

Israel Patent Office to Act as an International  
Searching Authority and International Preliminary  
Examining Authority for International Applications  
Received by the USPTO

The Israel Patent Office (ILPO), effective October 1, 2014, 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, provided that: (1) the applications are submitted in the English language; (2) the ILPO has not received more than 75 international applications from the USPTO during the relevant fiscal quarter; (3) the applications do not contain one or more claims relating to a business method as defined by certain International Patent Classification classes; and (4) the ILPO is chosen as a competent authority by the applicants of said applications. The ILPO will also act as an IPEA if these four requirements are met and the ILPO acted as the ISA.


The USPTO will collect the search fees from the applicants and will transmit the search fees to the ILPO. The search fee for the ILPO acting as an ISA for international applications received by the USPTO is \$1,021 effective October 1, 2014. Any other fees necessary for search or examination or incidental thereto will be paid by applicants directly to the ILPO.

All correspondence between the ILPO 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),<sup>1</sup> the Korean Intellectual Property Office, IP Australia,<sup>2</sup> Rospatent, or the ILPO as the ISA or IPEA.

The concluded agreement between the USPTO and the ILPO for the establishment of the ILPO as an ISA and IPEA follows.

10/8/14  
Date

  
\_\_\_\_\_  
Michelle K. Lee  
Deputy Under Secretary of Commerce for Intellectual  
Property and Deputy Director of the United States Patent  
and Trademark Office

<sup>1</sup> The use of the EPO is restricted. The EPO will not act as an ISA/IPEA 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 *Notice Concerning EPO Competence to Act as a PCT Authority*, 1255 O.G. 878, Annex A (Feb. 19, 2002).

<sup>2</sup> The use of IP Australia is restricted. IP Australia will not act as an ISA/IPEA 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 *Arrangement between IP Australia and the United States Patent and Trademark Office Concerning Action of the Australian Patent Office as an International Searching Authority and Preliminary Examining Authority under the Patent Cooperation International Treaty for Certain International Applications Received by the United States Patent and Trademark Office*, 1337 O.G. 261, Annex A (Dec. 23, 2008).

**Arrangement between the Israel Patent Office and the  
United States Patent and Trademark Office  
Concerning Action of the Israel Patent Office  
as an International Searching Authority  
and Preliminary Examining Authority  
under the Patent Cooperation Treaty  
for Certain International Applications Received by  
the United States Patent and Trademark Office**

USPTO Arrangement No. 14140027

In light of the facts that:

An Agreement exists between the Government of Israel and the International Bureau of the World Intellectual Property Organization (hereinafter "International Bureau") in relation to the functioning of the Israel Patent Office (hereinafter "ILPO") as an International Searching and International Preliminary Examining Authority under the Patent Cooperation Treaty (hereinafter "the Agreement"); and

The United States Patent and Trademark Office (hereinafter "USPTO") is desirous to have ILPO carry out the tasks as one of the International Searching Authorities and International Preliminary Examining Authorities under the Patent Cooperation Treaty, and ILPO is willing to do so in accordance with the terms and conditions of this hereby Arrangement and in accordance with Israel's domestic law,

1. ILPO and USPTO (hereinafter "the participants") intend to pursue the following mutual arrangements:
2. (1) ILPO intends to act as an International Searching Authority and International Preliminary Examining Authority under the Patent Cooperation Treaty for international applications filed with USPTO as Receiving Office insofar as the following conditions are met
  - (i) the applications are submitted in the English language;

(ii) ILPO has not received more than 75 international applications from USPTO during the current fiscal quarter;

(iii) the applications do not contain any claims relating to a field of technology as defined by the International Patent Classification classes indicated by Annex B of this Arrangement;

and

(iv) insofar as ILPO is designated as a competent authority by the applicants of said applications.

(2) Pursuant to paragraph (1) ILPO intends to act as an International Preliminary Examining Authority only where ILPO has functioned as the International Searching Authority.

(3) USPTO intends to inform the International Bureau, pursuant to Patent Cooperation Treaty (PCT) Rules 35 and 59, that ILPO is competent for the searching and international preliminary examination of the certain kinds of international application specified under this Arrangement in paragraphs (1) and (2).

3. ILPO intends to conduct the international search and international preliminary examination pursuant to the provisions of the Agreement between ILPO and the International Bureau, and to promptly notify USPTO of any relevant amendment to said Agreement.
4. The language of correspondence between ILPO and USPTO or the applicants, whose applications are handled by ILPO pursuant to this Arrangement, is English.
5. Conduct of technical and procedural matters including transfer of fees and exchange of documents should be as specified in the Outline of Technical and Procedural Matters document, Annex A of this Arrangement.
6. ILPO, upon request and on payment, intends to furnish the applicants with copies of the documents cited in the international search reports and the international preliminary examination reports.
7. (1) The fees and charges which ILPO is entitled to make in relation to its function under this Arrangement should be those set out in Annex C of the Agreement between ILPO and the International Bureau as represented by Annex D of the PCT Applicant's Guide.

(2) USPTO intends to collect the search fees from the applicants in the U.S. Dollars (USD) amount specified in Annex D of the PCT Applicant's Guide and transfer said amount in U.S. Dollars (USD) to ILPO as specified in Annex A of this Arrangement.

(3) USPTO intends to transfer the search fee to ILPO, by the end of the next month following the month in which the search fee is received, and intends to promptly notify ILPO of the international filing date, the international application number, and the date on which the search fee was received.

(4) Any fee for copies of documents cited in the international search report, additional international search fee, international preliminary examination fee, additional preliminary examination fee, or any necessary fee for search or preliminary examination is expected to be paid by the applicant to ILPO in the amount and in the currency set out in Annex D or E of the PCT Applicant's Guide.

8. (1) This Arrangement is intended to come into effect on October 1, 2014.

(2) The initial period of validity of this Arrangement is intended to be for three years from the date set forth in Section 8(1), subject to section 8(3). The continuation of this Arrangement should be discussed between the participants before the expiration of the initial period.

(3) In any event, the period of the validity of this Arrangement is also intended to end upon the termination of the Agreement between ILPO and the International Bureau. USPTO and ILPO intend to extend this Arrangement by written mutual consent upon any renewal of the said Agreement between ILPO and the International Bureau.

9. This Arrangement may be amended with the written consent of both participants.

10. (1) This Arrangement may be discontinued by either participant by written notice addressed to the other participant.


(2) Activities may continue under this Arrangement for six months after receipt of the written notice referred to in the preceding paragraph by the other participant.

(3) ILPO intends to act as the competent International Searching Authority and the International Preliminary Examining Authority in accordance with this Arrangement upon international applications insofar as these international applications are received by USPTO within six months after the receipt of the written notice under the preceding paragraphs.

11. (1) Provisions under the Patent Cooperation Treaty, and the Regulations and the Administrative Instructions under the Treaty, where relevant, apply to matters which are not provided for in this Arrangement.

(2) This Arrangement does not give rise to legal obligations under international law. Any differences which arise between ILPO and USPTO regarding this Arrangement will be resolved amicably by consultations and negotiations between ILPO and USPTO.

Signed on behalf of the participants in two English language originals.



Michelle K. Lee  
Deputy Under Secretary of  
Commerce for Intellectual  
Property and Deputy  
Director of the USPTO

Date: 4/28/14



Asa Kling  
Director of the ILPO  
Commissioner of Patents,  
Designs and Trademarks

Date: May 15<sup>th</sup>, 2014

**ILPO – USPTO  
ISA / IPEA Arrangement  
Annex A**

**Outline of Technical and Procedural Matters**

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## 1 Contact details

1.1 Language of communication: English

1.2 Contact details for ILPO's PCT Section (ILPO/PCT):

Phone number: +972 2 5651705; +972 2 5651685  
Fax number: +972 2 5651616; +972 2 6467783  
E-mail addresses: [MichaelB@Justice.gov.il](mailto:MichaelB@Justice.gov.il); [BaruchN@justice.gov.il](mailto:BaruchN@justice.gov.il)  
Fax: available 24hrs/day; 7days/week

1.3 Postal address for ILPO/PCT:

Israel Patent Office  
The Technology Park, Bldg. 5, Malcha,  
Jerusalem 96951, Israel

1.4 Street Address for ILPO/PCT (required for private courier delivery):

Israel Patent Office  
1 Agudat Sport Hapoel St., Bldg. 5, Malcha,  
Jerusalem 96951, Israel

1.5 Postal address for the USPTO:

Commissioner for Patents  
Mail Stop PCT  
P.O. Box 1450  
Alexandria, VA 22313-1450  
United States of America

1.6 Contact details for the receiving office of the USPTO:

Phone number: +1 703 756 1403  
RO/US Fax number: +1 571 273 3201  
E-mail: [Harvey.Phillips@uspto.gov](mailto:Harvey.Phillips@uspto.gov)

## 2 Payment procedure and fees for ISA/IPE services

For the most up-to-date information on the amount of fees applicable for ISA service please refer to PCT Applicants Guide Annex D at:

[http://www.wipo.int/pct/guide/en/gdvol1/annexes/annexd/ax\\_d\\_il.pdf](http://www.wipo.int/pct/guide/en/gdvol1/annexes/annexd/ax_d_il.pdf)

and for the IPEA information refer to PCT Applicants Guide Annex E at:

[http://www.wipo.int/pct/guide/en/gdvol1/annexes/annexe/ax\\_e\\_il.pdf](http://www.wipo.int/pct/guide/en/gdvol1/annexes/annexe/ax_e_il.pdf)



2.1 Classification of fees:

Currency for payment of fees:

Search fee: USD  
Preliminary examination fee: ILS  
Handling fee: ILS

Current amounts of the fees can be found at:  
<http://www.wipo.int/pct/en/fees/index.html>

2.2 Procedure for remitting fees:

Search fee:	U.S. applicant ⇒ USPTO ⇒ ILPO (wire transfer preferred)
Preliminary examination fee:	U.S. applicant ⇒ ILPO
Handling fee:	U.S. applicant ⇒ ILPO
Additional fees:	U.S. applicant ⇒ ILPO
Late furnishing fees	U.S. applicant ⇒ ILPO
Fees for copies of documents cited in search and examination reports	U.S. applicant ⇒ ILPO

\* U.S. Applicants can pay ILPO by Credit Card using the following Web site:

<http://ecom.gov.il/voucher/inputpage.aspx?vid=354&lng=en>

2.3 Acceptable currency for fee payment:

USD for fee payment by USPTO to ILPO  
ILS for fees paid by U.S. applicant to ILPO

2.4 ILPO's bank account details for fee remittance:

Correspondent bank  
Federal Reserve Bank of New York, New York  
Swift code: FRNYUS33  
ABA/FW: 0210-0120-8  
Acc: 021084393 ISRAEA  
Final Beneficiary Bank  
Bank of Israel, Jerusalem  
Swift code: ISRAILIJ  
Beneficiary Name: Ministry of Justice  
Beneficiary Account Number: 1317080085904  
Held in Bank of Israel's books

\* An accompanying remittance file is to be sent to: [MichaelB@Justice.gov.il](mailto:MichaelB@Justice.gov.il) and [BaruchN@justice.gov.il](mailto:BaruchN@justice.gov.il)

\*\* Reference to be used with payment via EFT by the USPTO is to be in the following format: USPTO PCT Month (in words) Year (in numerals)

2.5 Responsibility for the cost of remitting fees or refunds:

Remittance fee:	sending party (U.S. applicant or the USPTO)
Postal / private carrier fee:	sending party (all postage must be prepaid)
Refund:	receiving party (U.S. applicant or the USPTO)

2.6 Refund procedure

- i. ILPO determines whether the paid fee exceeds the required amount.
- ii. If so, ILPO notifies the U.S. applicant or the USPTO.
- iii. a) If a refund is due to the U.S. applicant, ILPO remits the ILS denominated refund to the U.S. applicant's credit card.  
b) If a refund is due to the USPTO, the USPTO intends to deduct that amount from its next monthly payment to ILPO. If the refund is not executed as intended, ILPO intends to ask the USPTO for assistance.
- iv. Currency conversion fees for refunds are intended to be borne by the U.S. applicant or the USPTO.

2.7 The USPTO's bank account details are as follows:

Payments to USPTO should be made electronically as follows (additional detailed information is available at <http://www.uspto.gov/faq/wirepayment.jsp>):

Name of Bank:	Citibank N.A.
SWIFT Code:	CITIUS33
Beneficiary Account:	FRBNY/ITS
Beneficiary Account Number:	36838868
Payment Details (Line 70):	13100001 USPTO
Details of Charges (Line 71a):	Charge Our

Payment or refunds may be remitted via check to:

Attn: Matthew Lee  
Mail Stop 16  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
United States of America

Please be sure to include the agency locator code with wire actions. Please include a description/purpose with the payment or refund.

Contact: Matthew Lee at +1 571 272 6343 with any questions related to the above.

### **3 Procedure for transmitting documents between the USPTO and ILPO**

#### 3.1 Transmission of search copy:

Transmission frequency: once a week or as soon as possible after the United States Receiving Office (RO/US) completes its formality examination and national security review.

Transmission method: Postal service, private courier or electronic transmission by a method to be agreed upon by the participants.

Transmission type: physical media (CD, DVD) or as agreed upon by the participants.

Street address (required for private courier delivery): at paragraph 1.4 of Annex A of the Arrangement. Postal address: See Paragraph 1.3 of Annex A of the Arrangement.

#### 3.2 Notice of the receipt of search copy:

ILPO/PCT notifies the USPTO via the post office's express mail service or private courier within two weeks of receiving the search copy.

Notice is provided with form ISA/202 on CD/DVD.

#### 3.3 Notification of excess requests:

ILPO/PCT intends to notify the USPTO via fax with a copy by postal service that the search will not be conducted by ILPO because more than 75 requests have been received in the current fiscal quarter.

ILPO/PCT may retain up to 8 excess requests received in the current fiscal quarter; the excess requests contributing to the total number of requests received in the next fiscal quarter.

ILPO/PCT intends to notify the USPTO within two weeks of receiving any search copy that exceeds the quarterly limit and for which ILPO/PCT does not intend to perform the international search using form PCT ISA 224.

ILPO/PCT intends to dispose securely of the search file if no response is received within 1 month of notifying the USPTO.

USPTO does not intend to forward the search fee for applications where ILPO/PCT has provided notification of excess requests to the USPTO. Should the USPTO have already forwarded the search fee, then the USPTO intends to withhold an amount equivalent to the search fee from a subsequent payment due to ILPO.

#### 3.4 Notification of excluded technologies:

If ILPO receives a patent application which is directed to subject matter falling under PCT Rule 39.1 which ILPO is not required to search, such as subject matter classified within the IPC classifications listed in Annex B of the Arrangement, then ILPO intends to return the patent application to USPTO without performing any work, and the following procedures will be implemented:

ILPO/PCT notifies the USPTO via fax with a copy by postal service that the search will not be conducted by ILPO because the subject matter relates to excluded technology as defined in Annex B of the Arrangement.

ILPO/PCT intends to notify the USPTO within two weeks of receiving the search copy using form PCT ISA 224.

ILPO/PCT intends to dispose securely of the search file if no response is received within 1 month from notifying the USPTO.

USPTO does not intend to forward the search fee for applications where ILPO/PCT has provided notification to the USPTO that the application relates to excluded technology. Should the USPTO have already forwarded the search fee, then the USPTO intends to withhold an amount equivalent to the search fee from a subsequent payment due to ILPO.

## 4 Direct contact between U.S. applicants and ILPO

#### 4.1 Submission procedure and method of making a demand:

Method of transmitting documents: for paper-based demands - postal service, private carrier or fax.

Postal address for ILPO / PCT: as at paragraph 1.3 of Annex A of the Arrangement.

Street Address for ILPO / PCT (required for courier delivery): as at paragraph 1.4 of Annex A of the Arrangement.

Fax number for ILPO/PCT: as at paragraph 1.2 of Annex A of the Arrangement.

\* To avoid problems of faulty fax transmission, such as missing or unreadable pages, e-mail confirmation is recommended to - [MichaelB@Justice.gov.il](mailto:MichaelB@Justice.gov.il) and [BaruchN@justice.gov.il](mailto:BaruchN@justice.gov.il)

#### 4.2 Procedure for notifying applicants that a demand has been received:

Within two weeks of receiving an applicant's demand, ILPO intends to send a notice of receipt via fax, if a number has been provided, as well as via the postal service to the applicant's postal address of record.

4.3 Payment procedure for examination and handling fees:

Procedure: U.S. applicant ⇒ ILPO's bank account (payment by credit card)

Time limit: Payment must arrive at ILPO's bank within one month of the submission date of the demand or 22 months from the priority date, whichever expired later.  
Currency: ILS.

## **5 Procedure for transmitting documents between U.S. applicants and ILPO**

5.1 Transmission of various notices and invitations from ILPO to U.S. applicants:

To be sent via fax if the applicant has provided a fax number, via e-mail and a copy via the postal service to the postal address specified in the demand.

Time limit for responding to an invitation: normally one month from the mailing date, but can be extended by an additional month.

Time limit for responding to written opinions (of an international preliminary examination): normally two months from the mailing date.

\* Time limits can be changed at the examiner's discretion as long as the due date for an international preliminary examination report is not affected.

5.2 Response of U.S. applicants to ILPO's invitations:

U.S. applicants are expected to respond via postal service, private carrier or fax (but not by telephone or e-mail) within the period specified in the invitation.

Time frame for formality examination: normally one month from the mailing date for formality examination.

Time frame for responding to written opinions: two months from the mailing date for written opinions (with an extra month for postponement requests, although the period may be shortened at the examiner's discretion).

5.3 Method of communication between ILPO examiners and U.S. applicants during an international preliminary examination:

Language: English

Method: postal service, private carrier, fax, e-mail or telephone. (See paragraphs 1.3 and 1.2).

Costs of the documents transmission to be paid by the sender.

**ILPO – USPTO  
ISA / IPEA Arrangement  
Annex B**

**Excluded Subject Matter**

ANNEX B

Subject matter for which the Israeli Patent Office is NOT a competent International Searching Authority or International Preliminary Examining Authority for international applications filed with the RO/US by International Patent Classification:  
(2014.01 version)

G06Q

DATA PROCESSING SYSTEMS OR METHODS, SPECIALLY ADAPTED FOR ADMINISTRATIVE, COMMERCIAL, FINANCIAL, MANAGERIAL, SUPERVISORY OR FORECASTING PURPOSES; SYSTEMS OR METHODS SPECIALLY ADAPTED FOR ADMINISTRATIVE, COMMERCIAL, FINANCIAL, MANAGERIAL, SUPERVISORY OR FORECASTING PURPOSES, NOT OTHERWISE PROVIDED FOR.