

Detailed contents

1. What is the PCT?

1.1 The PCT Union

| | |
|--|---|
| Links to other relevant parts of this book | 3 |
| Basic principles and goals | 3 |
| Being pragmatic and flexible has advantages | 4 |
| ... and disadvantages | 4 |
| Preamble | 4 |
| Art. 1 PCT - Establishment of a Union | 5 |
| Art. 59 PCT - Disputes | 5 |
| Art. 62 PCT - Becoming Party to the Treaty | 5 |
| Art. 1 PC - Establishment of the Union; Scope of Industrial Property | 6 |
| Art. 19 PC - Special Agreements | 6 |

1.2 Definitions and Interpretations

| | |
|--|----|
| General considerations when reading & studying the law | 7 |
| Interpretation of legal texts & annotations | 7 |
| Abbreviations from selected Articles & Rules | 7 |
| Art. 2 PCT - Definitions | 9 |
| R. 1 PCT - Abbreviated Expressions | 10 |
| R. 1.1 PCT - Meaning of Abbreviated Expressions | 10 |
| R. 2 PCT - Interpretation of Certain Words | 11 |
| R. 2.1 PCT - "Applicant" | 11 |
| R. 2.2 PCT - "Agent" | 11 |
| R. 2.2bis PCT - "Common Representative" | 11 |
| R. 2.3 PCT - "Signature" | 11 |
| R. 2.4 PCT - "Priority Period" | 11 |
| Art. 1 PC - Establishment of the Union; Scope of Industrial Property | 12 |
| Art. 4C PC - [Periods of Priority; Establishing a New First Application] | 12 |

1.3 Legal Provisions

| | |
|---|----|
| Links to other relevant parts of this book | 13 |
| Provisions are convoluted and vague | 13 |
| Legal hierarchy (approximate) | 13 |
| Available Guidelines | 13 |
| The Treaty - Chapter I - International Application and International Search | 13 |
| The Treaty - Chapter II - International Preliminary Examination | 14 |
| The Treaty - Remaining Chapters | 14 |
| Art. 58 PCT - Regulations | 14 |
| R. 89 PCT - Administrative Instructions | 15 |
| R. 89.1 PCT - Scope | 15 |
| R. 89.2 PCT - Source | 15 |
| R. 89.3 PCT - Publication and Entry into Force | 16 |

1.4 Legal Effects of Filing Date and Publication

| | |
|--|----|
| Links to other relevant parts of this book | 17 |
| Legal Effect of Filing Date (National Filing) | 17 |
| Legal Effect of Filing Date (Priority Filing) | 17 |
| Legal Effect of Publication (Provisional Protection) | 18 |
| Art. 11 PCT - Filing Date and Effects of the International Application | 18 |
| Art. 24 PCT - Possible Loss of Effect in Designated States | 18 |

| | |
|--|----|
| Art. 29 PCT - Effects of the International Publication | 19 |
| Art. 39 PCT - Copy, Translation, and Fee, to Elected Offices | 20 |
| Art. 4A PC - [Creating Rights of Priority for Patents, Utility Models, Industrial Designs, Marks] | 20 |
| 1.5 Relationship between PCT and National Law | |
| Links to other relevant parts of this book | 21 |
| Main PCT provisions that still apply after national / regional entry | 21 |
| Art. 26 PCT - Opportunity to Correct Before Designated Offices | 22 |
| Art. 27 PCT - National Requirements | 22 |
| Art. 46 PCT - Incorrect Translation of the International Application | 22 |
| Art. 48 PCT - Delay in Meeting Certain Time Limits | 23 |
| Art. 62 PCT - Becoming Party to the Treaty | 23 |
| Article 64 PCT - Reservations (covered in linked parts of this book) | 23 |
| Article 64(7) - Overview of ALL Reservations and Incompatibilities (covered in linked parts of this book) | 23 |
| R. 4.17 PCT - Declarations Relating to National Requirements Referred to in R. 51bis.1(a)(i) to (v) | 24 |
| R. 6.5 PCT - Utility Models | 24 |
| R. 13.5 PCT - Utility Models | 24 |
| R. 13bis.7 PCT - National Requirements: Notification and Publication | 25 |
| R. 18.4 PCT - Information on Requirements under National Law as to Applicants | 25 |
| R. 51bis PCT - Certain National Requirements Allowed under Art. 27 | 25 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 25 |
| R. 51bis.2 PCT - Certain Circumstances in Which Documents or Evidence May Not Be Required | 27 |
| R. 51bis.3 PCT - Opportunity to Comply with National Requirements | 28 |
| | |
| 2. Filing an International Application | |
| 2.1 Overview of Procedure in International Phase | |
| Suggested deadlines & communications to be monitored in International Phase | 31 |
| Acceleration of International Phase | 31 |
| Preparation for entering National & Regional Phases | 32 |
| 2.2 General – Filing | |
| 2.2.1 Main contents of International Application | 34 |
| Links to other relevant parts of this book | 34 |
| Art. 3 PCT - The International Application | 34 |
| R. 5.2 PCT - Nucleotide and/or Amino Acid Sequence Disclosure | 35 |
| Rule 13bis Inventions Relating to Biological Material | 35 |
| R. 13bis.1 PCT - Definition | 35 |
| R. 13bis.2 PCT - References (General) | 35 |
| 2.2.2 Automatic Indication of All Designations, All Kinds of Protection, All Routes | 36 |
| Art. 43 PCT - Seeking Certain Kinds of Protection | 36 |
| Art. 44 PCT - Seeking Two Kinds of Protection | 36 |
| Art. 45 PCT - Regional Patent Treaties | 36 |
| R. 4.9 PCT - Designation of States; Kinds of Protection; National and Regional Patents | 37 |
| R. 13bis.5 PCT - 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 | 37 |
| R. 49bis PCT - Indications as to Protection Sought for Purposes of National Processing | 37 |
| R. 49bis.1 PCT - Choice of Certain Kinds of Protection | 38 |
| R. 49bis.2 PCT - Time of Furnishing Indications | 38 |
| 2.3 The Competent Receiving Office (rO) | |
| Key issues, National security provisions, Delegation of duties | 39 |
| EPO as Competent rO | 39 |
| Other factors when choosing rO may include: | 39 |
| Filing at IB as rO | 40 |
| Art. 10 PCT - The Receiving Office | 40 |
| Art. 27 PCT - National Requirements | 40 |
| R. 19 PCT - The Competent Receiving Office | 40 |

| | |
|--|----|
| R. 19.1 PCT - Where to File | 40 |
| R. 19.2 PCT - Two or More Applicants | 41 |
| R. 19.3 PCT - Publication of Fact of Delegation of Duties of Receiving Office | 41 |
| R. 19.4 PCT - Transmittal to the International Bureau as Receiving Office | 41 |
| R. 35.3 PCT - When the International Bureau Is Receiving Office under R. 19.1(a)(iii) | 42 |
| R. 93.1 PCT - The Receiving Office | 42 |
| PCT AI, Section 330 - Transmittal of Record Copy Prevented or Delayed by National Security Prescriptions | 43 |
| 2.4 The Request, Request Form and Required Contents | |
| Key issues | 44 |
| Art. 4 PCT - The Request | 44 |
| R. 3 PCT - The Request (Form) | 45 |
| R. 3.1 PCT - Form of Request | 45 |
| R. 3.2 PCT - Availability of Forms | 45 |
| Rule 3.3 PCT - Check List (covered in linked parts of this book) | 46 |
| R. 3.4 PCT - Particulars | 46 |
| R. 4 PCT - The Request (Contents) | 46 |
| R. 4.1 PCT - Mandatory and Optional Contents; Signature | 46 |
| R. 4.2 PCT - The Petition | 47 |
| Rule 4.3 PCT - Title of the Invention (covered in linked parts of this book) | 47 |
| R. 4.4 PCT - Names and Addresses | 47 |
| Rule 4.5 PCT - The Applicant (covered in linked parts of this book) | 48 |
| Rule 4.6 PCT - The Inventor (covered in linked parts of this book) | 48 |
| Rule 4.7 PCT - The Agent (covered in linked parts of this book) | 48 |
| Rule 4.8 PCT - Common Representative (covered in linked parts of this book) | 48 |
| Rule 4.9 PCT - Designation of States; Kinds of Protection; National and Regional Patents (covered in linked parts of this book) | 48 |
| Rule 4.10 PCT - Priority Claim (covered in linked parts of this book) | 48 |
| R. 4.11 PCT - Reference to Continuation or Continuation-in-Part, or Parent Application or Grant | 48 |
| Rule 4.12 PCT - Taking into Account Results of Earlier Search (covered in linked parts of this book) | 49 |
| R. 4.13 PCT - [Deleted] | 49 |
| R. 4.14 PCT - [Deleted] | 49 |
| Rule 4.14bis PCT - Choice of International Searching Authority (covered in linked parts of this book) | 49 |
| Rule 4.15 PCT - Signature (covered in linked parts of this book) | 49 |
| R. 4.16 PCT - Transliteration or Translation of Certain Words | 49 |
| Rule 4.17 PCT - Declarations Relating to National Requirements Referred to in Rule 51bis.1(a)(i) to (v) (covered in linked parts of this book) | 49 |
| Rule 4.18 PCT - Statement of Incorporation by Reference (covered in linked parts of this book) | 49 |
| R. 4.19 PCT - Additional Matter | 49 |
| R. 26quater PCT - Correction or Addition of Indications under R. 4.11 | 50 |
| R. 26quater.1 PCT - Correction or Addition of Indications | 50 |
| R. 26quater.2 PCT - Late Correction or Addition of Indications | 50 |
| PCT AI, Section 115 - Indications of States, Territories and Intergovernmental Organizations | 50 |
| 2.5 The Title of Invention | |
| Links to other relevant parts of this book | 51 |
| Key issues | 51 |
| Art. 14 PCT - Certain Defects in the International Application | 51 |
| R. 4.1 PCT - Mandatory and Optional Contents; Signature | 51 |
| R. 4.3 PCT - Title of the Invention | 52 |
| R. 5.1 PCT - Manner of the Description | 52 |
| 2.6 Applicants and Required Indications | |
| Key issues, Outline of procedure | 53 |
| Art. 9 PCT - The Applicant | 54 |
| Art. 11 PCT - Filing Date and Effects of the International Application | 54 |
| Art. 14 PCT - Certain Defects in the International Application | 54 |
| Art. 27 PCT - National Requirements | 55 |
| R. 4.1 PCT - Mandatory and Optional Contents; Signature | 55 |
| Rule 4.4 PCT - Names and Addresses (covered in linked parts of this book) | 56 |

| | |
|---|----|
| R. 4.5 PCT - The Applicant | 56 |
| Rule 4.16 PCT - Transliteration or Translation of Certain Words (covered in linked parts of this book) | 56 |
| R. 4.17 PCT - Declarations Relating to National Requirements Referred to in R. 51bis.1(a)(i) to (v) . . | 56 |
| R. 18 PCT - The Applicant | 57 |
| R. 18.1 PCT - Residence and Nationality | 57 |
| R. 18.2 PCT - [Deleted] | 57 |
| R. 18.3 PCT - Two or More Applicants | 57 |
| R. 18.4 PCT - Information on Requirements under National Law as to Applicants | 58 |
| R. 26.2bis PCT - Checking of Requirements under Art. 14(1)(a)(i) and (ii) | 58 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 58 |
| R. 51bis.2 PCT - Certain Circumstances in Which Documents or Evidence May Not Be Required . . . | 59 |
| PCT AI, Section 115 - Indications of States, Territories and Intergovernmental Organizations | 59 |
| PCT AI, Section 203 - Different Applicants for Different Designated States | 59 |
| 2.7 Inventors and Required Indications | |
| Key issues, Recommended practice, Outline of Procedure | 60 |
| Art. 4 PCT - The Request | 61 |
| Art. 22 PCT - Copy, Translation, and Fee, to Designated Offices | 61 |
| Art. 27 PCT - National Requirements | 62 |
| R. 4.1 PCT - Mandatory and Optional Contents; Signature | 62 |
| Rule 4.4 PCT - Names and Addresses (covered in linked parts of this book) | 62 |
| R. 4.6 PCT - The Inventor | 62 |
| Rule 4.16 PCT - Transliteration or Translation of Certain Words (covered in linked parts of this book) | 63 |
| R. 4.17 PCT - Declarations Relating to National Requirements Referred to in R. 51bis.1(a)(i) to (v) . . | 63 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 63 |
| R. 51bis.2 PCT - Certain Circumstances in Which Documents or Evidence May Not Be Required . . . | 64 |
| 2.8 Agent or Common Representative | |
| Links to other relevant parts of this book | 65 |
| Appointing an agent, and details required by rO | 65 |
| Appointing a common representative, and details required by rO | 65 |
| Acts that may be performed, Recommendation | 66 |
| R. 2.2 PCT - "Agent" | 66 |
| R. 2.2bis PCT - "Common Representative" | 66 |
| R. 4.1 PCT - Mandatory and Optional Contents; Signature | 66 |
| Rule 4.4 PCT - Names and Addresses (covered in linked parts of this book) | 67 |
| R. 4.7 PCT - The Agent | 67 |
| R. 4.8 PCT - Common Representative | 67 |
| Rule 4.16 PCT - Transliteration or Translation of Certain Words (covered in linked parts of this book) | 67 |
| R. 83.1bis PCT - Where the International Bureau Is the Receiving Office | 67 |
| R. 90.1 PCT - Appointment as Agent | 67 |
| R. 90.2 PCT - Common Representative | 68 |
| R. 90.4 PCT - Manner of Appointment of Agent or Common Representative | 68 |
| R. 90.5 PCT - General Power of Attorney | 69 |
| R. 90bis.5 PCT - Signature | 70 |
| 2.9 Designation of States and Exclusion on Filing | |
| Key issues | 71 |
| Art. 4 PCT - The Request | 71 |
| Art. 11 PCT - Filing Date and Effects of the International Application | 72 |
| R. 4.9 PCT - Designation of States; Kinds of Protection; National and Regional Patents | 72 |
| R. 48.6 PCT - Announcing of Certain Facts | 73 |
| R. 90bis.2 PCT - Withdrawal of Designations | 73 |
| 2.10 Claiming Priority | |
| 2.10.1 Procedural Requirements | 74 |
| Links to other relevant parts of this book | 74 |
| Overview of Procedure | 74 |
| Art. 8 PCT - Claiming Priority | 75 |
| R. 2.4 PCT - "Priority Period" | 76 |
| R. 4.10 PCT - Priority Claim | 76 |

| | |
|--|----|
| R. 17 PCT - The Priority Document | 77 |
| R. 17.1 PCT - Obligation to Submit Copy of Earlier National or International Application | 77 |
| R. 17.2 PCT - Availability of Copies | 78 |
| R. 66.7 PCT - Copy and Translation of Earlier Application Whose Priority Is Claimed | 78 |
| R. 76.4 PCT - Time Limit for Translation of Priority Document | 79 |
| PCT AI, Section 715 - Availability of Priority Documents from Digital Libraries | 79 |
| PCT AI, Section 716 - Request that Priority Document Be Obtained from a Digital Library under R. 17.1(b-bis) | 80 |
| Article 4 PC - Overview of Requirements from Paris Convention | 80 |
| Art. 4C PC - [Periods of Priority; Establishing a New First Application] | 81 |
| Art. 4D PC - [Declaration of Priority in Subsequent Applications] | 81 |
| Art. 4E PC - [Periods of Priority for Mixed Types of Industrial Property] | 82 |
| Art. 4G PC - [Division of Applications and Preservation of Priority] | 82 |
| 2.10.2 Substantive Requirements | 83 |
| Links to other relevant parts of this book | 83 |
| Legal Overview | 83 |
| Art. 8 PCT - Claiming Priority | 84 |
| Rule 2.4 PCT - Priority Period (covered in linked parts of this book) | 84 |
| Rule 4.10 PCT - Priority Claim (covered in linked parts of this book) | 84 |
| Article 4 PC - Overview of Requirements from Paris Convention | 84 |
| Art. 4A PC - [Creating Rights of Priority for Patents, Utility Models, Industrial Designs, Marks] | 85 |
| Art. 4B PC - [Effect of Acts During Priority Period on Subsequent Filings] | 85 |
| Art. 4C PC - [Periods of Priority; Establishing a New First Application] | 85 |
| Art. 4F PC - [Claiming Multiple Priorities; Additional Matter in Subsequent Applications] | 86 |
| Art. 4H PC - [Subject Matter Disclosed in Priority Applications] | 86 |
| Art. 4I PC - [Inventor's Certificates] | 86 |
| 2.10.3 Claiming Priority of International Applications | 87 |
| Links to other relevant parts of this book | 87 |
| Key issues | 87 |
| Art. 11 PCT - Filing Date and Effects of the International Application | 87 |
| R. 21.2 PCT - Certified Copy for the Applicant | 87 |
| 2.11 Taking into Account Search of Earlier Application | |
| R. 4.1 PCT - Mandatory and Optional Contents; Signature | 88 |
| R. 4.12 PCT - Taking into Account Results of Earlier Search | 88 |
| R. 12bis PCT - Submission by the Applicant of Documents Relating to Earlier Search | 89 |
| R. 12bis.1 PCT - Furnishing by the Applicant of Documents Related to Earlier Search in Case of Request under R. 4.12 | 89 |
| R. 12bis.2 PCT - Invitation by the International Searching Authority to Furnish Documents Related to Earlier Search in Case of Request under R. 4.12 | 89 |
| R. 41.2 PCT - Taking into Account Results of Earlier Search and Classification in Other Cases | 90 |
| 2.12 Choice of International Searching Authority (ISA) | |
| Determining which ISA is competent | 91 |
| R. 4.1 PCT - Mandatory and Optional Contents; Signature | 91 |
| R. 4.14bis PCT - Choice of International Searching Authority | 91 |
| 2.13 Declarations Relating to National Requirements | |
| Key issues, Outline of procedure, Recommended practice | 92 |
| R. 4.17 PCT - Declarations Relating to National Requirements Referred to in R. 51bis.1(a)(i) to (v) | 92 |
| R. 26ter PCT - Correction or Addition of Declarations under R. 4.17 | 93 |
| R. 26ter.1 PCT - Correction or Addition of Declarations | 93 |
| R. 26ter.2 PCT - Processing of Declarations | 93 |
| R. 48.2 PCT - Contents | 93 |
| PCT AI, Section 211 - Declaration as to the Identity of the Inventor | 94 |
| PCT AI, Section 212 - Declaration as to the Applicant's Entitlement to Apply for and Be Granted a Patent | 94 |
| PCT AI, Section 213 - Declaration as to the Applicant's Entitlement to Claim Priority of Earlier Application | 95 |
| PCT AI, Section 214 - Declaration of Inventorship | 96 |
| PCT AI, Section 215 - Declaration as to Non-Prejudicial Disclosures or Exceptions to Lack of Novelty | 96 |

| | |
|--|-----|
| 2.14 Check List | |
| R. 3.3 PCT - Check List | 98 |
| 2.15 Signature of Applicant, Common Representative or Agent | |
| Key issues | 99 |
| Art. 14 PCT - Certain Defects in the International Application | 99 |
| Art. 27 PCT - National Requirements | 99 |
| R. 2.3 PCT - "Signature" | 100 |
| R. 4.1 PCT - Mandatory and Optional Contents; Signature | 100 |
| R. 4.15 PCT - Signature | 100 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 100 |
| R. 90.4 PCT - Manner of Appointment of Agent or Common Representative | 101 |
| PCT AI, Section 316 - Procedure in the Case Where the International Application Lacks the Prescribed Signature | 101 |
| PCT AI, Section 703 - Filing Requirements; Basic Common Standard | 102 |
| 2.16 The Description | |
| 2.16.1 Main requirements for text | 103 |
| Key issues | 103 |
| Art. 5 PCT - The Description | 103 |
| R. 5 PCT - The Description | 103 |
| R. 5.1 PCT - Manner of the Description | 103 |
| R. 20.1 PCT - Determination under Art. 11(1) | 104 |
| 2.16.2 Disclosing Sequence Listings | 105 |
| Links to other relevant parts of this book | 105 |
| Key issues, Definitions | 105 |
| Presentation of sequences in description, claims or drawings - AI, Annex C 8: | 105 |
| Procedure before RO - AI, Annex C 16, 26-27: | 105 |
| R. 5.2 PCT - Nucleotide and/or Amino Acid Sequence Disclosure | 106 |
| R. 12.1 PCT - Languages Accepted for the Filing of International Applications | 106 |
| PCT AI, Section 707 - Calculation of International Filing Fee and Fee Reduction | 106 |
| 2.17 The Claims | |
| Key issues | 107 |
| Art. 6 PCT - The Claims | 107 |
| R. 6 PCT - The Claims | 108 |
| R. 6.1 PCT - Number and Numbering of Claims | 108 |
| R. 6.2 PCT - References to Other Parts of the International Application | 108 |
| R. 6.3 PCT - Manner of Claiming | 108 |
| R. 6.4 PCT - Dependent Claims | 109 |
| R. 6.5 PCT - Utility Models | 109 |
| R. 13.4 PCT - Dependent Claims | 109 |
| R. 20.1 PCT - Determination under Art. 11(1) | 110 |
| PCT AI, Section 204bis - Numbering of Claims | 110 |
| 2.18 The Drawings | |
| Key issues | 111 |
| Art. 7 PCT - The Drawings | 111 |
| R. 7 PCT - The Drawings | 111 |
| R. 7.1 PCT - Flow Sheets and Diagrams | 112 |
| R. 7.2 PCT - Time Limit | 112 |
| R. 11.11 PCT - Words in Drawings | 112 |
| R. 11.13 PCT - Special Requirements for Drawings | 112 |
| 2.19 The Abstract | |
| Links to other relevant parts of this book | 114 |
| Key issues | 114 |
| Art. 3 PCT - The International Application | 115 |
| Art. 14 PCT - Certain Defects in the International Application | 115 |
| R. 3.3 PCT - Check List | 115 |
| R. 8 PCT - The Abstract | 115 |

| | |
|---|-----|
| R. 8.1 PCT - Contents and Form of the Abstract | 115 |
| R. 8.2 PCT - Figure | 116 |
| R. 8.3 PCT - Guiding Principles in Drafting | 116 |
| 2.20 Other Formal Requirements | |
| 2.20.1 Expressions, Etc., Not to Be Used | 117 |
| Links to other relevant parts of this book | 117 |
| R. 9 PCT - Expressions, Etc., Not to Be Used | 117 |
| R. 9.1 PCT - Definition | 117 |
| R. 9.2 PCT - Noting of Lack of Compliance | 117 |
| R. 9.3 PCT - Reference to Art. 21(6) | 117 |
| 2.20.2 Terminology and Signs | 118 |
| Links to other relevant parts of this book | 118 |
| R. 10 PCT - Terminology and Signs | 118 |
| R. 10.1 PCT - Terminology and Signs | 118 |
| R. 10.2 PCT - Consistency | 118 |
| 2.20.3 Physical Requirements | 119 |
| Links to other relevant parts of this book | 119 |
| R. 11 PCT - Physical Requirements of the International Application | 119 |
| R. 11.1 PCT - Number of Copies | 119 |
| R. 11.2 PCT - Fitness for Reproduction | 119 |
| R. 11.3 PCT - Material to Be Used | 120 |
| R. 11.4 PCT - Separate Sheets, Etc. | 120 |
| R. 11.5 PCT - Size of Sheets | 120 |
| R. 11.6 PCT - Margins | 120 |
| R. 11.7 PCT - Numbering of Sheets | 121 |
| R. 11.8 PCT - Numbering of Lines | 121 |
| R. 11.9 PCT - Writing of Text Matter | 121 |
| R. 11.10 PCT - Drawings, Formulae, and Tables, in Text Matter | 122 |
| R. 11.11 PCT - Words in Drawings | 122 |
| R. 11.12 PCT - Alterations, Etc. | 122 |
| R. 11.13 PCT - Special Requirements for Drawings | 122 |
| R. 11.14 PCT - Later Documents | 123 |
| PCT AI, Section 702 - Filing, Processing and Communication in Electronic Form of International Applications | 123 |
| 2.21 Fees – Filing | |
| Links to other relevant parts of this book | 125 |
| Time limits for paying fees | 125 |
| Art. 3 PCT - The International Application | 126 |
| Art. 4 PCT - The Request | 126 |
| R. 14 PCT - The Transmittal Fee | 126 |
| R. 14.1 PCT - The Transmittal Fee | 126 |
| R. 15 PCT - The International Filing Fee | 126 |
| R. 15.1 PCT - The International Filing Fee | 126 |
| R. 15.2 PCT - Amount; Transfer | 127 |
| R. 15.3 PCT - Time Limit for Payment; Amount Payable | 127 |
| R. 15.4 PCT - Refund | 127 |
| R. 16 PCT - The Search Fee | 128 |
| R. 16.1 PCT - Right to Ask for a Fee | 128 |
| R. 16.2 PCT - Refund | 128 |
| R. 16.3 PCT - Partial Refund | 129 |
| Rule 16bis PCT - Extension of Time Limits for Payment of Fees (covered in linked parts of this book) | 129 |
| R. 19.4 PCT - Transmittal to the International Bureau as Receiving Office | 129 |
| R. 26bis.3 PCT - Restoration of Right of Priority by Receiving Office | 129 |
| PCT AI, Section 707 - Calculation of International Filing Fee and Fee Reduction | 130 |

3. Processing of International Application by Receiving Office

3.1 General – Processing by Receiving Office (rO)

| | |
|---|-----|
| Main steps in procedure before rO | 135 |
| 3.2 According an International Filing Date | |
| 3.2.1 Filing Date Accorded | 136 |
| Main requirements for Filing Date | 136 |
| Form PCT/RO/103 INVITATION TO CORRECT PURPORTED INTERNATIONAL APPLICATION | 136 |
| Form PCT/RO/105 NOTIFICATION OF THE INTERNATIONAL APPLICATION NUMBER AND OF THE INTERNATIONAL FILING DATE | 137 |
| Art. 11 PCT - Filing Date and Effects of the International Application | 137 |
| R. 18.1 PCT - Residence and Nationality | 138 |
| R. 20 PCT - International Filing Date | 139 |
| R. 20.1 PCT - Determination under Art. 11(1) | 139 |
| R. 20.2 PCT - Positive Determination under Art. 11(1) | 139 |
| 3.2.2 No Filing Date Accorded | 140 |
| Key issues | 140 |
| Art. 14 PCT - Certain Defects in the International Application | 140 |
| R. 15.4 PCT - Refund | 141 |
| R. 16.2 PCT - Refund | 141 |
| R. 20.3 PCT - Defects under Art. 11(1) | 141 |
| R. 20.4 PCT - Negative Determination under Art. 11(1) | 142 |
| R. 20.7 PCT - Time Limit | 142 |
| Rule 20.7 PCT - Time Limit - Overview of cited references: | 143 |
| R. 29.3 PCT - Calling Certain Facts to the Attention of the Receiving Office | 143 |
| R. 29.4 PCT - Notification of Intent to Make Declaration under Art. 14(4) | 143 |
| R. 30 PCT - Time Limit under Art. 14(4) | 143 |
| R. 30.1 PCT - Time Limit | 143 |
| 3.3 Translations of International Application for Search and Publication | |
| Links to other relevant parts of this book | 144 |
| Key issues | 144 |
| Translation for Search | 145 |
| Translation for Publication | 145 |
| Translation of Sequence Listing - AI, Annex C 16-18: | 145 |
| Art. 3 PCT - The International Application | 146 |
| Art. 46 PCT - Incorrect Translation of the International Application | 146 |
| R. 12 PCT - Language of the International Application and Translations for the Purposes of International Search and International Publication | 146 |
| R. 12.1 PCT - Languages Accepted for the Filing of International Applications | 146 |
| R. 12.1bis PCT - Language of Elements and Parts Furnished under R. 20.3, 20.5, 20.5bis or 20.6 | 147 |
| R. 12.1ter PCT - Language of Indications Furnished under R. 13bis.4 | 147 |
| R. 12.2 PCT - Language of Changes in the International Application | 147 |
| R. 12.3 PCT - Translation for the Purposes of International Search | 148 |
| R. 12.4 PCT - Translation for the Purposes of International Publication | 149 |
| R. 20.1 PCT - Determination under Art. 11(1) | 149 |
| R. 22.1 PCT - Procedure | 150 |
| R. 45bis.1 PCT - Supplementary Search Request | 150 |
| R. 48.3 PCT - Languages of Publication | 150 |
| 3.4 Missing Parts and Incorporation by Reference of Missing Elements or Parts | |
| 3.4.1 Missing and Erroneously Filed Elements or Parts | 151 |
| Key issues | 151 |
| R. 12.1bis PCT - Language of Elements and Parts Furnished under R. 20.3, 20.5, 20.5bis or 20.6 | 152 |
| R. 20.5 PCT - Missing Parts | 152 |
| R. 20.5bis PCT - Erroneously Filed Elements and Parts | 153 |
| R. 20.7 PCT - Time Limit | 154 |
| Rule 20.7 PCT - Overview of cited references: | 155 |
| 3.4.2 Confirmation of Incorporation by Reference of Elements and Parts | 156 |
| Key issues | 156 |
| R. 4.18 PCT - Statement of Incorporation by Reference | 157 |
| R. 12.1bis PCT - Language of Elements and Parts Furnished under R. 20.3, 20.5, 20.5bis or 20.6 | 157 |
| R. 20.6 PCT - Confirmation of Incorporation by Reference of Elements and Parts | 158 |

| | |
|--|-----|
| R. 20.7 PCT - Time Limit | 158 |
| Rule 20.7 PCT - Overview of cited references: | 159 |
| R. 20.8 PCT - Incompatibility with National Laws | 159 |
| R. 48.2 PCT - Contents | 160 |
| 3.5 Defects in International Application | |
| 3.5.1 General - Defects | 161 |
| Outline of procedure: | 161 |
| Art. 14 PCT - Certain Defects in the International Application | 161 |
| Art. 25 PCT - Review by Designated Offices | 162 |
| R. 13bis.4 PCT - References: Time Limit for Furnishing Indications | 163 |
| R. 26.2bis PCT - Checking of Requirements under Art. 14(1)(a)(i) and (ii) | 164 |
| R. 26.3 PCT - Checking of Physical Requirements under Art. 14(1)(a)(v) | 164 |
| R. 28 PCT - Defects Noted by the International Bureau | 165 |
| R. 28.1 PCT - Note on Certain Defects | 165 |
| R. 29 PCT - International Applications Considered Withdrawn | 165 |
| R. 29.1 PCT - Finding by Receiving Office | 165 |
| R. 29.2 PCT - [Deleted] | 165 |
| R. 29.3 PCT - Calling Certain Facts to the Attention of the Receiving Office | 165 |
| R. 29.4 PCT - Notification of Intent to Make Declaration under Art. 14(4) | 166 |
| R. 30 PCT - Time Limit under Art. 14(4) | 166 |
| R. 30.1 PCT - Time Limit | 166 |
| PCT AI, Section 316 - Procedure in the Case Where the International Application Lacks the Prescribed Signature | 166 |
| 3.5.2 Invitation to Correct Defects | 167 |
| Key issues | 167 |
| R. 12.2 PCT - Language of Changes in the International Application | 167 |
| R. 26 PCT - Checking by, and Correcting before, the Receiving Office of Certain Elements of the Inter- national Application | 168 |
| R. 26.1 PCT - Invitation under Art. 14(1)(b) to Correct | 168 |
| R. 26.2 PCT - Time Limit for Correction | 168 |
| R. 26.3bis PCT - Invitation under Art. 14(1)(b) to Correct Defects under R. 11 | 168 |
| R. 26.3ter PCT - Invitation to Correct Defects under Art. 3(4)(i) | 168 |
| R. 26.4 PCT - Procedure | 169 |
| R. 26.5 PCT - Decision of the Receiving Office | 169 |
| 3.5.3 Lack of Payment of Fees | 170 |
| Links to other relevant parts of this book | 170 |
| R. 16bis PCT - Extension of Time Limits for Payment of Fees | 170 |
| R. 16bis.1 PCT - Invitation by the Receiving Office | 170 |
| R. 16bis.2 PCT - Late Payment Fee | 171 |
| R. 27 PCT - Lack of Payment of Fees | 171 |
| R. 27.1 PCT - Fees | 171 |
| PCT AI, Section 320 - Invitation to Pay Fees under R. 16bis.1(a) | 171 |
| PCT AI, Section 321 - Application of Moneys Received by the Receiving Office in Certain Cases | 171 |
| 3.6 Correction or Addition of Priority Claim | |
| Links to other relevant parts of this book | 173 |
| Key issues | 173 |
| R. 26bis PCT - Correction or Addition of Priority Claim | 174 |
| R. 26bis.1 PCT - Correction or Addition of Priority Claim | 174 |
| R. 26bis.2 PCT - Defects in Priority Claims | 174 |
| R. 48.2 PCT - Contents | 176 |
| R. 91.1 PCT - Rectification of Obvious Mistakes | 176 |
| Rule 91.1 PCT - more details found elsewhere in this book: | 176 |
| PCT AI, Section 113 - Special Fees Payable to the International Bureau | 176 |
| 3.7 Restoration of Priority before Receiving Office (rO) | |
| Links to other relevant parts of this book | 178 |
| Key issues, based on PCT Newsl. 09/2015 Practical Advice | 178 |
| R. 26bis.3 PCT - Restoration of Right of Priority by Receiving Office | 179 |
| R. 49ter.1 PCT - Effect of Restoration of Right of Priority by Receiving Office | 181 |

| | |
|--|-----|
| 3.8 Transmittal of Application to IB and ISA | |
| Three copies - either real or virtual, Overview of procedure, National security | 182 |
| Art. 12 PCT - Transmittal of the International Application to the International Bureau and the International Searching Authority | 183 |
| R. 11.1 PCT - Number of Copies | 183 |
| R. 20.2 PCT - Positive Determination under Art. 11(1) | 183 |
| R. 21 PCT - Preparation of Copies | 184 |
| R. 21.1 PCT - Responsibility of the Receiving Office | 184 |
| R. 21.2 PCT - Certified Copy for the Applicant | 184 |
| R. 22 PCT - Transmittal of the Record Copy and Translation | 184 |
| R. 22.1 PCT - Procedure | 184 |
| R. 22.2 PCT - [Deleted] | 185 |
| R. 22.3 PCT - Time Limit under Art. 12(3) | 185 |
| R. 23 PCT - Transmittal of the Search Copy, Translation and Sequence Listing | 185 |
| R. 23.1 PCT - Procedure | 185 |
| R. 23bis.2 PCT - Transmittal of Documents Relating to Earlier Search or Classification for the purposes of R. 41.2 | 186 |
| R. 24 PCT - Receipt of the Record Copy by the International Bureau | 187 |
| R. 24.1 PCT - [Deleted] | 187 |
| R. 24.2 PCT - Notification of Receipt of the Record Copy | 187 |
| R. 25 PCT - Receipt of the Search Copy by the International Searching Authority | 187 |
| R. 25.1 PCT - Notification of Receipt of the Search Copy | 187 |
| PCT AI, Section 330 - Transmittal of Record Copy Prevented or Delayed by National Security Prescriptions | 188 |
| | |
| 3.9 Overview of Communications from rO | |
| Communications from rO to the IB | 189 |
| Communications from rO to ISA | 189 |
| Communications from rO to Applicant | 189 |

4. The International Search Procedure: Processing of Application by ISA

| | |
|---|-----|
| 4.1 General – International Search | |
| Art. 15 PCT - The International Search | 193 |
| Article 16(3)(b) PCT - IB ISA / IPEA Agreements (legal framework) | 194 |
| R. 23 PCT - Transmittal of the Search Copy, Translation and Sequence Listing | 194 |
| R. 23.1 PCT - Procedure | 195 |
| R. 25 PCT - Receipt of the Search Copy by the International Searching Authority | 195 |
| R. 25.1 PCT - Notification of Receipt of the Search Copy | 195 |
| R. 33 PCT - Relevant Prior Art for the International Search | 195 |
| R. 33.1 PCT - Relevant Prior Art for the International Search | 195 |
| R. 33.2 PCT - Fields to Be Covered by the International Search | 196 |
| R. 33.3 PCT - Orientation of the International Search | 196 |
| R. 34 PCT - Minimum Documentation | 196 |
| R. 34.1 PCT - Definition | 197 |
| R. 42 PCT - Time Limit for International Search | 198 |
| R. 42.1 PCT - Time Limit for International Search | 198 |
| | |
| 4.2 International Searching Authority (ISA) and Competence | |
| Links to other relevant parts of this book | 199 |
| Competent ISA | 199 |
| EPO as Competent ISA | 199 |
| Art. 16 PCT - The International Searching Authority | 200 |
| R. 4.14bis PCT - Choice of International Searching Authority | 200 |
| R. 35 PCT - The Competent International Searching Authority | 200 |
| R. 35.1 PCT - When Only One International Searching Authority Is Competent | 200 |
| R. 35.2 PCT - When Several International Searching Authorities Are Competent | 201 |
| R. 35.3 PCT - When the International Bureau Is Receiving Office under R. 19.1(a)(iii) | 201 |
| R. 36 PCT - Minimum Requirements for International Searching Authorities | 201 |
| R. 36.1 PCT - Definition of Minimum Requirements | 201 |

| | |
|---|-----|
| R. 93.3 PCT - The International Searching and Preliminary Examining Authorities | 203 |
| 4.3 Main Steps in International Search | |
| Relevant provisions for procedure: | 204 |
| Art. 17 PCT - Procedure Before the International Searching Authority | 204 |
| R. 12.3 PCT - Translation for the Purposes of International Search | 205 |
| R. 39 PCT - Subject Matter under Art. 17(2)(a)(i) | 206 |
| R. 39.1 PCT - Definition | 206 |
| R. 48.3 PCT - Languages of Publication | 207 |
| 4.4 Calling Certain Facts to Attention of rO | |
| Art. 14 PCT - Certain Defects in the International Application | 208 |
| R. 26bis.2 PCT - Defects in Priority Claims | 208 |
| Rule 26bis.2 PCT - links to other relevant parts of this book | 209 |
| R. 28 PCT - Defects Noted by the International Bureau | 209 |
| R. 28.1 PCT - Note on Certain Defects | 209 |
| R. 26ter.2 PCT - Processing of Declarations | 209 |
| R. 29.3 PCT - Calling Certain Facts to the Attention of the Receiving Office | 209 |
| R. 29.4 PCT - Notification of Intent to Make Declaration under Art. 14(4) | 209 |
| 4.5 Taking into Account Results of Earlier Search | |
| R. 4.12 PCT - Taking into Account Results of Earlier Search | 211 |
| R. 12bis PCT - Submission by the Applicant of Documents Relating to Earlier Search | 211 |
| R. 12bis.1 PCT - Furnishing by the Applicant of Documents Related to Earlier Search in Case of Request under R. 4.12 | 211 |
| R. 12bis.2 PCT - Invitation by the International Searching Authority to Furnish Documents Related to Earlier Search in Case of Request under R. 4.12 | 212 |
| R. 16.3 PCT - Partial Refund | 212 |
| R. 23bis PCT - Transmittal of Documents Relating to Earlier Search or Classification | 213 |
| R. 23bis.1 PCT - Transmittal of Documents Relating to Earlier Search in Case of Request under R. 4.12 | 213 |
| R. 23bis.2 PCT - Transmittal of Documents Relating to Earlier Search or Classification for the purposes of R. 41.2 | 213 |
| R. 41 PCT - Taking into Account Results of Earlier Search and Classification | 214 |
| R. 41.1 PCT - Taking into Account Results of Earlier Search in Case of a Request under R. 4.12 | 214 |
| R. 41.2 PCT - Taking into Account Results of Earlier Search and Classification in Other Cases | 214 |
| 4.6 Limitations on International Search | |
| Art. 17 PCT - Procedure Before the International Searching Authority | 216 |
| Article 17(2)(a) PCT - Declaration of No Search (instead of ISR) | 216 |
| R. 33.3 PCT - Orientation of the International Search | 217 |
| R. 39 PCT - Subject Matter under Art. 17(2)(a)(i) | 218 |
| R. 39.1 PCT - Definition | 218 |
| R. 40bis PCT - Additional Fees in Case of Missing Parts or Correct Elements and Parts Included in the International Application or Considered to Have Been Contained in the International Application | 218 |
| R. 40bis.1 PCT - Invitation to Pay Additional Fees | 218 |
| 4.7 Unity of Invention during International Search | |
| Key issues, Outline of procedure, Evaluation by ISA / IPEA | 220 |
| Unity - common examples | 221 |
| Art. 17 PCT - Procedure Before the International Searching Authority | 222 |
| R. 13 PCT - Unity of Invention | 222 |
| R. 13.1 PCT - Requirement | 222 |
| R. 13.2 PCT - Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled | 222 |
| R. 13.3 PCT - Determination of Unity of Invention Not Affected by Manner of Claiming | 223 |
| R. 13.4 PCT - Dependent Claims | 223 |
| R. 13.5 PCT - Utility Models | 223 |
| R. 40 PCT - Lack of Unity of Invention (International Search) | 223 |
| R. 40.1 PCT - Invitation to Pay Additional Fees; Time Limit | 223 |
| R. 40.2 PCT - Additional Fees | 224 |
| R. 43.7 PCT - Remarks Concerning Unity of Invention | 224 |

| | |
|---|-----|
| PCT AI, Section 206 - Unity of Invention | 224 |
| 4.8 Missing or Defective Title and/or Abstract | |
| Links to other relevant parts of this book | 225 |
| Key issues | 225 |
| R. 37 PCT - Missing or Defective Title | 226 |
| R. 37.1 PCT - Lack of Title | 226 |
| R. 37.2 PCT - Establishment of Title | 226 |
| R. 38 PCT - Missing or Defective Abstract | 226 |
| R. 38.1 PCT - Lack of Abstract | 226 |
| R. 38.2 PCT - Establishment of Abstract | 226 |
| R. 38.3 PCT - Modification of Abstract | 226 |
| R. 44.2 PCT - Title or Abstract | 227 |
| R. 49.5 PCT - Contents of and Physical Requirements for the Translation | 227 |
| 4.9 International Search Report (ISR) and Written Opinion (WO-ISA) | |
| Key issues | 228 |
| Art. 18 PCT - The International Search Report | 229 |
| R. 42 PCT - Time Limit for International Search | 229 |
| R. 42.1 PCT - Time Limit for International Search | 229 |
| R. 43 PCT - The International Search Report | 229 |
| R. 43.1 PCT - Identifications | 229 |
| R. 43.2 PCT - Dates | 230 |
| R. 43.3 PCT - Classification | 230 |
| R. 43.4 PCT - Language | 230 |
| R. 43.5 PCT - Citations | 230 |
| R. 43.6 PCT - Fields Searched | 231 |
| R. 43.6bis PCT - Consideration of Rectifications of Obvious Mistakes | 231 |
| R. 43.7 PCT - Remarks Concerning Unity of Invention | 231 |
| R. 43.8 PCT - Authorized Officer | 231 |
| R. 43.9 PCT - Additional Matter | 232 |
| R. 43.10 PCT - Form | 232 |
| R. 43bis PCT - Written Opinion of the International Searching Authority | 232 |
| R. 43bis.1 PCT - Written Opinion | 232 |
| Rule 43bis.1(b) PCT - Overview of Cited References: | 233 |
| R. 45 PCT - Translation of the International Search Report | 233 |
| R. 45.1 PCT - Languages | 233 |
| 4.10 Transmittal of International Search Report (ISR) and Written Opinion (WO-ISA) | |
| Key issues | 234 |
| Art. 18 PCT - The International Search Report | 235 |
| R. 44 PCT - Transmittal of the International Search Report, Written Opinion, Etc. | 235 |
| R. 44.1 PCT - Copies of Report or Declaration and Written Opinion | 235 |
| R. 44.2 PCT - Title or Abstract | 235 |
| R. 44.3 PCT - Copies of Cited Documents | 235 |
| R. 44bis.4 PCT - Observations on the Translation | 236 |
| 4.11 Overview of Communications from ISA | |
| Communications from ISA to rO | 237 |
| Communications from ISA to Applicant | 237 |
| Communications from ISA to IB | 237 |
| Communications from ISA to dO/eO's | 237 |
| 5. Supplementary International Search by SISA | |
| 5.1 General – Supplementary International Search | |
| IB ISA / IPEA Agreements - SISA parts | 241 |
| Competent SISA, Outline of procedure | 241 |
| EPO as Competent SISA | 242 |
| R. 45bis PCT - Supplementary International Searches | 242 |

| | |
|---|-----|
| R. 45bis.9 PCT - International Searching Authorities Competent to Carry Out Supplementary International Search | 242 |
| R. 92.2 PCT - Languages | 243 |
| 5.2 Request for Supplementary International Search (SIS) and Fees Due | |
| Key issues | 244 |
| R. 45bis.1 PCT - Supplementary Search Request | 244 |
| R. 45bis.2 PCT - Supplementary Search Handling Fee | 245 |
| R. 45bis.3 PCT - Supplementary Search Fee | 245 |
| R. 45bis.5 PCT - Start, Basis and Scope of Supplementary International Search | 246 |
| 5.3 Processing of Supplementary Search Request by IB | |
| Key issues | 248 |
| R. 45bis.4 PCT - Checking of Supplementary Search Request; Correction of Defects; Late Payment of Fees; Transmittal to Authority Specified for Supplementary Search | 248 |
| 5.4 Start, Basis and Scope of Supplementary International Search (SIS) | |
| Links to other relevant parts of this book | 250 |
| R. 33 PCT - Relevant Prior Art for the International Search | 250 |
| R. 33.1 PCT - Relevant Prior Art for the International Search | 250 |
| R. 33.2 PCT - Fields to Be Covered by the International Search | 251 |
| R. 33.3 PCT - Orientation of the International Search | 251 |
| R. 45bis.1 PCT - Supplementary Search Request | 251 |
| R. 45bis.5 PCT - Start, Basis and Scope of Supplementary International Search | 252 |
| R. 45bis.6 PCT - Unity of Invention | 253 |
| 5.5 Supplementary International Search Report (SISR) | |
| R. 43.1 PCT - Identifications | 255 |
| R. 43.2 PCT - Dates | 255 |
| R. 43.5 PCT - Citations | 255 |
| R. 43.6 PCT - Fields Searched | 256 |
| R. 43.6bis PCT - Consideration of Rectifications of Obvious Mistakes | 256 |
| R. 43.8 PCT - Authorized Officer | 256 |
| R. 43.9 PCT - Additional Matter | 256 |
| R. 43.10 PCT - Form | 257 |
| R. 44.3 PCT - Copies of Cited Documents | 257 |
| R. 45.1 PCT - Languages | 257 |
| R. 45bis.5 PCT - Start, Basis and Scope of Supplementary International Search | 257 |
| R. 45bis.7 PCT - Supplementary International Search Report | 257 |
| Rule 45bis.7(c) PCT - Overview of Cited References: | 258 |
| R. 45bis.8 PCT - Transmittal and Effect of the Supplementary International Search Report | 258 |
| R. 47.1 PCT - Procedure | 259 |
| 5.6 Overview of Communications from SISA | |
| Communications from SISA to rO | 260 |
| Communications from SISA to Applicant | 260 |
| Communications from SISA to IB | 260 |
| Communications from SISA to dO/eO's | 260 |
| 6. International Publication and Other Processing of Application by IB | |
| 6.1 General – Processing by IB | |
| Art. 12 PCT - Transmittal of the International Application to the International Bureau and the International Searching Authority | 263 |
| R. 22.1 PCT - Procedure | 263 |
| R. 22.3 PCT - Time Limit under Art. 12(3) | 263 |
| R. 24 PCT - Receipt of the Record Copy by the International Bureau | 264 |
| R. 24.1 PCT - [Deleted] | 264 |
| R. 24.2 PCT - Notification of Receipt of the Record Copy | 264 |
| R. 93.2 PCT - The International Bureau | 264 |

| | |
|---|-----|
| 6.2 Translation for Purposes of International Publication | |
| Links to other relevant parts of this book | 265 |
| R. 12.4 PCT - Translation for the Purposes of International Publication | 265 |
| R. 48.3 PCT - Languages of Publication | 266 |
| 6.3 Amendment of Claims after Receiving ISR & WO-ISA | |
| Key issues | 267 |
| Art. 19 PCT - Amendment of the Claims Before the International Bureau | 268 |
| Art. 20 PCT - Communication to Designated Offices | 268 |
| R. 6.1 PCT - Number and Numbering of Claims | 269 |
| R. 44.1 PCT - Copies of Report or Declaration and Written Opinion | 269 |
| R. 46 PCT - Amendment of Claims before the International Bureau | 269 |
| R. 46.1 PCT - Time Limit | 269 |
| R. 46.2 PCT - Where to File | 269 |
| R. 46.3 PCT - Language of Amendments | 269 |
| R. 46.4 PCT - Statement | 270 |
| R. 46.5 PCT - Form of Amendments | 270 |
| R. 48.2 PCT - Contents | 270 |
| 6.4 International Publication by IB | |
| 6.4.1 General - Publication by IB | 272 |
| Outline of procedure | 272 |
| Withdraw application to PREVENT publication | 272 |
| Request for early publication | 273 |
| Art. 21 PCT - International Publication | 274 |
| Art. 64 PCT - Reservations | 274 |
| R. 20.4 PCT - Negative Determination under Art. 11(1) | 275 |
| R. 26bis.1 PCT - Correction or Addition of Priority Claim | 275 |
| R. 48.4 PCT - Earlier Publication on the Applicant's Request | 275 |
| PCT AI, Section 113 - Special Fees Payable to the International Bureau | 276 |
| 6.4.2 Contents of International Publication | 277 |
| Art. 21 PCT - International Publication | 277 |
| R. 48 PCT - International Publication | 277 |
| R. 48.1 PCT - Form and Means | 277 |
| R. 48.2 PCT - Contents | 277 |
| R. 48.3 PCT - Languages of Publication | 280 |
| R. 48.4 PCT - Earlier Publication on the Applicant's Request | 280 |
| R. 48.5 PCT - Notification of National Publication | 281 |
| R. 48.6 PCT - Announcing of Certain Facts | 281 |
| 6.4.3 Terminology and Physical Requirements | 282 |
| Rule 9 PCT - Expressions, Etc., Not to Be Used (covered in linked parts of this book) | 282 |
| Rule 10 PCT - Terminology and Signs (covered in linked parts of this book) | 282 |
| Rule 11 PCT - Physical Requirements of the International Application (covered in linked parts of this book) | 282 |
| 6.5 National Effects of International Publication | |
| Key issues | 283 |
| Art. 29 PCT - Effects of the International Publication | 283 |
| 6.6 Communication of Copies to dO/eO's | |
| 6.6.1 Availability of Application to dO/eO's | 285 |
| Key issues | 285 |
| Art. 13 PCT - Availability of Copy of the International Application to Designated Offices | 285 |
| R. 31 PCT - Copies Required under Art. 13 | 286 |
| R. 31.1 PCT - Request for Copies | 286 |
| R. 31.2 PCT - Preparation of Copies | 286 |
| R. 87.1 PCT - Communication of Publications on Request | 286 |
| R. 93bis.1 PCT - Communication on Request; Communication via Digital Library | 286 |
| 6.6.2 Official Communication under A. 20 to dO/eO's | 287 |
| Key issues | 287 |
| Art. 20 PCT - Communication to Designated Offices | 288 |

| | |
|--|-----|
| Art. 36 PCT - Transmittal, Translation, and Communication, of the International Preliminary Examination Report | 288 |
| R. 26bis.2 PCT - Defects in Priority Claims | 289 |
| R. 44.3 PCT - Copies of Cited Documents | 289 |
| R. 45bis.8 PCT - Transmittal and Effect of the Supplementary International Search Report | 289 |
| R. 47 PCT - Communication to Designated Offices | 289 |
| R. 47.1 PCT - Procedure | 290 |
| R. 47.2 PCT - Copies | 291 |
| R. 47.3 PCT - Languages | 291 |
| R. 47.4 PCT - Express Request under Art. 23(2) prior to International Publication | 291 |
| R. 61.2 PCT - Notification to the Elected Offices | 291 |
| 6.7 Other Processing of Application by IB | |
| Key issues | 292 |
| Art. 18 PCT - The International Search Report | 293 |
| Art. 31 PCT - Demand for International Preliminary Examination | 293 |
| Art. 36 PCT - Transmittal, Translation, and Communication, of the International Preliminary Examination Report | 293 |
| Art. 37 PCT - Withdrawal of Demand or Election | 294 |
| Art. 55 PCT - International Bureau | 294 |
| Article 55(4) PCT - Overview of Gazette Publications explicitly required in Provisions: | 294 |
| Rule 26bis.2 PCT - Defects in Priority Claims (covered in linked parts of this book) | 294 |
| Rule 26ter PCT - Correction or Addition of Declarations under Rule 4.17 (covered in linked parts of this book) | 294 |
| R. 44bis PCT - International Preliminary Report on Patentability by the International Searching Authority | 295 |
| R. 44bis.1 PCT - Issuance of Report; Transmittal to the Applicant | 295 |
| R. 44bis.2 PCT - Communication to Designated Offices | 295 |
| R. 44bis.3 PCT - Translation for Designated Offices | 295 |
| R. 44bis.4 PCT - Observations on the Translation | 296 |
| R. 45 PCT - Translation of the International Search Report | 296 |
| R. 45.1 PCT - Languages | 296 |
| Rule 45bis.2 PCT - Supplementary Search Handling Fee (covered in linked parts of this book) | 296 |
| Rule 45bis.4 PCT - Checking of Supplementary Search Request; Correction of Defects; Late Payment of Fees; Transmittal to Authority Specified for Supplementary Search (covered in linked parts of this book) | 296 |
| Rule 45bis.8 PCT - Transmittal and Effect of the Supplementary International Search Report (covered in linked parts of this book) | 296 |
| R. 60.1 PCT - Defects in the Demand | 296 |
| R. 62bis PCT - Translation for the International Preliminary Examining Authority of the Written Opinion of the International Searching Authority | 296 |
| R. 62bis.1 PCT - Translation and Observations | 297 |
| R. 72 PCT - Translation of the International Preliminary Examination Report and of the Written Opinion of the International Searching Authority | 297 |
| R. 72.1 PCT - Languages | 297 |
| R. 72.2 PCT - Copy of Translation for the Applicant | 297 |
| R. 72.2bis PCT - Translation of the Written Opinion of the International Searching Authority Established under R. 43bis.1 | 297 |
| R. 72.3 PCT - Observations on the Translation | 297 |
| R. 95.2 PCT - Furnishing of Copies of Translations | 298 |
| 6.8 Overview of Communications from IB | |
| Communications from IB to Applicant | 299 |
| Communications from IB to rO | 299 |
| Communications from IB to ISA | 299 |
| Communications from IB to SISA | 300 |
| Communications from IB to IPEA | 300 |
| Communications from IB to dO/eO's | 300 |

7. International Preliminary Examination by IPEA

| | |
|---|-----|
| 7.1 General – International Preliminary Examination | |
| Key issues | 303 |
| Legal Effect of a Demand for International Preliminary Examination | 303 |
| Background: Relevant Amendments to PCT in the Past | 304 |
| Art. 31 PCT - Demand for International Preliminary Examination | 304 |
| Art. 39 PCT - Copy, Translation, and Fee, to Elected Offices | 305 |
| Art. 40 PCT - Delaying of National Examination and Other Processing | 305 |
| Art. 64 PCT - Reservations | 306 |
| R. 53.7 PCT - Election of States | 306 |
| R. 76 PCT - Translation of Priority Document; Application of Certain Rules to Procedures before Elected Offices | 306 |
| R. 76.5 PCT - Application of Certain Rules to Procedures before Elected Offices | 307 |
| Rule 76.5 PCT - Overview of Cited References: | 307 |
| 7.2 International Preliminary Examining Authority (IPEA) and Competence | |
| Competent IPEA | 308 |
| EPO as Competent IPEA | 308 |
| Art. 32 PCT - The International Preliminary Examining Authority | 309 |
| Article 32(3)(b) PCT - A. 16(3) provisions apply mutatis mutandis to IPEA's: | 309 |
| R. 59 PCT - The Competent International Preliminary Examining Authority | 310 |
| R. 59.1 PCT - Demands under Art. 31(2)(a) | 310 |
| R. 59.2 PCT - Demands under Art. 31(2)(b) | 310 |
| R. 59.3 PCT - Transmittal of the Demand to the Competent International Preliminary Examining Authority | 310 |
| R. 63 PCT - Minimum Requirements for International Preliminary Examining Authorities | 311 |
| R. 63.1 PCT - Definition of Minimum Requirements | 311 |
| 7.3 Translation of Application for International Preliminary Examination | |
| Links to other relevant parts of this book | 312 |
| Possible Translation for Examination | 312 |
| R. 48.3 PCT - Languages of Publication | 312 |
| R. 55 PCT - Languages (International Preliminary Examination) | 312 |
| R. 55.1 PCT - Language of Demand | 312 |
| R. 55.2 PCT - Translation of International Application | 313 |
| R. 55.3 PCT - Language and Translation of Amendments and Letters | 313 |
| 7.4 Substantive Criteria, including Novelty and Inventive Step | |
| Substantive Criteria for IPE (and Written Opinions of ISA) | 315 |
| Art. 33 PCT - The International Preliminary Examination | 315 |
| R. 64 PCT - Prior Art for International Preliminary Examination | 316 |
| R. 64.1 PCT - Prior Art | 316 |
| R. 64.2 PCT - Non-Written Disclosures | 317 |
| R. 64.3 PCT - Certain Published Documents | 317 |
| R. 65 PCT - Inventive Step or Non-Obviousness | 317 |
| R. 65.1 PCT - Approach to Prior Art | 317 |
| R. 65.2 PCT - Relevant Date | 317 |
| R. 70.9 PCT - Non-Written Disclosures | 318 |
| R. 70.10 PCT - Certain Published Documents | 318 |
| 7.5 Main Steps and Basis for International Preliminary Examination | |
| Outline of procedure | 319 |
| Art. 34 PCT - Procedure Before the International Preliminary Examining Authority | 320 |
| R. 45bis.8 PCT - Transmittal and Effect of the Supplementary International Search Report | 320 |
| R. 66.1 PCT - Basis of the International Preliminary Examination | 321 |
| R. 66.1bis PCT - Written Opinion of the International Searching Authority | 321 |
| 7.6 Limitations on International Preliminary Examination | |
| Key issues | 322 |
| Art. 34 PCT - Procedure Before the International Preliminary Examining Authority | 322 |
| R. 45bis.8 PCT - Transmittal and Effect of the Supplementary International Search Report | 323 |

| | |
|--|-----|
| Rule 45bis.8(b) PCT - Provisions for which Supplementary ISR is treated as part of ISR | 323 |
| R. 67 PCT - Subject Matter under Art. 34(4)(a)(i) | 323 |
| R. 67.1 PCT - Definition | 323 |
| 7.7 Unity of Invention during International Preliminary Examination | |
| Key issues | 325 |
| Art. 34 PCT - Procedure Before the International Preliminary Examining Authority | 325 |
| R. 68 PCT - Lack of Unity of Invention (International Preliminary Examination) | 326 |
| R. 68.1 PCT - No Invitation to Restrict or Pay | 326 |
| R. 68.2 PCT - Invitation to Restrict or Pay | 326 |
| R. 68.3 PCT - Additional Fees | 327 |
| R. 68.4 PCT - Procedure in the Case of Insufficient Restriction of the Claims | 327 |
| R. 68.5 PCT - Main Invention | 327 |
| 7.8 Confidential Nature of International Preliminary Examination | |
| Key issues | 328 |
| Art. 38 PCT - Confidential Nature of the International Preliminary Examination | 328 |
| R. 93.3 PCT - The International Searching and Preliminary Examining Authorities | 328 |
| R. 94.2 PCT - Access to the File Held by the International Preliminary Examining Authority | 328 |
| R. 94.3 PCT - Access to the File Held by the Elected Office | 329 |
| 7.9 Making a Demand for International Preliminary Examination | |
| 7.9.1 The Applicant Entitled to Make a Demand | 330 |
| Art. 31 PCT - Demand for International Preliminary Examination | 330 |
| R. 18.1 PCT - Residence and Nationality | 330 |
| R. 54 PCT - The Applicant Entitled to Make a Demand | 331 |
| R. 54.1 PCT - Residence and Nationality | 331 |
| R. 54.2 PCT - Right to Make a Demand | 331 |
| R. 54.3 PCT - International Applications Filed with the International Bureau as Receiving Office | 331 |
| R. 54.4 PCT - Applicant Not Entitled to Make a Demand | 331 |
| 7.9.2 Automatic Election of States | 332 |
| Art. 31 PCT - Demand for International Preliminary Examination | 332 |
| Art. 37 PCT - Withdrawal of Demand or Election | 332 |
| R. 53.7 PCT - Election of States | 333 |
| R. 56 PCT - [Deleted] | 333 |
| R. 75 PCT - [Deleted] | 333 |
| R. 90bis.7 PCT - Faculty under Art. 37(4)(b) | 333 |
| 7.9.3 Time Limit for Making a Demand | 334 |
| Art. 31 PCT - Demand for International Preliminary Examination | 334 |
| R. 54bis PCT - Time Limit for Making a Demand | 334 |
| R. 54bis.1 PCT - Time Limit for Making a Demand | 334 |
| 7.9.4 The Demand, Demand Form and Required Contents | 335 |
| Art. 31 PCT - Demand for International Preliminary Examination | 335 |
| Rule 4.4 PCT - Names and Addresses (covered in linked parts of this book) | 335 |
| Rule 4.5 PCT - The Applicant (covered in linked parts of this book) | 335 |
| Rule 4.7 PCT - The Agent (covered in linked parts of this book) | 335 |
| Rule 4.16 PCT - Transliteration or Translation of Certain Words (covered in linked parts of this book) | 335 |
| R. 53 PCT - The Demand | 335 |
| R. 53.1 PCT - Form | 335 |
| R. 53.2 PCT - Contents | 336 |
| R. 53.3 PCT - The Petition | 336 |
| R. 53.4 PCT - The Applicant | 336 |
| R. 53.5 PCT - Agent or Common Representative | 336 |
| R. 53.6 PCT - Identification of the International Application | 336 |
| R. 53.7 PCT - Election of States | 336 |
| R. 53.8 PCT - Signature | 337 |
| R. 53.9 PCT - Statement Concerning Amendments | 337 |
| R. 55.1 PCT - Language of Demand | 337 |
| 7.9.5 Transmittal of Demand to Competent IPEA | 338 |
| R. 59.3 PCT - Transmittal of the Demand to the Competent International Preliminary Examining Authority | 338 |

| | |
|--|-----|
| 7.9.6 Notification of Demand to IB and Elections to eO's | 339 |
| R. 61 PCT - Notification of the Demand and Elections | 339 |
| R. 61.1 PCT - Notification to the International Bureau and the Applicant | 339 |
| R. 61.2 PCT - Notification to the Elected Offices | 339 |
| R. 61.3 PCT - Information for the Applicant | 339 |
| R. 61.4 PCT - Publication in the Gazette | 340 |
| 7.9.7 Transmittal of WO-ISA and Art. 19 Amendments to Competent IPEA | 341 |
| R. 62 PCT - Copy of the Written Opinion by the International Searching Authority and of Amendments under Art. 19 for the International Preliminary Examining Authority | 341 |
| R. 62.1 PCT - Copy of Written Opinion by International Searching Authority and of Amendments Made before the Demand Is Filed | 341 |
| R. 62.2 PCT - Amendments Made after the Demand Is Filed | 341 |
| R. 62bis PCT - Translation for the International Preliminary Examining Authority of the Written Opinion of the International Searching Authority | 341 |
| R. 62bis.1 PCT - Translation and Observations | 342 |
| | |
| 7.10 Fees – International Preliminary Examination | |
| Art. 31 PCT - Demand for International Preliminary Examination | 343 |
| R. 57 PCT - The Handling Fee | 343 |
| R. 57.1 PCT - Requirement to Pay | 343 |
| R. 57.2 PCT - Amount; Transfer | 343 |
| R. 57.3 PCT - Time Limit for Payment; Amount Payable | 344 |
| R. 57.4 PCT - Refund | 344 |
| R. 58 PCT - The Preliminary Examination Fee | 344 |
| R. 58.1 PCT - Right to Ask for a Fee | 344 |
| R. 58.2 PCT - [Deleted] | 345 |
| R. 58.3 PCT - Refund | 345 |
| R. 58bis PCT - Extension of Time Limits for Payment of Fees | 345 |
| R. 58bis.1 PCT - Invitation by the International Preliminary Examining Authority | 345 |
| R. 58bis.2 PCT - Late Payment Fee | 346 |
| R. 68.3 PCT - Additional Fees | 346 |
| | |
| 7.11 Defects in Demand for Examination | |
| Links to other relevant parts of this book | 348 |
| Key issues | 348 |
| R. 60 PCT - Certain Defects in the Demand | 348 |
| R. 60.1 PCT - Defects in the Demand | 348 |
| | |
| 7.12 The International Preliminary Examination | |
| 7.12.1 Start and End of Examination | 350 |
| Key issues | 350 |
| Art. 35 PCT - The International Preliminary Examination Report | 350 |
| R. 69 PCT - Start of and Time Limit for International Preliminary Examination | 350 |
| R. 69.1 PCT - Start of International Preliminary Examination | 351 |
| R. 69.2 PCT - Time Limit for International Preliminary Examination | 352 |
| 7.12.2 Copy (and Translation) of Priority Application | 353 |
| Links to other relevant parts of this book | 353 |
| R. 66.7 PCT - Copy and Translation of Earlier Application Whose Priority Is Claimed | 353 |
| 7.12.3 Written Opinions of IPEA, and Further Amendments by Applicant | 354 |
| Key issues | 354 |
| Art. 34 PCT - Procedure Before the International Preliminary Examining Authority | 354 |
| R. 66 PCT - Procedure before the International Preliminary Examining Authority | 355 |
| R. 66.1 PCT - Basis of the International Preliminary Examination | 355 |
| R. 66.1bis PCT - Written Opinion of the International Searching Authority | 355 |
| R. 66.1ter PCT - Top-up Searches | 356 |
| R. 66.2 PCT - Written Opinion of the International Preliminary Examining Authority | 356 |
| R. 66.3 PCT - Formal Response to the International Preliminary Examining Authority | 357 |
| R. 66.4 PCT - Additional Opportunity for Submitting Amendments or Arguments | 357 |
| R. 66.4bis PCT - Consideration of Amendments, Arguments and Rectifications of Obvious Mistakes | 357 |
| R. 66.5 PCT - Amendment | 358 |
| R. 66.6 PCT - Informal Communications with the Applicant | 358 |

| | |
|---|-----|
| R. 66.7 PCT - Copy and Translation of Earlier Application Whose Priority Is Claimed | 358 |
| R. 66.8 PCT - Form of Amendments | 358 |
| 7.13 The International Preliminary Report on Patentability (IPRP Ch. II) | |
| Key issues | 360 |
| Art. 35 PCT - The International Preliminary Examination Report | 360 |
| R. 70 PCT - International Preliminary Report on Patentability by the International Preliminary Examining Authority (International Preliminary Examination Report) | 361 |
| R. 70.1 PCT - Definition | 361 |
| R. 70.2 PCT - Basis of the Report | 361 |
| R. 70.3 PCT - Identifications | 362 |
| R. 70.4 PCT - Dates | 362 |
| R. 70.5 PCT - Classification | 362 |
| R. 70.6 PCT - Statement under Art. 35(2) | 362 |
| R. 70.7 PCT - Citations under Art. 35(2) | 362 |
| R. 70.8 PCT - Explanations under Art. 35(2) | 363 |
| R. 70.9 PCT - Non-Written Disclosures | 363 |
| R. 70.10 PCT - Certain Published Documents | 363 |
| R. 70.11 PCT - Mention of Amendments | 363 |
| R. 70.12 PCT - Mention of Certain Defects and Other Matters | 363 |
| R. 70.13 PCT - Remarks Concerning Unity of Invention | 364 |
| R. 70.14 PCT - Authorized Officer | 364 |
| R. 70.15 PCT - Form; Title | 364 |
| R. 70.16 PCT - Annexes to the Report | 364 |
| R. 70.17 PCT - Languages of the Report and the Annexes | 365 |
| 7.14 Transmittal of International Preliminary Examination Report (IPER) | |
| Key issues | 366 |
| Art. 36 PCT - Transmittal, Translation, and Communication, of the International Preliminary Examination Report | 366 |
| R. 71 PCT - Transmittal of the International Preliminary Examination Report | 367 |
| R. 71.1 PCT - Recipients | 367 |
| R. 71.2 PCT - Copies of Cited Documents | 367 |
| R. 72 PCT - Translation of the International Preliminary Examination Report and of the Written Opinion of the International Searching Authority | 367 |
| R. 72.1 PCT - Languages | 367 |
| R. 72.2 PCT - Copy of Translation for the Applicant | 368 |
| R. 72.2bis PCT - Translation of the Written Opinion of the International Searching Authority Established under R. 43bis.1 | 368 |
| R. 72.3 PCT - Observations on the Translation | 368 |
| R. 73 PCT - Communication of the International Preliminary Examination Report or the Written Opinion of the International Searching Authority | 368 |
| R. 73.1 PCT - Preparation of Copies | 368 |
| R. 73.2 PCT - Communication to Elected Offices | 368 |
| PCT AI, Section 602bis - Transmittal of Other Documents to the International Bureau under R. 71.1(b) | 369 |
| 7.15 Overview of Communications from IPEA | |
| Communications from IPEA to Applicant | 370 |
| Communications from IPEA to IB | 370 |
| Communications from IPEA to dO/eO's | 370 |
| 8. Miscellaneous Questions Concerning the International Phase | |
| 8.1 Representation by Agents & Common Representatives | |
| Links to other relevant parts of this book | 373 |
| Is an agent generally required?, Different agents for different authorities | 373 |
| Appointment and Authorisation | 373 |
| PCT Procedure | 374 |
| Art. 27 PCT - National Requirements | 374 |
| Art. 49 PCT - Right to Practice Before International Authorities | 375 |

| | |
|---|-----|
| R. 83 PCT - Right to Practice before International Authorities | 375 |
| R. 83.1 PCT - Proof of Right | 375 |
| R. 83.1bis PCT - Where the International Bureau Is the Receiving Office | 375 |
| R. 83.2 PCT - Information | 375 |
| R. 90 PCT - Agents and Common Representatives | 375 |
| R. 90.1 PCT - Appointment as Agent | 375 |
| R. 90.2 PCT - Common Representative | 376 |
| R. 90.3 PCT - Effects of Acts by or in Relation to Agents and Common Representatives | 376 |
| R. 90.4 PCT - Manner of Appointment of Agent or Common Representative | 377 |
| R. 90.5 PCT - General Power of Attorney | 377 |
| R. 90.6 PCT - Revocation and Renunciation | 378 |
| R. 90bis.5 PCT - Signature | 378 |
| PCT AI, Section 108 - Correspondence Intended for the Applicant | 379 |
| 8.2 Changes Concerning Applicant, Inventor, Agent or Common Representative | |
| R. 92bis PCT - Recording of Changes in Certain Indications in the Request or the Demand | 380 |
| R. 92bis.1 PCT - Recording of Changes by the International Bureau | 380 |
| PCT AI, Section 422 - Notifications Concerning Changes Recorded under R. 92bis.1 | 380 |
| 8.3 Rectification of Obvious Mistakes | |
| R. 12.2 PCT - Language of Changes in the International Application | 382 |
| R. 26.4 PCT - Procedure | 382 |
| R. 43.6bis PCT - Consideration of Rectifications of Obvious Mistakes | 382 |
| Rule 45bis.7(c) PCT - Supplementary International Search Report (covered in linked parts of this book) | 383 |
| R. 48.2 PCT - Contents | 383 |
| R. 66.1 PCT - Basis of the International Preliminary Examination | 383 |
| R. 91 PCT - Rectification of Obvious Mistakes in the International Application and Other Documents | 384 |
| R. 91.1 PCT - Rectification of Obvious Mistakes | 384 |
| R. 91.2 PCT - Requests for Rectification | 385 |
| R. 91.3 PCT - Authorization and Effect of Rectifications | 385 |
| 8.4 Amendment of Claims, Description and Drawings | |
| Key issues | 387 |
| Art. 7 PCT - The Drawings | 387 |
| Article 19 PCT - Amendment of the Claims Before the International Bureau (covered in linked parts of this book) | 388 |
| Article 28 PCT - Amendment of the Claims, the Description, and the Drawings, Before Designated Offices (covered in linked parts of this book) | 388 |
| Article 34 PCT - Procedure Before the International Preliminary Examining Authority (covered in linked parts of this book) | 388 |
| Article 41 PCT - Amendment of the Claims, the Description, and the Drawings, Before Elected Offices (covered in linked parts of this book) | 388 |
| R. 12.2 PCT - Language of Changes in the International Application | 388 |
| R. 46.3 PCT - Language of Amendments | 388 |
| R. 46.5 PCT - Form of Amendments | 388 |
| R. 55.3 PCT - Language and Translation of Amendments and Letters | 389 |
| R. 66.2 PCT - Written Opinion of the International Preliminary Examining Authority | 389 |
| R. 66.8 PCT - Form of Amendments | 390 |
| R. 70.2 PCT - Basis of the Report | 390 |
| PCT AI, Section 205 - Numbering and Identification of Claims upon Amendment | 391 |
| 8.5 Withdrawals | |
| Key issues, Main use, Outline of Procedure, Signatures | 392 |
| Art. 21 PCT - International Publication | 392 |
| Art. 37 PCT - Withdrawal of Demand or Election | 393 |
| R. 48.6 PCT - Announcing of Certain Facts | 393 |
| R. 90bis PCT - Withdrawals | 393 |
| R. 90bis.1 PCT - Withdrawal of the International Application | 394 |
| R. 90bis.2 PCT - Withdrawal of Designations | 394 |
| R. 90bis.3 PCT - Withdrawal of Priority Claims | 394 |
| R. 90bis.3bis PCT - Withdrawal of Supplementary Search Request | 395 |

| | |
|---|-----|
| R. 90bis.4 PCT - Withdrawal of the Demand, or of Elections | 395 |
| R. 90bis.5 PCT - Signature | 395 |
| R. 90bis.6 PCT - Effect of Withdrawal | 396 |
| R. 90bis.7 PCT - Faculty under Art. 37(4)(b) | 396 |
| 8.6 Computation of Time Limits | |
| Links to other relevant parts of this book | 397 |
| Calculating time limits, Recalculating time limits | 397 |
| Art. 47 PCT - Time Limits | 398 |
| R. 26bis.1 PCT - Correction or Addition of Priority Claim | 398 |
| R. 79 PCT - Calendar | 398 |
| R. 79.1 PCT - Expressing Dates | 398 |
| R. 80 PCT - Computation of Time Limits | 398 |
| R. 80.1 PCT - Periods Expressed in Years | 398 |
| R. 80.2 PCT - Periods Expressed in Months | 398 |
| R. 80.3 PCT - Periods Expressed in Days | 399 |
| R. 80.4 PCT - Local Dates | 399 |
| R. 80.5 PCT - Expiration on a Non-Working Day or Official Holiday | 399 |
| R. 80.6 PCT - Date of Documents | 399 |
| R. 80.7 PCT - End of Working Day | 400 |
| R. 90bis.3 PCT - Withdrawal of Priority Claims | 400 |
| 8.7 Correspondence with Applicant | |
| Key issues | 401 |
| R. 55.3 PCT - Language and Translation of Amendments and Letters | 401 |
| R. 89bis PCT - Filing, Processing and Communication of International Applications and Other Documents in Electronic Form or by Electronic Means | 402 |
| R. 89bis.1 PCT - International Applications | 402 |
| R. 89bis.2 PCT - Other Documents | 402 |
| R. 89bis.3 PCT - Communication between Offices | 403 |
| R. 89ter PCT - Copies in Electronic Form of Documents Filed on Paper | 403 |
| R. 89ter.1 PCT - Copies in Electronic Form of Documents Filed on Paper | 403 |
| R. 92 PCT - Correspondence | 403 |
| R. 92.1 PCT - Need for Letter and for Signature | 403 |
| R. 92.2 PCT - Languages | 404 |
| R. 92.3 PCT - Mailings by National Offices and Intergovernmental Organizations | 404 |
| R. 92.4 PCT - Use of Telegraph, Teleprinter, Facsimile Machine, Etc. | 404 |
| PCT AI, Section 104 - Language of Correspondence | 405 |
| PCT AI, Section 109 - File Reference | 406 |
| 8.8 Excuse In International Phase of Delays | |
| Links to other relevant parts of this book | 407 |
| Key issues | 407 |
| 1) If missed time period triggered by communication, check if: | 407 |
| 2) If time limit was not met due to "force majeure" or similar | 408 |
| 3) If missed time limit due to delayed post to Authority | 408 |
| 4) If communication to Authority received a few days too late | 408 |
| 5) Other possible remedies in International Phase | 409 |
| 6) Review or excuse in National Phases of Delays During International Phase | 409 |
| Art. 48 PCT - Delay in Meeting Certain Time Limits | 409 |
| R. 12.3 PCT - Translation for the Purposes of International Search | 409 |
| R. 12.4 PCT - Translation for the Purposes of International Publication | 410 |
| R. 16bis.1 PCT - Invitation by the Receiving Office | 410 |
| R. 82 PCT - Irregularities in the Mail Service | 410 |
| R. 82.1 PCT - Delay or Loss in Mail | 411 |
| R. 82bis PCT - Excuse by the Designated or Elected State of Delays in Meeting Certain Time Limits | 412 |
| R. 82bis.1 PCT - Meaning of "Time Limit" in Art. 48(2) | 412 |
| R. 82bis.2 PCT - Reinstatement of Rights and Other Provisions to Which Art. 48(2) Applies | 412 |
| R. 82quater PCT - Excuse of Delay in Meeting Time Limits and Extension of Time Limits | 412 |
| R. 82quater.1 PCT - Excuse of Delay in Meeting Time Limits | 412 |
| R. 82quater.2 PCT - Unavailability of Electronic Means of Communication at the Office | 413 |

| | |
|--|------------|
| R. 82quater.3 PCT - Extension of Time Limits due to General Disruption | 413 |
| PCT AI, Section 111 - Excuse of Delay in Meeting Time Limits and Extension of Time Limits under R. 82quater | 414 |
| 8.9 Confidentiality of International Applications | |
| 8.9.1 General Confidentiality of International Application and Files | 416 |
| Key issues | 416 |
| Art. 30 PCT - Confidential Nature of the International Application | 416 |
| Art. 38 PCT - Confidential Nature of the International Preliminary Examination | 417 |
| R. 13bis.6 PCT - Furnishing of Samples | 417 |
| R. 17.2 PCT - Availability of Copies | 418 |
| R. 47.1 PCT - Procedure | 418 |
| R. 93.1 PCT - The Receiving Office | 418 |
| R. 93.2 PCT - The International Bureau | 418 |
| R. 93.3 PCT - The International Searching and Preliminary Examining Authorities | 418 |
| R. 94 PCT - Access to Files | 419 |
| R. 94.1 PCT - Access to the File Held by the International Bureau | 419 |
| R. 94.1bis PCT - Access to the File Held by the Receiving Office | 419 |
| R. 94.1ter PCT - Access to the File Held by the International Searching Authority | 420 |
| R. 94.2 PCT - Access to the File Held by the International Preliminary Examining Authority | 420 |
| R. 94.2bis PCT - Access to the File Held by the Designated Office | 420 |
| R. 94.3 PCT - Access to the File Held by the Elected Office | 421 |
| R. 95 PCT - Information and Translations from Designated and Elected Offices | 421 |
| R. 95.1 PCT - Information Concerning Events at the Designated and Elected Offices | 421 |
| R. 95.2 PCT - Furnishing of Copies of Translations | 421 |
| 8.9.2 Excluding Information from International Application Files | 422 |
| Key issues | 422 |
| R. 26.4 PCT - Procedure | 422 |
| R. 26bis.3 PCT - Restoration of Right of Priority by Receiving Office | 422 |
| R. 48.2 PCT - Contents | 423 |
| R. 94.1 PCT - Access to the File Held by the International Bureau | 423 |
| 8.10 Requirements for Deposited Biological Material | |
| Links to other relevant parts of this book | 425 |
| Key issues | 425 |
| General Info on Budapest Treaty | 426 |
| R. 12.1ter PCT - Language of Indications Furnished under R. 13bis.4 | 426 |
| R. 13bis PCT - Inventions Relating to Biological Material | 426 |
| R. 13bis.1 PCT - Definition | 426 |
| R. 13bis.2 PCT - References (General) | 426 |
| R. 13bis.3 PCT - References: Contents; Failure to Include Reference or Indication | 426 |
| R. 13bis.4 PCT - References: Time Limit for Furnishing Indications | 427 |
| R. 13bis.5 PCT - 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 | 428 |
| R. 13bis.6 PCT - Furnishing of Samples | 428 |
| R. 13bis.7 PCT - National Requirements: Notification and Publication | 428 |
| R. 48.2 PCT - Contents | 429 |
| PCT AI, Section 209 - Indications as to Deposited Biological Material on a Separate Sheet | 429 |
| 8.11 Requirements for Sequence Listings | |
| Links to other relevant parts of this book | 430 |
| Key issues | 430 |
| Possible practical problems with ST.26: | 430 |
| Definitions and Requirements from AI, Annex C (ST.26): | 431 |
| Outline of procedure from AI, Annex C (ST.26): | 431 |
| R. 5.2 PCT - Nucleotide and/or Amino Acid Sequence Disclosure | 432 |
| R. 12.1 PCT - Languages Accepted for the Filing of International Applications | 433 |
| R. 12.3 PCT - Translation for the Purposes of International Search | 433 |
| R. 12.4 PCT - Translation for the Purposes of International Publication | 434 |
| R. 13ter PCT - Nucleotide and/or Amino Acid Sequence Listings | 435 |

| | |
|--|-----|
| R. 13ter.1 PCT - Procedure before the International Searching Authority | 435 |
| R. 13ter.2 PCT - Procedure before the International Preliminary Examining Authority | 436 |
| R. 13ter.3 PCT - Sequence Listing for Designated Office | 436 |
| R. 19.4 PCT - Transmittal to the International Bureau as Receiving Office | 436 |
| R. 23.1 PCT - Procedure | 436 |
| R. 45bis.1 PCT - Supplementary Search Request | 437 |
| R. 49.5 PCT - Contents of and Physical Requirements for the Translation | 437 |
| PCT AI, Section 208 - Sequence Listings | 437 |
| PCT AI, Section 335 - Procedures Relating to Sequence Listings | 437 |
| PCT AI, Section 513 - Sequence Listings | 438 |
| 8.12 Licensing Indications | |
| Key issues | 439 |
| 8.13 Third Party Observations | |
| Key issues | 440 |
| PCT AI, Section 801 - Third Party Observation System | 440 |
| PCT AI, Section 802 - Filing of a Third Party Observation | 441 |
| PCT AI, Section 803 - Availability of an Observation and Related Information | 442 |
| PCT AI, Section 804 - Notification of Receipt of an Observation to the Applicant and Comments by the Applicant in Response to an Observation | 442 |
| PCT AI, Section 805 - Communication of Observations and Comments to International Authorities and Designated Offices | 442 |
| 8.14 Loss of Rights in International Phase | |
| Links to other relevant parts of this book | 443 |
| 1. Application will not be treated as international application | 443 |
| 2. Application is deemed (considered) withdrawn | 443 |
| Art. 14 PCT - Certain Defects in the International Application | 444 |
| Art. 24 PCT - Possible Loss of Effect in Designated States | 444 |
| R. 26bis.3 PCT - Restoration of Right of Priority by Receiving Office | 445 |
| R. 29 PCT - International Applications Considered Withdrawn | 445 |
| R. 29.1 PCT - Finding by Receiving Office | 445 |
| R. 29.2 PCT - [Deleted] | 445 |
| R. 29.3 PCT - Calling Certain Facts to the Attention of the Receiving Office | 446 |
| R. 29.4 PCT - Notification of Intent to Make Declaration under Art. 14(4) | 446 |
| 8.15 Remedies | |
| Links to other relevant parts of this book | 447 |
| Key issues | 447 |
| Remedies in International Phase | 447 |
| Other possible remedies in International Phase | 448 |
| Remedies in National Phases - Review | 448 |
| Remedies in National Phases - Excuse | 449 |
| 9. End of the International Phase | |
| 9.1 Overview of Communications to dO/eO's | |
| Communications from Applicant to dO/eO's | 453 |
| Communications from ISA to dO/eO's | 453 |
| Communications from SISA to dO/eO's | 453 |
| Communications from IPEA to dO/eO's | 453 |
| Communications from IB to dO/eO's | 453 |
| 9.2 Information and Translations from dO/eO's to IB | |
| Misc. communications from dO/eO to IB | 454 |
| Misc. communications from dO/eO to ISA | 454 |
| Misc. communications from dO/eO to IPEA | 454 |
| R. 86.1 PCT - Contents | 454 |
| R. 95 PCT - Information and Translations from Designated and Elected Offices | 455 |
| R. 95.1 PCT - Information Concerning Events at the Designated and Elected Offices | 455 |

| | |
|---|-----|
| R. 95.2 PCT - Furnishing of Copies of Translations | 455 |
| 9.3 Loss and Maintenance of National Effect in dO/eO's | |
| Links to other relevant parts of this book | 456 |
| Effect in Designated / Elected States of International Application - Article 11(3) | 456 |
| Art. 24 PCT - Possible Loss of Effect in Designated States | 457 |
| Art. 39 PCT - Copy, Translation, and Fee, to Elected Offices | 457 |
| R. 49.1 PCT - Notification | 457 |
| 10. Acts to be Performed for Entry into National Phases | |
| 10.1 General – Acts for Entry | |
| 10.1.1 Main Acts for National Entry and Time Limit | 461 |
| Background: Relevant Amendments to PCT Time Limits in the Past | 461 |
| Main Acts for National Entry | 461 |
| Standard Time Limit for National Entry | 462 |
| Art. 20 PCT - Communication to Designated Offices | 462 |
| Art. 22 PCT - Copy, Translation, and Fee, to Designated Offices | 462 |
| Art. 39 PCT - Copy, Translation, and Fee, to Elected Offices | 463 |
| R. 49 PCT - Copy, Translation and Fee under Art. 22 | 463 |
| R. 49.1 PCT - Notification | 463 |
| R. 49.4 PCT - Use of National Form | 464 |
| R. 50 PCT - Faculty under Art. 22(3) | 464 |
| R. 50.1 PCT - Exercise of Faculty | 464 |
| R. 77 PCT - Faculty under Art. 39(1)(b) | 465 |
| R. 77.1 PCT - Exercise of Faculty | 465 |
| 10.1.2 Request for Earlier Start of National Phase | 466 |
| Key issues | 466 |
| Art. 23 PCT - Delaying of National Procedure | 466 |
| Art. 40 PCT - Delaying of National Examination and Other Processing | 467 |
| R. 13bis.6 PCT - Furnishing of Samples | 467 |
| R. 47.4 PCT - Express Request under Art. 23(2) prior to International Publication | 467 |
| R. 61.2 PCT - Notification to the Elected Offices | 467 |
| 10.2 Fees Due To National Office | |
| Links to other relevant parts of this book | 468 |
| Key issues | 468 |
| R. 49.1 PCT - Notification | 468 |
| 10.3 Translation of International Application | |
| Links to other relevant parts of this book | 469 |
| Key issues | 469 |
| Art. 36 PCT - Transmittal, Translation, and Communication, of the International Preliminary Examination Report | 470 |
| R. 40.2 PCT - Additional Fees | 470 |
| R. 45bis.6 PCT - Unity of Invention | 471 |
| R. 49 PCT - Copy, Translation and Fee under Art. 22 | 471 |
| R. 49.1 PCT - Notification | 471 |
| R. 49.2 PCT - Languages | 471 |
| R. 49.3 PCT - Statements under Art. 19; Indications under R. 13bis.4 | 471 |
| R. 49.5 PCT - Contents of and Physical Requirements for the Translation | 472 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 473 |
| R. 74 PCT - Translations of Annexes of the International Preliminary Examination Report and Transmittal Thereof | 474 |
| R. 74.1 PCT - Contents of Translation and Time Limit for Transmittal Thereof | 474 |
| R. 76.5 PCT - Application of Certain Rules to Procedures before Elected Offices | 474 |
| Rule 76.5 PCT - Overview of Cited References (first sentence) | 475 |
| 10.4 Copy of International Application | |
| Key issues | 476 |

| | |
|---|-----|
| Art. 13 PCT - Availability of Copy of the International Application to Designated Offices | 476 |
| Art. 20 PCT - Communication to Designated Offices | 477 |
| R. 31 PCT - Copies Required under Art. 13 | 477 |
| R. 31.1 PCT - Request for Copies | 477 |
| R. 31.2 PCT - Preparation of Copies | 477 |
| R. 47.1 PCT - Procedure | 477 |
| R. 47.4 PCT - Express Request under Art. 23(2) prior to International Publication | 478 |
| R. 49.1 PCT - Notification | 479 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 479 |
| 10.5 Choice of Certain Kinds of Protection | |
| R. 49bis PCT - Indications as to Protection Sought for Purposes of National Processing | 480 |
| R. 49bis.1 PCT - Choice of Certain Kinds of Protection | 480 |
| R. 49bis.2 PCT - Time of Furnishing Indications | 481 |
| 10.6 Indications regarding Inventor and Applicant | |
| Key issues | 482 |
| Art. 22 PCT - Copy, Translation, and Fee, to Designated Offices | 482 |
| Art. 27 PCT - National Requirements | 483 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 483 |
| R. 51bis.3 PCT - Opportunity to Comply with National Requirements | 484 |
| 11. Special National Phase Requirements | |
| 11.1 General – Special Requirements | |
| Key issues | 487 |
| Art. 27 PCT - National Requirements | 487 |
| Rule 49bis PCT - Indications as to Protection Sought for Purposes of National Processing (covered in linked parts of this book) | 488 |
| R. 51bis PCT - Certain National Requirements Allowed under Art. 27 | 488 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 488 |
| R. 51bis.2 PCT - Certain Circumstances in Which Documents or Evidence May Not Be Required | 490 |
| R. 51bis.3 PCT - Opportunity to Comply with National Requirements | 490 |
| R. 76 PCT - Translation of Priority Document; Application of Certain Rules to Procedures before Elected Offices | 491 |
| R. 76.5 PCT - Application of Certain Rules to Procedures before Elected Offices | 491 |
| Rule 76.5 PCT - Overview of Cited References | 491 |
| 11.2 Certain Declarations Concerning Inventor, Entitlements, etc. | |
| Key issues | 493 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 493 |
| R. 51bis.2 PCT - Certain Circumstances in Which Documents or Evidence May Not Be Required | 494 |
| 11.3 Representation | |
| Links to other relevant parts of this book | 495 |
| Key issues, Does dO/eO require an agent?, Who can act as agent?, Authorisations | 495 |
| Art. 27 PCT - National Requirements | 495 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 496 |
| 11.4 Priority Document: Copy and Translation | |
| Links to other relevant parts of this book | 497 |
| Key issues | 497 |
| R. 17 PCT - The Priority Document | 497 |
| R. 17.1 PCT - Obligation to Submit Copy of Earlier National or International Application | 497 |
| R. 17.2 PCT - Availability of Copies | 498 |
| R. 51bis.1 PCT - Certain National Requirements Allowed | 499 |
| R. 76 PCT - Translation of Priority Document; Application of Certain Rules to Procedures before Elected Offices | 499 |
| R. 76.1 PCT - [Deleted] | 499 |
| R. 76.2 PCT - [Deleted] | 499 |
| R. 76.3 PCT - [Deleted] | 499 |

R. 76.4 PCT - Time Limit for Translation of Priority Document 499

12. Miscellaneous Questions Concerning National Phases

12.1 Acts to Be Performed During National Phase

- Key issues 503
- Main PCT provisions that still apply after entry 503
- Correspondence with dO/eO's 503
- Request for Accelerated National Examination 503
- Patent Prosecution Highway (PPH) 503

12.2 Acts Not Required During National Phase

- Art. 27 PCT - National Requirements 504
- Art. 42 PCT - Results of National Examination in Elected Offices 505
- R. 51bis.2 PCT - Certain Circumstances in Which Documents or Evidence May Not Be Required . . . 506

12.3 Substantive Conditions of Patentability

- Key issues 507
- Art. 27 PCT - National Requirements 507
- Art. 33 PCT - The International Preliminary Examination 508
- R. 51bis.1 PCT - Certain National Requirements Allowed 508

12.4 Correction of Translation

- Key issues 509
- Art. 46 PCT - Incorrect Translation of the International Application 509
- R. 51bis.1 PCT - Certain National Requirements Allowed 509

12.5 Restoration of Right of Priority before dO/eO

- Links to other relevant parts of this book 511
- Key issues 511
- R. 26bis.3 PCT - Restoration of Right of Priority by Receiving Office 511
- R. 49ter PCT - Effect of Restoration of Right of Priority by Receiving Office; Restoration of Right of Priority by Designated Office 513
- R. 49ter.1 PCT - Effect of Restoration of Right of Priority by Receiving Office 513
- R. 49ter.2 PCT - Restoration of Right of Priority by Designated Office 514

12.6 Incorporation by Reference of Missing Elements / Parts

- Links to other relevant parts of this book 516
- R. 20.8 PCT - Incompatibility with National Laws 516
- R. 51bis.1 PCT - Certain National Requirements Allowed 517
- R. 82ter.1 PCT - Errors Concerning the International Filing Date and the Priority Claim 518

12.7 Amendment of Application for National Phases

- Opportunities to file amendments in International Phase 519
- Filing amendments in National Phase 519
- Art. 28 PCT - Amendment of the Claims, the Description, and the Drawings, Before Designated Offices 519
- Art. 41 PCT - Amendment of the Claims, the Description, and the Drawings, Before Elected Offices . 520
- R. 6.5 PCT - Utility Models 520
- R. 13.5 PCT - Utility Models 520
- R. 52 PCT - Amendment of the Claims, the Description, and the Drawings, before Designated Offices 521
- R. 52.1 PCT - Time Limit 521
- R. 78 PCT - Amendment of the Claims, the Description, and the Drawings, before Elected Offices . . 521
- R. 78.1 PCT - Time Limit 521
- R. 78.2 PCT - [Deleted] 522
- R. 78.3 PCT - Utility Models 522
- R. 91.3 PCT - Authorization and Effect of Rectifications 522

12.8 Entering with Unsearched Subject-Matter

- Key Issues 523
- Art. 17 PCT - Procedure Before the International Searching Authority 523
- Art. 34 PCT - Procedure Before the International Preliminary Examining Authority 523

| | |
|--|-----|
| 12.9 Review in National Phase of Decisions During International Phase | |
| Links to other relevant parts of this book | 525 |
| Reviewing decisions | 525 |
| Art. 24 PCT - Possible Loss of Effect in Designated States | 525 |
| Art. 25 PCT - Review by Designated Offices | 526 |
| Art. 39 PCT - Copy, Translation, and Fee, to Elected Offices | 526 |
| Art. 48 PCT - Delay in Meeting Certain Time Limits | 527 |
| R. 51 PCT - Review by Designated Offices | 527 |
| R. 51.1 PCT - Time Limit for Presenting the Request to Send Copies | 527 |
| R. 51.2 PCT - Copy of the Notification | 527 |
| R. 51.3 PCT - Time Limit for Paying National Fee and Furnishing Translation | 527 |
| R. 82ter PCT - Rectification of Errors Made by the Receiving Office or by the International Bureau | 528 |
| R. 82ter.1 PCT - Errors Concerning the International Filing Date and the Priority Claim | 528 |
| 12.10 Excuse in National Phase of Delays During International Phase | |
| Links to other relevant parts of this book | 529 |
| Excusing Delay if National Entry missed | 529 |
| General possibilities for National Phase | 529 |
| Art. 24 PCT - Possible Loss of Effect in Designated States | 530 |
| Art. 26 PCT - Opportunity to Correct Before Designated Offices | 531 |
| Art. 39 PCT - Copy, Translation, and Fee, to Elected Offices | 531 |
| Art. 48 PCT - Delay in Meeting Certain Time Limits | 531 |
| R. 49 PCT - Copy, Translation and Fee under Art. 22 | 531 |
| R. 49.6 PCT - Reinstatement of Rights after Failure to Perform the Acts Referred to in Art. 22 | 531 |
| R. 82 PCT - Irregularities in the Mail Service | 532 |
| R. 82.1 PCT - Delay or Loss in Mail | 532 |
| R. 82bis PCT - Excuse by the Designated or Elected State of Delays in Meeting Certain Time Limits | 533 |
| R. 82bis.1 PCT - Meaning of "Time Limit" in Art. 48(2) | 533 |
| R. 82bis.2 PCT - Reinstatement of Rights and Other Provisions to Which Art. 48(2) Applies | 534 |
| R. 82quater.1 PCT - Excuse of Delay in Meeting Time Limits | 534 |
| R. 82quater.2 PCT - Unavailability of Electronic Means of Communication at the Office | 534 |
| R. 82quater.3 PCT - Extension of Time Limits due to General Disruption | 534 |
| 12.11 Deposited Biological Material | |
| Links to other relevant parts of this book | 535 |
| Key issues | 535 |
| R. 13bis.3 PCT - References: Contents; Failure to Include Reference or Indication | 535 |
| R. 13bis.5 PCT - References and Indications for the Purposes of One or More Designated States; Different Deposits for Different Designated States; Deposits with Depository Institutions Other than Those Notified | 536 |
| R. 13bis.7 PCT - National Requirements: Notification and Publication | 536 |
| R. 49.3 PCT - Statements under Art. 19; Indications under R. 13bis.4 | 536 |
| R. 49.5 PCT - Contents of and Physical Requirements for the Translation | 537 |
| 12.12 Furnishing Sequence Listings | |
| Links to other relevant parts of this book | 538 |
| Key issues | 538 |
| Possible practical problems with ST.26: | 538 |
| Definitions and Requirements from AI, Annex C (ST.26): | 538 |
| Procedure before DO/EO's from AI Annex C (ST.26): | 539 |
| R. 13ter.3 PCT - Sequence Listing for Designated Office | 539 |
| R. 49.5 PCT - Contents of and Physical Requirements for the Translation | 539 |
| PCT AI, Section 208 - Sequence Listings | 540 |
| 13. Entry into specific Regional and National Phases | |
| 13.1 EPO Regional Phase | |
| Legal Provisions and Guidelines | 543 |
| Legal Equivalence | 543 |
| Main Acts for Entry (no later than 31 months) - 1 Sep 23: | 543 |

| | |
|--|-----|
| Other Acts Specified in PCT (may be complied with after entry) - 1 Sep. 23: | 544 |
| Other Acts Not Specified in PCT (may be complied with after entry): | 544 |
| (1) National Fee (details) | 544 |
| (2) Translation (details) | 544 |
| Outline of Procedure - if EPO was ISA or SISA | 545 |
| Outline of Procedure - if EPO was NOT ISA and NOT SISA | 545 |
| Art. 153 EPC - The European Patent Office as designated Office or elected Office | 545 |
| R. 159 EPC - The European Patent Office as a designated or elected Office – Requirements for entry into the European phase | 546 |
| 13.2 US National Phase | |
| US "Bypass" and US "National Entry" Routes - 1 Sep 23: | 548 |
| Main Acts for US (PCT) National Entry (no later than 30 months) - 1 Sep 23: | 548 |
| Other Acts Specified in PCT (may be complied with after entry) - 1 Sep 23: | 548 |
| Other Acts Not Specified in PCT (may be complied with after entry): | 548 |
| 14. Technical Services and Administrative Provisions | |
| 14.1 Information Services & Technical Assistance to Contracting States | |
| Key issues | 553 |
| Art. 50 PCT - Patent Information Services | 553 |
| Art. 51 PCT - Technical Assistance | 554 |
| Art. 52 PCT - Relations with Other Provisions of the Treaty | 555 |
| 14.2 Assembly | |
| Art. 53 PCT - Assembly | 556 |
| Article 53 PCT - Overview of Cited References: | 558 |
| R. 85 PCT - Absence of Quorum in the Assembly | 558 |
| R. 85.1 PCT - Voting by Correspondence | 558 |
| 14.3 Executive Committee | |
| Key issues | 559 |
| Art. 54 PCT - Executive Committee | 559 |
| 14.4 International Authorities and International Bureau | |
| Links to other relevant parts of this book | 561 |
| Art. 16 PCT - The International Searching Authority | 561 |
| Art. 32 PCT - The International Preliminary Examining Authority | 562 |
| Art. 55 PCT - International Bureau | 562 |
| Art. 65 PCT - Gradual Application | 563 |
| R. 86 PCT - The Gazette | 563 |
| R. 86.1 PCT - Contents | 563 |
| R. 86.2 PCT - Languages; Form and Means of Publication; Timing | 564 |
| R. 86.3 PCT - Frequency | 564 |
| R. 86.4 PCT - Sale | 564 |
| R. 86.5 PCT - Title | 564 |
| R. 86.6 PCT - Further Details | 564 |
| R. 87 PCT - Communication of Publications | 564 |
| R. 87.1 PCT - Communication of Publications on Request | 564 |
| R. 93bis PCT - Manner of Communication of Documents | 565 |
| R. 93bis.1 PCT - Communication on Request; Communication via Digital Library | 565 |
| R. 93 PCT - Keeping of Records and Files | 565 |
| R. 93.1 PCT - The Receiving Office | 565 |
| R. 93.2 PCT - The International Bureau | 565 |
| R. 93.3 PCT - The International Searching and Preliminary Examining Authorities | 565 |
| R. 93.4 PCT - Reproductions | 566 |
| PCT AI, Section 435 - Communication of Publications and Documents | 566 |
| 14.5 Committee for Technical Cooperation | |
| Art. 56 PCT - Committee for Technical Cooperation | 567 |

| | |
|---|-----|
| 14.6 Finances | |
| Links to other relevant parts of this book | 569 |
| Art. 52 PCT - Relations with Other Provisions of the Treaty | 569 |
| Art. 57 PCT - Finances | 569 |
| R. 84 PCT - Expenses of Delegations | 571 |
| R. 84.1 PCT - Expenses Borne by Governments | 571 |
| R. 96 PCT - The Schedule of Fees | 571 |
| R. 96.1 PCT - Schedule of Fees Annexed to Regulations | 571 |
| R. 96.2 PCT - Notification of Receipt of Fees; Transfer of Fees | 572 |
| PCT AI, Section 113 - Special Fees Payable to the International Bureau | 573 |
| 14.7 Regulations | |
| Art. 58 PCT - Regulations | 574 |
| 15. Disputes, Amendment, Becoming Party to the Treaty and Reservations | |
| 15.1 Disputes | |
| Art. 59 PCT - Disputes | 577 |
| Art. 64 PCT - Reservations | 577 |
| 15.2 Revision and Amendment of Articles & Regulations | |
| Key issues | 578 |
| References for Revisions and Amendments | 578 |
| Major Amendments to Treaty [Articles] | 578 |
| Major Amendments to Regulations [Rules] | 578 |
| Art. 47 PCT - Time Limits | 579 |
| Article 47(2)(a) PCT - Time Limits fixed in Ch. I and Ch. II | 579 |
| Art. 58 PCT - Regulations | 580 |
| Art. 60 PCT - Revision of the Treaty | 580 |
| Art. 61 PCT - Amendment of Certain Provisions of the Treaty | 581 |
| R. 81 PCT - Modification of Time Limits Fixed in the Treaty | 581 |
| R. 81.1 PCT - Proposal | 582 |
| R. 81.2 PCT - Decision by the Assembly | 582 |
| R. 81.3 PCT - Voting by Correspondence | 582 |
| R. 88 PCT - Amendment of the Regulations | 582 |
| R. 88.1 PCT - Requirement of Unanimity | 582 |
| R. 88.2 PCT - [Deleted] | 583 |
| R. 88.3 PCT - Requirement of Absence of Opposition by Certain States | 583 |
| R. 88.4 PCT - Procedure | 583 |
| R. 89.2 PCT - Source | 583 |
| R. 89.3 PCT - Publication and Entry into Force | 583 |
| 15.3 Becoming Party to the Treaty | |
| Art. 62 PCT - Becoming Party to the Treaty | 584 |
| R. 32 PCT - Extension of Effects of International Application to Certain Successor States | 584 |
| R. 32.1 PCT - Extension of International Application to Successor State | 584 |
| R. 32.2 PCT - Effects of Extension to Successor State | 585 |
| Art. 24 PC - Territories | 585 |
| 15.4 Entry into Force of the Treaty | |
| Art. 63 PCT - Entry into Force of the Treaty | 587 |
| 15.5 Reservations and Incompatibilities | |
| Links to other relevant parts of this book | 588 |
| Art. 64 PCT - Reservations | 588 |
| Article 64(7) PCT - Overview of ALL Reservations and Incompatibilities - 1 Sep 23: | 590 |
| 15.6 Denunciation, Signature, Languages and Notifications | |
| Art. 66 PCT - Denunciation | 591 |
| Art. 67 PCT - Signature and Languages | 591 |
| Art. 68 PCT - Depositary Functions | 591 |

Art. 69 PCT - Notifications 592