

Appendix AI
ADMINISTRATIVE INSTRUCTIONS UNDER THE PCT

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(As in force on January 1, 1985)

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Part 1 INSTRUCTIONS RELATING TO GENERAL MATTERS

Section 101

Abbreviated Expressions

In these Administrative Instructions:

- (i) "Treaty" means the Patent Cooperation Treaty;
- (ii) "Regulations" means the Regulations under the Treaty;
- (iii) "Article" means an Article of the Treaty;
- (iv) "Rule" means a Rule of the Regulations;
- (v) "International Bureau" means the International Bureau as defined in Article 2(xix) of the Treaty;
- (vi) "international Authorities" means the receiving Offices, the International Searching Authorities, the International Preliminary Examining Authorities, and the International Bureau.

Section 102

Use of the Forms

(a) The forms annexed to these Administrative Instructions as Annex F (published separately) (hereinafter referred to as "the Forms") are part of these Administrative Instructions.

(b) Subject to paragraph (c), the International Authorities shall use, or require the use of, the mandatory forms specified below:

Forms Required To Be Printed under, or Otherwise Provided for, in the Regulations

- PCT/RO/101 - Request (including the fee calculation sheet annexed thereto)
 PCT/ISA/201 - International Search Report
 PCT/IPEA/401 - Demand
 PCT/IPEA/409 - International Preliminary Examination Report

Forms for Use by the International Bureau

- Forms PCT/IB/301 to 350, with the exception of Form PCT/IB/328

Other Forms

PCT/RO/103**	PCT/ISA/201**	PCT/IPEA/405**
PCT/RO/104*	PCT/ISA/202*	PCT/IPEA/407*
PCT/RO/106*	PCT/ISA/203*	PCT/IPEA/408**
PCT/RO/109*	PCT/ISA/205*	PCT/IPEA/410*
PCT/RO/111*	PCT/ISA/206**	PCT/IPEA/412*
PCT/RO/112*	PCT/ISA/209*	PCT/IPEA/414*
PCT/RO/113*	PCT/ISA/212**	PCT/IPEA/415*
PCT/RO/115**	PCT/ISA/214*	PCT/IPEA/419*
PCT/RO/116*	PCT/ISA/217*	PCT/IPEA/420**
PCT/RO/117*	PCT/ISA/218*	
PCT/RO/118*	PCT/ISA/219*	
PCT/RO/121*		
PCT/RO/123*		
PCT/RO/133*		
PCT/RO/136*		

* Forms for use by receiving Offices, International Searching Authorities and International Preliminary Examining Authorities.

** Forms sent to applicants, on matters subject to review or further processing by International Authorities.

(c) The obligation of the International Authorities to use, or require the use of, the mandatory Forms is subject to the following provisos:

- (i) slight variations in layout necessary in view of the

printing of such Forms in various languages are permitted;

(ii) in all Forms, other than those for the request, the international search report, the demand and the international preliminary examination report, slight variations in layout, to the extent necessary to meet the particular office requirements of the International Authorities, in particular in view of the production of the Forms with the help of a computer or of the use of window envelopes, are permitted as well

(iii) where the receiving Office, the International Searching Authority and/or the International Preliminary Examining Authority are each part of the same Office, the obligation to use the mandatory Forms does not extend to communications within that same Office;

(iv) the annexes to Forms PCT/RO/106 and PCT/IB/313 may be omitted in cases where they are not used;

(v) the mandatory character of the Forms referred to in paragraph (b) does not extend to the Notes attached to them.

(d) The use of Forms annexed to these Administrative Instructions other than those referred to in paragraph (b) is optional.

Section 103

Languages of the Forms

(a) The language of the Forms used by any receiving Office shall be the same as the language in which the international application is filed, provided that the receiving Office may, in its communications to the applicant, use the Forms in any other language being one of its official languages.

(b) Subject to Section 104(b), the language or languages of the Forms to be used by any International Searching Authority shall be specified in the applicable agreement referred to in Article 16(3)(b).

(c) Subject to Section 104(b), the language or languages of the Forms to be used by any International Preliminary Examining Authority shall be specified in the applicable agreement referred to in Article 32(3).

(d) The language of any Form used by the International Bureau shall be English where the language of the international application is English, and it shall be French where the language of the international application is French. Where the language of the international application is neither English nor French, the language of any Form used by the International Bureau in its communications to any other International Authority shall be English or French according to the wishes of such Authority, and in its communications to the applicant it shall be English or French according to the wishes of the applicant.

Section 104

Language of Correspondence

(a) The language of any letter from the applicant to the receiving Office shall be the same as the language of the international application to which such letter relates. However, the receiving Office may expressly authorize the use of any other language.

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

Section 105

Several Applicants

Where any international application indicates as applicants several persons, it shall be sufficient, for the purpose of identifying that application, to indicate, in any Form or correspondence relating to such application, the name of the applicant first named in the request.

Section 106

Representation

(a) In the case of several applicants, any agent appointed in accordance with Rule 90.3 as an agent representing all the applicants shall be considered a common agent.

(b) Where the international application is filed with reference to a general power of attorney not signed by all the applicants, it shall be sufficient for the purpose of appointment of a common agent under Rule 90.3, if the request or a separate power of attorney is signed by the applicant, who did not sign the general power of attorney.

(c) The appointment of an agent, or of a common representative within the meaning of Rule 4.8(a), shall, unless otherwise indicated by the persons who make the appointment, be regarded as the revocation of any earlier appointment of any other agent, or of any other common representative, and shall be considered as a request for recording a change in the person of the agent or common representative under Rule 92^{bis}.1(a)(iii).

(d) Any document entailing the revocation of an appointment of an agent, or of a common representative within the meaning of Rule 4.8(a), may be submitted to the receiving Office or the International Bureau.

(e) Any agent, or any common representative within the meaning of Rule 4.8(a), may renounce his appointment through a notification signed by him and addressed to the receiving Office or the International Bureau.

Section 107

Identification of International Authorities and of Designated and Elected Offices

(a) Whenever the nature of any communication from or to the applicant, from or to any International Authority or, before national processing or examination has started, from or to any designated or elected Office so permits, any International Authority or any designated or elected Office may be indicated in the communication by the two-letter code as appearing in Annexes A and B,

(b) The indication of the receiving Office, an International Searching Authority, an International Preliminary Examining Authority or a designated or elected Office shall be preceded by the letters "RO," "ISA," "IPEA," "DO," or "EO," respectively, followed by a slant (e.g., "RO/JP," "ISA/US," "IPEA/SU," "DO/EP," "EO/AU").

Section 108

Correspondence Intended for the Applicant

(a) Any correspondence from an International Authority intended for the applicant, or, in the case of several applicants, the applicants, shall be addressed as follows:

(i) Where the applicant has designated or appointed one agent, correspondence shall be addressed to that agent. Where, in the case of several applicants, the applicants are represented by a common representative or a common agent, correspondence shall be addressed to that representative or that agent.

(ii) Where the applicant has designated several agents in the request, correspondence shall be addressed to the agent first mentioned therein. Where, in the case of several applicants, the applicants have

designated several common agents in the request, correspondence shall be addressed to the common agent first mentioned therein.

(iii) Where the applicant has appointed several agents in one or more separate powers of attorney, correspondence shall be addressed to the agent first mentioned in the earliest filed and still valid separate power of attorney. Where, in the case of several applicants, the applicants have appointed several common agents in one or more separate powers of attorney, correspondence shall be addressed to the common agent first mentioned in the earliest filed and still valid separate power of attorney.

(b) Any correspondence from an International Authority to the applicant or his agent shall be marked with the file reference, composed either of letters or numbers, or both, of the applicant or the agent, if so indicated on the request Form, provided this reference does not exceed ten characters.

Section 109 [Deleted]

Section 110 Dates

Any date in the international application, or used in any correspondence emanating from International Authorities relating to the international application, shall be indicated by the Arabic number of the day, by the name of the month, and by the Arabic number of the year. The receiving Office, where the applicant has not done so, or the International Bureau, where the applicant has not done so and the receiving Office fails to do so, shall, after or below any date indicated by the applicant in the request, repeat the date, in parenthesis, by indicating it by two-digit Arabic numerals each for the number of the day, for the number of the month and for the last two numbers of the year, in that order and with a period after the digit pairs of the day and of the month (for example, "30 March 1978 (30.03.78)").

Section 111 [Deleted]

Section 112

Ceasing of Effect under Articles 24(1)(iii) and 39(2), Review under Article 25(2) and Maintaining of Effect under Articles 24(2) and 39(3)

(a) Each national Office shall, once a year, notify the International Bureau of the number of international applications designating or electing it, in respect of which, during the preceding calendar year,

(i) the requirements provided for in Article 22 or in Article 39(1) have been complied with within the applicable time limit;

(ii) the requirements provided for in Article 22 or in Article 39(1) have not been complied with within the applicable time limit.

(b) Where, under Article 25(2), the designated Office decides that the refusal, declaration of finding referred to in Article 25(1) was not justified, it shall promptly notify the International Bureau that it will treat the international application as if the error or omission referred to in Article 25(2) had not occurred. The notification shall preferably contain the reasons for the decision of the designated Office.

(c) Where, under Article 24(2) or under Article 39(3), the designated or elected Office maintains the effect provided for in Article 11(3), it shall promptly notify the International Bureau accordingly. The notification shall preferably contain the reasons for the decision of the designated or elected Office.

Section 113 Special Fees

(a) The special publication fee provided for in Rule 48.4 shall be 200 Swiss francs.

(b) The special fee provided for in Rule 91.1(f) shall be payable to the International Bureau and shall be 50 Swiss francs plus 12 Swiss francs for each sheet in excess of one. Where that fee has not been paid until the time of the completion of the technical preparations for international publication, the request for rectification shall not be published. Where the last sentence of Rule 91.1(f) applies and the said fee has not been paid until the time of the communication of the international application under Article 20, a copy of the request for rectification shall not be included in that communication.

Part 2 INSTRUCTIONS RELATING TO THE INTERNATIONAL APPLICATION

Section 201 Names of States

(a) The name of any State referred to in the request shall be indicated either by the full name of the State, by a generally accepted short title which, if the indications are in English or French, shall be as appears in Annex A, or by the two-letter country code identifying that State as appears in Annexes A and B.

(b) [Deleted]

Section 202 Kind of Protection

(a) Where the applicant wishes his application to be treated in any designated State as an application not for a patent but for the grant of another kind of protection referred to in Article 43, he shall make the indication in the request referred to in Rule 4.12(a) by inserting the words "inventor's certificate," "utility certificate," "utility model." (or "petty patent" for Australia). "patent of addition," "certificate of addition," "inventor's certificate of addition" or "utility certificate of addition," or their equivalent in the language of the international application, immediately after the indication of the said State.

(b) Where, in respect of the designation of the Federal Republic of Germany, the applicant is seeking two kinds of protection under Article 44, he shall make the indication referred to in Rule 4.12 (b) by inserting, immediately after the indication of the Federal Republic of Germany and in the language of the international application, one of the two following indications:

(i) "and utility model";

(ii) "and auxiliary utility model."

Section 203 Regional Patents

(a) If the applicant wishes to obtain a regional patent in respect of any designated State and the request form does not contain preprinted indications permitting the applicant to make the indication in the request referred to in Rule 4.1(b)(iv), the applicant shall make the said indication by inserting the words "regional patent," or their equivalent in the language of the international application, immediately after the indication of the said State or, where an indication has been made under Section 202, after that indication, provided that:

(i) where Article 4(1)(ii), third clause, applies, and not all the States party to the regional treaty have been designated, the international application shall be treated as if all those States had been designated and as if the designations of all such States contained the said words,

whether the said designations contained an indication of the wish to obtain a regional patent or, according to Article 4(1)(ii), fourth clause, are to be treated as containing such indication;

(ii) where the national law of any designated State contains a provision as referred to in Article 45(2), the International Bureau shall, according to Article 4(1)(ii), fourth clause, treat the designation as if it contained the said words even where the applicant failed to indicate them.

(b) The applicant may, instead of the words "regional patent" referred to in paragraph (a), use other words to the same effect; such words may include a reference to a patent to be granted by the European Patent Office under the Convention on the Grant of European Patents done at Munich on October 5, 1973 ("European patent"), where the regional patent which the applicant wishes to obtain is a European patent.

(c) An indication, in respect of the designation of Liechtenstein or Switzerland, or both, of the wish to obtain a regional patent shall be taken as indicating a wish to obtain a European patent in respect of those States, whereas the absence of any indication of the wish to obtain a regional patent in respect of such a designation shall be taken as indicating a wish to obtain a patent granted by the Swiss Federal Intellectual Property Office in respect of those States.

Section 204

Headings of the Parts of the Description

The headings referred to Rule 5.1(c) should be as follows:

- (i) for matter referred to in Rule 5.1(a)(i), "Technical Field";
- (ii) for matter referred to in Rule 5.1(a)(ii), "Background Art";
- (iii) for matter referred to in Rule 5.1(a)(iii), "Disclosure of Invention";
- (iv) for matter referred to in Rule 5.1(a)(iv), "Brief Description of Drawings";
- (v) for matter referred to in Rule 5.1(a)(v), "Best Mode for Carrying Out the Invention", or, where appropriate, "Mode(s) for Carrying Out the Invention";
- (vi) for matter referred to in Rule 5.1(a)(vi), "Industrial Applicability."

Section 205

Numbering and Identification of Claims Upon Amendment

(a) Amendments to the claims under Article 19 or Article 34(2)(b) may be made either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed. All the claims appearing on a replacement sheet shall be numbered in arabic numerals. Where a claim is cancelled, no renumbering of the other claims shall be required. In all cases where claims are renumbered, they shall be renumbered consecutively.

(b) The applicant shall, in the letter referred to in the second and third sentences of Rule 46.5(a) or of Rule 66.8(a), indicate the differences between the claims as filed and the claims as amended. He shall, in particular, indicate in the said letter, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether:

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

Section 206

[Deleted]

Section 207

Arrangement of Elements and Numbering of Sheets of the International Application

(a) In effecting the sequential numbering of the sheets of the international application in accordance with Rule 11.7, the elements of the international application shall be placed in the following order: the request, the description, the claims, the abstract, the drawings.

(b) The sequential numbering of the sheets shall be effected by using three separate series of numbering, the first series applying to the request only and commencing with the first sheet of the request, the second series commencing with the first sheet of the description and continuing through the claims until the last sheet of the abstract, and the third series being applicable to the sheets of the drawings only and commencing with the first sheet of the drawings. The number of each sheet of the drawings shall consist of two arabic numerals separated by a slant, the first being the sheet number and the second being the total number of sheets of drawings.

Section 208

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Section 209

Indications as to Deposited Microorganisms on a Separate Sheet

(a) To the extent that any indication with respect to a deposited microorganism is not contained in the description, it may be given on a separate sheet. Where any such indication is so given, it shall preferably be on the form provided in Annex F as form PCT/RO/134 and, if furnished at the time of filing, the said form shall, subject to paragraph (b), preferably be attached to the request and referred to in the Check List referred to in Rule 3.3(a)(ii).

(b) For the purposes of the Japanese Patent Office when Japan is designated, paragraph (a) applies only to the extent that the said form or sheet is included as one of the sheets of the description of the international application at the time of filing.

Section 210

Calculation of Designation Fee for the Purposes of National and Regional Patents

Where the request of the international application contains a designation of a Contracting State without an indication of the wish to obtain a regional patent and also a designation of the same Contracting State with an indication of the wish to obtain a regional patent and the national law of the Contracting State does not contain a provision referred to in Article 45(2), the designation fees shall be calculated on the basis that a separate fee is payable in respect of the designation of the Contracting State in addition to the designation fee payable in respect of that Contracting State as a Contracting State or as one of a group of Contracting States for which a regional patent is sought.

PART 3

INSTRUCTIONS RELATING TO THE RECEIVING OFFICE

Section 301**Notification of Receipt of Purported International Application**

Before the determination under Article 11(1), the receiving Office may notify the applicant of the receipt of the purported international application. The notification should indicate the date of actual receipt and the international application number of the purported international application referred to in Section 307 as well as, where useful for purposes of identification, the title of the invention.

Section 302**Priority Claim Considered Not To Have Been Made**

Where, owing to failure to meet the requirements of Rule 4.10(b), the priority claim is, for the purposes of procedure under the Treaty, considered not to have been made, the receiving Office shall indicate that fact in the international application by enclosing the box in the request Form which provides for the information concerning the priority claim (or, where the priorities of several earlier applications are claimed and not all those priority claims are considered not to have been made, the relevant part of the said box) within square brackets and entering, in the margin, the words "NOT TO BE CONSIDERED FOR PCT PROCEDURE" or their equivalent in the language of publication of the international application, and shall notify the applicant accordingly. If copies of the international application have already been sent to the International Bureau and the International Searching Authority, the receiving Office shall also notify that Bureau and that Authority.

Section 303**Deletion of Additional Matter in the Request**

Where, under Rule 4.17(b), the receiving Office deletes ex officio any matter contained in the request, it shall do so by enclosing such matter within square brackets and entering, in the margin, the word "DELETED by RO" or their equivalent in the language of publication of the international application, and shall notify the applicant accordingly. If copies of the international application have already been sent to the International Bureau and the International Searching Authority, the receiving Office shall also notify that Bureau and that Authority.

Section 304**Corrections Submitted to the Receiving Office Concerning Expressions, etc., Not To Be Used in the International Application**

Where the applicant submits corrections to the receiving Office aimed at complying with the prescriptions of Rule 9.1, that Office shall, if copies of the international application have not yet been transmitted to the International Bureau and the International Searching Authority, attach copies of such corrections to the international application. If copies of the international applications have already been transmitted, the receiving Office shall transmit copies of such corrections to the said Bureau and the said Authority.

Section 305**Identifying the Copies of the International Application**

(a) Where, under Rule 11.1(a), the international application has been filed in one copy, the receiving Office shall, after preparing under Rule 21.1(a) the additional copies required under Article 12(1), mark,

- (i) the words "RECORD COPY" in the upper left-hand corner of the first page of the original copy,
- (ii) in the same space on one additional copy, the words "SEARCH COPY;" and
- (iii) in the same space on the other such copy, the words "HOME

COPY,"

or their equivalent in the language of publication of the international application.

(b) Where, under Rule 11.1(b), the international application has been filed in more than one copy, the receiving Office shall choose the copy must suitable for reproduction purposes, and mark the words "RECORD COPY," or their equivalent in the language of publication of the international application, in the upper left-hand corner of its first page. After verifying the identity of any additional copies and, if applicable, preparing under Rule 21.1(b) the home copy, it shall mark, in the upper left-hand corner of the first page of one such copy, the words "SEARCH COPY," and, in the same space on the other such copy, the words "HOME COPY," or their equivalent in the language of publication of the international application.

Section 306

[Deleted]

Section 307**System of Numbering International Applications**

Papers purporting to be an international application under Rule 20.1 shall be marked with the international application number, consisting of the letters "PCT," a slant, the two-letter code, as in Annex B, indicating the receiving Office, a two-digit indication of the last two numbers of the year in which such papers were first received, a slant and a five-digit number, allotted in sequential order corresponding to the order in which the international applications are received (e.g., "PCT/SU78/00001'"). Where the International Bureau acts, pursuant to Rule 19.1(b), as receiving Office for a national Office, the two-letter code indicating the national Office for which the International Bureau acts as a receiving Office shall be used. However, if a negative determination is made under Rule 20.7 or a declaration is made under Article 14(4), the letters "PCT" shall be deleted by the receiving Office from the indication of the international application number on any papers marked previously with that number, and the said number shall be used without such letters in any future correspondence relating to the purported international application.

Section 308**Marking of the Sheets of the International Application**

(a) The receiving Office shall indelibly mark, the international application number referred to in Section 307 in the upper right-hand corner of each sheet of each copy of the purported international application.

(b) [Deleted]

Section 309**Procedure in the Case of Later Submitted Sheets**

(a) The receiving Office will indelibly mark any sheet received on a date later than the date on which sheets were first received with the date on which it received that sheet, inserted immediately below the international application number referred to in section 307.

(b) The receiving Office shall, in the case of later submitted sheets received within the time limits referred to in Rule 20.2(a)(i) and (ii):

- (i) effect the required correction of the international filing date, or, where no international filing date has yet been accorded, of the date of receipt of the purported international application;
- (ii) notify the applicant of the correction effected under item (i), above;
- (iii) where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching

Authority of any correction effected under item (i), above, by transmitting a copy of the corrected first page of the request, and forward copies of the later submitted sheets to the said Bureau and the said Authority;

(iv) where transmittals under Article 12(1) have not yet been made, attach a copy of the later submitted sheets to the record copy and the search copy.

(c) The receiving Office shall, in the case of the later submitted sheets received after the expiration of the time limit referred to in Rule 20.2(a)(i):

(i) notify the applicant of the fact and of the date of receipt of the later submitted sheets;

(ii) where transmittals under Article 12(1) have already been made, forward a copy of the later submitted sheets to the International Bureau with the indication that such sheets are not to be taken into consideration for the purposes of international processing;

(iii) where transmittals under Article 12(1) have not yet been made, attach a copy of the later submitted sheets to the record copy with the indication that such sheets are not to be taken into consideration for the purposes of international processing.

(d) The receiving Office shall, in the case of later submitted sheets received after the expiration of the time limit referred to in Rule 20.2(a)(ii), proceed as provided in Rule 20.7, unless the applicant has, within the said time limit, complied with the invitation under Article 11(2)(a) so that an international filing date can be accorded; in the later case, the receiving Office shall proceed as provided in paragraph (c)(i) to (iii).

Section 310

Procedure in the Case of Missing Drawings

(a) Where the international application refers to drawings which in fact are not included in that application, the receiving Office shall make the indication referred to in Rule 26.6(a) by an appropriate marking of the request Form.

(b) Section 309(a) shall apply also in the case of drawings received by the receiving Office on a date later than the date on which sheets were first received by that Office.

(c) The receiving Office shall, in the case of missing drawings received within the time limit referred to in Rule 20.2(a)(iii):

(i) effect the required correction of the international filing date, or, where no international filing date has yet been accorded, of the date of receipt of the purported international application, and delete the indication made under paragraph (a) above;

(ii) notify the applicant of the correction effected under item (i), above;

(iii) where transmittals under Article 12(1) have already been made, notify the International Bureau and the International Searching Authority of any correction effected under item (i), above, by transmitting a copy of the corrected first page of the request, and forward copies of the later submitted drawings to the said Bureau and the said Authority;

(iv) where transmittals under Article 12(1) have not yet been made, attach a copy of the later submitted drawings to the record copy and the search copy.

(d) The receiving Office shall, in the case of missing drawings received after the expiration of the time limit referred to in Rule 20.2(a)(iii):

(i) notify the applicant of the fact and of the date of receipt of the later submitted drawings;

(ii) where transmittals under Article 12(1) have already been made, forward a copy of the later submitted drawings to the International Bureau with the indication that such drawings and any reference to such

drawings are not to be taken into consideration for the purposes of international processing;

(iii) where transmittals under Article 12(1) have not yet been made, attach a copy of the later submitted drawings to the record copy with the indication that such drawings and any reference to such drawings are not to be taken into consideration for the purposes of international processing.

Section 311

Deletion, Substitution or Addition of Sheets of the International Application; Renumbering, etc.

(a) The receiving Office shall, subject to Section 207, sequentially renumber the sheets of the international application when necessitated by the addition of any new sheet, the deletion of entire sheets, a change in the order of the sheets or any other reason.

(b) The sheets of the international application shall be provisionally renumbered in the following manner:

(i) when a sheet is deleted, the receiving Office shall either include a blank sheet with the same number and with the word "DELETED," or its equivalent in the language of publication of the international application, below the number, or insert, in brackets, below the number of the following sheet, the number of the deleted sheet with the word "DELETED" or its equivalent in the language of publication of the international application;

(ii) when a sheet is substituted, the receiving Office shall mark in the middle of the bottom margin the words "SUBSTITUTE SHEET" or their equivalent in the language of publication of the international application;

(iii) when one or more sheets are added, each sheet shall be identified by the number of the preceding sheet followed by a slant and then by a natural number series, starting always with number one for the first sheet added after an unchanged sheet (e.g., 10/1, 15/1, 15/2, 15/3, etc.). When later additions of sheets to an existing series of added sheets are necessary, an extra digit shall be used for identifying the further additions (e.g. 15/1, 15/1 /1, 15/1/2, 15/2, etc.).

(c) In the cases mentioned in (b)(i) and (iii) above, it is recommended that the receiving Office should write, below the number of the last sheet, the total number of the sheets of the international application followed by the words "TOTAL OF SHEETS" or their equivalent in the language of publication of the international application. It is further recommended that, at the bottom of any last sheet added, the words "LAST ADDED SHEET" or their equivalent in the language of publication of the international application should be inserted.

Section 312

Notification of Decision not to Issue Declaration that the International Application is Considered Withdrawn

Where the receiving Office, after having notified the applicant under Rule 29.4 of its intent to issue a declaration under Article 14(4), decides not to issue such a declaration, it shall notify the applicant accordingly.

Section 313

Documents Filed with the International Application; Manner of Marking the Necessary Annotations in the Check List

(a) Any power of attorney and any priority document filed with the international application referred to in Rule 3.3(a)(ii) shall accompany the record copy; any other document referred to in that Rule shall be sent only at the specific request of the International Bureau. If any document referred to in Rule 3.3(a)(ii) which is indicated in the check list as accompanying the international application is not, in fact, filed

at the latest by the time the record copy leaves the receiving Office, that Office shall so note on the check list and the said indication shall be considered as if it had not been made.

(b) Where, under Rule 3.3(b), the receiving Office itself fills in the check list, that Office shall enter, in the margin, the words "FILLED IN BY RO" or their equivalent in the language of publication of the international application. Where only some of the indications are filled in by the receiving Office, the said words and each indication filled in by that Office shall be identified by an asterisk.

Section 314

Manner of Indicating and Notification of Correction of the Priority Date or Cancellation of the Priority Claim

(a) Where, in reply to an invitation issued by the receiving Office under Rule 4.10(d), the applicant corrects the erroneously indicated filing date of any earlier application, the receiving Office shall enter the corrected date in the request, draw a line through the previously entered date while still leaving it legible and enter, in the margin, the letters "RO."

(b) Where, under Rule 4.10(d), the receiving Office cancels the declaration made under Article 8(1), that Office shall enclose the box in the request Form which provides for the information concerning the priority claim (or, where the priorities of several earlier applications are claimed and not all those priority claims are cancelled, the relevant part of the said box) within square brackets and enter, in the margin, the words "CANCELLED ON REQUEST OF APPLICANT" or "CANCELLED EX OFFICIO BY RO," as the case may be, or their equivalent in the language of publication of the international application.

(c) The applicant and, if copies of the international application have already been sent to the International Bureau and the International Searching Authority, that Bureau and that Authority shall be notified by the receiving Office of any correction or cancellation effected under Rule 4.10(d) by the receiving Office.

Section 315

[Deleted]

Section 316

Procedure in the Case where the International Application Lacks the Prescribed Signature

Where, under Article 14(1)(a)(i), the receiving Office finds that any international application is defective in that it lacks the prescribed signature, that Office shall send to the applicant, together with the invitation to correct under Article 14(1)(b) a copy of the request part of the international application. The applicant shall, within the prescribed time limit, return said copy after affixing thereto the prescribed signature.

Section 317

Procedure in the Case of the Designation of a State Being Considered Not To Have Been Made

Where the receiving Office finds that under Rule 18.4(b), the designation of a State is to be considered as not having been made, it shall indicate that fact in the international application by enclosing the designation of that State within square brackets and entering, in the margin, the words "CONSIDERED NOT TO HAVE BEEN MADE" or their equivalent in the language of publication of the international application, and shall promptly notify the applicant accordingly. If the record copy has already been sent to the International Bureau, the

receiving Office shall also notify promptly that Bureau.

Section 318

Cancellation of Designations

The receiving Office shall cancel ex officio the designation of any State which is not a Contracting State, shall enclose that designation within square brackets, shall enter, in the margin, the words "CANCELLED EX OFFICIO BY RO" or their equivalent in the language of publication of the international application, and shall promptly notify the applicant accordingly. If the record copy has already been sent to the International Bureau, the receiving Office shall also notify that Bureau.

Section 319

Later Indication of Priority Application Number

Where the application number of the earlier application referred to in Rule 4.10(c) (priority application number) is furnished to the receiving Office, that Office shall enter the said number in the space provided therefor in the request Form or, where the record copy has already been sent to the International Bureau, promptly notify that Bureau of the said number, and shall notify the International Bureau of the date on which it received the said number.

Section 320

Information of Any Charge Made under Rule 16 bis.1

(a) The receiving Office shall immediately inform the International Bureau of any charge made under Rule 16 bis.1(a) or (b).

(b) Where the charge made under Rule 16 bis.1(a) concerns the search fee or part of it, the receiving Office shall also immediately inform the International Searching Authority.

Section 321

Application of Moneys Received by the Receiving Office in Certain Cases

(a) The receiving Office shall, to the extent that it has received instructions from the applicant as to the fees to which it shall apply moneys received by it from the applicant, apply those moneys accordingly.

(b) Where the receiving Office receives moneys from the applicant which, together with any other moneys so received, are not sufficient to cover in full the transmittal fee (if any), the international fee and the search fee (if any), the receiving Office shall, to the extent that it has not received instructions from the applicant as to the fees to which it shall apply the moneys which are available for the purpose, apply those moneys in payment, successively, of the fees set out below to the extent that they are due and unpaid and in the order in which they appear below:

- (i) the transmittal fee;
- (ii) the basic fee part of the international fee;
- (iii) the search fee;
- (iv) the designation fee part of the international fee.

(c) Where, pursuant to paragraph (b), the receiving Office applies moneys in payment of the designation fees, it shall apply them to those fees successively in the order in which the designations appear in the international application up to and including the last designation, the fee for which is fully covered by the moneys.

(d) When notifying the International Bureau pursuant to Section 320(a) as to amounts charged to that Bureau pursuant to Rule 16 bis.1(a) and/or Rule 16 bis.1(b), the receiving Office shall, if it has received moneys from the applicant, inform that Bureau of the fees to which those moneys have been applied and the fees which it has

charged to the International Bureau. The receiving Office shall, where applicable, indicate the designations (if any) for which the fees were paid by moneys (if any) so received and the designations for which the fees were charged to the International Bureau.

(e) Where moneys have been applied by the receiving Office in accordance with an instruction received from the applicant as mentioned in paragraph (a), the receiving Office shall inform the International Bureau as to the effect of the said instruction, preferably by sending the International Bureau a copy of a written communication received from the applicant.

Section 322

No Return of Amounts Charged under Rule 16 bis.1 for Covering Transmittal Fee

The receiving Office shall not return to the International Bureau any amount that it has charged under Rule 16 bis.1(a) to that Bureau for covering the transmittal fee.

Section 323

Transmittal of Priority Documents

(a) Any priority document which is submitted to the receiving Office shall be transmitted by that Office to the International Bureau together with the record copy or, if received after the record copy has been sent to the International Bureau, promptly after having been received by that Office.

(b) Where Rule 17.1(b) applies, the receiving Office shall, promptly after receipt of a request for transmittal of the priority document and, where applicable, the payment of the fee referred to in that Rule, transmit the priority document to the International Bureau. Where such request for transmittal has been made on the request Form but is considered by the receiving Office not to have been made because the required fee has not been paid, that Office shall notify the applicant and the International Bureau accordingly.

(c) The receiving Office shall notify the International Bureau of the date on which it received the priority document or the request under Rule 17.1(b).

Section 324

Copy of Notification under Rule 20.5(c)

The copy, sent to the International Bureau, of the notification under Rule 20.5(c) shall also include, if the priority of an earlier application is claimed in the international application, the date of filing — as indicated in the international application — of that earlier application. If the priority of several earlier applications is claimed, the earliest filing date shall be indicated.

Section 325

Corrections under Rule 26.4(a) and Rectifications under Rule 91.1

(a) The receiving Office shall indelibly mark, in the upper right-hand corner of each replacement sheet submitted under Rule 26.4(a), the international application number and the date on which it was received. It shall mark on the letter containing the correction, or accompanying any replacement sheet, the date that letter was received. It shall keep in its files a copy of the letter containing the correction or, when the correction is contained in a replacement sheet, the replaced sheet, a copy of the letter accompanying the replacement sheet and a copy of the replacement sheet.

(b) Subject to paragraph (c), the receiving Office shall promptly transmit any letter and any replacement sheet to the International Bureau, and a copy thereof to the International Searching Authority.

(c) If copies of the international application have not yet been sent to the International Bureau and the International Searching Authority, the receiving Office shall transmit any letter and any replacement sheet to that Bureau and to that Authority together with the record and search copies, which shall contain any replaced sheet.

(d) Paragraphs (a) to (c) shall apply *mutatis mutandis* to rectifications authorized by the receiving Office under Rule 91.1.

Section 326

Withdrawal under Rule 32.1 or Rule 32bis.1

(a) The receiving Office shall promptly transmit any notice effecting withdrawal under Rule 32.1 or Rule 32bis.1 which has been filed with it to the International Bureau. If the record copy has not yet been sent to the International Bureau, the receiving Office shall transmit the said notice to that Bureau together with the record copy.

(b) If the search copy has already been sent to the International Searching Authority and the withdrawal concerns the international application or the priority claim, the receiving Office shall promptly transmit a copy of the notice effecting withdrawal to the International Searching Authority.

(c) If the search copy has not yet been sent to the International Searching Authority and the withdrawal concerns the international application, the receiving Office shall not send the search copy to the International Searching Authority and shall, subject to paragraph (e), refund the search fee to the applicant unless it has already been transferred to the International Searching Authority. If the search fee has already been transferred to the International Searching Authority the receiving Office shall send a copy of the request and of the notice effecting the withdrawal to that Authority.

(d) If the search copy has not yet been sent to the International Searching Authority and the withdrawal concerns the priority claim, the receiving Office shall transmit a copy of the notice effecting withdrawal to the International Searching Authority together with the search copy.

(e) If the refund referred to in paragraph (c) is not compatible with the national law applied by the receiving Office and as long as it continues to be not compatible with the law, the receiving Office may, in the circumstances referred to in paragraph (c), transfer the search fee to the International Searching Authority instead of refunding it to the applicant.

Section 327

Ex Officio Correction of Request by the Receiving Office

(a) Where the record copy has not yet been sent to the International Bureau and the request requires correction because it contains an inconsistency or a minor defect such as non-compliance with Section 201, the receiving Office may correct the request ex officio. If the receiving Office so does, it shall notify the applicant accordingly.

(b) When making a correction under paragraph (a), the receiving Office shall enter, in the margin, the letters "RO." Where the correction involves the deletion or replacement of some matter, the receiving Office shall enclose such matter within square brackets.

Section 328

Notifications Concerning Representation

Where a power of attorney, a document containing the revocation of an appointment, or a notification of renunciation of an appointment, is submitted to the receiving Office under Rule 90.3(d), Section 106(d) or Section 106(e), the receiving Office shall immediately notify the International Bureau, the International Searching Authority and the

International Preliminary Examining Authority by sending them a copy of the power of attorney, document or notification, and request the International Bureau to record a change in the person of the agent or common representative under Rule 92bis.1(a)(ii).

PART 4 INSTRUCTIONS RELATING TO THE INTERNATIONAL BUREAU

Section 401

Marking of the Sheets of the Record Copy

(a) The International Bureau shall, upon receipt of the record copy, mark the date of receipt of the record copy in the appropriate space on the request Form.

(b) If the receiving Office has failed to mark any sheet as provided in Section 311, the marking which has not been made may be inserted by the International Bureau.

Section 402

Manner of Indicating and Notification of Correction of the Priority Date or Cancellation of the Priority Claim

(a) Where, in reply to an invitation issued by the International Bureau under Rule 4.10(d), the applicant corrects the erroneously indicated filing date of any earlier application, the International Bureau shall enter the corrected date in the request, draw a line through the previously entered date while still leaving it legible and enter, in the margin, the words "INTERNATIONAL BUREAU".

(b) Where, under Rule 4.10(d), the International Bureau cancels the declaration made under Article 8(1), that Bureau shall enclose the box in the request Form which provides for the information concerning the priority claim (or, where the priorities of several earlier applications are claimed and not all those priority claims are cancelled, the relevant part of the said box) within square brackets and enter, in the margin, the words "CANCELLED ON THE REQUEST OF APPLICANT" or "CANCELLED EX OFFICIO BY THE INTERNATIONAL BUREAU," as the case may be, or their equivalent in the language of publication of the international application.

(c) The applicant, the receiving Office and the International Searching Authority shall be notified by the International Bureau of any correction or cancellation effected under Rule 4.10(d) by the International Bureau.

(d) Any designated Office which has been notified under Rule 24.2(a) of the receipt of the record copy shall be notified by the International Bureau of any correction or cancellation effected under Rule 4.10(d) by the receiving Office or the International Bureau.

Section 403

Transmittal of Protest Against Payment of Additional Fee and Decision Thereon

Where, under Rules 40.2(c) or 68.3(c), the International Bureau receives a request from the applicant to forward to any designated or elected Office the texts of both the protest against payment of an additional fee and the decision thereon by the International Searching Authority or the International Preliminary Examining Authority, as the case may be, it shall proceed according to such request.

Section 404

International Publication Number

The International Bureau shall assign to each published international application an international publication number which shall be different from the international application number. The international pub-

lication number shall be used on the pamphlet and in the Gazette entry. It shall consist of the two-letter code "WO" followed by a two-digit designation of the last two numbers of the year of publication, a slant, and a serial number consisting of five digits (e.g., "WO78/12345").

Section 405

[Deleted]

Section 406

Pamphlets

(a) Pamphlets referred to in Rule 48.1 shall be published on a given day of each week.

(b) All pamphlets shall be of A4 size and shall be printed by offset, recto-verso.

(c) The form and particulars of the front page of each pamphlet shall be decided by the Director General.

Section 407

The Gazette

(a) The Gazette referred to in Rule 86 shall be of A4 size and shall be printed by offset recto-verso.

(b) In addition to the contents specified in Rule 86, the Gazette shall contain, in respect of each published international application, the data indicated in Annex D.

(c) The information referred to in Rule 86.1(v) shall be that which is indicated in Annex E.

(d) The subscription price of the Gazette shall be as fixed by the Director General.* The price of any single issue of the Gazette shall be as fixed by the Director General.*

* This provision is applicable during the transitional period referred to in Rule 86.4(b).

Section 408

Priority Application Number

(a) If the application number of the earlier application referred to in Rule 4.10(c) (priority application number) is furnished within the prescribed time limit, the International Bureau shall enter the said number in the space provided therefor in the request Form, unless already done by the receiving Office under Section 319.

(b) If the priority application number is furnished after the expiration of the prescribed time limit, the International Bureau shall inform the applicant and the designated Offices of the date on which the said number was furnished. It shall indicate the said date in the international publication by including on the front page of the pamphlet next to the priority application number the words "FURNISHED LATE ON . . . (date)," and the equivalent of such words in the language in which the international application is published if that language is other than English.

(c) If the priority application number has not been furnished at the time of the completion of the technical preparations for international publication, the International Bureau shall indicate that fact by including on the front page of the pamphlet in the space provided for the priority application number the words "NOT FURNISHED" and the equivalent of such words in the language in which the international application is published if that language is other than English.

Section 409

Notification of Priority Claim Considered Not To Have Been Made

Where the International Bureau notes that the receiving Office has failed to notify the applicant as provided in Section 302, it shall send a notification to the same effect to the applicant, the receiving Office and the International Searching Authority.

Section 410

Numbering of Sheets for the Purposes of International Publication; Procedure in Case of Missing Sheets or Drawings

(a) In the course of preparing the international application for international publication, the International Bureau shall sequentially renumber the sheets of the international application only when necessitated by the addition of any new sheet, the deletion of entire sheets or a change in the order of the sheets. Otherwise, the numbering provided under Section 207 shall be maintained.

(b) Where a sheet or a drawing has not been filed or is not to be taken into consideration for the purposes of international processing under Section 309(c) or Section 310(d), the International Bureau shall include an indication to that effect in the pamphlet.

Section 411

Receipt of Priority Document

(a) Subject to paragraph (b), the International Bureau shall record the date on which the priority document has been received by it and shall notify the applicant and the designated Offices accordingly.

(b) Where the priority document has been received by the International Bureau from the receiving Office after the expiration of 16 months from the priority date, the date of receipt by the receiving Office of the priority document or of a request under Rule 17.1(b), as the case may be, shall be recorded as the date of receipt of the priority document.

(c) Where the date of receipt of the priority document is later than the date of expiration of the time limit referred to in Rule 17.1(a), the International Bureau shall notify the applicant and the designated Offices accordingly.

(d) Where, within the time limit referred to in Rule 17.1(a), the International Bureau has not received the priority document and the receiving Office has received neither the priority document nor a request (together with any required fee) to transmit the priority document, the International Bureau shall notify the applicant and the designated Offices accordingly.

Section 412

Fee for Copies of Certain Documents

(a) The International Bureau shall make a charge of 6 Swiss francs to designated and elected Offices for a copy of any document cited in the international search report requested under Rule 44.3(c) or any document cited in the international preliminary examination report requested under Rule 71.2(c).

(b) When mailing by air is requested, the actual cost of such mailing shall be additionally charged.

Section 413

Corrections under Rule 26.4(a) and Rectifications under Rule 91.1

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

(b) Paragraph (a) shall apply *mutatis mutandis* to rectifications authorized by the receiving Office or by the International Searching Authority under Rule 91.1.

Section 414

Notification to the International Preliminary Examining Authority Where the International Application or the Designation of an Elected State is Considered Withdrawn

If a demand has been submitted and the international application or the designation of a designated State which has been elected is considered withdrawn under Article 14(1), (3) or (4), the International Bureau shall promptly notify the International Preliminary Examining Authority, unless the international preliminary examination report has already issued.

Section 415

Notification of Withdrawal under Rule 32.1 or Rule 32bis.1

(a) The fact of withdrawal of the international application, of designations or of the priority claim, together with the date on which the notice effecting withdrawal has reached the International Bureau or the receiving Office, shall be recorded by the International Bureau and promptly notified by it to the receiving Office, the applicant, the designated Offices affected by the withdrawal and, where the withdrawal concerns the international application or the priority claim and where the international search report or the declaration referred to in Article 17(2)(a) has not yet issued, the International Searching Authority. However, where the withdrawal concerns the international application and where the notice effecting withdrawal was filed with the receiving Office before the sending of the record copy to the International Bureau, that Bureau shall send the notifications referred to in the preceding sentence and in Rule 24.2(a) to the receiving Office and the applicant only.

(b) If, at the time of the withdrawal of the international application, of the designation of any designated State which had been elected or of the priority claim, a demand has already been submitted and the international preliminary examination report has not yet issued, the International Bureau shall promptly notify the fact of withdrawal to the International Preliminary Examining Authority, together with the date on which the notice effecting withdrawal has reached the International Bureau or the receiving Office.

Section 416

Correction of Request in Record Copy

(a) Where the request requires correction as a consequence of the withdrawal of a designation or of a change made under Rule 92bis, the International Bureau shall make the necessary correction in the record copy and shall notify the applicant and the receiving Office accordingly.

(b) When making a correction under paragraph (a), the International Bureau shall enter, in the margin, the words "INTERNATIONAL BUREAU." Where the correction involves the deletion or replacement of some matter, the International Bureau shall enclose such matter within square brackets.

Section 417

Processing of Amendments under Article 19

(a) The International Bureau shall record the date on which, under Rule 46.1, any amendment made under Article 19 was received, shall notify the applicant of that date and indicate it in any publication or

copy issued by it.

(b) The International Bureau shall mark, in the upper right-hand corner of each replacement sheet submitted under Rule 46.5(a), the international application number and the date on which it was received under Rule 46.1. It shall keep in its files any replaced sheet, the letter accompanying the replacement sheet or sheets, and any letter referred to in the last sentence of Rule 46.5(a).

(c) The International Bureau shall insert any replacement sheet in the record copy and, in the case referred to in the last sentence of Rule 46.5(a), shall indicate the cancellations in the record copy.

Section 418

Notifications to Elected Offices Where the Demand or an Election Is Considered Not To Have Been Submitted or Made

Where, after any elected Office has been notified of its election under Article 31(7), the demand or the election is considered not to have been submitted or made, the International Bureau shall notify the said Office accordingly.

Section 419

Notification of Withdrawal under Rule 75.1

The fact of withdrawal of the demand or of any election, together with the date on which the notice effecting withdrawal has reached the International Bureau, shall be promptly notified by that Bureau to the applicant, to each elected Office affected by the withdrawal, except where it has not yet been informed that it had been elected, and to the International Preliminary Examining Authority.

Section 420

Copy for the International Preliminary Examining Authority

Where the International Preliminary Examining Authority is not part of the same national Office or intergovernmental organization as the International Searching Authority, the International Bureau shall, promptly upon receipt of the international search report or, if the demand was received after the international search report, promptly upon receipt of the demand, send a copy of the international application and the international search report to the International Preliminary Examining Authority. In cases where, instead of the international search report, a declaration under Article 17(2)(a) has issued, references in the preceding sentence to the international search report shall be considered references to the said declaration.

Section 421

Invitation To Furnish a Copy of the Priority Document

Where a request for a copy of the application whose priority is claimed in the international application is made under Rule 66.7(a) by the International Preliminary Examining Authority before the International Bureau has received the priority document under Rule 17.1, the International Bureau shall, unless the applicable time limit referred to in Rule 17.1(a) has already expired, inform the applicant of such request and remind him of the requirements of Rule 17.1.

Section 422

Notifications under Rule 92bis.1

(a) The International Bureau shall give notifications concerning changes recorded by it under Rule 92bis.1(a):

(i) to the receiving Office, unless the change has been recorded on the request of that Office;

(ii) to the International Searching Authority, unless Section 328 or Section 425 applies;

(iii) to the designated Offices, unless the change has been recorded after the expiration of the time limit referred to in Article 22(1);

(iv) to the International Preliminary Examining Authority, unless Section 328 or Section 425 applies;

(v) to the elected Offices;

(vi) to the applicant; where the change consists of a change in the person of the applicant, the notification shall be sent to the earlier applicant and the new applicant, provided that, where the earlier applicant and the new applicant are represented by the same agent, one notification only shall be sent to the said agent.

(b) Where Rule 92bis.1(b) applies, the International Bureau shall notify the applicant accordingly and, if the change was requested by the receiving Office, that Office.

Section 423

Cancellation of Designations and Elections

(a) The International Bureau shall, if the receiving Office has failed to do so, cancel ex officio the designation of any State which is not a Contracting State, shall enclose that designation within square brackets, shall enter, in the margin, the words "CANCELLED EX OFFICIO BY THE INTERNATIONAL BUREAU" or their equivalent in the language of publication of the international application, and shall notify the applicant and the receiving Office accordingly.

(b) The International Bureau shall, if the election is in the demand and the International Preliminary Examining Authority has failed to do so, or if the election is in a later election, cancel ex officio the election of any State which is not a designated State or which is not bound by Chapter II of the Treaty, shall enclose the election within square brackets, shall enter, in the margin, the words "CANCELLED EX OFFICIO BY THE INTERNATIONAL BUREAU" or their equivalent in the language of publication of the international application, and shall notify the applicant and, if the election is in the demand, the International Preliminary Examining Authority accordingly.

Section 424

Statistics Concerning Non-Compliance with Rules 22.1(a) and 23.1(a)

(a) The number of instances in which, according to the knowledge of the International Bureau, any receiving Office has not complied with the requirements of Rule 22.1(a) shall be indicated, once a year, in the Gazette.

(b) The number of instances in which, according to the knowledge of the International Bureau, any receiving Office has not complied with the requirement of Rule 23.1(a) shall be indicated, once a year, in the Gazette.

Section 425

Notifications Concerning Representation

Where a power of attorney, a document containing the revocation of an appointment, or a notification of renunciation of an appointment, is submitted to the International Bureau under Rule 90.3(b), Section 106(d) or Section 106(e), the International Bureau shall immediately notify the receiving Office, the International Searching Authority and the International Preliminary Examining Authority by sending them a copy of the power of attorney, document or notification, and shall record a change in the person of the agent or common representative under Rule 92bis.1(a)(ii).

Section 425bis

Transitory Provisions Concerning Rule 47.1(b)

Notwithstanding Rule 47.1(b), where any designated State has made a notification that the time limit under Article 22(2) as modified with effect from January 1, 1985, is incompatible with the national law applied by the designated Office and where the International Searching Authority makes a declaration, under Article 17(2)(a), that no international search report will be established, the communication provided for in Article 20 to such designated Office shall be effected, unless the international application is withdrawn, within one month from the date on which the International Bureau has been notified of the said declaration by the International Searching Authority; such communication shall be accompanied by an indication of the date of the notification sent to the applicant under Article 17(2)(a).

PART 5

INSTRUCTIONS RELATING TO THE
INTERNATIONAL SEARCHING AUTHORITY

Section 501

Corrections Submitted to the International Searching
Authority Concerning Expressions, etc., Not to be Used
in the International Application

Where the applicant submits corrections to the International Searching Authority aimed at complying with the prescription of Rule 9.1, that Authority shall transmit copies of such corrections to the receiving Office and the International Bureau.

Section 502

Protest Against Payment of Additional Fee and Decision
Thereon

The International Searching Authority shall transmit to the applicant, at the latest together with the international search report, any decision which it has taken under Rule 40.2(c) on the protest of the applicant against the payment of the additional fee. At the same time, it shall transmit to the International Bureau a copy of both the protest and the decision thereon, as well as any request by the applicant to forward the texts of both the protest and the decision thereon to any of the designated Offices.

Section 503

Method of Identifying Documents Cited in the
International Search Report

Identification of any document cited in the international search report referred to in Rule 43.5(b) shall be made by indicating the following elements in the order in which they are listed:

(a) In the case of any patent document (patent documents being patents within the meaning of Article 2(ii) as well as published applications relating thereto):

(i) the Office that issued the document, by the two-letter code as in Annex B;

(ii) the kind of document, by the appropriate symbols as in the Standard Code for Identification of Different Kinds of Patent Documents*;

(iii) the number of the document as given to it by the Office that issued it (for Japanese patent documents the indication of the year of the reign of the Emperor must precede the serial number of the patent document);

(iv) the name of the patentee or applicant (in capital letters, where appropriate abbreviated);

(v) the date of publication of the cited patent document as indicated thereon; and

(vi) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.

(The following example illustrates the citation of a patent document according to paragraph (a) above:

JP, B, 50-14535 (NCR CORPORATION) 28 May 1975 (28.05.75), see column 4, lines 3 to 27).

* Published in WIPO Handbook on Patent Information and Documentation, Volume 1, Part 3, Standards-ST.16.

(b) In the case of any book or other separately issued publication:

(i) the name of the author;

(ii) the title (including, where applicable, the number of the edition and/or volume);

(iii) the year of publication (when this coincides with the year of the international application or of the priority claim, the International Searching Authority shall endeavor to determine the month and, if necessary, the day of publication and to indicate these data in the international search report);

(iv) the name of the publisher;

(v) as far as available, the place of publication (where only the location of the publisher appears on the book or other separately issued publication, then that location shall be indicated as the place of publication); and

(vi) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.

(The following example illustrates the citation of a book or other separately issued publication according to paragraph (b) above:

H. WALTON, "Microwave Quantum Theory," Volume 2, published 1973, by Sweet and Maxwell (London), see pages 138 to 192, especially pages 146 to 148.)

(c) In the case of any article published in a periodical or other serial publication:

(i) the title of the periodical or other serial publication;

(ii) the number of the volume and the date of the issue in which the article appears;

(iii) as far as available, the place of publication (where only the location of the publisher appears in the periodical or other serial publication, then that location shall be indicated as the place of publication);

(iv) the author and the title of the article and the number of the page both on which the article starts and ends; and

(v) where applicable, the pages, columns or lines where the relevant passages appear, or the relevant figures of the drawings.

(The following example illustrates the citation of an article published in a periodical or other serial publication according to paragraph (c) above:

IBM Technical Disclosure Bulletin, Volume 17, No. 5, issued October 1974 (Armonk, New York), J. G. Drop, "Integrated Circuit Personalization at the Module Level" see pages 1344 and 1345.)

(d) In the case of abstracts:

(i) the identification of the document containing the abstract in the manner set forth in paragraphs (a), (b) and (c), respectively, depending upon whether the abstract is contained in a patent document, in a book or other separately issued publication, or in an article published in a periodical or other serial publication;

(ii) in the case where the abstract is not published together with the full text document which served as its basis, the identification of both abstract and full text document on the basis of whatever bibliographic data may be available in respect thereto.

(The following example illustrates the citation of an abstract

according to paragraph (d) (ii) above:

Chemical Abstracts, Volume 75, No. 20, issued 15 November 1971(15.11.71) (Columbus, Ohio, USA, D. I. Shetlov, "Surface Effects During Metal Fatigue," see page 163, column 1, the abstract No. 120718k, Fiz.-Khim. Mekh. Mater. 1971, 7(2), 7-11(Russ).)

Section 504

Classification of the Subject Matter of the International Application

(a) Where the subject matter of the international application is such that classification thereof requires more than one classification symbol according to the principles to be followed in the application of the International Patent Classification to any given patent document, the international search report shall indicate all such symbols.

(b) Where any national classification system is used, the international search report may indicate all the applicable classification symbols also according to that system.

(c) Where the subject matter of the international application is classified both according to the International Patent Classification and to any national classification system, the international search report shall, wherever possible, indicate the corresponding symbols of both classifications opposite each other.

Section 505

Indication of Citations of Particular Relevance in the International Search Report

(a) Where any document cited in the international search report is of particular relevance, the special indication required by Rule 43.5(c) shall consist of the letter(s) "X" and/or "Y" placed next to the citation of the said document.

(b) Category "X" is applicable where a document is such that when taken alone, a claimed invention cannot be considered novel or cannot be considered to involve an inventive step.

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

Section 506

Comments on Draft Translation of the International Application

(a) Where the applicant has made comments, within the time limits fixed by the International Searching Authority, on the draft translation referred to in Rule 48.3(b), that Authority shall notify the applicant whether it has changed the draft translation and, if so, of the changes it has made therein.

(b) Where the applicant submits comments on the draft translation after the expiration of the time limits fixed by the International Searching Authority, and that Authority changes the draft translation, it shall notify the applicant accordingly.

Section 507

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

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

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

to the citation of the said document.

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

* (see III, 3.14 of the Guidelines for International Search to be Carried Out under the PCT)

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

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

(f) Where in the international search report any document is cited for reasons other than those referred to in paragraphs (a) to (e), for example:

— a document which may throw doubt on a priority claim,**

— a document cited to establish the publication date of another citation,***

such document shall be indicated by the letter "L" next to the citation of the document and the reason for citing the document shall be given.

** (see VI, 4.3 of the Guidelines for International Search to be Carried Out under the PCT)

*** (see VI, 6.2 of the Guidelines for International Search to be Carried Out under the PCT)

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

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

**** (see VI, 3.2 of the Guidelines for International Search to be Carried Out under the PCT)

***** (see VI, 5.2 of the Guidelines for International Search to be Carried Out under the PCT)

Section 508

Manner of Indicating the Claims to Which the Documents Cited in the International Search Report Are Relevant

The claims to which cited documents are relevant shall be indicated by placing in the appropriate column of the international search report:

(i) where the cited document is relevant to one claim, the number of that claim; for example, (2) or (17);

(ii) where the cited document is relevant to two or more claims numbered in consecutive order, the number of the first and last claims

of the series connected by a hyphen; for example, (1-15) or (2-3);

(iii) where the cited document is relevant to two or more claims that are not numbered in consecutive order, the number of each claim placed in ascending order and separated by a comma or commas; for example (1, 6) or (1, 7, 10);

(iv) where the cited document is relevant to more than one series of claims under (ii) above, or to claims of both categories (ii) and (iii), above, the series or individual claim numbers and series placed in ascending order using commas to separate the several series, or to separate the numbers of individual claims and each series of claims; for example (1-6, 9-10, 12-15) or (1, 3-4, 6, 9-11).

Section 509

Procedure Where Information Is Received under Section 320(b)

Where the International Searching Authority has received information under Section 320(b), it shall not proceed with the establishment and the transmittal of the international search report until it receives information from the International Bureau that the amounts due to cover the search fee and the surcharge fee have been paid by the applicant.

Section 510

Refund of Search Fee in Case of Withdrawal

(a) Where the international application is withdrawn or is considered withdrawn, under Article 14(1), (3) or (4), before the International Searching Authority has started the international search, that Authority shall, subject to paragraph (b), refund the search fee to the applicant or, where the search fee was charged under Rule 16bis.1(a), to the International Bureau.

(b) If the refund referred to in paragraph (a) is not compatible with the national law of the national Office acting as International Searching Authority and as long as it continues to be not compatible with that law, the International Searching Authority may abstain from refunding the search fee.

Section 511

Rectifications under Rule 91.1

Where the International Searching Authority authorizes a rectification under Rule 91.1, it shall:

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

(ii) mark, in the middle of the bottom margin of each replacement sheet, the words "SUBSTITUTE SHEET" or their equivalent in the language of publication of the international application as well as an indication of the International Searching Authority as provided for in Section 107(b);

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

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

(v) promptly transmit any letter and any replacement sheet to the International Bureau.

PART 6

INSTRUCTIONS RELATING TO THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Section 601 (Deleted)

Section 602

Amendments under Rule 66.8(a)

(a) The International Preliminary Examining Authority shall indelibly mark, so as to admit of direct reproduction in any of the manners set forth in Rule 11.2(a), in the upper right-hand corner of each replacement sheet submitted under Rule 66.8(a), the international application number and the date on which it was received and, in the middle of the bottom margin, the words "SUBSTITUTE SHEET" or their equivalent in the language of publication of the international application. It shall keep in its files any replaced sheet, the letter accompanying the replacement sheet or sheets, and any letter referred to in the last sentence of Rule 66.8(a)

(b) Section 311(b)(iii) shall apply when one or more sheets are added under Rule 66.8(a)

Section 603

Transmittal of Protest Against Payment of Additional Fee and Decision Thereon

The International Preliminary Examining Authority shall transmit to the applicant, at the latest together with the international preliminary examination report, any decision which it has taken under Rule 68.3(c) on the protest of the applicant against payment of the additional fee. At the same time, it shall transmit to the International Bureau a copy of both the protest and the decision thereon, as well as any request by the applicant to forward the texts of both the protest and the decision thereon to any of the elected Offices.

Section 604

Guidelines for Explanations Contained in the International Preliminary Examination Report

Explanations under Rule 70.8 shall clearly point out to which of the three criteria referred to in Article 35(2), taken separately, any cited document is applicable and shall clearly describe, with reference to the cited documents, the reasons supporting the conclusion that any of the said criteria is or is not satisfied.

Section 605

File To Be Used for International Preliminary Examination

Where the International Preliminary Examining Authority is part of the same national Office or intergovernmental organization as the International Searching Authority, the same file shall serve the purposes of international search and international preliminary examination.

Section 606

Cancellation of Elections

The International Preliminary Examining Authority shall, if the election is in the demand, cancel ex officio the election of any State which is not a designated State or which is not bound by Chapter II of the Treaty, shall enclose that election within square brackets, shall enter, in the margin, the words "CANCELLED EX OFFICIO BY IPEA" or their equivalent in the language of publication of the international application, and shall notify the applicant accordingly.

Section 607
Rectifications under Rule 91.1

Where the International Preliminary Examining Authority authorizes a rectification under Rule 91.1, Rule 70.16 and Section 602 shall apply *mutatis mutandis*.

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