

The Federal Service on Intellectual Property, Patents &
Trademarks of Russia to Act as International Searching
Authority and International Preliminary Examining
Authority for International Applications Received by
the United States Patent and Trademark Office

The Federal Service on Intellectual Property, Patents & Trademarks of Russia (Rospatent), effective January 10, 2012, may act as an International Searching Authority (ISA) and International Preliminary Examining Authority (IPEA) under the Patent Cooperation Treaty (PCT) for international applications filed with the United States Patent and Trademark Office (USPTO) as a Receiving Office (RO/US), provided that the applications are submitted in the English language and Rospatent is chosen as a competent authority by the applicants of said applications.

The USPTO will collect the search fees from the applicants, and will transmit the search fees to Rospatent. The search fee for Rospatent acting as an ISA for international applications received by the USPTO is \$415 effective January 10, 2012.¹ Any other fees necessary for search or examination or incidental thereto will be paid by applicants directly to Rospatent.

All correspondence between Rospatent and the USPTO or the applicants will be in English.

With this addition, U.S. applicants may now elect the USPTO, the European Patent Office (EPO)², the Korean Intellectual Property Office, IP Australia³, or Rospatent as the ISA or IPEA.

The concluded agreement between the USPTO and Rospatent for the establishment of Rospatent as an International Searching Authority and International Preliminary Examining Authority follows.

4/11/12
Date

Margaret A. Focarino
Margaret A. Focarino
Commissioner for Patents

¹ The search fee will increase to \$453 effective June 1, 2012.

²The use of the EPO is restricted. The EPO will not act as an ISA for applications with one or more claims directed to a business method. For the definition of what the EPO considers to be precluded subject matter in the field of business methods, see *PCT Applicant's Guide*, Annexes D(EP), E(EP) and the *Official Notices (PCT Gazette)* dated May 6, 2010, page 94 (http://www.wipo.int/pct/en/official_notices/index.html). The EPO will act as an IPEA only if it also acted as the ISA.

³The use of IP Australia is restricted. IP Australia will not act as an ISA for applications with one or more claims directed to the fields of business methods or mechanical engineering or analogous fields of technology as defined by specified areas of the International Patent Classification System, as indicated in the *Official Gazette* at 1337 O.G. 261 on December 23, 2008, in Annex A to the agreement between the USPTO and IP Australia. IP Australia will act as an IPEA only if it also acted as the ISA.

**AGREEMENT
BETWEEN
THE UNITED STATES PATENT AND TRADEMARK OFFICE
AND
THE FEDERAL SERVICE FOR INTELLECTUAL PROPERTY, PATENTS AND
TRADEMARKS (ROSPATENT)
CONCERNING ACTION OF ROSPATENT
AS AN INTERNATIONAL SEARCHING AUTHORITY AND INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY UNDER THE PATENT
COOPERATION TREATY
FOR INTERNATIONAL APPLICATIONS RECEIVED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the light of the facts that:

An Agreement exists between the Government of the Russian Federation and the International Bureau of the World Intellectual Property Organization (hereinafter called "International Bureau") in relation to the functioning of the Federal Service for Intellectual Property, Patents and Trademarks (hereinafter called "ROSPATENT") as an International Searching and International Preliminary Examining Authority under the Patent Cooperation Treaty (hereinafter called "the Agreement").

The United States Patent and Trademark Office (hereinafter "USPTO") is desirous to have ROSPATENT carry out the tasks as one of the International Searching Authorities and International Preliminary Examining Authorities under the Patent Cooperation Treaty, and ROSPATENT is willing to do so.

The USPTO and ROSPATENT (hereinafter also called "both Participants" or "the Participants") have reached understandings about the following mutual arrangements:

1. ROSPATENT will act as an International Searching Authority and International Preliminary Examining Authority under the Patent Cooperation Treaty for international applications filed with the USPTO as receiving Office insofar as the following conditions are met:
 - 1.1. the applications are submitted in the English language; and

- 1.2. insofar as ROSPATENT is chosen as a competent authority, where applicable, by the applicants of said applications.
2. Pursuant to paragraph 1, ROSPATENT will act as an International Preliminary Examining Authority regardless of which competent authority had functioned as the International Searching Authority.
3. ROSPATENT will undertake the international search and international preliminary examination pursuant to the provisions of the Agreement between ROSPATENT and the International Bureau, and will promptly notify the USPTO of any amendment to said agreement.
4. All correspondence between ROSPATENT and the USPTO or the applicants will be in the English language, which is the language of the international application concerned.
5. ROSPATENT will furnish the applicants with copies of the documents cited in the international search report and the international preliminary examination report, whereas the document, mentioned in the international preliminary examination report, will be furnished if there was no reference to it in the international search report. Any applicable fees or charges are specified under paragraph 7.1.
6. Conduct of technical and procedural matters including transfer of fees and exchange of documents will be as specified in the Technical Document, Annex 1.
7. Fees and Charges:
 - 7.1. The fees and charges which ROSPATENT is entitled to make in relation to its function will be those set out in Annex C of the Agreement between ROSPATENT and the International Bureau, depending on the version of the Agreement in force, as represented by Annex D or E of the PCT Applicant's Guide, as appropriate.
 - 7.2. The USPTO will collect the search fees in U.S. dollars, in an amount corresponding to that specified in Annex D of the PCT Applicant's Guide, and shall transfer said amount in U.S. dollars to the bank account specified in the Technical Document, Annex 1, paragraph 2.4, which has been communicated for this use.

7.3. The USPTO will transfer the search fee in U.S. dollars to said specified bank account, by the end of the next month following the month by which 1) the search fee has been received and 2) formalities examination and national security review of the international application have occurred, and shall promptly send to ROSPATENT the search copy together with the notification form containing the international application number and the filing date. The USPTO will send via email, on a monthly basis, a list of applications sent for an international search, indicating an application number, international filing date, payment date, fee code (or type), and fee amount in U.S. dollars.

7.4. Any additional international search fee, late furnishing fee, review fee, handling fee, international preliminary examination fee, additional preliminary examination fee or any other fees listed in the PCT Applicant's Guide will be paid by the applicant to ROSPATENT in the amount and in the currency set out in Annex D or E of the PCT Applicant's Guide, as appropriate.

8. Terms of this Agreement:

8.1. This Agreement will enter into force on the first day of the month following the date of the final approval of the Technical document, Annex 1 by the Participants.

8.2. The period of the validity of this Agreement will end upon expiry of the Agreement between ROSPATENT and the International Bureau, and shall be extended with the eventual renewal of the said Agreement between ROSPATENT and the International Bureau.

9. This Agreement may be amended with the written consent of both Participants.

10. Termination of this Agreement:

10.1. This Agreement may be terminated by either Participant by written notice addressed to the other Participant.

10.2. The termination under the preceding paragraph will take effect six months after receipt of the notice by the other Participant.

10.3. ROSPATENT shall act as the competent International Searching Authority and the International Preliminary Examining Authority in accordance with this Agreement upon international applications insofar as these applications are received by the USPTO within six months after the receipt of the notice under paragraph 10.1.

11. Final Clauses:

11.1. Provisions under the Patent Cooperation Treaty, and the Regulations and the Administrative Instructions under the Treaty, where relevant, will apply to matters which are not provided for in this Agreement.

11.2. All other matters which cannot be interpreted by this Agreement or under the preceding paragraph shall be resolved after consultations between the USPTO and ROSPATENT.

In witness whereof the parties hereto have executed this Agreement in two sets of originals, with each set composed of an English version and a Russian version.

Signed in Geneva, Switzerland on September 22, 2010.