(b) shall be considered not to have been submitted, unless that request is withdrawn before the technical preparations for international publication have been completed.
- (c) Where the correction or addition of a priority claim causes a change in the priority date, any time limit which is computed from the previously applicable priority date and which has not already expired shall be computed from the priority date as so changed.

##### 26bis.2 Invitation to Correct Defects in Priority Claims

- (a) Where the receiving Office or, if the receiving Office fails to do so, the International Bureau, finds that a priority claim does not comply with the requirements of Rule 4.10 or that any indication in a priority claim is not the same as the corresponding indication appearing in the priority document, the receiving Office or the International Bureau, as the case may be, shall invite the applicant to correct the priority claim.
- (b) If, in response to an invitation under paragraph (a), the applicant does not, before the expiration of the time limit under Rule 26bis.1(a), submit a notice correcting the priority claim so as to comply with the requirements of Rule 4.10, that priority claim shall, for the purposes of the procedure under the Treaty, be considered not to have been made and the receiving Office or the International Bureau, as the case may be, shall so declare and shall inform the applicant accordingly, provided that a priority claim shall not be considered not to have been made only because the indication of the number of the earlier application referred to in Rule 4.10(a)(ii)

is missing or because an indication in the priority claim is not the same as the corresponding indication appearing in the priority document.

- (c) Where the receiving Office or the International Bureau has made a declaration under paragraph (b), the International Bureau shall, upon request made by the applicant and received by the International Bureau prior to the completion of the technical preparations for international publication, and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, publish, together with the international application, information concerning the priority claim which was considered not to have been made. A copy of that request shall be included in the communication under Article 20 where a copy of the pamphlet is not used for that communication or where the international application is not published by virtue of Article 64(3).

### **Rule 29**

#### **International Applications or Designations Considered Withdrawn**

##### 29.1 Finding by Receiving Office

- (a) If the receiving Office declares, under Article 14(1)(b) and Rule 26.5 [failure to correct certain defects], or under Article 14(3)(a) (failure to pay the prescribed fees under Rule 27.1(a)), or under Article 14(4) [later finding of non-compliance with the requirements listed in items (i) to (iii) of Article 11(1)], or under Rule 12.3(d) (failure to furnish a required translation or, where applicable, to pay a late furnishing fee), or under Rule 92.4(g)(i) (failure to furnish the original of a document), that the international application is considered withdrawn:
- (i) to (iv) [No change]

- (b) [No change]

29.2 [Remains deleted]

29.3 and 29.4 [No change]

### **Rule 34**

#### **Minimum Documentation**

##### 34.1 Definition

- (a) and (b) [No change]
- (c) Subject to paragraphs (d) and (e), the "national patent documents" shall be the following:
- (i) the patents issued in and after 1920 by France, the former Reichspatentamt of Germany, Japan, the former Soviet Union, Switzerland (in the French and German languages only), the United Kingdom, and the United States of America;
- (ii) the patents issued by the Federal Republic of Germany and the Russian Federation;
- (iii) [No change]

(iv) the inventors' certificates issued by the former Soviet Union;

(v) and (vi) [No change]

(d) [No change]

(e) Any International Searching Authority whose official language, or one of whose official languages, is not Japanese, Russian or Spanish is entitled not to include in its documentation those patent documents of Japan, the Russian Federation and the former Soviet Union as well as those patent documents in the Spanish language, respectively, for which no abstracts in the English language are generally available. English abstracts becoming generally available after the date of entry into force of these Regulations shall require the inclusion of the patent documents to which the abstracts refer no later than six months after such abstracts become generally available. In case of the interruption of abstracting services in English in technical fields in which English abstracts were formerly generally available, the Assembly shall take appropriate measures to provide for the prompt restoration of such services in the said fields.

(f) [No change]

### **Rule 37**

#### **Missing or Defective Title**

37.1 [No change]

37.2 Establishment of Title

If the international application does not contain a title and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish a title, or if the said Authority finds that the title does not comply with Rule 4.3, it shall itself establish a title. Such title shall be established in the language in which the international application is to be published or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

### **Rule 38**

#### **Missing or Defective Abstract**

38.1 [No change]

38.2 Establishment of Abstract

(a) If the international application does not contain an abstract and the International Searching Authority has not received a notification from the receiving Office to the effect that the applicant has been invited to furnish an abstract, or if the said Authority finds that the abstract does not comply with Rule 8, it shall itself establish an abstract. Such abstract shall be established in the language in which the international application is to be published or, if a translation into another language

was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

(b) [No change]

### **Rule 43**

#### **The International Search Report**

43.1 to 43.3 [No change]

43.4 Language

Every international search report and any declaration made under Article 17(2)(a) shall be in the language in which the international application to which it relates is to be published or, if a translation into another language was transmitted under Rule 23.1(b) and the International Searching Authority so wishes, in the language of that translation.

43.5 to 43.8 [No change]

43.9 Additional Matter

The international search report shall contain no matter other than that specified in Rules 33.1(b) and (c), 43.1 to 43.3, 43.5 to 43.8, and 44.2, and the indication referred to in Article 17(2)(b), provided that the Administrative Instructions may permit the inclusion in the international search report of any additional matter specified in the Administrative Instructions. The international search report shall not contain, and the Administrative Instructions shall not permit the inclusion of, any expressions of opinion, reasoning, arguments, or explanations.

43.10 [No change]

### **Rule 44**

#### **Transmittal of the International Search Report, Etc.**

44.1 [No change]

44.2 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

44.3 [No change]

### **Rule 46**

#### **Amendment of Claims Before the International Bureau**

46.1 to 46.4 [No change]

46.5 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

### **Rule 47**

#### **Communication to Designated Offices**

47.1 and 47.2 [No change]

47.3 Languages

(a) The international application communicated

under Article 20 shall be in the language in which it is published.

- (b) Where the language in which the international application is published is different from the language in which it was filed, the International Bureau shall furnish to any designated Office, upon the request of that Office, a copy of that application in the language in which it was filed.

47.4 [No change]

### **Rule 48**

#### **International Publication**

48.1 [No change]

48.2 Contents

- (a) The pamphlet shall contain:
- (i) to (vii) [No change]
  - (viii) the relevant data from any indications in relation to deposited biological material furnished under Rule 13bis separately from the description, together with an indication of the date on which the International Bureau received such indications;
  - (ix) any information concerning a priority claim considered not to have been made under Rule 26bis.2(b), the publication of which is requested under Rule 26bis.2(c).
- (b) to (i) [No change]

48.3 Languages of Publication

- (a) If the international application is filed in Chinese, English, French, German, Japanese, Russian or Spanish ("languages of publication"), that application shall be published in the language in which it was filed.

(a-bis) If the international application is not filed in a language of publication and a translation into a language of publication has been furnished under Rule 12.3, that application shall be published in the language of that translation.

- (b) If the international application is filed in a language which is not a language of publication and no translation into a language of publication is required under Rule 12.3(a), that application shall be published in English translation. The translation shall be prepared under the responsibility of the International Searching Authority, which shall be obliged to have it ready in time to permit international publication by the prescribed date, or, where Article 64(3)(b) applies, to permit the communication under Article 20 by the end of the 19th month after the priority date. Notwithstanding Rule 16.1(a), the International Searching Authority may charge a fee for the translation to the applicant. The International Searching Authority shall give the applicant an opportunity to comment on the draft translation. The International Searching Authority shall set a fix time limit reasonable under the circumstances of the case for such comments. If

there is no time to take the comments of the applicant into account before the translation is communicated or if there is a difference of opinion between the applicant and the said Authority as to the correct translation, the applicant may send a copy of his comments, or what remains of them, to the International Bureau and each designated Office to which the translation was communicated. The International Bureau shall publish the relevant portions of the comments together with the translation of the International Searching Authority or subsequently to the publication of such translation.

(c) [No change]

48.4 to 48.6 [No change]

### **Rule 49**

#### **Copy, Translation and Fee Under Article 22**

49.1 to 49.4 [No change]

49.5 Contents of and Physical Requirements for the Translation

- (a) For the purposes of Article 22, the translation of the international application shall contain the description (subject to paragraph (a-bis)), the claims, any text matter of the drawings and the abstract. If required by the designated Office, the translation shall also, subject to paragraphs (b), (c-bis) and (e);
- (i) to (iii) [No change]

(a-bis) No designated Office shall require the applicant to furnish to it a translation of any text matter contained in the sequence listing part of the description if such sequence listing part complies with Rule 12.1(d) and if the description complies with Rule 5.2(b).

(b) to (1) [No change]

### **Rule 54**

#### **The Applicant Entitled to Make a Demand**

54.1 [No change]

54.2 Right to Make a Demand

The right to make a demand under Article 31(2) shall exist if the applicant making the demand or, if there are two or more applicants, at least one of them is a resident or national of a Contracting State bound by Chapter II and the international application has been filed with a receiving Office of or acting for a Contracting State bound by Chapter II.

(i) and (ii) (Deleted)

54.3 [No change]

54.4 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

**Rule 55****Languages****(International Preliminary Examination)**

55.1 [No change]

55.2 Translation of International Application

(a) 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 International Preliminary Examining Authority that is to carry out the international preliminary examination, the applicant shall, subject to paragraph (b), furnish with the demand a translation of the international application into a language which is both:

- (i) a language accepted by that Authority, and
- (ii) a language of publication.

(b) Where a translation of the international application into a language referred to in paragraph (a) was transmitted to the International Searching Authority under Rule 23.1(b) and the International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the International Searching Authority, the applicant need not furnish a translation under paragraph (a). In such a case, unless the applicant furnishes a translation under paragraph (a), the international preliminary examination shall be carried out on the basis of the translation transmitted under Rule 23.1(b).

(c) [No change]

(d) If the applicant complies with the invitation within the time limit under paragraph (c), the said requirement shall be considered to have been complied with. If the applicant fails to do so, the demand shall be considered not to have been submitted and the International Preliminary Examining Authority shall so declare.

(e) [Deleted]

55.3 [No change]

**Rule 57****The Handling Fee**

57.1 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

57.2 Amount

(a) [No change]

(b) [Remains deleted]

(c) The handling fee shall be payable in the currency or one of the currencies prescribed by the International Preliminary Examining Authority ("prescribed currency"), it being understood that, when transferred by that Authority to the International Bureau, it shall be freely convertible into Swiss currency. The amount of the handling

fee shall be established, in each prescribed currency, for each International Preliminary Examining Authority which prescribes the payment of the handling fee in any currency other than Swiss currency, by the Director General after consultation with the Office with which consultation takes place under Rule 15.2(b) in relation to that currency, or, if there is no such Office, with the Authority which prescribes payment in that currency. The amount so established shall be the equivalent, in round figures, of the amount in Swiss currency set out in the Schedule of Fees. It shall be notified by the International Bureau to each International Preliminary Examining Authority prescribing payment in that prescribed currency and shall be published in the Gazette.

(d) and (e) [No change]

57.3 Time Limit for Payment; Amount Payable

The handling fee shall be paid within one month from the date on which the demand was submitted, provided that, where the demand was transmitted to the International Preliminary Examining Authority under Rule 59.3, the handling fee shall be paid within one month from the date of receipt by that Authority. The amount payable shall be the amount applicable on that date of submittal or date of receipt, as the case may be. For the purposes of the preceding two sentences, Rule 59.3(e) shall not apply.

(b) [Remains deleted]

(c) [Deleted]

57.4 [Deleted]

57.5 [Remains deleted]

57.6 Refund

The International Preliminary Examining Authority shall refund the handling fee to the applicant:

- (i) [No change]
- (ii) if the demand is considered, under Rule 54.4, not to have been submitted.

**Rule 58****The Preliminary Examination Fee**

58.1 Right to Ask for a Fee

(a) [No change]

(b) The amount of the preliminary examination fee, if any, shall be fixed by the International Preliminary Examining Authority. As to the time limit for payment of the preliminary examination fee and the amount payable, the provisions of Rule 57.3 relating to the handling fee shall apply mutatis mutandis.

(c) [No change]

58.2 [Deleted]

58.3 [No change]

**Rule 58bis****Extension of Time Limits for Payment of Fees****58bis.1 Invitation by the International Preliminary Examining Authority**

- (a) Where, by the time they are due under Rules 57.3 and 58.1(b), the International Preliminary Examining Authority finds that no fees were paid to it, or that the amount paid to it is insufficient to cover the handling fee and the preliminary examination fee, the Authority shall invite the applicant to pay to it the amount required to cover those fees, together with, where applicable, the late payment fee under Rule 58bis.2, within a time limit of one month from the date of the invitation.
- (b) Where the International Preliminary Examining Authority has sent an invitation under paragraph (a) and the applicant has not, within the time limit referred to in that paragraph, paid in full the amount due, including, where applicable, the late payment fee under Rule 58bis.2, the demand shall, subject to paragraph (c), be considered as if it had not been submitted and the International Preliminary Examining Authority shall so declare.
- (c) Any payment received by the International Preliminary Examining Authority before that Authority sends the invitation under paragraph (a) shall be considered to have been received before the expiration of the time limit under Rule 57.3 or 58.1(b), as the case may be.
- (d) Any payment received by the International Preliminary Examining Authority before that Authority proceeds under paragraph (b) shall be considered to have been received before the expiration of the time limit under paragraph (a).

**58bis.2 Late Payment Fee**

- (a) The payment of fees in response to an invitation under Rule 58bis.1(a) may be subjected by the International Preliminary Examining Authority to the payment to it, for its own benefit, of a late payment fee. The amount of that fee shall be:
  - (i) 50% of the amount of unpaid fees which is specified in the invitation, or,
  - (ii) if the amount calculated under item (i) is less than the handling fee, an amount equal to the handling fee.
- (b) The amount of the late payment fee shall not, however, exceed double the amount of the handling fee.

**Rule 59****The Competent International Preliminary Examining Authority**

59.1 and 59.2 [No change]

**59.3 Transmittal of Demand to the Competent International Preliminary Examining Authority**

- (a) If the demand is submitted to a receiving Office, an

International Searching Authority, or an International Preliminary Examining Authority which is not competent for the international preliminary examination of the international application, that Office or Authority shall mark the date of receipt on the demand and, unless it decides to proceed under paragraph (f), transmit the demand promptly to the International Bureau.

- (b) If the demand is submitted to the International Bureau, the International Bureau shall mark the date of receipt on the demand.
- (c) Where the demand is transmitted to the International Bureau under paragraph (a) or submitted to it under paragraph (b), the International Bureau shall promptly:
  - (i) if there is only one competent International Preliminary Examining Authority, transmit the demand to that Authority and inform the applicant accordingly, or
  - (ii) if two or more International Preliminary Examining Authorities are competent, invite the applicant to indicate, within 15 days from the date of the invitation or 19 months from the priority date, whichever is later, the competent International Preliminary Examining Authority to which the demand should be transmitted.
- (d) Where an indication is furnished as required under paragraph (c)(ii), the International Bureau shall promptly transmit the demand to the competent International Preliminary Examining Authority indicated by the applicant. Where no indication is so furnished, the demand shall be considered not to have been submitted and the International Bureau shall so declare.
- (e) Where the demand is transmitted to a competent International Preliminary Examining Authority under paragraph (c), it shall be considered to have been received on behalf of that Authority on the date marked on it under paragraph (a) or (b), as applicable, and the demand so transmitted shall be considered to have been received by that Authority on that date.
- (f) Where an Office or Authority to which the demand is submitted under paragraph (a) decides to transmit that demand directly to the competent International Preliminary Examining Authority, paragraphs (c) to (e) shall apply mutatis mutandis.

**Rule 60****Certain Defects in the Demand or Elections****60.1 Defects in the Demand**

- (a) and (b) [No change]
- (c) Subject to paragraph (d), if the applicant does not comply with the invitation within the time limit under paragraph (a), the demand shall be considered as if it had not been submitted and the International Preliminary Examining Authority shall so declare.
- (d) to (g) [No change]

## 60.2 Defects in Later Elections

- (a) and (b) [No change]
- (c) Subject to paragraph (d), if the applicant does not comply with the invitation within the time limit under paragraph (a), the notice shall be considered as if it had not been submitted and the International Bureau shall so declare.
- (d) [No change]

**Rule 61****Notification of the Demand and Elections**

## 61.1 Notification to the International Bureau and the Applicant

- (a) The International Preliminary Examining Authority shall indicate on the demand the date of receipt or, where applicable, the date referred to in Rule 60.1(b). The International Preliminary Examining Authority shall promptly either send the demand to the International Bureau and keep a copy in its files or send a copy to the International Bureau and keep the demand in its files.
- (b) The International Preliminary Examining Authority shall promptly notify the applicant of the date of receipt of the demand. Where the demand has been considered under Rules 54.4, 55.2(d), 58bis.1(b) or 60.1(c) as if it had not been submitted or where an election has been considered under Rule 60.1(d) as if it had not been made, the International Preliminary Examining Authority shall notify the applicant and the International Bureau accordingly.

(c) [No change]

61.2 and 61.3 [No change]

## 61.4 Publication in the Gazette

Where a demand has been filed before the expiration of 19 months from the priority date, the International Bureau shall, promptly after the filing of the demand but not before the international publication of the international application, publish in the Gazette information on the demand and the elected States concerned, as provided in the Administrative Instructions.

**Rule 62****Copy of Amendments Under Article 19 for the International Preliminary Examining Authority**

## 62.1 Amendments Made Before the Demand is Filed

Upon receipt of a demand, or a copy thereof, from the International Preliminary Examining Authority, the International Bureau shall promptly transmit a copy of any amendments under Article 19, and any statement referred to in that Article, to that Authority, unless that Authority has indicated that it has already received such a copy.

## 62.2 Amendments Made After the Demand is Filed

If, at the time of filing any amendments under Article 19, a demand has already been submitted, the applicant shall preferably, at the same time as he files the amendments with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments and any statement referred to in that Article. In any case, the International Bureau shall promptly transmit a copy of such amendments and statement to that Authority.

**Rule 66****Procedure Before the International Preliminary Examining Authority**

66.1 to 66.7 [No change]

## 66.8 Form of Amendments

- (a) Subject to paragraph (b), the applicant shall be required to submit a replacement sheet for every sheet of the international application which, on account of an amendment, differs from the sheet previously filed. The letter accompanying the replacement sheets shall draw attention to the differences between the replaced sheets and the replacement sheets and shall preferably also explain the reasons for the amendment.
- (b) Where the amendment consists in the deletion of passages or in minor alterations or additions, the replacement sheet referred to in paragraph (a) may be a copy of the relevant sheet of the international application containing the alterations or additions, provided that the clarity and direct reproducibility of that sheet are not adversely affected. To the extent that any amendment results in the cancellation of an entire sheet, that amendment shall be communicated in a letter which shall preferably also explain the reasons for the amendment.

## 66.9 Language of Amendments

- (a) Subject to paragraphs (b) and (c), if the international application has been filed in a language other than the language in which it is published, any amendment, as well as any letter referred to in Rule 66.8, shall be submitted in the language of publication.
- (b) to (d) [No change]

**Rule 69****Start of and Time Limit for International Preliminary Examination**

69.1 [No change]

## 69.2 Time Limit for International Preliminary Examination

The time limit for establishing the international preliminary examination report shall be:

- (i) 28 months from the priority date, or

- (ii) eight months from the date of payment of the fees referred to in Rules 57.1 and 58.1 (a), or
- (iii) eight months from the date of receipt by the International Preliminary Examining Authority of the translation furnished under Rule 55.2, whichever expires last.

### **Rule 70**

#### **The International Preliminary Examination Report**

70.1 to 70.6 [No change]

70.7 Citations Under Article 35(2)

(a) The report shall cite the documents considered to be relevant for supporting the statements made under Article 35(2), whether or not such documents are cited in the international search report. Documents cited in the international search report need only be cited in the report when they are considered by the International Preliminary Examining Authority to be relevant.

(b) [No change]

70.8 to 70.15 [No change]

70.16 Annexes to the Report

Each replacement sheet under Rule 66.8(a) or (b), each replacement sheet containing amendments under Article 19 and each replacement sheet containing rectifications of obvious errors authorized under Rule 91.1(e)(iii) shall, unless superseded by later replacement sheets or amendments resulting in the cancellation of entire sheets under Rule 66.8(b), be annexed to the report. Amendments under Article 19 which have been considered as reversed by an amendment under Article 34 and letters under Rule 66.8 shall not be annexed.

70.17 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

### **Rule 76**

#### **Copy, Translation and Fee Under Article 39(1); Translation of Priority Document**

76.1 to 76.3 [Remain deleted]

76.4 Time Limit for Translation of Priority Document

The applicant shall not be required to furnish to any elected Office a translation of the priority document before the expiration of the applicable time limit under Article 39.

76.5 and 76.6 [No change]

### **Rule 80**

#### **Computation of Time Limits**

80.1 to 80.5 [No change]

80.6 [No change, except for the deletion of the redundant numbering of paragraph "(a)"]

80.7 [No change]

### **Rule 82ter**

#### **Rectification of Errors Made by the Receiving Office or by the International Bureau**

82ter.1 Errors Concerning the International Filing Date and the Priority Claim

If the applicant proves to the satisfaction of any designated or elected Office that the international filing date is incorrect due to an error made by the receiving Office or that the priority claim has been erroneously considered by the receiving Office or the International Bureau not to have been made, and if the error is an error such that, had it been made by the designated or elected Office itself, that Office would rectify it under the national law or national practice, the said Office shall rectify the error and shall treat the international application as if it had been accorded the rectified international filing date or as if the priority claim had not been considered not to have been made.

### **Rule 86**

#### **The Gazette**

86.1 Contents and Form

(a) The Gazette referred to in Article 55(4) shall contain:

(i) for each published international application, the data specified by the Administrative Instructions taken from the front page of the pamphlet published under Rule 48, the drawing (if any) appearing on the said front page, and the abstract;

(ii) to (v) [No change]

(b) The information referred to in paragraph (a) shall be made available in two forms:

(i) as a Gazette in paper form, which shall contain the data specified by the Administrative Instructions taken from the front page of the pamphlet published under Rule 48 ("bibliographic data") and the matters referred to in paragraph (a)(ii) to (v);

(ii) as a Gazette in electronic form, which shall contain the bibliographic data, the drawing (if any) appearing on the said front page, and the abstract.

86.2 Languages; Access to the Gazette

(a) The Gazette in paper form shall be published in a bilingual (English and French) edition. It shall also be published in editions in any other language, provided the cost of publication is assured through sales or subventions.

(b) [No change]

(c) The Gazette in electronic form referred to in Rule 86.1(b)(ii) shall be made accessible, in English and French at the same time, by any electronic ways and means specified in the Administrative Instructions. The translations shall be ensured by

the International Bureau in English and French. The International Bureau shall ensure that the making accessible of the Gazette in electronic form shall be effected on, or as soon as possible after, the date of publication of the pamphlet containing the international application.

86.3 to 86.6 [No change]

### **Rule 89bis**

#### **Filing, Processing and Transmission of International Applications and Other Documents in Electronic Form or by Electronic Means**

89bis.1 International Applications

- (a) International applications may, subject to paragraphs (b) to (e), be filed and processed in electronic form or by electronic means, in accordance with the Administrative Instructions, provided that any receiving Office shall permit the filing of international applications on paper.
- (b) These Regulations shall apply mutatis mutandis to international applications filed in electronic form or by electronic means, subject to any special provisions of the Administrative Instructions.
- (c) The Administrative Instructions shall set out the provisions and requirements in relation to the filing and processing of international applications filed, in whole or in part, in electronic form or by electronic means, including but not limited to, provisions and requirements in relation to acknowledgment of receipt, procedures relating to the according of an international filing date, physical requirements and the consequences of non-compliance with those requirements, signature of documents, means of authentication of documents and of the identity of parties communicating with Offices and authorities, and the operation of Article 12 in relation to the home copy, the record copy and the search copy, and may contain different provisions and requirements in relation to international applications filed in different languages.
- (d) No national Office or intergovernmental organization shall be obliged to receive or process international applications filed in electronic form or by electronic means unless it has notified the International Bureau that it is prepared to do so in compliance with the applicable provisions of the Administrative Instructions. The International Bureau shall publish the information so notified in the Gazette.
- (e) No receiving Office which has given the International Bureau a notification under paragraph (d) may refuse to process an international application filed in electronic form or by electronic means which complies with the applicable requirements under the Administrative Instructions.

89bis.2 Other Documents

Rule 89bis.1 shall apply mutatis mutandis to other documents and correspondence relating to international applications.

89bis.3 Transmittal Between Offices

Where the Treaty, these Regulations or the Administrative Instructions provide for documents, notifications, communications or correspondence to be transmitted by one national Office or intergovernmental organization to another, such transmittal may, where so agreed by both the sender and the receiver, be effected in electronic form or by electronic means.

### **Rule 89ter**

#### **Copies in Electronic Form of Documents Filed on Paper**

89ter.1 Copies in Electronic Form of Documents Filed on Paper

Any national Office or intergovernmental organization may provide that, where an international application or other document relating to an international application is filed on paper, a copy thereof in electronic form, in accordance with the Administrative Instructions, may be furnished by the applicant.

### **Rule 91**

#### **Obvious Errors in Documents**

91.1 Rectification

- (a) to (c) [No change]
- (d) Rectification may be made on the request of the applicant. The authority having discovered what appears to be an obvious error may invite the applicant to present a request for rectification as provided in paragraphs (e) to (g-quater). Rule 26.4 shall apply mutatis mutandis to the manner in which rectifications shall be requested.
- (e) to (g-quater) [No change]

### **Rule 92**

#### **Correspondence**

92.1 [No change]

92.2 Languages

- (a) Subject to Rules 55.1 and 66.9 and to paragraph (b) of this Rule, any letter or document submitted by the applicant to the International Searching Authority or the International Preliminary Examining Authority shall be in the same language as the international application to which it relates. However, where a translation of the international application has been transmitted under Rule 23.1(b) or furnished under Rule 55.2, the language of such translation shall be used.
- (b) [No change]
- (c) [Remains deleted]



(d) and (e) [No change]

92.3 [No change]

92.4 Use of Telegraph, Teleprinter, Facsimile Machine, Etc.

(a) A document making up the international application, and any later document or correspondence relating thereto, may, notwithstanding the provisions of Rules 11.14 and 92.1(a), but subject to paragraph (h), be transmitted, to the extent feasible, by telegraph, teleprinter, facsimile machine or other like means of communication resulting in the filing of a printed or written document.

(b) to (h) [No change]

### **Rule 93**

#### **Keeping of Records and Files**

93.1 to 93.3 [No change]

93.4 Reproductions

For the purposes of this Rule, records, copies and files may be kept as photographic, electronic or other reproductions, provided that the reproductions are such that the obligations to keep records, copies and files under Rules 93.1 to 93.3 are met.

### **Rule 94<sup>2</sup>**

#### **Access to Files**

94.1 Access to the File Held by the International Bureau

(a) At the request of the applicant or any person authorized by the applicant, the International Bureau shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in its file.

(b) The International Bureau shall, at the request of any person but not before the international publication of the international application and subject to Article 38, furnish, subject to the reimbursement of the cost of the service, copies of any document contained in its file.

94.2 Access to the File Held by the International Preliminary Examining Authority

At the request of the applicant or any person authorized by the applicant, or, once the international preliminary examination report has been established, of any elected Office, the International Preliminary Examining Authority shall furnish, subject to reimbursement of the cost of the service, copies of any document contained in its file.

94.3 Access to the File Held by the Elected Office

If the national law applicable by any elected Office allows access by third parties to the file of a national application, that Office may allow access to any documents relating to the international application, including any document relating to the international preliminary examination, contained in its file, to the same extent as provided by the national law for access to the file of a national application, but not before the international publication of the international application. The furnishing of copies of documents may be subject to reimbursement of the cost of the service.

**SCHEDULE OF FEES**[as in force from January 1 to June 30, 1998]<sup>3</sup>

<b>Fees</b>	<b>Amounts</b>
1. Basic Fee: (Rule 15.2(a))	
(a) if the international application contains not more than 30 sheets	650 <sup>4</sup> Swiss francs
(b) if the international application contains more than 30 sheets	650 <sup>4</sup> Swiss francs plus 15 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2 (a))	
(a) for designations made under Rule 4.9(a)	150 <sup>4</sup> Swiss francs per designation, provided that any designation made under Rule 4.9(a) in excess of 11 shall not require the payment designation fee
(b) for designation made under Rule 4.9(b) and confirmed under Rule 4.9(c)	150 <sup>4</sup> Swiss francs per designation
3. <sup>3</sup> Confirmation Fee: (Rule 15.5(a))	50% of the sum of the designation fees payable under item 2(b)
4. <sup>3</sup> Handling Fee: (Rule 57.2(a))	233 Swiss francs

All fees are reduced by 75% for international applications filed by any applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below US\$3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997); if there are several applicants, each must satisfy those criteria.

<sup>3</sup> The Schedule of Fees appearing on this page will enter into force on January 1, 1998; it will be further amended with effect from July 1, 1998, by deleting item 3 and renumbering item 4 as item 3 (see the following page).

<sup>4</sup> The new amounts of the basic fee and the designation fee will apply only to international applications filed on or after January 1, 1998.

**SCHEDULE OF FEES**[as in force from July 1, 1998]<sup>5</sup>

<b>Fees</b>	<b>Amounts</b>
1. Basic Fee: (Rule 15.2(a))	
(a) if the international application contains not more than 30 sheets	650 <sup>6</sup> Swiss francs
(b) if the international application contains more than 30 sheets	650 <sup>6</sup> Swiss francs plus 15 Swiss francs for each sheet in excess of 30 sheets
2. Designation Fee: (Rule 15.2(a))	
(a) for designations made under Rule 4.9(a)	150 <sup>6</sup> Swiss francs per designation, provided that any designation made under Rule 4.9(a) in excess of 11 shall not require the payment of a designation fee
(b) for designations made under Rule 4.9(b) and confirmed under Rule 4.9(c) <sup>7</sup>	150 <sup>6</sup> Swiss francs per designation
3. Handling Fee: (Rule 57.2(a))	233 Swiss francs

All fees are reduced by 75% for international applications filed by any applicant who is a natural person and who is a national of and resides in a State whose per capita national income is below US\$3,000 (according to the average per capita national income figures used by the United Nations for determining its scale of assessments for the contributions payable for the years 1995, 1996 and 1997); if there are several applicants, each must satisfy those criteria.

<sup>5</sup> The Schedule of Fees appearing on this page will enter into force on July 1, 1998.

<sup>6</sup> The new amounts of the basic fee and the designation fee will apply only to international applications filed on or after January 1, 1998.

<sup>7</sup> See also Rule 15.5(a) for the confirmation fee, which is also payable.