

# PCT NEWSLETTER

## New WIPO Deputy Director General for Patents

Mr. James Pooley took up his functions at WIPO on 1 December 2009 as Deputy Director General for Patents, with responsibilities for the PCT, the Standing Committee on the Law of Patents, innovation promotion and technology transfer.

A national of the United States of America, Mr. Pooley has worked as a lawyer in private practice in Silicon Valley since 1973, where he handled a wide range of patent, trademark and copyright cases in state and federal courts. He has also taught for many years as an Adjunct Professor at Boalt Hall Law School (the University of California at Berkeley), and has authored numerous texts relating to patents and trade secrets. Mr. Pooley also served recently as President of the American Intellectual Property Law Association and as President of the National Inventors Hall of Fame.



*Mr. James Pooley,  
WIPO's new Deputy Director  
General for Patents*

Further information on Mr. Pooley's previous experience can be seen in his curriculum vitae, which is reproduced in Annex V of WIPO document WO/CC/61/2 at:

[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=123292](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=123292)

## PCT Billing Scam Stopped by Florida Attorney General

A Florida-based company in the United States of America ("Federated Institute for Patent and Trademark Registry") was last month found by a Florida court to have violated the state's Deceptive and Unfair Trade Practices Act by sending misleading "invoices" to patent and trademark applicants – including to PCT users.

The company was requesting payment for a service which in fact had no value – listing PCT applications in its "Register". WIPO cooperated with the Florida authorities in this case. During the trial, a PCT expert from WIPO provided testimony about the misleading nature of the invitations and the harm suffered by PCT applicants. The judgment in this case is a promising step toward curbing this deceptive practice, and WIPO will continue to cooperate with law-enforcement authorities in states and countries which make efforts to curtail these practices. Further details about the case were published in a press release issued by the Office of the Attorney General of Florida at:

<http://www.myfloridalegal.com/newsrel.nsf/newsreleases/1F9988D229725B6B8525769006ADB4>

It is recalled that warnings have consistently been published in the *PCT Newsletter* about invitations to PCT applicants and agents to pay fees that do not come from the International Bureau of WIPO and are unrelated to the processing of international applications under the PCT. Note that recently two new invitations have been identified originating from "WBIP, Corp. – World Bureau Intellectual Property". To view an example of the new invitations, as well as the

many other examples which have been brought to the attention of WIPO by PCT users, and for further information on such requests in general, see:

[http://www.wipo.int/pct/en/warning/pct\\_warning.htm](http://www.wipo.int/pct/en/warning/pct_warning.htm)

PCT applicants and agents should note that it is the International Bureau of WIPO alone which publishes all PCT applications promptly after the expiration of 18 months from the priority date (see PCT Article 21(2)(a)); there is no separate fee for such international publication, and the legal effects of international publication are set out in PCT Article 29.

***If they have not already done so, PCT applicants and agents are advised to bring this information to the attention of the people responsible for handling payments of fees within their organizations, as well as to the attention of all applicants and inventors who are named in PCT applications and thus who might receive such requests.***

In case of doubt in relation to any such invitation, please do not hesitate to contact the PCT Information Service of the International Bureau at:

Telephone: +41 22 338 83 38

Fax: +41 22 338 83 39

E-mail: [pct.infoline@wipo.int](mailto:pct.infoline@wipo.int)

## **Entry into Full Production Mode of PCT Online Document Upload Facility**

Further to the announcement in *PCT Newsletter* No. 01/2009 of the pilot phase of the PCT Online Document Upload facility, the International Bureau (IB) is pleased to announce that this service will be fully operational for all PCT users as of Monday, 18 January, 2010.

The Online Document Upload facility permits PCT applicants and/or their agents to submit to the IB via a web interface electronic documents, in PDF format, relating to international applications. The main advantage of this service is that post-filing electronic documents can be submitted quickly and efficiently to the IB, thus avoiding the costs and delays relating to paper mailing and also overcoming image quality problems that can result from fax transmissions or paper scanning.

***IMPORTANT:*** This service is ***not to be used for the initial filing of international applications*** online, but is limited to the submission of later-filed documents that are normally addressed to WIPO ***in its capacity as International Bureau only*** (and not in its capacity as receiving Office). Note also that documents cannot be uploaded for any international application for which the IB has not already received the Record Copy from the receiving Office and started processing the application.

Examples of the types of documents that can be sent in this way are:

- amendments to the claims under PCT Article 19;
- requests for recording change of person, name, address, etc., under PCT Rule 92*bis*;
- notices of withdrawal;
- requests for Supplementary International Search (SIS), and where applicable, translations of international applications and sequence listings under PCT Rule 13*ter* for SIS purposes;

- informal comments on the written opinion of the International Searching Authority; and
- general correspondence for the attention of the IB.

With regard to the transmittal of such documents online, it is recommended that:

- PDF-text documents be uploaded, that is, documents created in MS Word (or some other word processor) and then printed to PDF, so that the embedded text content can be processed electronically by the IB;
- the document type be clearly identified, especially in the case of a notice of withdrawal; and
- the use of text string signatures be used on letters, for example: “/ John Smith /” (in other words, there is no need to print a letter on paper in order to sign it and then rescan it for submission).

As from 18 January 2010, the Online Document Upload facility, as well as user guidelines, which explain the online upload facility and provide simple instructions for use, can be accessed via WIPO's PATENTSCOPE® website, by clicking on the link “PCT Service Centre” at:

<http://www.wipo.int/pctdb/en/>

### **WIPO Digital Access Service for Priority Documents (DAS)**

With effect from 1 January 2010, the International Bureau (IB) is able to retrieve priority documents through the WIPO Digital Access Service for Priority Documents (DAS) for use with international applications filed under the PCT. A notification to this effect was made on 30 December 2009 and can be found under the heading “Notification by the International Bureau” at:

<http://www.wipo.int/patentscope/en/pdocforum/participating.html>

This means that a PCT applicant can request the IB to retrieve a copy of an earlier application from DAS for use as a priority document, instead of having to provide a certified copy, as long as:

- (a) the document in question has been added to DAS by a participating "depositing Office" (see below); and
- (b) the applicant has indicated that the International Bureau should have access to that document, using the applicant portal at: [https://webaccess.wipo.int/priority\\_documents/en/](https://webaccess.wipo.int/priority_documents/en/)

### **Background**

The Offices ("depositing Offices") which currently allow applicants to make applications available to DAS are as follows:

AU – Australian Patent Office

ES – Spanish Patent and Trademark Office

GB – United Kingdom Intellectual Property Office (an operating name of the Patent Office)

IB – International Bureau of WIPO (for PCT applications filed at RO/IB)

JP – Japan Patent Office

KR – Korean Intellectual Property Office

US – United States Patent and Trademark Office

Several more Offices are expected to join this system in the near future. Details of how to request any particular depositing Office to make a document available to DAS are available from the respective websites of those Offices.

The legal basis for recognition of priority documents retrieved by the IB through DAS is PCT Rule 17.1(b-*bis*)(ii) in conjunction with Sections 715 and 716 of the Administrative Instructions under the PCT, which entered into force on 1 January 2010 (see “Modifications to the Administrative Instructions under the PCT”, below).

The service under PCT Rule 17.1(b), whereby the receiving Office, where it has issued a priority document, prepares a copy of the priority document and sends it directly to the IB, continues to apply and is not affected by the addition of this complementary service.

### Using DAS for International Applications under the PCT

The IB will recognize requests to obtain documents from DAS for any international application for which the 16-month time limit under PCT Rule 17.1(b-*bis*) has not yet expired on 1 January 2010, provided that the applicant has taken all the necessary steps to ensure that the application has been made available to the IB through the Service. Notably, as well as making sure that the document is available to DAS, the applicant needs to check the box in the applicant Web portal indicating that the IB is permitted access to that document. Otherwise, the IB will not be able to retrieve the document.

The IB does not charge any fee for this service, though the depositing Office may charge a fee for making the priority document available to the system in the first place.

#### *Making the Request*

A request for the International Bureau to obtain a priority document from the Digital Access Service can be made in the following ways:

#### **1. Paper applications**

Tick the relevant check box(es) in Box No. IV (“Priority Claim”) of the request form (Form PCT/RO/101), as in force from 1 January 2010, available from:

[http://www.wipo.int/pct/en/forms/request/ed\\_request.pdf](http://www.wipo.int/pct/en/forms/request/ed_request.pdf)

#### **2. Electronic applications and PCT-EASY filings**

Pending the implementation of equivalent check-boxes in PCT-SAFE, include a letter to the IB, clearly requesting that some or all of the priority documents be retrieved using the Digital Access Service. The content of the letter should preferably be as follows, and should not deal with any other matters:

"The International Bureau is requested to retrieve [the priority document(s)] [the following priority document(s)] for this international application using the WIPO Digital Access Service for Priority Documents."

If only certain of the documents are available through this system, the letter should specify which priority documents are to be retrieved that way and that the other documents will either be forwarded by the receiving Office or else provided as certified copies in the conventional way.

Such a letter can be included in an application prepared using PCT-SAFE as follows:

- (a) In the “Contents” tab, select “Accompanying Items”.
- (b) Select “Other” from the drop-down list of item types and type “p-doc retrieval” in the box to describe the item.
- (c)
  - (i) If filing a fully electronic application using PCT-SAFE, double-click on the item which appears in the “Content Details” list to open a dialog box allowing the file containing the letter to be attached (this should preferably be in PDF format where this is accepted by the relevant receiving Office, otherwise in JPEG or TIFF format).
  - (ii) If filing a PCT-EASY or PCT EASY/EFS-Web application, double-click on the item and indicate that the document is enclosed.

### **3. International applications which have already been filed**

Send a letter, which must reach the IB prior to 16 months from the priority date, quoting the international application number and clearly requesting that some or all of the priority documents be retrieved using the Digital Access Service. The content of the letter should preferably be as follows and be clearly marked as a separate section if any other issues are dealt with:

"The International Bureau is requested to retrieve [the priority document(s)] [the following priority document(s)] for international application PCT/XXyyyy/nnnnnn using the WIPO Digital Access Service for Priority Documents."

#### *Help*

Support is available from the PCT-SAFE Help Desk ([pctsafe.help@wipo.int](mailto:pctsafe.help@wipo.int)), which acts as focal point for DAS-related issues as well as for PCT-SAFE.

### **Modifications to the Administrative Instructions under the PCT**

The Administrative Instructions under the PCT have been revised, with effect from 1 January 2010, in order to implement provisions of the PCT Regulations which permit the applicant to request that priority documents be obtained by receiving Offices and the International Bureau from digital libraries rather than having to be supplied directly by the applicant (for further information, see “WIPO Digital Access Service for Priority Documents (DAS)”, above). The modifications consist of the addition of new Sections 715 and 716.

The consolidated text of the Administrative Instructions, as in force from 1 January 2010, which includes those modifications, is available on the WIPO website in English and French, in PDF and HTML formats at, respectively:

<http://www.wipo.int/pct/en/texts/pdf/ai.pdf>

[http://www.wipo.int/pct/en/texts/ai/ai\\_index.html](http://www.wipo.int/pct/en/texts/ai/ai_index.html)

<http://www.wipo.int/pct/fr/texts/pdf/ai.pdf>

[http://www.wipo.int/pct/fr/texts/ai/ai\\_index.html](http://www.wipo.int/pct/fr/texts/ai/ai_index.html)

## Modifications to the Request Form

The request form (PCT/RO/101) has been revised with effect from 1 January 2010.

The modifications include:

- The addition of check-boxes in Box No. IV (“Priority Claim”) to allow applicants to request the retrieval of priority documents from the receiving Office or the International Bureau from a digital library, in accordance with PCT Rule 17.1(b-bis);
- The possibility to exclude the designation of the Russian Federation has been deleted in order to reflect the change in the national law with effect from 5 June 2009 (see *PCT Newsletter* No. 09/2009);
- A new check-box in Boxes II and IV to allow applicants to authorize the International Bureau (as well as the receiving Office and the International Searching and Preliminary Examining Authority if those offices are willing to do so) to send notices by e-mail exclusively, without a paper copy being sent (please see note about this new check box, below).

Corresponding modifications have also been made to the notes to the request form, and information has also been added to advise applicants to mark-up the request form where the copy submitted is the original of an earlier copy filed by fax.

The revised version of the request form, in English and French, is now available in editable PDF format at, respectively:

[http://www.wipo.int/pct/en/forms/request/ed\\_request.pdf](http://www.wipo.int/pct/en/forms/request/ed_request.pdf)

[http://www.wipo.int/pct/fr/forms/request/ed\\_request.pdf](http://www.wipo.int/pct/fr/forms/request/ed_request.pdf)

## Note about new Check Box in the Request Form Relating to the Sending of Notifications by E-mail Exclusively

Following the promulgation of the revised PCT request form (PCT/RO/101), which entered into effect on 1 January 2010, it is now possible for applicants to request, by checking the appropriate check-box in Boxes II and IV of that form, that the International Bureau (IB) (as well as the receiving Office and the International Searching and Preliminary Examining Authority if those offices are willing to do so) send them copies of notifications by e-mail only and no longer also in paper form. ***However, it is recommended that the option to request notifications “exclusively in electronic form (no paper notifications will be sent)” be used initially only by applicants that have already been successfully receiving advance copies of notifications by e-mail from the IB and who are satisfied with the electronic delivery to their given e-mail address, as validated by the subsequent receipt of the paper copy.***

For applicants who do not yet have the experience of receiving notifications by e-mail from the IB and who wish to do so, it is recommended as a first step to begin by requesting electronic “advance copies followed by paper copies” prior to opting to receive forms exclusively by e-mail. Such an approach will allow applicants to validate that delivery of notifications to their chosen e-mail address is sufficiently reliable before requesting that the parallel paper copies be discontinued. This recommendation is made in light of the fact that a certain number of e-mail



addresses supplied to the IB contain typographical errors or are invalid, resulting in “bounced” e-mails back to the IB or otherwise being undelivered. Please note that, in respect of any e-mails that do bounce back to the IB, the applicant will be informed and invited to supply a correct e-mail address.

## **PCT Information Update**

### **MD Republic of Moldova (types of protection; means of telecommunication; provisional protection after international publication; time when name and address of inventor must be given)**

The State Agency on Intellectual Property (Republic of Moldova) has informed the International Bureau (IB) of changes concerning the filing of documents by means of telecommunication; documents may now be filed by fax, by e-mail and in electronic form on diskette, CD or DVD.

There has been a change in the types of protection available in the Republic of Moldova via the PCT, as follows:

Types of protection available via the PCT:

National:	Patents, short-term patents
Eurasian:	[No change]

There have been changes in the provisions concerning provisional protection in the Republic of Moldova after international publication where the designation is made for the purposes of a national patent, as follows:

The publication of the translation into Moldovan of the international application gives the applicant provisional protection in the sense that he, upon grant of the patent, is entitled to damages (see Art. 43(3) and Art. 19 of the Moldovan Law on the Protection of Patents for Inventions). International patent applications shall be published before the expiry of a time limit of six months from the date on which the national phase was entered (see Art. 49(4) of the Moldovan Law on the Protection of Patents for Inventions).

The Office has notified a change in its requirements as to the time when the name and address of the inventor must be given if the Republic of Moldova is designated or elected, as follows:

Must be in the request. If the data concerning the inventor are missing at the expiration of the time limit under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

(Updating of *PCT Applicant's Guide*, Annex B1 (MD))

### **PT Portugal (criteria applicable and fees payable for requests for restoration of the right of priority)**

It was announced in *PCT Newsletter* No. 12/2009 that applicants should refer to the National Institute of Industrial Property (Portugal) in its capacity as receiving Office and designated (or elected) Office for the applicable criteria and/or any fee payable for requests for restoration of the right of priority under PCT Rules 26*bis*.3 and 49*ter*.2. The Office has now informed the IB that, as was stated previously, it applies the “due care” criterion to such requests, and that the

fee for requesting the restoration of the right of priority is EUR 150 (on-line) or EUR 300 (on paper).

(Updating of *PCT Applicant's Guide*, Annex C (PT), National Chapter, Summary (PT) and the table of "Restoration of right of priority" (see "Table concerning restoration of the right of priority" under "New/Updated PCT Resources on the Internet", below).

### **TH Thailand (general information; acceptance of international applications filed using the PCT-EASY functionality of the PCT-SAFE software)**

General information about Thailand as a PCT Contracting State, as well as information on the requirements of the Department of Intellectual Property (DIP) (Thailand) as receiving Office has been published in the *PCT Applicant's Guide* (see Annexes B1 and C (TH) on the WIPO website at, respectively:

[http://www.wipo.int/pct/guide/en/gdvol1/annexes/annexb1/ax\\_b\\_th.pdf](http://www.wipo.int/pct/guide/en/gdvol1/annexes/annexb1/ax_b_th.pdf)

[http://www.wipo.int/pct/guide/en/gdvol1/annexes/annexc/ax\\_c\\_th.pdf](http://www.wipo.int/pct/guide/en/gdvol1/annexes/annexc/ax_c_th.pdf)

Note that the DIP has notified the IB that it will accept the filing of international applications containing requests in PCT-EASY format, together with PCT-EASY diskettes.

### **Search fee (Australian Patent Office)**

As from 15 March 2010, there will be a change in the equivalent amount payable in ZAR for an international search carried out by the Australian Patent Office, as indicated in Fee Table I(b).

(Updating of *PCT Applicant's Guide*, Annex D (AU))

### **Search and preliminary examination fees (Austrian Patent Office)**

It was announced in *PCT Newsletter* No. 12/2009 that the Austrian Patent Office had notified the International Bureau that, in order to harmonize its search and preliminary examination fees with those charged by the European Patent Office, the fee payable for an international search by the Austrian Patent Office will change to EUR 1,700, and the fee payable for an international preliminary examination by that Office will change to EUR 1,675. The date of effect of the changes in those fees was given as 1 January 2010, or when the law amending the fees is published, if that is later. The Austrian Patent Office has now confirmed to the IB that the date of effect of the fee changes is 1 January 2010. As far as the search fee is concerned, the equivalent amounts in CHF, SGD, USD and ZAR have been established and are published in PCT Fee Table I(b); the equivalent amount in KRW has not yet been established but will be published shortly. Information about the criteria for entitlement to a 75% reduction in both of the fees will be published shortly on the website of the Austrian Patent Office.

(Updating of *PCT Applicant's Guide*, Annexes D and E (AT))

### **United States Patent and Trademark Office: Not Open for Business on 21 December 2009**

The United States Patent and Trademark Office has informed the International Bureau under PCT Rule 80.5 that, due to bad weather conditions, it was not open to the public for the purposes of the transaction of official business on Monday, 21 December 2009.



Consequently, pursuant to PCT Rule 80.5, if the expiration of any period during which any document or fee in connection with an international application was required to reach that Office fell on 21 December 2009, that period was extended so as to expire on the next working day, which was Tuesday, 22 December 2009.

## **New/Updated PCT Resources on the Internet (<http://www.wipo.int/pct/en>)**

### **Modifications to the Administrative Instructions under the PCT**

A new consolidated text of the Administrative Instructions, applicable with effect from 1 January 2010, is now available – see “Modifications to the Administrative Instructions under the PCT”, above.

### **Modified Request Form**

The request form (PCT/RO/101) has been updated in English and French with effect from 1 January 2010 – for details, see “Modifications to the Request Form”, above. Note that other language versions, as well as filled-in versions, are currently under preparation.

### **ISA and IPEA Agreements**

Updated versions of the Agreements, in English and French, between the International Bureau of WIPO and the following Authorities as International Searching Authorities (ISAs) and International Preliminary Examining Authorities (IPEAs) and, in the case of the National Board of Patents and Registration of Finland, as International Searching Authority specified for Supplementary Search (SISA):

- CN State Intellectual Property Office of the People’s Republic of China (24 December 2009)
- ES Spanish Patent and Trademark Office (1 January 2010)
- FI National Board of Patents and Registration of Finland (1 January 2010)
- KR Korean Intellectual Property Office (1 January 2010)
- US United States Patent and Trademark Office (USPTO) (24 December 2009)

relating to the functioning of those Authorities as ISAs, IPEAs and SISAs under the PCT, as in force from the dates indicated in parentheses, have been published in PDF format at:

[http://www.wipo.int/pct/en/access/isa\\_ipea\\_agreements.html](http://www.wipo.int/pct/en/access/isa_ipea_agreements.html)

[http://www.wipo.int/pct/fr/access/isa\\_ipea\\_agreements.html](http://www.wipo.int/pct/fr/access/isa_ipea_agreements.html)

### **Italian version of the Patent Cooperation Treaty and Regulations**

The Patent Cooperation Treaty and Regulations under the PCT, as in force from 1 July 2009, are now available in Italian, in PDF format, at, respectively:

<http://www.wipo.int/pct/it/texts/pdf/pct.pdf>

[http://www.wipo.int/pct/it/texts/pdf/pct\\_reggs.pdf](http://www.wipo.int/pct/it/texts/pdf/pct_reggs.pdf)

### **PCT Applicant's Guide: New Annex SISA (FI)**

Further to the information published in *PCT Newsletter* No. 12/2009, new Annex SISA (FI) of the *PCT Applicant's Guide*, containing information on the National Board of Patents and Registration of Finland in its capacity as SISA, is now available in English and French at, respectively:

[http://www.wipo.int/pct/guide/en/gdvol1/annexes/annexsisa/ax\\_sisa\\_fi.pdf](http://www.wipo.int/pct/guide/en/gdvol1/annexes/annexsisa/ax_sisa_fi.pdf)

[http://www.wipo.int/pct/guide/fr/gdvol1/annexes/annexsisa/ax\\_sisa\\_fi.pdf](http://www.wipo.int/pct/guide/fr/gdvol1/annexes/annexsisa/ax_sisa_fi.pdf)

### **Information on PCT fee reductions**

It is recalled that since 1 February 2009, the international search fee payable to the Spanish Patent and Trademark Office is reduced by 75% if the application is filed in Spanish and the applicant or, if there are two or more applicants, each applicant is a natural person or a legal entity and is a national of and resides in a State not party to the European Patent Convention and which is classified by the World Bank in the group of countries of "low income", "lower middle income" or "upper middle income". The list of States concerned by this reduction has been updated and is available at:

[http://www.wipo.int/pct/en/fees/oepm\\_fee\\_reduction.html](http://www.wipo.int/pct/en/fees/oepm_fee_reduction.html)

### **Table concerning restoration of the right of priority**

The table summarizing information received by the IB regarding restoration of the right of priority by receiving Offices and designated Offices under PCT Rules 26*bis*.3 and 49*ter*.2 has been updated in English and French, at, respectively:

<http://www.wipo.int/pct/en/texts/restoration.html>

<http://www.wipo.int/pct/fr/texts/restoration.html>

### **Materials for the European Qualifying Examination (EQE)**

In order to assist candidates in the preparation of materials for the European Qualifying Examination (EQE) for prospective European patent attorneys, the International Bureau, with the agreement of the Examination Board for the EQE, has made available on the website four PDF files for the *PCT Applicant's Guide*, the International Phase and the National Phase as of 31 December 2009 in English and French at, respectively:

[http://www.wipo.int/pct/en/seminar/eqe\\_collection\\_ip.pdf](http://www.wipo.int/pct/en/seminar/eqe_collection_ip.pdf)

[http://www.wipo.int/pct/en/seminar/eqe\\_collection\\_np.pdf](http://www.wipo.int/pct/en/seminar/eqe_collection_np.pdf)

[http://www.wipo.int/pct/fr/seminar/eqe\\_collection\\_ip.pdf](http://www.wipo.int/pct/fr/seminar/eqe_collection_ip.pdf)

[http://www.wipo.int/pct/fr/seminar/eqe\\_collection\\_np.pdf](http://www.wipo.int/pct/fr/seminar/eqe_collection_np.pdf)

For printing purposes, please be warned that these PDF files are large – the complete collection in either language amounts to some 1,700 recto/verso pages. To avoid printing difficulties select "Fit to Printable Area" in the "Page Scaling" options when printing.

## **PCT-SAFE Update**

### **Release of new version of the PCT-SAFE Client software**

A new version of the PCT-SAFE Client software (version 3.51.044.220), dated 1 January 2010, may now be downloaded from the PCT-SAFE website at:

[http://www.wipo.int/pct-safe/en/download/download\\_client.htm](http://www.wipo.int/pct-safe/en/download/download_client.htm)

This version (“build 220”) includes the following changes:

- new PCT Contracting State Thailand (TH) as from 24 December 2009;
- information on the National Industrial Property Institute (Chile) (RO/CL), the National Institute for the Defense of Competition and Intellectual Property (Peru) (RO/PE) and the Department of Intellectual Property (Thailand) (RO/TH) as receiving Offices;
- improvement in the validation of sequence listing files (for electronic filing) for compliance with Annex C/ST.25;
- enhanced character rendering for certain special characters for fully electronic applications filed in xml format;
- updated fee schedules for all Offices; and
- other minor functionality and graphic user interface enhancements and PCT updates.

Further details are available on the PCT-SAFE website at:

<http://www.wipo.int/pct-safe/en/index.html>

### **New numbering system in the 2010 edition of the *PCT Applicant’s Guide***

The International Bureau has carried out a critical review of the structure and numbering in the *PCT Applicant’s Guide* (<http://www.wipo.int/pct/guide/en/index.html>) to make it more user-friendly.

As a result, a chapter-dependant numbering structure has been introduced and roman figures have been abandoned for the individual chapter numbers. Minor editorial changes were also carried out during this review process and this new edition of the *Guide*, containing all of these changes, will be published on 14 January 2010 in English; the French version will follow. A further update to the text of the *Guide*, which will take into account the changes that entered into force on 1 January 2010, will be published shortly.

## **Practical Advice**

### **Expiration of a time limit where an Office is situated in more than one locality**

*Q: I filed a demand for international preliminary examination with the European Patent Office (EPO) in Munich on 7 January 2010. I would normally have filed it with the EPO in The Hague, but, since I had just missed the time limit for filing the demand, which expired on 6 January 2010, I filed it by fax with the Munich Office, which was not open for business on 6 January. By doing this, I knew that, given that the Munich Office was closed on that day, the time limit would be extended by a day, to 7 January, and my demand would be considered to have been*

*received on time. I wondered whether my demand would have been considered as filed after the applicable time limit if it had been filed with the EPO at The Hague, which was not closed on 6 January, or whether it would have been considered as having being received on time?*

A: Any time limits for the filing of a document with, or for the payment of a fee to, the EPO, which would normally have expired on 6 January 2010, will have been extended to 7 January, irrespective of whether the demand was filed with the Office in Munich, The Hague or Berlin. Therefore, even if you had filed your demand at the Office at The Hague, it would have been considered as having being received within the applicable time limit.<sup>1</sup>

This situation is covered by PCT Rule 80.5(iii), and also by the European Patent Convention. Since you filed with the Munich Office (that is, the Office which was actually closed), the time limit will have been extended in accordance with PCT Rule 80.5(i), which states that if the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day on which such Office or organization is not open to the public for the purposes of the transaction of official business, the period shall expire on the next day on which none of the circumstances mentioned in PCT Rule 80.5 exist. However, if you had filed with one of the Offices in The Hague or Berlin, this would have fallen under the provisions of PCT Rule 80.5(iii), which states that if the expiration of any period during which any document or fee must reach a national Office or intergovernmental organization falls on a day which, where such Office or organization is situated in more than one locality, is an official holiday in at least one of the localities in which such Office or organization is situated, **and in circumstances where the national law applicable by that Office or organization provides**, in respect of such national applications, that, in such a case, such period shall expire on a subsequent day, the period shall expire on the next day on which none of the circumstances mentioned in PCT Rule 80.5 exist.

In the case of the EPO, the relevant national law is Rule 134(1) of the European Patent Convention, which states that where a time limit expires on a day on which one of the filing offices of the EPO is not open for receipt of documents, the time limit is extended until the first day thereafter on which all the filing offices are open for receipt of documents.

Note that where a Contracting State has more than one Office or address for correspondence, PCT Rule 80.5(iv) may apply where there is an official holiday in part of that Contracting State, as long as the national law applicable by that Office provides, in respect of national applications, that, in such a case, such period shall expire on a subsequent day. For example, as far as Canada is concerned, the Canadian Intellectual Property Office (CIPO) itself is in the province of Quebec, but there are various designated establishments in other parts of the country which receive correspondence addressed to the Commissioner of Patents. One such establishment is Industry Canada in Toronto, which is in the province of Ontario; this may have different official holidays from the province of Quebec, where CIPO is located. PCT Rule 80.5(iv) may therefore be applied at times when designated establishments have different official holidays from CIPO.

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<sup>1</sup> The time limit for filing a demand is three months from the date of transmittal to the applicant of the international search report (or the declaration referred to in PCT Article 17(2)(a)) and of the written opinion established under PCT Rule 43*bis*.1, or 22 months from the priority date, whichever expires later (PCT Rule 54*bis*.1(a)). However, if the applicant wishes to benefit from the time limit for entry into the national phase under PCT Article 39(1) in certain States for which the 30-month time limit under PCT Article 22(1) is not applicable, the demand should be filed prior to the expiration of the 19<sup>th</sup> month from the priority date.

For specific information about the meeting of time limits which expire on a day on which a statutory holiday falls in Canada, see:

<http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr00823.html>

It is recalled that annual lists of closing dates of industrial property Offices, wherever they have been made available to the International Bureau, have been published on the WIPO website at:

<http://www.wipo.int/pct/en/closeddates/index.html>

Where available, the dates for any separate branch Offices are also given.

<b>PCT Seminar Calendar</b>			
(http://www.wipo.int/pct/en/seminar/seminar.pdf)			
(situation on 1 January 2010)			
<b>Dates and location</b>	<b>Language of seminar</b>	<b>Nature of seminar; WIPO speakers (and others where known)</b>	<b>Organizer and contact numbers</b>
<b>22 January 2010 Lisbon (PT)</b>	English	PCT seminar WIPO speaker: Ms. Coeckelbergs EPO speaker: Mr. Robert Cramer	European Patent Institute (EPI) (Ms. Martina Fromm) Tel: (49-89) 24 20 52 15 Fax: (49-89) 24 20 52 20 E-mail: info@patentepi.com
<b>3 February 2010 Ecully (FR)</b>	French	PCT seminar WIPO speaker: Ms. Coeckelbergs	Centre Paul Roubier Tel: (33-4) 78 33 07 08 Fax: (33-4) 78 33 58 96
<b>8-9 February 2010 Dallas (US)</b>	English	Basic PCT seminar WIPO speakers: Mr. Reed and Ms. Bidwell	KIP Connections, LLC (Ms. Suzanne Kiefer) Tel: (1-214) 683-5662 Fax: (1-214) 853-5237 E-mail: skiefer@kipconnections.com
<b>10 February 2010 Dallas (US)</b>	English	Advanced PCT seminar WIPO speakers: Mr. Reed and Ms. Bidwell	KIP Connections, LLC (Ms. Suzanne Kiefer) Tel: (1-214) 683-5662 Fax: (1-214) 853-5237 E-mail: skiefer@kipconnections.com
<b>18-19 February 2010 Munich (DE)</b>	German	Basic PCT seminar WIPO speakers: Ms. Coeckelbergs and Ms. Weiss	Forum Institut für Management GmbH Tel: (49-6221) 500 500 Fax: (49-6221) 500 505 E-mail: a.kapeller@forum-institut.de
<b>25 February 2010 Atlanta (US)</b>	English	Advanced seminar on the PCT WIPO speakers: Mr. Reed and Mrs. Bidwell	State Bar of Georgia Intellectual Property Law Section Contact: Institute of Continuing Legal Education (ICLE) in Georgia E-mail: icle@iclega.org Internet: www.iclega.org/schedule.html
<b>4-5 March 2010 San Francisco (US)</b>	English	Basic PCT seminar WIPO speakers: to be announced	Intellectual Property International (Ms. Virginia H. Meyer) Tel: (1-415) 381 26 15 Fax: (1-415) 389 89 38 E-mail: info@ipiseminars.com Internet: www.ipiseminars.com
<b>8-9 March 2010 Chicago (US)</b>	English	Basic PCT training WIPO speakers: to be announced	The John Marshall Law School Department of Event Management Tel: (1-312) 987 14 20 Fax: (1-312) 427 71 28 E-mail: Events@jmls.edu
<b>19-20 April 2010 Houston (US)</b>	English	PCT comprehensive seminar WIPO speakers: Mrs. Bidwell and Mr. Reed	PCT Learning Center (Ms. Frimmel Smith) Tel: (1-571) 212 38 68 Fax: (1-703) 636 89 74 E-mail: contact@pctlearningcenter.org Internet: www.pctlearningcenter.org
<b>23-24 April 2010 Concord, New Hampshire (US)</b>	English	Seminar on the PCT WIPO speakers: Mrs. Bidwell and Mr. Reed	Franklin Pierce Law Center (Ms. Carol Ruh) Tel: (1-603) 228 15 41, ext. 1108 Fax: (1-603) 225 96 47 E-mail: cruh@piercelaw.edu Internet: www.piercelaw.edu/cle/pct.php

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<b>PCT Seminar Calendar [continued]</b>			
(situation on 1 January 2010)			
<b>Dates and location</b>	<b>Language of seminar</b>	<b>Nature of seminar; WIPO speakers (and others where known)</b>	<b>Organizer and contact numbers</b>
<b>29–30 April 2010 London (GB)</b>	English	Basic PCT formalities seminar WIPO speakers: Mrs. Coeckelbergs and Ms. Bisi-Kurkdjian	Management Forum Ltd Tel: (44-1483) 57 00 99 Fax: (44-1483) 53 64 24 E-mail: josephine.leak@management-forum.co.uk
<b>19–20 May 2010 Munich (DE)</b>	German	Advanced PCT seminar WIPO speakers: to be announced	Forum Institut für Management GmbH Tel: (49-6221) 500 500 Fax: (49-6221) 500 505 E-mail: a.kapeller@forum-institut.de
<b>28 May 2010 Paris (FR)</b>	French	PCT seminar WIPO speaker: to be announced	Fédération Nationale pour le Droit de l'Entreprise (FNDE) (Mrs. Heuzé) Tel: (33–1) 42 66 18 19 Fax: (33–1) 42 66 17 37 E-mail: pheuze@fnde.asso.fr
<b>8 October 2010 London (GB)</b>	English	PCT presentation in the framework of the 9th Annual Conference for Senior Patent Administrators WIPO speaker: to be announced	Management Forum Ltd Tel: (44-1483) 73 00 71 Fax: (44-1483) 73 00 08 E-mail: josephine.leak@management-forum.co.uk
<b>10 December 2010 London (GB)</b>	English	PCT update seminar WIPO speaker: to be announced	Management Forum Ltd Tel: (44-1483) 73 00 71 Fax: (44-1483) 73 00 08 E-mail: josephine.leak@management-forum.co.uk

## PCT Fee Tables

(amounts on 1 January 2010, unless otherwise indicated)

The following Tables show the amounts and currencies of the main PCT fees which are payable to the receiving Offices (ROs) and the International Preliminary Examining Authorities (IPEAs) during the international phase under Chapter I (Tables I(a) and I(b)) and under Chapter II (Table II). Fees which are payable only in particular circumstances are not shown; nor are details of certain reductions and refunds which may be available; such information can be found in the *PCT Applicant's Guide*, Annexes C, D and E. Note that all amounts are subject to change due to variations in the fees themselves or fluctuations in exchange rates. The international filing fee may be reduced by CHF 100, 200 or 300 where the international application, or part of the international application, is filed in electronic form, as prescribed under Item 4(a), (b), (c) and (d) of the Schedule of Fees (annexed to the Regulations under the PCT) and the *PCT Applicant's Guide*, paragraph 202(A). A 90% reduction in the international filing fee (including the fee per sheet over 30) and the handling fee, as well as an exemption from the transmittal fee payable to the International Bureau as receiving Office, is also available to applicants from certain States—see footnotes 2 and 13. (Note that if the CHF 100, 200 or 300 reduction, as the case may be, and the 90% reduction are applicable, the 90% reduction is calculated **after** the CHF 100, 200 or 300 reduction.) The footnotes to the Fee Tables follow Table II.

*Key to abbreviations used in fee tables:*

eq	equivalent of –	BHD	Bahraini dinar	GHS	Ghanaian cedi	LYD	Libyan dinar	SGD	Singapore dollar
IPEA	International Preliminary Examining Authority	BRL	Brazilian real	GTQ	Quetzal	MAD	Moroccan dirham	SKK	Slovak koruna
ISA	International Searching Authority	BYR	Belarussian rouble	HRK	Croatian kuna	MKD	Macedonian denar	THB	Baht
RO	receiving Office	BZD	Belize dollar	HUF	Hungarian forint	MWK	Malawian kwacha	TJS	Tajik somoni
		CAD	Canadian dollar	IDR	Indonesian rupiah	MXN	Mexican peso	TND	Tunisian dinar
		CHF	Swiss franc	ILS	New Israeli sheqel	MYR	Malaysian ringgit	TTD	Trinidad and Tobago dollar
		CLP	Chilean peso	INR	Indian rupee	NOK	Norwegian krone		
<i>Currencies:</i>		CNY	Yuan renminbi	ISK	Icelandic krona	NZD	New Zealand dollar	UAH	Ukrainian hryvnia
		COP	Colombian peso	JPY	Japanese yen	PEN	Nuevo sol	USD	US dollar
AED	United Arab Emirates dirham	CUC	Cuban convertible peso	KES	Kenyan shilling	PGK	Kina	VND	Vietnamese dong
ALL	Albanian lek	CZK	Czech koruna	KGS	Kyrgyz som	PHP	Philippine peso	XAF	CFA franc BEAC
AMD	Armenian dram	DKK	Danish krone	KPW	KP won	PLN	Polish zloty	ZAR	South African rand
AUD	Australian dollar	DZD	Algerian dinar	KRW	KR won	RON	New leu	ZWD	Zimbabwe dollar
AZN	Azerbaijani manat	EEK	Estonian kroon	KZT	Kazakh tenge	RSD	Serbian dinar		
BAM	Convertible mark	EUR	Euro	LSL	Lesotho loti	RUB	Russian rouble		
BGN	Bulgarian lev	GBP	Pound sterling	LTL	Lithuanian litas	SDG	Sudanese pound		
		GEL	Georgian lari	LVL	Latvian lat	SEK	Swedish krona		

**Table I(a) — Transmittal and international filing fees**

(amounts on 1 January 2010, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>		International filing fee <sup>1, 2</sup> (CHF 1,330)		Fee per sheet over 30 <sup>1, 2, 3</sup> (CHF 15)		E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
							Items 4(a) <sup>5</sup> and (b) <sup>6</sup> (CHF 100)	Item 4(c) <sup>7</sup> (CHF 200)	Item 4(d) <sup>8</sup> (CHF 300)	
AG	Information not yet available									
AL	ALL	9,000	CHF	1,330	15	–	–	–	–	EP
AM	AMD	32,000	USD	1,300	15	98	–	–	–	EP RU
AP	USD	50	USD	1,300	15	98	–	–	–	AT EP SE
AT	EUR	50	EUR	878	10	66	–	–	–	EP
AU	AUD	150	AUD	1,489	17	112	224	336	–	AU KR
AZ	AZN	55,000	USD	1,300	15	–	–	–	–	EP RU
BA	BAM	50	EUR	878	10	66	–	–	–	EP
BE	EUR	40	EUR	878	10	66	–	–	–	EP
BG	BGN	80	BGN eq CHF	1,330	eq CHF 15	eq CHF 100	–	–	–	EP RU
BH	BHD	70	USD	1,300	15	–	–	–	–	AT EP US
BR	BRL	305	BRL eq CHF	1,330	eq CHF 15	eq CHF 100	–	–	–	AT BR EP SE US
BW	USD <sup>9</sup>	–	USD	1,300	15	98	–	–	–	EP
BY	BYR eq USD	70	USD	1,300	15	–	–	–	–	EP RU
BZ	BZD	300	USD	1,300	15	98	–	–	–	CA EP
CA	CAD	300	CAD	1,388	16	104	209	313	–	CA
CH	CHF	100	CHF	1,330	15	100	–	–	–	EP
CL	CLP eq USD <sup>10</sup>	350	CLP eq USD <sup>10</sup>	1,300	eq USD <sup>10</sup> 15	eq USD <sup>10</sup> 98	–	–	–	EP ES US
CN	CNY	500	CNY eq CHF	1,330	eq CHF 15	eq CHF 100	eq CHF 200	eq CHF 300	–	CN
CO	COP <sup>9</sup>	–	COP eq USD	1,300	eq USD 15	eq USD 98	–	–	–	AT, EP, ES, RU

*[continued on next page]*

**Table I(a) — Transmittal and international filing fees [continued]**

(amounts on 1 January 2010, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>		International filing fee <sup>1,2</sup>		Fee per sheet over 30 <sup>1,2,3</sup>	E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
						Items 4(a) <sup>5</sup> and (b) <sup>6</sup>	Item 4(c) <sup>7</sup>	Item 4(d) <sup>8</sup>	
CR	USD	250	USD	1,300	15	98	–	–	EP ES
CU	CUC	200	CUC	1,300	15	98	–	–	AT EP ES RU
CY	EUR	128.15	EUR	878	10	–	–	–	EP
CZ	CZK	1,500	EUR	878	10	66	–	–	EP
DE	EUR	90	EUR	878	10	66	132	198	EP
DK	DKK	1,500	DKK	6,540	70	490	980	1,470	EP SE XN
DM	Information not yet available								
DO	USD	275	USD	1,300	15	98	–	–	EP ES US
DZ	DZD	None	CHF	1,330	15	100	–	–	AT EP
EA	RUB	1,600	USD	1,300	15	98	–	–	EP RU
EC	USD <sup>9</sup>	–	USD	1,300	15	98	–	–	EP ES
EE	EEK	1,800	CHF	1,330	15	100	–	–	EP
EG	USD	142	USD	1,300	15	98	–	–	AT EP US
EP	EUR	110	EUR	878	10	–	132	198	EP
ES	EUR	71.35	EUR	878	10	66	132	198	EP ES
FI	EUR	135	EUR	878	10	–	132	198	EP FI SE
FR	EUR	60	EUR	878	10	66	132	198	EP
GB	GBP	55	GBP	794	9	–	119	179	EP
GD	Information not yet available								
GE	GEL <sup>11</sup>	10	USD	1,300	15	98	–	–	EP RU
GH	GHS <sup>12</sup>	2,500 or 5,000	USD	1,300	15)	–	–	–	AT AU CN EP SE
GR	EUR	115	EUR	878	10	66	–	–	EP
GT	GTQ eq USD	250	USD	1,300	15	98	–	–	AT EP ES US
HN	Information not yet available								
HR	HRK	200	HRK eq CHF	1,330	eq CHF 15	eq CHF 100	–	–	EP
HU	HUF	10,700	HUF eq CHF	1,330	eq CHF 15	eq CHF 100	–	–	EP RU
IB	CHF <sup>13</sup>	100	CHF	1,330	15	100	200	300	See footnote 14
	or EUR <sup>13</sup>	66	or EUR	878	10	66	132	198	
	or USD <sup>13</sup>	98	or USD	1,300	15	98	195	293	
ID	IDR	1,000,000	IDR eq CHF	1,330	eq CHF 15	eq CHF 100	–	–	AU EP KR RU
IE	EUR	76	EUR	878	10	66	–	–	EP
IL	ILS	532	USD	1,300	15	98	–	–	EP US
IN	INR	8,000 (filing by indiv: 2,000)	USD	1,300	15	98	–	–	AT AU CN EP SE US
IS	ISK	7,700	ISK	160,100	1,800	12,000	–	–	EP SE XN
IT	EUR	30.99	EUR	878	10	–	–	–	EP
JP	JPY	13,000	JPY	118,400	1,300	8,900	–	26,700	EP JP
KE	USD 250 (or KES equiv) plus cost of mailing		USD	1,300	15	98	–	–	AT AU CN EP SE

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**Table I(a) — Transmittal and international filing fees [continued]**

(amounts on 1 January 2010, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	International filing fee <sup>1,2</sup>	Fee per sheet over 30 <sup>1,2,3</sup>	E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
				Items 4(a) <sup>5</sup> and (b) <sup>6</sup>	Item 4(c) <sup>7</sup>	Item 4(d) <sup>8</sup>	
KG	KGS eq USD 100	USD 1,300	15	98	–	–	EP RU
KM	Information not yet available						
KN	Information not yet available						
KP	KPW eq CHF 50	KPW eq CHF 1,330	eq CHF 15	eq CHF 100	–	–	AT CN RU
KR	KRW 45,000	KRW 1,567,000	18,000	118,000	–	353,000	AT AU JP <sup>15</sup> KR
KZ	KZT 7,360 <sup>16</sup>	USD 1,300	15	98	–	–	EP RU
LR	USD 45	USD 1,300	15	–	–	–	AT AU CN EP SE
LS	LSL <sup>9</sup> –	LSL eq CHF 1,330	eq CHF 15	–	–	–	AT EP
LT	LTL 320	EUR 878	10	66	–	–	EP RU
LU	EUR 19	EUR 878	10	–	–	–	EP
LV	LVL 48.40	EUR 878	10	66	–	–	EP RU
LY	LYD <sup>9</sup> –	CHF 1,330	15	100	–	–	AT EP
MA	None	CHF 1,330	15	–	–	–	AT EP RU SE
MC	EUR 54 <sup>17</sup>	EUR 878	10	–	–	–	EP
MD	EUR 100	USD 1,300	15	98	–	–	EP RU
MK	MKD 2,700	MKD eq CHF 1,330	eq CHF 15	eq CHF 100	–	–	EP
MN	None	CHF 1,330	15	100	–	–	EP KR RU
MT	EUR 55	EUR 878	10	66	–	–	EP
MW	MWK 6,000	MWK 181,900	2,100	13,700	–	–	EP
MX	MXN eq USD 323.70	MXN eq CHF 1,330	eq CHF 15	eq CHF 100	–	–	EP ES SE US
MY	MYR 375 <sup>18</sup>	MYR eq CHF 1,330	eq CHF 15	–	eq CHF 200	eq CHF 300	AU EP KR
NI	USD 200	USD 1,300	15	98	–	–	EP ES
NL	EUR 50	EUR 878	10	66	132	198	EP
NO	NOK 550	NOK 7,580	90	570	–	–	EP SE XN
NZ	NZD 180 <sup>19</sup>	NZD 1,802	20	135	–	–	AU EP KR US
OA	XAF <sup>9</sup> –	XAF eq CHF 1,330	eq CHF 15	–	–	–	AT EP RU SE
PE	PEN <sup>9</sup> –	PEN eq USD 1,300	eq USD 15	eq USD 98	–	–	AT EP ES US
PG	PGK 250	USD 1,300	15	98	–	–	AU
PH	PHP 3,500	USD 1,300	15	98	195	293	AU EP JP KR US
PL	PLN 300	PLN eq CHF 1,330	eq CHF 15	–	eq CHF 200	eq CHF 300	EP
PT	EUR 20	EUR 878	10	66	–	–	EP
RO	RON 300,000	CHF 1,330	15	100	200	300	EP RU
RS	RSD 5,000	RSD eq CHF 1,330	eq CHF 15	eq CHF 100	–	–	EP
RU	RUB 600	USD 1,300	15	98	–	–	EP RU
SC	USD <sup>9</sup> –	USD 1,300	15	–	–	–	EP
SD	SDG 50	SDG eq CHF 1,330	eq CHF 15	–	–	–	EP
SE	SEK 1,200	SEK 8,840	100	660	1,330	1,990	EP SE
SG	SGD 150	SGD 1,835	21	138	–	–	AT AU EP KR
SI	EUR 91	EUR 878	10	66	–	–	EP
SK	EUR 66	EUR 878	10	66	132	198	EP
SM	EUR 50	EUR 878	10	–	–	–	EP
SV	USD 200	USD 1,300	15	98	–	–	EP ES
SY	USD <sup>9</sup> –	USD 1,300	15	98	–	–	AT EP RU
TH	THB 3,000	THB eq CHF 1,330	eq CHF 15	eq CHF 100	–	–	CN EP US
TJ	TJS <sup>9</sup> –	USD 1,300	15	–	–	–	EP RU

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**Table I(a) — Transmittal and international filing fees [continued]**

(amounts on 1 January 2010, unless otherwise indicated)

RO	Transmittal fee <sup>1</sup>	International filing fee <sup>1,2</sup>	Fee per sheet over 30 <sup>1,2,3</sup>	E-filing reductions according to Schedule of Fees:			Competent ISA(s) <sup>4</sup>
				Items 4(a) <sup>5</sup> and (b) <sup>6</sup>	Item 4(c) <sup>7</sup>	Item 4(d) <sup>8</sup>	
TM	USD <sup>9</sup> –	USD 1,300	15	98	–	–	EP RU
TN	TND <sup>9</sup> –	CHF 1,330	15	–	–	–	EP
TR	CHF 100	CHF 1,330	15	100	–	–	EP
TT	TTD 750	USD 1,300	15	98	–	–	AT EP SE US
UA	UAH or eq EUR or USD <sup>20</sup> 1,300	USD (or eq UAH or EUR) 1,300	15	–	–	–	EP RU
US	USD 240	USD 1,300	15	98	195	–	AU EP KR US
UZ	USD <sup>9</sup> –	USD 1,300	15	98	–	–	EP RU
VC	Information not yet available						
VN	VND eq USD 150	VND eq CHF 1,330	eq CHF 15	–	–	–	AT AU EP KR RU SE
ZA	ZAR 500	ZAR 9,590	110	720	–	–	AT AU EP US
ZM	USD 50	USD 1,300	15	–	–	–	AT SE
ZW	ZWD 6,000	ZWD eq USD 1,300	eq USD 15	eq USD 98	–	–	AT AU CN EP RU

**Table I(b) — Search fees**

(amounts on 1 January 2010, unless otherwise indicated)

ISA	Search fee <sup>1</sup>								
AT <sup>21</sup>	EUR 1,700	CHF 2,574	SGD 3,550	USD 2,515	ZAR 18,560	<i>(Equivalent amounts in KRW have not yet been established)</i>			
AU	AUD 1,600	CHF 1,430	EUR 944	KRW 1,684,000	NZD 1,937	SGD 1,970	USD 1,397		
	* (from 15.3.10: ZAR 11,060)								
BR <sup>22</sup>	BRL 1,900	CHF 1,076	EUR 711	USD 1,052					
CA	CAD 1,600	CHF 1,533	EUR 1,012	USD 1,498					
CN	CNY 2,100	CHF 314	EUR 208	USD 307					
EP <sup>23</sup>	EUR 1,700	CHF 2,574	DKK 12,650	GBP 1,536	ISK 310,000	JPY 229,000	MWK 352,000		
	ZAR 18,560	NOK 14,670	NZD 3,487	SEK 17,110	SGD 3,550	USD 2,515			
ES <sup>23</sup>	EUR 1,700	CHF 2,574	USD 2,515						
FI	EUR 1,700	CHF 2,574	USD 2,515						
JP	JPY 97,000	CHF 1,090	EUR 720	KRW 1,284,000	USD 1,065				
KR	KRW 1,300,000 <sup>24</sup>	AUD 1,192 <sup>24</sup>	CHF 1,116 <sup>24</sup>	EUR 737 <sup>24</sup>	NZD 1,464 <sup>24</sup>	SGD 1,530 <sup>24</sup>	USD 1,092 <sup>24</sup>		
	KRW 450,000 <sup>25</sup>	AUD 428 <sup>25</sup>	CHF 382 <sup>25</sup>	EUR 252 <sup>25</sup>	NZD 517 <sup>25</sup>	SGD 530 <sup>25</sup>	USD 373 <sup>25</sup>		
RU	RUB 13,500	CHF 459	EUR 303	USD 449					
SE	SEK 17,110	CHF 2,574	DKK 12,650	EUR 1,700	ISK 310,000	NOK 14,670	USD 2,515		
US	USD 2,080	CHF 2,129	EUR 1,406	NZD 2,880	ZAR 15,350				
XN	DKK 12,650	CHF 2,574	EUR 1,700	ISK 310,000	NOK 14,670	USD 2,515			

**Table I(c) — Supplementary search fees**

(amounts on 1 January 2010, unless otherwise indicated)

ISA	Supplementary search fee	Supplementary search handling fee
FI	CHF 2,574	CHF 200
RU	Equivalent in CHF of RUR <sup>26</sup> 9,450 (13,500) <sup>27</sup>	CHF 200
SE	CHF 2,574	CHF 200
XN	CHF 2,574	CHF 200

**Table II — Preliminary examination fees**  
(amounts on 1 January 2010, unless otherwise indicated)

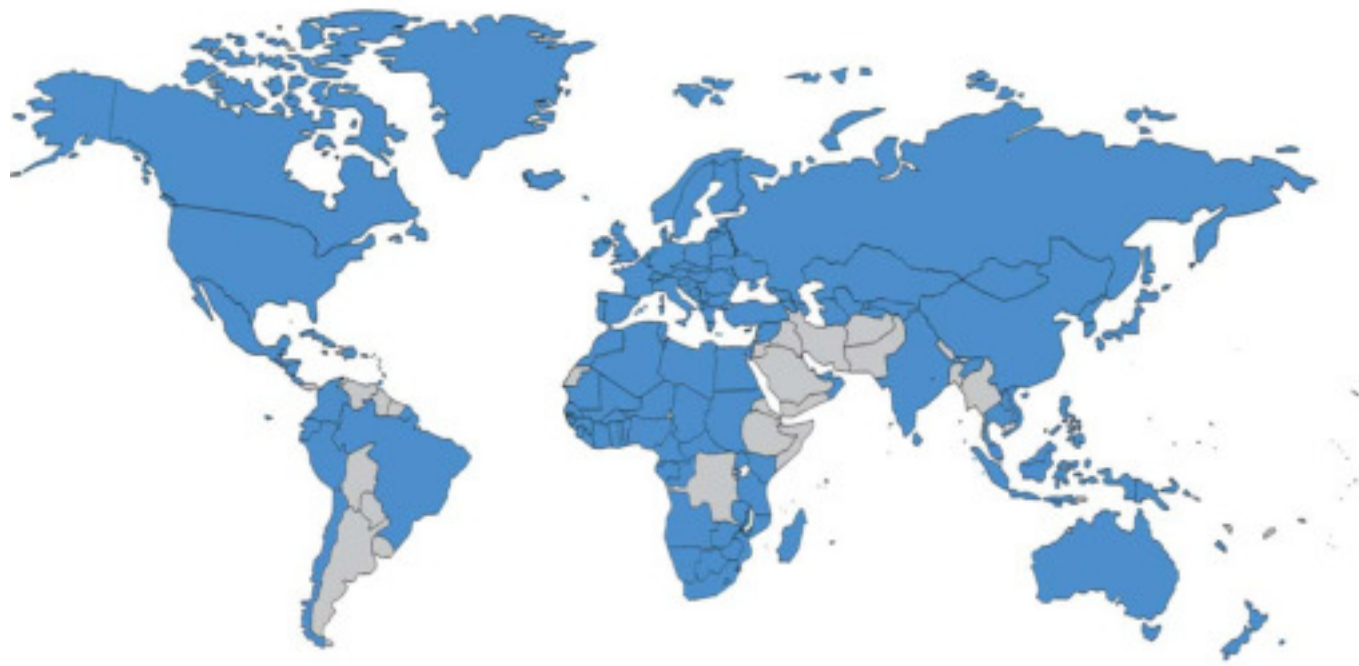
IPEA	Preliminary examination fee <sup>28</sup>		Handling fee <sup>2, 28</sup> (CHF 200)	
AT <sup>21</sup>	EUR	1,675	EUR	132
AU	AUD	550	AUD	224
BR <sup>22</sup>	BRL	710	BRL	353
CA	CAD	800	CAD	209
CN	CNY	1,500	CNY eq CHF	200
EP <sup>23</sup>	EUR	1,675	EUR	132
ES	EUR	560.88	EUR	132
FI	EUR	550	EUR	132
JP	JPY	36,000	JPY	17,800
KR	KRW	450,000	KRW	236,000
RU	RUB	5,400 <sup>30</sup>	USD	195
		8,100 <sup>31</sup>		
SE	SEK	5,000	SEK	1,330
US	USD	600	USD	195
		750 <sup>32</sup>		
XN	DKK	5,000	DKK	980

## Footnotes to fee tables:

- 1 Payable to the receiving Office in the currency or one of the currencies prescribed by it.
- 2 This fee is reduced by 90% where the applicant or, if there are two or more applicants, each applicant fulfills the criteria indicated on the PCT Resources page at: [www.wipo.int/pct/en/fees/fee\\_reduction.pdf](http://www.wipo.int/pct/en/fees/fee_reduction.pdf)
- 3 Where the international application contains a sequence listing as a separate part of the description, this should preferably be furnished in accordance with Annex C, paragraph 40, of the Administrative Instructions under the PCT, that is, in compliance with WIPO Standard ST.25 text format; no additional fees are due for sequence listings filed in this format. Where, however, such sequence listings are filed in the form of an image file (e.g. PDF), fees are due for each page (see *PCT Newsletter* No. 06/2009, page 2 at: [http://www.wipo.int/pct/en/newslett/2009/newslett\\_09.pdf](http://www.wipo.int/pct/en/newslett/2009/newslett_09.pdf)).
- 4 For the search fee payable to the receiving Office, consult the entry in Table I(b) for the competent International Searching Authority.
- 5 If the international application is filed on paper together with a copy in electronic form, in character coded format, of the request and the abstract.
- 6 If the international application is filed in electronic form, the request not being in character coded format.
- 7 If the international application is filed in electronic form, the request being in character coded format.
- 8 If the international application is filed in electronic form, the request, description, claims and abstract being in character coded format.
- 9 The amounts are not yet known or, where known, are subject to periodical revision. The Office or the agent should be consulted for the latest applicable schedule of fees.
- 10 When calculating the USD equivalent amount in CLP, applicants should use the exchange rate fixed by the Central Bank of Chile on the day before the date of payment.
- 11 This fee is reduced by 80% where the applicant is a natural person.
- 12 The first amount of the transmittal fee is applicable to individuals or entities employing less than 25 persons. The second amount is applicable to entities employing 25 persons or more.
- 13 This fee is not payable in respect of international applications filed by applicants fulfilling the conditions indicated on the PCT Resources page at: [www.wipo.int/pct/en/fees/fee\\_reduction.pdf](http://www.wipo.int/pct/en/fees/fee_reduction.pdf)
- 14 The competent International Searching Authority(ies) for an international application filed with the International Bureau as receiving Office is (are) the Authority(ies) which would have been competent if the international application had been filed with the receiving Office of, or acting for, the Contracting State of which the applicant (or any of the applicants) is a resident or national. See also *PCT Applicant's Guide*, Annex C (IB).
- 15 The Japan Patent Office is competent only for international applications in Japanese.
- 16 This fee is subject to value added tax (VAT). Applicants may consult the receiving Office or a registered patent attorney for the latest applicable VAT rate.
- 17 Plus EUR 1.50 for the preparation of additional copies, for each page and each copy.
- 18 Plus MYR 45 for each sheet in excess of 30.
- 19 Plus 12.5% GST (Goods and Services Tax) for New Zealand residents.
- 20 This fee is reduced by 95% where all applicants are also inventors and by 90% where all applicants are also non-profitable institutions and/or organizations. When the fee is payable with relation to an application made by both types of applicant, and all applicants are either also inventors, or non-profitable institutions and/or organizations, the fee is reduced by 90%.
- 21 The fee will be reduced by 75% where the applicant(s) meets certain criteria, yet to be established by the Austrian Patent Office. Further information will be published shortly on the website of the Austrian Patent Office.
- 22 This fee is reduced by 60% where the international application is filed by a natural person, a small or medium enterprise or an academic institution.
- 23 The search fee payable to the EPO and the Spanish Patent and Trademark Office, as well as the preliminary examination fee payable to the EPO, are reduced by 75% under certain conditions. For further information, see the relevant footnote in the *PCT Applicant's Guide*, Annexes D (EP and ES) and E (EP) at: <http://www.wipo.int/pct/guide/en/index.html>
- 24 For searches carried out in English.
- 25 For searches carried out in Korean.
- 26 This amount refers to the equivalent amount in Swiss francs, at the exchange rate of the Central Bank of the Russian Federation, applicable on the date of payment.
- 27 This fee applies where a declaration referred to in PCT Article 17(2)(a) has been made by the International Searching Authority because of subject matter referred to in PCT Rule 39.1(iv) (methods of treatment).
- 28 Payable to the International Preliminary Examining Authority in the currency or one of the currencies prescribed by it.
- 29 Payable when the international search report was not issued by the Australian Patent Office.
- 30 Payable when the international search report was established by the Federal Service for Intellectual Property, Patents and Trademarks (Russian Federation).
- 31 In all cases where footnote 30 does not apply.
- 32 Payable when the international search was not carried out by the United States Patent and Trademark Office (USPTO) (provided that the USPTO is a competent International Preliminary Examining Authority in the particular case—see *PCT Applicant's Guide*, Annex C (US)).



## PCT Contracting States and Two-letter Codes (142 on 1 January 2010)



AE United Arab Emirates	CU Cuba	IS Iceland (EP)	MK The former Yugoslav Republic of Macedonia (EP) <sup>4</sup>	SI Slovenia (EP) <sup>2</sup>
AG Antigua and Barbuda	CY Cyprus (EP) <sup>2</sup>	IT Italy (EP) <sup>2</sup>	ML Mali (OA) <sup>2</sup>	SK Slovakia (EP)
AL Albania <sup>1</sup>	CZ Czech Republic (EP)	JP Japan	MN Mongolia	SL Sierra Leone (AP)
AM Armenia (EA)	DE Germany (EP)	KE Kenya (AP)	MR Mauritania (OA) <sup>2</sup>	SM San Marino (EP) <sup>5</sup>
AO Angola	DK Denmark (EP)	KG Kyrgyzstan (EA)	MT Malta (EP) <sup>2</sup>	SN Senegal (OA) <sup>2</sup>
AT Austria (EP)	DM Dominica	KM Comoros	MW Malawi (AP)	ST Sao Tome and Principe
AU Australia	DO Dominican Republic	KN Saint Kitts and Nevis	MX Mexico	SV El Salvador
AZ Azerbaijan (EA)	DZ Algeria	KP Democratic People's Republic of Korea	MY Malaysia	SY Syrian Arab Republic
BA Bosnia and Herzegovina <sup>1</sup>	EC Ecuador	KR Republic of Korea	MZ Mozambique (AP)	SZ Swaziland (AP) <sup>2</sup>
BB Barbados	EE Estonia (EP)	KZ Kazakhstan (EA)	NA Namibia (AP)	TD Chad (OA) <sup>2</sup>
BE Belgium (EP) <sup>2</sup>	EG Egypt	LA Lao People's Democratic Republic	NE Niger (OA) <sup>2</sup>	TG Togo (OA) <sup>2</sup>
BF Burkina Faso (OA) <sup>2</sup>	ES Spain (EP)	LC Saint Lucia	NG Nigeria	TH Thailand
BG Bulgaria (EP)	FI Finland (EP)	LI Liechtenstein (EP)	NI Nicaragua	TJ Tajikistan (EA)
BH Bahrain	FR France (EP) <sup>2</sup>	LK Sri Lanka	NL Netherlands (EP) <sup>2</sup>	TM Turkmenistan (EA)
BJ Benin (OA) <sup>2</sup>	GA Gabon (OA) <sup>2</sup>	LR Liberia	NO Norway (EP) <sup>3</sup>	TN Tunisia
BR Brazil	GB United Kingdom (EP)	LS Lesotho (AP)	NZ New Zealand	TR Turkey (EP)
BW Botswana (AP)	GD Grenada	LT Lithuania (EP)	OM Oman	TT Trinidad and Tobago
BY Belarus (EA)	GE Georgia	LU Luxembourg (EP)	PE Peru	TZ United Republic of Tanzania (AP)
BZ Belize	GH Ghana (AP)	LV Latvia (EP) <sup>2</sup>	PG Papua New Guinea	UA Ukraine
CA Canada	GM Gambia (AP)	LY Libyan Arab Jamahiriya	PH Philippines	UG Uganda (AP)
CF Central African Republic (OA) <sup>2</sup>	GN Guinea (OA) <sup>2</sup>	MA Morocco	PL Poland (EP)	US United States of America
CG Congo (OA) <sup>2</sup>	GQ Equatorial Guinea (OA) <sup>2</sup>	MC Monaco (EP) <sup>2</sup>	PT Portugal (EP)	UZ Uzbekistan
CH Switzerland (EP)	GR Greece (EP) <sup>2</sup>	MD Republic of Moldova (EA)	RO Romania (EP)	VC Saint Vincent and the Grenadines
CI Côte d'Ivoire (OA) <sup>2</sup>	GT Guatemala	ME Montenegro	RS Serbia <sup>1</sup>	VN Viet Nam
CL Chile	GW Guinea-Bissau (OA) <sup>2</sup>	MG Madagascar	RU Russian Federation (EA)	ZA South Africa
CM Cameroon (OA) <sup>2</sup>	HN Honduras		SC Seychelles	ZM Zambia (AP)
CN China	HR Croatia (EP) <sup>3</sup>		SD Sudan (AP)	ZW Zimbabwe (AP)
CO Colombia	HU Hungary (EP)		SE Sweden (EP)	
CR Costa Rica	ID Indonesia		SG Singapore	
	IE Ireland (EP) <sup>2</sup>			
	IL Israel			
	IN India			

1 Extension of European patent possible.

2 May only be designated for a regional patent (the "national route" via the PCT has been closed).

3 Only international applications filed on or after 1 January 2008 include the designation of this State for a European patent.

4 Only international applications filed on or after 1 January 2009 include the designation of this State for a European patent.

5 Only international applications filed on or after 1 July 2009 include the designation of this State for a European patent.

Where a State can be designated for a regional patent, the two-letter code for the regional patent concerned is indicated in parentheses (AP = ARIPO patent, EA = Eurasian patent, EP = European patent, OA = OAPI patent).

**Important:**

This list includes all States that have adhered to the PCT by the date shown in the heading. Any State indicated in **bold italics** has adhered to the PCT but will only become bound by the PCT on the date shown in parentheses; it will not be considered to have been designated in international applications filed before that date.

Note that even though the filing of a request constitutes under PCT Rule 4.9(a) the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents, applicants should always use the latest versions of the request form (PCT/RO/101) and demand form (PCT/IPEA/401) (the latest versions are dated January 2010) or, if filing the request using the PCT-EASY features of the PCT-SAFE software, the latest version of that software (which is available at: <http://www.wipo.int/pct-safe/en/>). The request and demand forms can be printed from the website, in editable PDF format, at: <http://www.wipo.int/pct/en/forms/>, or obtained from receiving Offices or the International Bureau, or, in the case of the demand form, also from International Preliminary Examining Authorities.