

Appendix AI Administrative Instructions Under the PCT

(as in force from October 1, 2005)

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PART 1

INSTRUCTIONS RELATING TO GENERAL MATTERS

Section 101

Abbreviated Expressions and Interpretation

(a) In these Administrative Instructions:

(i) “Treaty” means the Patent Cooperation Treaty;

(ii) “Regulations” means the Regulations under the Treaty;

(iii) “Article” means an Article of the Treaty;

(iv) “Rule” means a Rule of the Regulations;

(v) “International Bureau” means the International Bureau as defined in Article 2 (xix) of the Treaty;

(vi) “International Authorities” means the receiving Offices, the International Searching Authorities, the International Preliminary Examining Authorities, and the International Bureau;

(vii) “Annex” means an Annex to these Administrative Instructions, unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used;

(viii) “Form” means a Form contained in Annex A;²

(ix) “WIPO Standard” means a Standard established by the World Intellectual Property Organization;

(x) “Director General” means the Director General as defined in Article 2(xx) of the Treaty;

(xi) “electronic” technology includes that having electrical, digital, magnetic, optical or electromagnetic capabilities.

(b) The Annexes are part of these Administrative Instructions.

Section 102

Use of the Forms

(a) Subject to paragraphs (b) to (i) and Sections 103 and 114, the International Authorities shall use, or require the use of, the mandatory Forms specified below:

(i) Forms for use by the applicant:

PCT/RO/101 (request Form)

PCT/IPEA/401 (demand Form)

(ii) Forms for use by the receiving Offices:

PCT/RO/103	PCT/RO/115	PCT/RO/150
PCT/RO/104	PCT/RO/116	PCT/RO/151
PCT/RO/105	PCT/RO/117	PCT/RO/152
PCT/RO/106	PCT/RO/118	PCT/RO/153
PCT/RO/107	PCT/RO/123	PCT/RO/154
PCT/RO/109	PCT/RO/126	PCT/RO/155
PCT/RO/110	PCT/RO/133	PCT/RO/156
PCT/RO/111	PCT/RO/136	PCT/RO/157
PCT/RO/112	PCT/RO/143	
PCT/RO/113	PCT/RO/147	

(iii) Forms for use by the International Searching Authorities:

PCT/ISA/201	PCT/ISA/212	PCT/ISA/233
PCT/ISA/202	PCT/ISA/217	PCT/ISA/234
PCT/ISA/203	PCT/ISA/218	PCT/ISA/235
PCT/ISA/205	PCT/ISA/219	PCT/ISA/236
PCT/ISA/206	PCT/ISA/220	PCT/ISA/237
PCT/ISA/209	PCT/ISA/225	
PCT/ISA/210	PCT/ISA/228	

(iv) Forms for use by the International Bureau:

PCT/IB/301	PCT/IB/325	PCT/IB/357
PCT/IB/304	PCT/IB/326	PCT/IB/358

²Annex A is published separately by the World Intellectual Property Organization.

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PCT/IB/305	PCT/IB/331	PCT/IB/360
PCT/IB/306	PCT/IB/332	PCT/IB/366
PCT/IB/307	PCT/IB/335	PCT/IB/367
PCT/IB/308	PCT/IB/336	PCT/IB/368
PCT/IB/310	PCT/IB/337	PCT/IB/369
PCT/IB/311	PCT/IB/338	PCT/IB/370
PCT/IB/313	PCT/IB/339	PCT/IB/371
PCT/IB/314	PCT/IB/344	PCT/IB/373
PCT/IB/315	PCT/IB/345	PCT/IB/374
PCT/IB/316	PCT/IB/346	PCT/IB/399
PCT/IB/317	PCT/IB/349	
PCT/IB/318	PCT/IB/350	
PCT/IB/319	PCT/IB/351	
PCT/IB/320	PCT/IB/353	
PCT/IB/321	PCT/IB/354	
PCT/IB/323	PCT/IB/356	

(v) Forms for use by the International Preliminary Examining Authorities:

PCT/IPEA/402	PCT/IPEA/414	PCT/IPEA/437
PCT/IPEA/404	PCT/IPEA/415	PCT/IPEA/440
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PCT/IPEA/407	PCT/IPEA/420	PCT/IPEA/442
PCT/IPEA/408	PCT/IPEA/425	PCT/IPEA/443
PCT/IPEA/409	PCT/IPEA/431	PCT/IPEA/444.
PCT/IPEA/412	PCT/IPEA/436	

(b) Slight variations in layout necessary in view of the printing of the Forms referred to in paragraph (a) in various languages are permitted.

(c) Slight variations in layout in the Forms referred to in paragraph (a)(ii) to (v) are permitted to the extent necessary to meet the particular office requirements of the International Authorities, in par-

ticular in view of the production of the Forms by computer or of the use of window envelopes.

(d) Where the receiving Office, the International Searching Authority and/or the International Preliminary Examining Authority are each part of the same Office, the obligation to use the Forms referred to in paragraph (a) does not extend to communications within that same Office.

(e) The annexes to Forms PCT/RO/106, PCT/RO/118, PCT/ISA/201, PCT/ISA/205, PCT/ISA/206, PCT/ISA/210, PCT/ISA/219, PCT/IB/313, PCT/IB/336, PCT/IPEA/404, PCT/IPEA/405 and PCT/IPEA/415 may be omitted in cases where they are not used.

(f) The notes attached to Forms PCT/RO/101 (request Form) and PCT/IPEA/401 (demand Form) shall be distributed by the International Authorities concerned together with the printed versions of those Forms. The notes attached to Form PCT/ISA/220 shall accompany the Form when sent to the applicant.

(g) The use of Forms other than those referred to in paragraph (a) is optional.

(h) Where the request or the demand is presented as a computer print-out, such print-out shall be prepared as follows:

(i) the layout and contents of the request and the demand when presented as computer print-outs shall correspond to the format of Forms PCT/RO/101 (request Form) and PCT/IPEA/401 (demand Form) (“the printed Forms”), with the same information being presented on the corresponding pages;

(ii) all boxes shall be drawn by solid lines; double lines may be presented as single lines;

(iii) the box numbers and box titles shall be included even where no information is supplied therein;

(iv) the boxes for use by the International Authorities shall be at least as large as those on the printed Forms;

(v) all other boxes shall be within one cm in size of those on the printed Forms;

(vi) all text shall be 9 points or larger in size;

(vii) titles and other information shall be clearly distinguished;

(viii) explanatory notes presented in italics on the printed Forms may be omitted.

(i) Other formats permitted for the presentation of the request and the demand as computer print-outs

may be determined by the Director General. Any such format shall be published in the Gazette.

Section 102^{bis}

Filing of PCT-EASY Request Together with PCT-EASY Physical Medium Containing Request Data and Abstract

(a) Pursuant to Rule 89^{ter}, any receiving Office may, if it is prepared to do so, accept the filing with it of an international application containing the request presented as a print-out prepared using the PCT-EASY features of the PCT-SAFE software made available by the International Bureau (“PCT-EASY request”) together with a physical medium that has been specified by the receiving Office in accordance with Annex F. Such physical medium shall contain a copy in electronic form of the data contained in the request and of the abstract (“PCT-EASY physical medium”).

(b) Any receiving Office which, under paragraph (a), accepts the filing of PCT-EASY requests together with PCT-EASY physical media shall notify the International Bureau accordingly. The International Bureau shall promptly publish this information in the Gazette.

(c) Item 3(a) of the Schedule of Fees annexed to the Regulations shall apply to reduce the fees payable in respect of an international application containing a PCT-EASY request filed, together with a PCT-EASY physical medium, with a receiving Office which, under paragraph (a), accepts the filing of such international applications.

Section 103

Languages of the Forms Used by International Authorities

(a) The language of the Forms used by any receiving Office shall be the same as the language in which the international application is filed, provided that:

(i) where the international application is to be published in the language of a translation required under Rule 12.3(a) or 12.4(a), the receiving Office shall use the Forms in such language;

(ii) the receiving Office may, in its communications to the applicant, use the Forms in any other language being one of its official languages.

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

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

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

Section 104

Language of Correspondence in Cases Not Covered by Rule 92.2

(a) The language of any letter from the applicant to the receiving Office shall be the same as the language of the international application to which such letter relates, provided that, where the international application is to be published in the language of a translation required under Rule 12.3(a) or 12.4(a), any letter shall be in such language. However, the receiving Office may expressly authorize the use of any other language.

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

Section 105

Identification of International Application with Two or More Applicants

Where any international application indicates two or more applicants, it shall be sufficient, for the purpose of identifying that application, to indicate, in any Form or correspondence relating to such application, the name of the applicant first named in the request. The provisions of the first sentence of this Section do not apply to the demand.

Section 106

Change of Common Representative

Where a change is recorded under Rule 92^{bis}.1(a) in the person of an applicant who was considered to be the common representative under Rule 90.2(b), the new applicant shall be considered to be the common representative under Rule 90.2(b) if he is entitled according to Rule 19.1 to file an international application with the receiving Office.

Section 107

Identification of International Authorities and of Designated and Elected Offices

(a) Whenever the nature of any communication from or to the applicant, from or to any International Authority or, before national processing or examination has started, from or to any designated or elected Office so permits, any International Authority or any designated or elected Office may be indicated in the communication by the two-letter code referred to in Section 115.

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

Section 108

Correspondence Intended for the Applicant

(a) For the purpose of this Section, where there are two or more agents whose appointments are in

force, “first mentioned agent” means the agent first mentioned in the document containing the appointments or, where the appointments are contained in two or more documents, in that which was filed first.

(b) Where a sole applicant has appointed an agent or agents under Rule 90.1(a), correspondence intended for the applicant from the International Authorities shall, subject to paragraph (d), be addressed to the agent or, where applicable, to the first mentioned agent.

(c) Where there are two or more applicants, correspondence intended for the applicants from the International Authorities shall, subject to paragraph (d), be addressed:

(i) if no common agent has been appointed under Rule 90.1—to the common representative or, where applicable, to his agent or first mentioned agent; or

(ii) if the applicants have appointed a common agent or common agents under Rule 90.1(a)—to that common agent or, where applicable, to the first mentioned common agent.

(d) Where an agent has or agents have been appointed under Rule 90.1(b), (c) or (d)(ii), paragraphs (b) and (c) shall apply to correspondence intended for the applicant relating to the procedure before the International Searching Authority or the International Preliminary Examining Authority, as the case may be, as if those paragraphs referred to the agent or agents so appointed.

(e) Where, in accordance with paragraph (c), correspondence intended for the applicants from the International Authorities is to be addressed to the common representative but the indication required under Rule 4.5(a)(ii) has not been provided for the common representative, correspondence shall be addressed:

(i) to the first applicant named in the request who is entitled according to Rule 19.1 to file an international application with the receiving Office and in respect of whom the indication required under Rule 4.5(a)(ii) has been provided; or, if there is no such applicant,

(ii) to the applicant first named in the request who is entitled according to Article 9 to file an international application and in respect of, whom the indication required under Rule 4.5(a)(ii) has been provided; or, if there is no such applicant,

(iii) to the applicant first named in the request in respect of whom the indication required under Rule 4.5(a)(ii) has been provided.

Section 109

File Reference

(a) Where any document submitted by the applicant contains an indication of a file reference, that reference shall not exceed 12 characters in length and may be composed of either letters of the Latin alphabet or Arabic numerals, or both.

(b) Correspondence from International Authorities intended for the applicant shall indicate any such file reference.

Section 110

Dates

Any date in the international application, or used in any correspondence emanating from International Authorities relating to the international application, shall be indicated by the Arabic number of the day, by the name of the month, and by the Arabic number of the year. The receiving Office, where the applicant has not done so, or the International Bureau, where the applicant has not done so and the receiving Office fails to do so, shall, after, above, or below any date indicated by the applicant in the request, repeat the date, in parentheses, by indicating it by two-digit Arabic numerals each for the number of the day and for the number of the month followed by the number of the year in four digits, in that order and with a period, slant or hyphen after the digit pairs of the day and of the month (for example, “20 March 2004 (20.03.2004),” “20 March 2004 (20/03/2004),” or “20 March 2004 (20-03-2004)”).

Section 111

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Section 112

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

(a) Each national Office shall, in its capacity as designated Office, notify the International Bureau once a year of:

(i) the number of international applications in respect of which, during the preceding calendar year, the time limit applicable under Article 22 has expired;

(ii) the number of international applications in respect of which, during the preceding calendar year, the requirements provided for in Article 22 have not been complied with before the expiration of the time limit applicable under that Article, with the consequence that the effects of the international applications concerned have ceased under Article 24(1)(iii).

(b) Each national Office shall, in its capacity as elected Office, notify the International Bureau once a year of:

(i) the number of international applications in respect of which, during the preceding calendar year, the time limit applicable under Article 39(1) has expired;

(ii) the number of international applications in respect of which, during the preceding calendar year, the requirements provided for in Article 39(1) have not been complied with before the expiration of the time limit applicable under that Article, with the consequence that the effects of the international applications concerned have ceased under Article 39(3).

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

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

Section 113

Special Fees Payable to the International Bureau

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

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

(c) The special fee provided for in Rule 26^{bis}.2(c) shall be payable to the International Bureau and shall be 50 Swiss francs plus 12 Swiss francs for each sheet in excess of one. Where that fee has not been paid before the time of the completion of the technical preparations for international publication, the information concerning the priority claim which was considered not to have been made shall not be

published. Where the last sentence of Rule 26^{bis}.2(c) applies and the said fee has not been paid before the time of the communication of the international application under Article 20, a copy of the information concerning the priority claim which was considered not to have been made shall not be included in that communication.

Section 114

[Deleted]

Section 115

Indications of States, Territories, and Intergovernmental Organizations

The indication of a State, territory, or intergovernmental organization shall be made either by its full name, by a generally accepted short title which, if the indications are in English or French, shall be as appears in WIPO Standard ST.3 (Recommended Standard Two-Letter Code for the Representation of Countries, and of Other Entities and International Organizations Issuing or Registering Industrial Property Titles), or by the two-letter code as appears in that Standard.³

³ Published in the WIPO Handbook on Industrial Property Information and Documentation.

PART 2

INSTRUCTIONS RELATING TO THE INTERNATIONAL APPLICATION

Section 201

Language of the International Application

The language in which the international application is filed shall preferably be indicated in the request.

Section 202

[Deleted]

Section 203

Different Applicants for Different Designated States

(a) Different applicants may be indicated for different States designated for a regional patent.

(b) Where a particular State has been designated for both a national patent and a regional patent, the same applicant or applicants shall be indicated for both designations.

Section 204

Headings of the Parts of the Description

The headings of the parts of the description should be as follows:

(i) for matter referred to in Rule 5.1(a)(i), “Technical Field”;

(ii) for matter referred to in Rule 5.1(a)(ii), “Background Art”;

(iii) for matter referred to in Rule 5.1(a)(iii), “Disclosure of Invention”;

(iv) for matter referred to in Rule 5.1(a)(iv), “Brief Description of Drawings”;

(v) for matter referred to in Rule 5.1(a)(v), “Best Mode for Carrying Out the Invention,” or, where appropriate, “Mode(s) for Carrying Out the Invention”;

(vi) for matter referred to in Rule 5.1(a)(vi), “Industrial Applicability”;

(vii) for matter referred to in Rule 5.2(a), “Sequence Listing”;

(viii) for matter referred to in Rule 5.2(b), “Sequence Listing Free Text.”

Section 205

Numbering and Identification of Claims upon Amendment

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

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

(i) the claim is unchanged;

(ii) the claim is cancelled;

(iii) the claim is new;

(iv) the claim replaces one or more claims as filed;

(v) the claim is the result of the division of a claim as filed.

Section 206

Unity of Invention

The determination by the International Searching Authority, the International Preliminary Examining Authority and the designated and elected Offices whether an international application complies with the requirement of unity of invention under Rule 13 shall be made in accordance with Annex B.

Section 207

Arrangement of Elements and Numbering of Sheets of the International Application

(a) In effecting the sequential numbering of the sheets of the international application in accordance with Rule 11.7, the elements of the international application shall be placed in the following order: the request, the description (other than any sequence listing part thereof), the claims, the abstract, the drawings, the sequence listing part of the description (where applicable).

(b) The sequential numbering of the sheets shall be effected by using the following separate series of numbering:

(i) the first series applying to the request only and commencing with the first sheet of the request,

(ii) the second series commencing with the first sheet of the description (other than any sequence listing part thereof) and continuing through the claims until the last sheet of the abstract,

(iii) if applicable, a further series applying to the sheets of the drawings only and commencing with the first sheet of the drawings; the number of each sheet of the drawings shall consist of two Arabic numerals separated by a slant, the first being the sheet number and the second being the total number of sheets of drawings (for example, 1/3, 2/3, 3/3), and

(iv) if applicable, preferably, a further series applying to the sequence listing part of the description commencing with the first sheet of that part.

Section 208

Sequence Listings

Any nucleotide and/or amino acid sequence listing (“sequence listing”), whether on paper or in electronic form, filed as part of the international application, or furnished together with the international application or subsequently, shall comply with Annex C.

Section 209

Indications as to Deposited Biological Material on a Separate Sheet

(a) To the extent that any indication with respect to deposited biological material is not con-

tained in the description, it may be given on a separate sheet. Where any such indication is so given, it shall preferably be on Form PCT/RO/134 and, if furnished at the time of filing, the said Form shall, subject to paragraph (b), preferably be attached to the request and referred to in the check list referred to in Rule 3.3 (a)(ii).

(b) For the purposes of the Israel Patent Office, the Japan Patent Office, the Korean Intellectual Property Office, the Mexican Institute of Industrial Property, and the Turkish Patent Institute as designated Offices, paragraph (a) applies only to the extent that the said Form or sheet is included as one of the sheets of the description of the international application at the time of filing.

Section 210

[Deleted]

Section 211

Declaration as to the Identity of the Inventor

(a) Any declaration as to the identity of the inventor, referred to in Rule 4.17(i), shall be worded as follows:

“Declaration as to the identity of the inventor (Rules 4.17(i) and 51^{bis}.1(a)(i)):

in relation to [this] international application [No. PCT/...],

(i) ... (*name*) of ... (*address*) is the inventor of the subject matter for which protection is sought by way of [the] [this] international application

(ii) this declaration is made for the purposes of (*include as applicable*):

(a) all designations [except the designation of the United States of America]

(b) the following designations for national and/or regional patents: ...”

(b) This declaration need not be made if the name and address of the inventor are otherwise indicated in the request.

(c) This declaration may, where applicable, be combined, in accordance with Section 212(b), with the declaration referred to in Section 212(a).

Section 212

Declaration as to the Applicant's Entitlement to Apply for and Be Granted a Patent

(a) Any declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent, referred to in Rule 4.17(ii), shall be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant's entitlement:

"Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51^{bis}.1(a)(ii)), in a case where the declaration under Rule 4.17(iv) is not appropriate:

in relation to [this] international application [No. PCT/...],

... (*name*) is entitled to apply for and be granted a patent by virtue of the following:

(i) ... (*name*) of ... (*address*) ... is the inventor of the subject matter for which protection is sought by way of [the] [this] international application

(ii) ... (*name*) [is] [was] entitled as employer of the inventor, ... (*inventor's name*)

(iii) an agreement between ... (*name*) and ... (*name*), dated ...

(iv) an assignment from ... (*name*) to ... (*name*), dated ...

(v) consent from ... (*name*) in favor of ... (*name*), dated ...

(vi) a court order issued by ... (*name of court*), effecting a transfer from ... (*name*) to ... (*name*), dated ...

(vii) transfer of entitlement from ... (*name*) to ... (*name*) by way of ... (*specify kind of transfer*), dated ...

(viii) the applicant's name changed from ... (*name*) to ... (*name*) on ... (*date*)

(ix) this declaration is made for the purposes of (*include as applicable*):

(a) all designations [except the designation of the United States of America]

(b) the following designations for national and/or regional patents: ..."

(b) The declaration referred to in paragraph (a) may, where applicable, be combined with the declaration referred to in Section 211(a), in which case the introductory phrase shall be worded as follows and the remainder of the combined declaration shall be worded as prescribed in paragraph (a):

"Combined declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51^{bis}.1(a)(ii)) and as to the identity of the inventor (Rules 4.17(i) and 51^{bis}.1(a)(i)), in a case where the declaration under Rule 4.17(iv) is not appropriate:"

Section 213

Declaration as to the Applicant's Entitlement to Claim Priority of Earlier Application

Any declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application, referred to in Rule 4.17(iii), shall be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (viii) as is necessary to explain the applicant's entitlement:

"Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application specified below, where the applicant is not the applicant who filed the earlier application or where the applicant's name has changed since the filing of the earlier application (Rules 4.17(iii) and 51^{bis}.1(a)(iii)):

in relation to [this] international application [No. PCT/...],

... (*name*) is entitled to claim priority of earlier application No. ... by virtue of the following:

(i) the applicant is the inventor of the subject matter for which protection was sought by way of the earlier application

(ii) ... (*name*) [is] [was] entitled as employer of the inventor, ... (*inventor's name*)

(iii) an agreement between ... (*name*) and ... (*name*), dated ...

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(iv) an assignment from ... (*name*) to ... (*name*), dated ...

(v) consent from ... (*name*) in favor of ... (*name*), dated ...

(vi) a court order, issued by ... (*name of court*), effecting a transfer from ... (*name*) to ... (*name*), dated ...

(vii) transfer of entitlement from ... (*name*) to ... (*name*) by way of ... (*specify kind of transfer*), dated ...

(viii) the applicant's name changed from ... (*name*) to ... (*name*) on ... (*date*)

(ix) this declaration is made for the purposes of (*include as applicable*):

(a) all designations

(b) the following designations for national and/or regional patents: ...”

Section 214

Declaration of Inventorship

(a) A declaration of inventorship, referred to in Rule 4.17(iv), that is made for the purposes of the designation of the United States of America shall be worded as follows:

“Declaration of inventorship (Rules 4.17(iv) and 51^{bis}.1(a)(iv)) for the purposes of the designation of the United States of America:

I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/... (if furnishing declaration pursuant to Rule 26^{ter}).

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified interna-

tional application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading “Prior Applications,” by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

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

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

Name: ...

Residence: ... (city and either US state, if applicable, or country)

Mailing Address: ...

Citizenship: ...

Prior Applications: ...

Inventor's Signature: ... (The signature must be that of the inventor, not that of the agent)

Date: ...”

(b) Where there is more than one inventor and all inventors do not sign the same declaration referred to in paragraph (a), each declaration shall indicate the names of all the inventors.

(c) Any correction or addition under Rule 26^{ter}.1 of a declaration referred to in paragraph (a) shall take the form of a declaration referred to in that paragraph and be signed by the inventor. In addition, any such correction shall be entitled “Supplemental declaration of inventorship (Rules 4.17(iv) and 51^{bis}.1(a)(iv))”.

Section 215

Declaration as to Non-Prejudicial Disclosures or Exceptions to Lack of Novelty

Any declaration as to non-prejudicial disclosures or exceptions to lack of novelty shall be worded as follows, with such inclusion, omission, repetition and re-ordering of the matters listed as items (i) to (iv) as is necessary:

“Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51^{bis}.1(a)(v)):

in relation to [this] international application [No. PCT/...],

... (*name*) declares that the subject matter claimed in [the] [this] international application was disclosed as follows:

(i) kind of disclosure (*include as applicable*):

(a) international exhibition

(b) publication

(c) abuse

(d) other: ...(*specify*)

(ii) date of disclosure: ...

(iii) title of disclosure (*if applicable*): ...

(iv) place of disclosure (*if applicable*): ...

(v) this declaration is made for the purposes of (*include as applicable*):

(a) all designations

(b) the following designations for national and/or regional patents: ...”

Section 216

Notice of Correction or Addition of a Declaration Under Rule 26^{ter}

Any notice referred to in Rule 26^{ter}.1 shall consist of a replacement sheet containing a corrected declaration, or of an additional sheet containing a declaration, and an accompanying letter explaining the correction or addition.

